

DECISION RECORD

U.S. Department of the Interior
Bureau of Land Management
Tucson Field Office

Pima County; State Route 86 Expansion, Letter of Consent
DOI-BLM-AZ-G020-2013-0034-EA
AZA-6032-01, AZAR-01697-01 and AZAR-01729-01

Background: On February 15, 2013 Arizona Department of Transportation (ADOT) filed three Highway Easement Deeds with Federal Highway Administration concurrence in order to receive Letters of Consent from the Bureau of Land Management for the expansion of Arizona Department of Transportation (ADOT) SR 86 on public lands.

Decision: It is my decision to select the proposed action which is to issue Letters of Consent to ADOT for AZA-6032-01, AZAR-01697-01 and AZAR-01729-01 on the public lands associated with the expansion of State Route 86.

These authorizations will include the development, maintenance and adjustment of SR 86.

AZA-6032-01 will be located in T. 15 S., R. 12 E., Section 3, Lots 1, 2 and 30.

AZAR-01697-01 will be located in T. 15 S., R. 11 E., Section 12, N½S½SE¼.

AZAR-01729-01 will be located in 15 S., R. 12 E., Section 7, Lots 21 and 22.

The easement will be 7591.63' in length and 200' in width within in three different sections for a total of 34.86 acres. A Letter of consent will be issued for each easement.

An active & authorized LR2000 record search was done on the public lands. There are numerous lands actions that are being corrected at the same time. There are no active mining claims.

Authorities: Federal Land Policy and Management Act, Public Law 94-579, October 21, 1976 as amended through September 1999.

Terms, Compliance , and Monitoring: Mitigations regarding the biological resources resulting from construction and maintenance of this grant are fully described in Federal Highway Administration (FHWA) environmental assessment (EA) numbered STP-086-A (APA) 086 PM 156 H6806 01C dated April 16, 2010 and amended August 14, 2014 which is incorporated by reference in the FONSI/DR and will be part of the issuance for this grant. The attached standard stipulations will also be adhered to. The new easements will be issued in perpetuity.

Alternatives Considered: The “No Action” alternative was analyzed in the environmental assessment. The No Action alternative was not selected because it would not meet the purpose and need for the project which is to alleviate the conflict with SR 86.

Rational for Decision: The proposed action is specifically provided for in the Phoenix RMP. The environmental assessment analyzed the potential impacts to the environment and the public should the application be amended. A FONSI has been signed; therefore there are no significant impacts to the environment that would require an environmental impact statement. By selecting the proposed action, the Tucson Field Office is implementing this portion of the Phoenix RMP. Therefore, pursuant to 43 CFR (2800), it is my decision to issue Letters of Consent to ADOT including the mitigation measures shown in the Federal Highway Administration (FHWA) environmental assessment (EA) numbered STP-086-A (APA) 086 PM 156 H6806 01C dated April 16, 2010 and amended August 14, 2014.

Administrative Review Opportunities

This decision may be protested or appealed under the procedures outlined in BLM Handbook 8720-1 Chapter IV (8) and 43 CFR Part 4 and the enclosed Form 1842-1.

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in writing to the Tucson Field Manager, Tucson Field Office, 3201 East Universal Way, Tucson, Arizona, 85756 within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition pursuant to regulations at 43 CFR 2801.10 or 43 CFR 2881.10 for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed in this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulations, a petition for a stay of a decision pending appeal shall 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 immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

/s/ Bruce Sillitoe
Bruce Sillitoe, Acting Tucson Field Manager

03/18/2015
Date

Attachments:

Finding of No Significant Impact dated
Environmental Assessment – Federal Highway Administration (FHWA) environmental
assessment (EA) numbered STP-086-A (APA) 086 PM 156 H6806 01C dated April 16, 2010
and amended August 14, 2014