

## DECISION RECORD

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

Pima County; State Route 86 Expansion, Assignment of portion of AZA-17485, Partial  
Relinquishment of AZA-18432 and AZA-35322  
DOI-BLM-AZ-G020-2013-0034-EA

**Background** On December 5, 2014 Arizona Department of Transportation filed an application to assign two tracts of Pima County's right-of-way grant AZA-17485 that is presently issued to Pima County with Pima County's consent. Pima County will also do a partial relinquishment of AZA-18432 and AZA-35322. At that time Pima County also informed BLM of four other tracts within this right-of-way and AZAR-029680 which will be used for temporary construction for the expansion of Arizona Department of Transportation SR 86 on public lands. ADOT and Pima County have signed Temporary Construction Rights of Entry for these tracts. Because the tracts are located within the rights-of-way use of these tracts will be considered maintenance.

**Decision:** It is my decision to accept the assignment of AZA-17485 and the partial relinquishment in part of AZA-18432 and AZA-35322 that are on the public lands associated with the expansion of State Route 86. AZA-17485 was originally granted and located in T. 15 S., R. 12 E., Section 4, Lots 1 and 2. Tracts 3 & 4 will be assigned to ADOT. The relinquished portions are located in T. 15 S., R. 11 E., Section 12, S½SE¼ and T. 15 S., R. 12 E., Section 3, Lot 2.

In summary the following assignment will be issued under the decision:

Permit Number	Permit type	Location	Road Dimensions	Acres affected
AZA-17485	ROW Assignment	T. 15 S., R. 12 E., Section 4, Lot 1.	Tract 3 128.85 X 112.91  Tract 4 130.59 X 497.08 X 75.00 X 604.48	0.33 acres  0.94 acres
AZA-17485	No Action needed	T. 15 S., R. 12 E., Section 4, Lot 1.	Tract 1 75.00 X 212.79 X 128.95 X 110.37	0.37 acres
AZAR-029680	No Action needed	T. 15 S., R. 12 E., Section 4, Lots 1 and 2.	Tract 2 100.00 X 300.48 X 288.37 X 73.09	0.57 acres
	No Action needed	T. 15 S., R. 12 E.,	Tract 5	0.36 acres

		Section 4, Lot 1.	164.46 X 286.37 X 108.42 x 220.62	
AZA-18432	Accept Partial Relinquishment	T. 15 S., R. 11 E., Section 12, S½SE¼.	75 X 75	0.13 acres
AZA-35322	Accept Partial Relinquishment	T. 15 S., R. 12 E., Section 3, Lot 2.	75 X 60	0.10 acres

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 these grants and permits can be found 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, 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 grant will be issued for a thirty year term and with the right of renewal under Title V of FLPMA.

**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. 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 approve the assignment of a portion of AZA-17485 to ADOT and the partial relinquishments of AZA-18432 and AZA-35322 while insuring that all maintenance is done using 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