

Decision Record

Range Development / Layup Site Removal (2)

NEPA No.: DOI-BLM-AZ-P040-2014-0004-CX

U.S. Department of the Interior
Bureau of Land Management
Sonoran Desert National Monument

Purpose and Need for the Action

The purpose of the project proposal is to provide protection of the wilderness values of the Table Top Mountain Wilderness and of monument objects of the Sonoran Desert National Monument (SDNM). The SDNM was designated by Presidential Proclamation 7397, which mandates protection of monument objects, including wildlife, vegetation, and cultural resources. The Table Top Mountain Wilderness was established by the Arizona Desert Wilderness Act of 1990, which added it to the National Wilderness Preservation System. The National Wilderness Preservation System was established by the Wilderness Act of 1964, which prohibits motorized travel within wilderness boundaries.

The need stems from increased vehicle incursions, proliferation of vehicle routes and foot trails, and accumulations of trash related to illegal human and drug smuggling. Two former livestock grazing water developments located adjacent to the Table Top Mountain Wilderness have become landmarks and areas of congregation for illegal immigrants and drug smugglers, with the attendant accumulations of trash, foot trails, and illegal vehicle routes radiating from the sites.

Proposed Action

The project would remove two former livestock grazing developments located south of Interstate 8 in the Sonoran Desert National Monument (see attached map). Each site contains a railroad tanker car once used for water storage, wood corrals, barbed-wire fencing, and miscellaneous debris (see attached photographs). Neither development is functional. The tanker cars would be cut-up on site and removed for scrap; all other materials will be removed and disposed of. Spot repair of the existing primitive access road (BLM route # 8022) may be required for safe passage of vehicles; such repairs would involve dirt filling of areas damaged by water runoff and would not extend outside the existing footprint of the route. At the conclusion of the project the short, primitive "spur routes" providing access to each site from BLM route #8022 (BLM route #'s 8022A and 8022B) would be closed to public use.

Plan Conformance

The proposed action is in conformance with the *Sonoran Desert National Monument Record of Decision & Approved Resource Management Plan* because it is specifically provided for in the following decisions:

- WL-11.1.2: In the event that range water developments are no longer needed for livestock use, the BLM, in consultation with the AGFD, will determine if the water development will be beneficial to meet wildlife distribution goals or other objectives. If it is deemed that the water development is not useful for such purposes, the water source will be removed. (p. 2-58)
- Livestock Grazing, Administrative Actions: Existing range developments in areas not allocated for livestock use may be removed if not necessary for management of other resources. (p. 2-66)

Compliance with the National Environmental Policy Act

The proposed action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9 (J) (10) which states “Removal of structures and materials of no historical value, such as abandoned automobiles, fences, and buildings, including those built in trespass, and reclamation of the site when little or no surface disturbance is involved.”

The application of this categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects which may significantly affect the environment (NEPA No. DOI-BLM-AZ-P040-2014-0004-CX, attached and incorporated herein).

Persons Consulted

Lower Sonoran Field Office staff, see attached CX documentation.

Decision and Rationale on Action

It is my decision to authorize the implementation of the activities associated with the proposed removal of two railroad tanker cars and associated materials as described above. Implementation of this project will serve to protect monument objects by removing two areas of congregation for illegal immigrants, and will improve wilderness values of the Table Top Mountain Wilderness by acting to restore naturalness.

Stipulations:

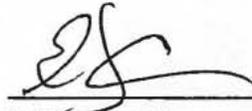
The following stipulations are conditions of implementation:

- Work will be conducted in the daylight hours; night time work activity will not be conducted.
- The disposal of solid and/or hazardous wastes is not authorized on the SDNM.
- Equipment and vehicles shall use existing surfaces or previously disturbed areas.
- The project area will contain adequate signage to indicate which BLM routes are open and which routes are closed.
- Any cultural and/or paleontological resources (historic or prehistoric site or object) discovered during project activities shall be immediately reported to the authorized officer. The BLM shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the authorized officer. An evaluation of the discovery shall be made by the authorized officer to determine the appropriate actions to prevent the loss of significant cultural or

scientific values. The BLM shall be responsible for the cost of the evaluation and any decision as to the proper mitigation measures would be made by the authorized officer.

Implementation Date

This action shall be implemented thirty (30) days from signature by the authorized officer.



Ed Kender, Manager
Lower Sonoran Field Office

10/6/14

Date

Administrative Review of Appeal Opportunities

This decision is subject to appeal per the procedures at 43 CFR 4.410-4.415. An appeal may be accompanied by a petition for stay of the decision in accordance with 43 CFR 4.21, pending final determination on appeal. The appeal and petition for stay must be filed in the office of the authorized officer, as noted below, within 30 days following receipt of this decision:

Bureau of Land Management
Sonoran Desert National Monument
ATTN: David L. Scarbrough, Manager
21605 North 7th Avenue
Phoenix, AZ 85027

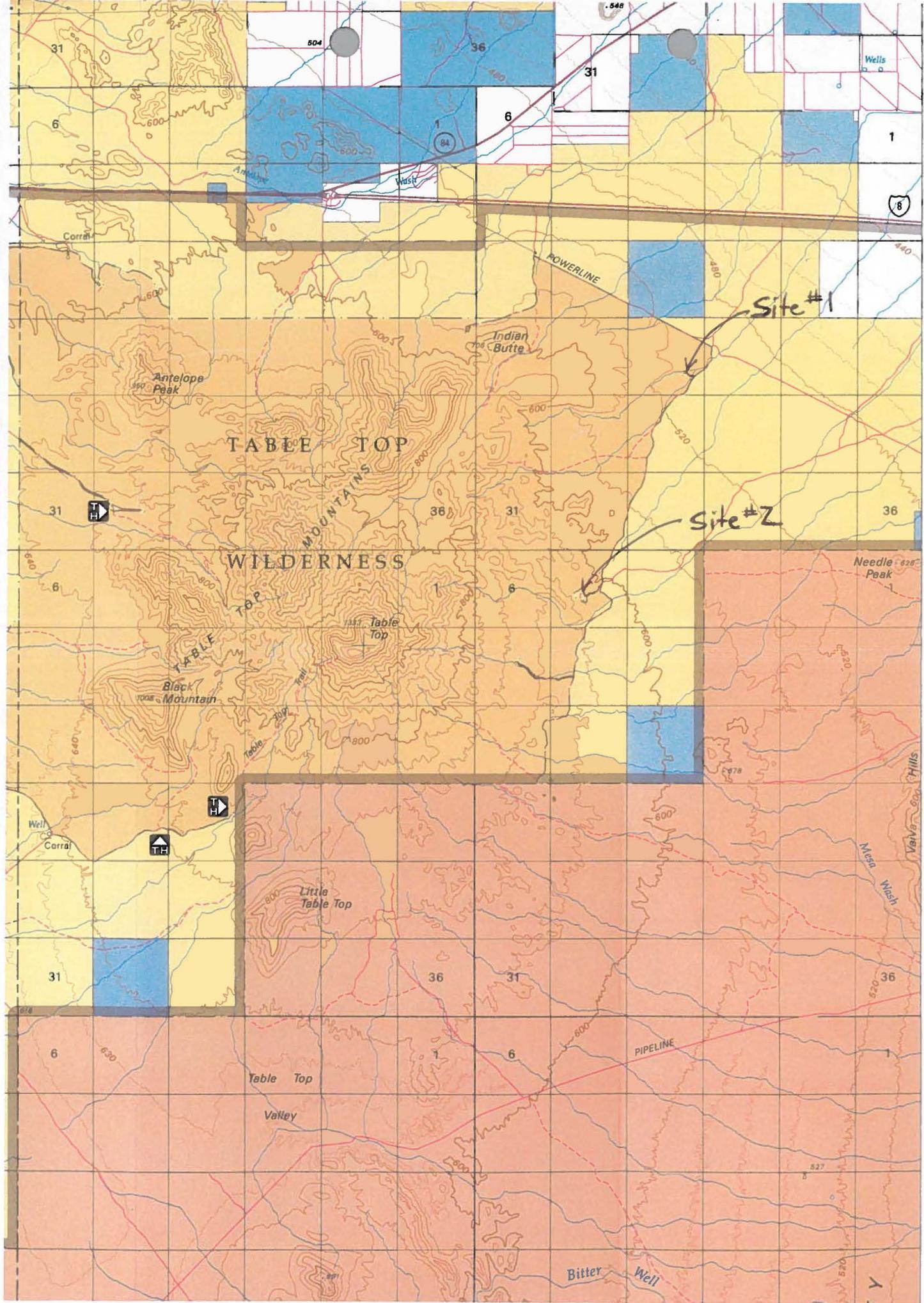
The appeal shall state the reasons, clearly and concisely, why the appellant feels that the decision here is in error.

In accordance with 43 CFR 4.21(b)(1) a petition for stay, if filed, must show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied.
- (2) The likelihood of the appellant's success on the merits.
- (3) The likelihood of irreparable harm to the appellant or resources if the stay is not granted.
- (4) Whether the public interest favors granting the stay.

Contact Person

For additional information concerning this decision contact David Scarbrough, Manager, Sonoran Desert National Monument; 21605 North 7th Avenue; Phoenix, AZ 85027; (623) 580-5500.



T7S

(CASA GRANDE)

45'

T8S

T9S

Site #1



Site #2



**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: P040
2014-0004-CX**

NEPA No.: DOI-BLM-AZ-P040-

Case File No.: N/A

Proposed Action Title/Type: Range Development / Layup Site Removal (2)

Applicant: N/A

Location of Proposed Action: T. 7 S., R. 3 E., SE 1/4 section; T. 8 S., R. 3 E., section 5.

Description of Proposed Action: Two former livestock grazing developments located south of Interstate 8 in the Sonoran Desert National Monument would be removed. Each site contains a railroad tanker car once used for water storage, wood corrals, barbed-wire fencing, and miscellaneous debris. Neither development is functional and both have been used by illegal immigrants and drug smugglers as landmarks and areas of congregation. The tanker cars would be cut-up on site and removed for scrap; all other materials will be removed and disposed of. Spot repair of existing primitive access road (BLM route # 8022) may be required for safe passage of vehicles; such repairs would involve filling of areas damaged by water runoff and would not extend outside the existing footprint of the route..

Part II. – PLAN CONFORMANCE REVIEW

This proposed action is subject to the following land use plan(s): Sonoran Desert National Monument Record of Decision & Approved Resource Management Plan.

Decisions and page nos.: Page 2-58, WL-11.1.2: "In the event that range water developments are no longer needed for livestock use, the BLM, in consultation with the AGFD, will determine if the water development will be beneficial to meet wildlife distribution goals or other objectives. If it is deemed that the water development is not useful for such purposes, the water source will be removed."

Page 2-66, Administrative Actions, "Existing range developments in areas not allocated for livestock use may be removed if not necessary for management of other resources."

Date plan approved/amended: September 14, 2012.

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

The action has been reviewed to determine if any of the extraordinary circumstances (43 CFR 46.215(a)-(1)) apply. The project would:

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

Yes	No	Rationale: Implementation of the proposed action will respond to a public safety concern with respect to current use of the sites by illegal immigrants and drug smugglers. Removal of the rail tank cars and associated infrastructure is believed by the BLM to be important for this purpose, but does not significantly impact public health or safety.
	X	
		Preparer's Initials <u>dls</u>

(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	Rationale: Implementation of the proposed action will remove two large and visible man-made structures, reducing the imprint of human activity on the adjacent Table Top Wilderness and improving naturalness. Removal of the rail tank cars and associated infrastructure is believed by the BLM to be important for this purpose, but does not significantly impact natural resources.
	X	
		Preparer's Initials <u>dls</u>

(c) Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102 (2) (E)].

Yes	No	Rationale: There is no known potential for controversy or unresolved conflicts concerning alternative uses of available resources.
	X	
		Preparer's Initials <u>dls</u>

(d) Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.

Yes	No	Rationale: No potentially significant environmental effects or unique or unknown environmental risks are foreseen from implementation of the action.
	X	
		Preparer's Initials <u>dls</u>

(e) Establish a precedent for future action or represent a decision in principal about future actions with potentially significant environmental effects.

Yes	No	Rationale: The action does not establish precedent for, or foreclose on, any future action.	Preparer's Initials <u>dls</u>
	X		

(f) Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.

Yes	No	Rationale: The action is not connected to and cumulative with any other present or reasonably foreseeable future action that poses significant environmental effects.	Preparer's Initials <u>dls</u>
	X		

(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	Rationale: No properties listed, or eligible for listing, on the National Register of Historic Places would be impacted by implementation of the action.	Preparer's Initials <u>CB</u>
	X		

(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	Rationale: No endangered or threatened species, or their habitats, are present in the project area.	Preparer's Initials <u>RCT</u> <u>09/30/14</u>
	X		

(i) Violate a Federal law, or a State, local or tribal law or requirement imposed for the protection of the environment.

Yes	No	Rationale: No Federal, State, local, or tribal law will be violated by implementation of the action.	Preparer's Initials <u>dls</u>
	X		

(j) Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).

Yes	No X	Rationale: No low income or minority populations will be affected by implementation of the action.	Preparer's Initials <u>dlS</u>
(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).			
Yes	No X	Rationale: No known Indian sacred sites or religious practices occur in the project area. Local tribal members have indicated occasional use of certain areas within and adjacent to the project area for collection of saguaro fruits, a practice of traditional cultural importance; however, no impact to such use is anticipated.	Preparer's Initials <u>CB</u>
(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).			
Yes	No X	Rationale: The action is not expected to contribute to the introduction, continued existence, or spread of noxious weeds.	Preparer's Initials <u>RCT</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.</p> <p>MITIGATION MEASURES/OTHER REMARKS: N/A</p> <p>APPROVING OFFICIAL: <u></u> DATE: <u>10/6/14</u> TITLE: <u>LOWER SONORAN FIELD MANAGER</u></p>			

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.