

## DECISION RECORD

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

Pima County; State Route 86 Expansion, Rights-of-Way and Temporary Use Permits Issuance or  
Amendment

DOI-BLM-AZ-G020-2013-0034-EA  
AZA-4725, AZA-4725-01, AZA-36619, AZA-36619-01

**Background:** On January 22, 2013 Southwest Gas Corporation filed four applications in order to alleviate the conflict with the expansion of Arizona Department of Transportation (ADOT) SR 86 on public lands.

**Decision:** It is my decision to authorize a Federal Land Policy and Management Act (FLMPA) right-of-way grant and temporary use permit to Southwest Gas Corporation for the development and maintenance for a pipeline AZA-36619 is located in T. 15 S., R. 11 E., Section 12, Lot 1, T. 15 S., R. 12 E., Section 7, Lots 3 and 4, E $\frac{1}{2}$ W $\frac{1}{2}$ ; pipeline is 10' X 5073' equaling a total of 2.00 acres. AZA-36619-01 a temporary use permit (TUP) granting additional work space for two additional sites located on the east and west sides of the pipeline in T. 15 S., R. 11 E. Section 12, Lot 1 is 10' X 817'; the third site is located on the north side of the pipeline in T. 15 S., R. 12 E., Section 7, Lot 3, E $\frac{1}{2}$ W $\frac{1}{2}$  and is 20' X 1532' for a total of 1.079 acres. The grant will be issued for thirty years and the temporary use permit is for three years.

In addition AZA-4725 was originally granted and located in T. 15 S., R. 12 E., Section 3, Lot 5, this portion will be relinquished. AZA-4725 was moved and is presently located in T. 15 S., R. 12 E., Section 3, Lot 2; Pipeline is 15' X 690' equaling 0.238 acres. Additional acreage will be located in T. 15 S., R. 12 E. Section 3, Lot 30; line is 15' X 285' equaling 0.098 acre. AZA-4725 will be amended to include these sites.

And AZA-4725-01 a temporary use permit (TUP) granting additional work space for two additional sites located on the east and west sides of the pipeline in T. 15 S., R. 12 E. Section 3, Lot 30 they will be 10' X 130' each adding a total of 0.060 acre. One temporary use permit will be issued for these sites for a 3 year period.

In summary these amendments and temporary use permits will be issued under the decision:

Permit Number	Permit type	Location	Pipeline dimensions	Acres added
AZA-4725	ROW relinquished	T.15 S., R. 12 E., Section 3, Lot 5.	15' x 561'	0.193 acres
	ROW amendment	T.15 S., R. 12 E.,	15' x 690'	0.238 acres

		Section 3, Lot 2. T. 15 S., R. 12 E., Section 3, Lot 30.	15' x 285'	0.098 acres
AZA-4725-01	TUP granted	T. 15 S., R. 12 E., Section 3, Lot 30.	10' x 130' 10' x 130'	0.060 acres
AZA-36619	ROW granted	T. 15 S., R. 11 E., Section 12, Lot 1.  T. 15 S., R. 12 E., Section 7, Lots 3 and 4, E $\frac{1}{2}$ W $\frac{1}{2}$ .	10' x 3637'  10' x 1436'	0.835 acres  0.330 acres
AZA-36619-01	TUP granted	T. 15 S., R. 11 E., Section 12, Lot 1.  T. 15 S., R. 12 E., Section 7, Lots 3 and 4, E $\frac{1}{2}$ W $\frac{1}{2}$ .	10' x 817' 10' x 817'  20' x 1532'	0.376 acres  0.703 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 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 grant will be issued for a thirty year term and and the temporary use permit for three years 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 amendment, TUPs, and grant to Southwest Gas Corporation 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