

**NATIONAL ENVIRONMENTAL POLICY ACT (NEPA)
COMPLIANCE RECORD FOR CATEGORICAL EXCLUSIONS (CX)
U.S. Department of Interior
Bureau of Land Management**

PART I. – PROPOSED ACTION
BLM Office: Tucson Field Office
2014-0021

NEPA No.: DOI-BLM-AZ-G020-

Case File No.: AZA 32945

Proposed Action Title/Type: ACOE/Dept. Homeland Security/CBP Remote Video Sensors (RVS)
Right-of-way Modification

Applicant: Department of Homeland Security/Customs and Border Protection

Location of Proposed Action: T. 24 S., R. 26 E., sec. 22, lot 4.

Description of Proposed Action: The ACOE has requested that their Right-of-way (ROW) Reservation be amended to expand an existing RVS station area to 50' x 50' from 18' x 31' to accommodate the installation of solar panels. The area of the existing site and the proposed expansion area is predisturbed and no vegetation removal would be required. Minimal ground disturbances would occur with the development of fence posts and placement of solar panels. The existing RVS site currently contains a 60 foot monopole, concrete slaps, microwave dish/s, cameras, solar panels, propane tank, a small facility building, and fencing. The original environmental analysis was conducted under the Environmental Assessment for infrastructure within the U. S. Border Patrol Naco- Douglas Corridor, Cochise County, Arizona, dated August 2000; with a subsequent Supplemental EA, November 2003, prepared by the U. S. Department of Homeland Security, and subsequent BLM Document of Land Use Plan Conformance and NEPA Adequacy, (DNA) January 2005.

A perpetual ROW Reservation authorization with amendments were initially issued to the Army Corps of Engineers in care of the U.S. Border Patrol of the Department of Homeland Security, and its assigns, in 2005 for a 60 feet strip within the U.S./ Mexico International Boundary, and then subsequently amended in 2007, and amended again in 2008 to add an additional 60 feet strip north of the 60 foot U.S./ Mexico International Boundary and additional infrastructures. The BLM ROW authorizes various land uses for Border Patrol operations that includes the development and maintenance of roads, fencing, lighting structures, various drainage infrastructures, RVS stations, signage, and staging/ parking areas; the right-of-way area encompasses a strip of land of 10 linear miles by 120 feet north of the International Boundary consisting of approximately 85 acres falling within within:

T. 24 S, R. 25 E.,
sec. 20 - 24, all in lots 1-4;
T. 24 S., R. 26 E.,
sec 19-24, all in lots 1-4.

With this project falling within predisturbed lands:

T. 24 S., R. 26 E.,
sec. 22, lot 4.

Part II. – PLAN CONFORMANCE REVIEW

This proposed action is subject to the following land use plan(s): Safford Resource Management Plan.

Decisions and page nos.: Chapter 2, Land Use Authorizations, page 22, rights of way, leases and permits will be considered on a case by case basis.

Date plan approved/amended: 1992/1994

This proposed action has been reviewed for conformance with these plans (*43 CFR 1610.5-3, BLM Manual 1601.04.C.2*).

PART III. – NEPA COMPLIANCE DETERMINATION REVIEW

A. The proposed action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9 E. 13: "Amendments to existing rights-of-way such as the upgrading of existing facilities which entail no additional disturbances outside the rights-of-way boundary.";

And

B. Extraordinary Circumstances Review: In accordance with **43 CFR 46.215**, any action that is normally categorically excluded must be subjected to sufficient environmental review to determine if it meets any of the 12 Extraordinary Circumstances described. If any circumstance applies to the action or project, and existing NEPA documentation does not adequately address it, then further NEPA analysis is required.

IMPORTANT: Appropriate staff should review the circumstances listed in Part IV, comment and initial for concurrence. Rationale supporting the concurrence should be included in the appropriate block.

Part IV. – EXTRAORDINARY CIRCUMSTANCES DOCUMENTATION

PREPARERS:

DATE:

Susan Bernal, Realty Specialist	7/8/14
Amy Sobiech, Archaeologist	6/24/14
Keith Hughes, Natural Resource Specialist	7/8/14
Amy Markstein, NEPA Planning & Environmental Specialist	7/8/14

/s/ Amy Markstein
 PLANNING & ENVIRONMENTAL SPECIALIST

7/9/2014
 DATE

The action has been reviewed to determine if any of the extraordinary circumstances (43 CFR 46.215(a)-(l)) apply. The project would:

(a) Have significant impacts on public health or safety.

Yes	No	<p>Rationale: No significant impacts on public health or safety are expected to result from this project. The existing project serves to protect the U.S. International border.</p> <p style="text-align: right;">Preparer's Initials <u>SB</u></p>
	x	

(b) Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas.

Yes	No <input checked="" type="checkbox"/>	<p>Rationale: No such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; and other ecologically significant or critical areas exist in the affected environment nor would any of these resources be impacted. There are no occurrences of BLM sensitive or State listed species within the project area.</p> <p style="text-align: right;">Preparer's Initials <u> KH </u></p>
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(c) Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102 (2) (E)].

Yes	No <input checked="" type="checkbox"/>	<p>Rationale: This project is not deemed or has a highly controversial environmental effects or involves unresolved conflicts concerning alternative uses of available resources. The existing right-of-way and project site has been in place since 2005.</p> <p style="text-align: right;">Preparer's Initials <u> SB </u></p>
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(d) Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.

Yes	No <input checked="" type="checkbox"/>	<p>Rationale: No significant environmental effects or risks are expected to result from this project. The project site is and its right-of-way boundaries are developed and previously analyzed under an Environmental Assessment and subsequent supplement dated 2000 and 2003.</p> <p style="text-align: right;">Preparer's Initials <u> SB </u></p>
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(e) Establish a precedent for future action or represent a decision in principal about future actions with potentially significant environmental effects.		
Yes	No <input checked="" type="checkbox"/>	Rationale: Future actions regarding this project, if any, would require processing in accordance with laws, regulations, and policy and does not establish a precedent for future action or represent a decision in principal about future actions with potentially significant environmental effects. Preparer's Initials <u>SB</u>
(f) Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.		
Yes	No <input checked="" type="checkbox"/>	Rationale: The effects of the proposed action would be limited to the existing ROW Reservation boundaries and do not have cumulative significant environmental effects. Preparer's Initials <u>SB</u>
(g) Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by the bureau.		
Yes	No <input checked="" type="checkbox"/>	Rationale: No properties have been listed, or are eligible for listing, on the National Register of Historic Places within the project area nor would any properties be affected by the proposed project because no sites have been identified on the property site. Preparer's Initials <u>AS</u>
(h) Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species.		
Yes	No <input checked="" type="checkbox"/>	Rationale: There would be no effects to any T&E species or designated critical habitat as none are found within the proposed action area. There is no suitable T&E species habitat within the project area. Preparer's Initials <u>KH</u>

<p>(i) Violate a Federal law, or a State, local or tribal law or requirement imposed for the protection of the environment.</p>		
<p>Yes</p>	<p>No <input checked="" type="checkbox"/></p>	<p>Rationale: No Federal, State, local or tribal laws or requirements imposed for the protection of the environment would be violated. The existing facility operates in accordance with all applicable laws.</p> <p style="text-align: right;">Preparer's Initials <u>AS</u></p>
<p>(j) Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).</p>		
<p>Yes</p>	<p>No <input checked="" type="checkbox"/></p>	<p>Rationale: This project does not have a disproportionately high and adverse effect on low income or minority populations. This existing facility lies remotely along the U.S. International boundary.</p> <p style="text-align: right;">Preparer's Initials <u>SB</u></p>
<p>(k) Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007).</p>		
<p>Yes</p>	<p>No <input checked="" type="checkbox"/></p>	<p>Rationale: This project would not cause limitations to access sacred or any other sites because no sites have been identified.</p> <p style="text-align: right;">Preparer's Initials <u>AS</u></p>
<p>(l) Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112).</p>		
<p>Yes</p>	<p>No <input checked="" type="checkbox"/></p>	<p>Rationale: This specific project modification has none to minimal risks to contribute the introduction, continued existence, or spread of noxious weeks or non-invasive species because it limits the possibility of seed transportation.</p> <p style="text-align: right;">Preparer's Initials <u>SB</u></p>

PART V. –COMPLIANCE REVIEW CONCLUSION

I have reviewed this plan conformance and NEPA compliance record, and have determined that the proposed project is in conformance with the approved land use plan and that no further environmental analysis is required.

MITIGATION MEASURES/OTHER REMARKS: See the attached Right-of-way Reservation and stipulations.

/s/ Viola Hillman July 17, 2014
Tucson Field Manager

APPROVING OFFICIAL: _____ DATE: _____

TITLE: _____

Note: The signed conclusion on this compliance record is part of an interim step in the BLM’s internal decision process and does not constitute an appealable decision. A separate decision to implement the action should be prepared in accordance with program specific guidance.