
Worksheet
Determination of NEPA Adequacy (DNA)
U.S. Department of the Interior
Bureau of Land Management

OFFICE: Lake Havasu Field Office (LHFO) AZ-C030

TRACKING NUMBER: DOI-BLM-AZ-C030-2014-0033-DNA

CASE FILE NUMBER: AZA 28920

PROPOSED ACTION TITLE/TYPE: La Paz County Haul Road ROW Amendment

LOCATION/LEGAL DESCRIPTION: Right-of-way is located northeast of intersection of SR Hwy 95 and SR Hwy 72, approximately 12 miles southeast of Parker, Arizona in La Paz County.

Gila and Salt River Meridian, Arizona
T. 8 N., R. 19 W.
Sec. 35, NE¼,
Sec. 36, N½NW¼.
Contains 18.07 acres, more or less.

APPLICANT (if any): La Paz County Board of Supervisors

A. Description of the Proposed Action and any applicable mitigation measures:

Right-of-way (ROW) AZA 28920 is currently authorized in perpetuity. La Paz County requested an amendment to their ROW to allow the construction and operation of a transload rail facility near the junction of Highway 95 and Highway 72. This transload facility includes an administration building, equipment maintenance canopy, approximately 125' wide by 3,000' long loading track and perimeter fencing around loading facility. It would be used to transfer rail-delivered intermodal shipping containers to trucks for subsequent transport to the waste disposal site.

Additional mitigation measures are:

1. Care shall be taken not to disturb or destroy desert tortoises or their burrows. Handling, collecting, damaging, or destroying desert tortoises are prohibited by Arizona State Statute. Any sightings of desert tortoise shall be immediately reported to the LHFO, Wildlife Biologist at (928) 505-1200. If a desert tortoise is endangered by any activity that activity shall cease until the desert tortoise moves out of harm's way on its own accord or is moved following the attached guidelines "Guidelines for Handling Sonoran Desert Tortoises Encountered on Development Projects."
2. During construction activities, the area near and under all vehicles shall be inspected for desert tortoise before being moved.
3. The holder shall be responsible for weed control on disturbed areas within the limits of the right-of-way. The holder is responsible for consultation with the Authorized Officer and/or local authorities for acceptable weed control methods within limits imposed in the right-of-way stipulations.
4. The holder shall comply with all applicable local, state, and federal air, water, hazardous substance, solid waste, or other environmental laws and regulations, existing or hereafter enacted or promulgated. To the

full extent permissible by law, the holder agrees to indemnify and hold harmless, within the limits, if any, established by state law (as state law exists on the effective date of the right-of-way), the United States against any liability arising from the holder's use or occupancy of the right-of-way, regardless of whether the holder has actually developed or caused development to occur on the right-of-way, from the time of the issuance of this right-of-way to the holder, and during the term of this right-of-way. This agreement to indemnify and hold harmless the United States against any liability shall apply without regard to whether the liability is caused by the holder, its agents, contractors, or third parties. If the liability is caused by third parties, the holder will pursue legal remedies against such third parties as if the holder were the fee owner of the right-of-way.

Notwithstanding any limits to the holder's ability to indemnify and hold harmless the United States which may exist under state law, the holder agrees to bear all responsibility (financial or other) for any and all liability or responsibility of any kind or nature assessed against the United States arising from the holder's use or occupancy of the right-of-way regardless of whether the holder has actually developed or caused development to occur on the right-of-way from the time of the issuance of this right-of-way to the holder and during the term of this right-of-way.

5. The holder shall not violate applicable air standards or related facility siting standards established by or pursuant to applicable federal, state, or local laws or regulations. The holder shall be responsible for dust abatement within the limits of the right-of-way and is responsible for obtaining all necessary permits from appropriate authorities for acceptable dust abatement and control methods (e.g., water, chemicals). The holder shall be solely responsible for all violations of any air quality permit, law or regulation, as a result of its action, inaction, use or occupancy of the right-of-way.

Notwithstanding whether a violation of any air quality permit, law or regulation results, the holder would cooperate with the Authorized Officer in implementing and maintaining reasonable and appropriate dust control methods in conformance with law and appropriate to the circumstances at the sole cost of the holder.

Prior to relinquishment, abandonment, or termination of this right-of-way, the holder shall apply reasonable and appropriate dust abatement and control measures to all disturbed areas. The abatement and measures shall be designed to be effective over the long-term (e.g., rock mulch or other means) and acceptable to the Authorized Officer.

6. Use of pesticides shall comply with the applicable Federal and state laws. Pesticides shall be used only in accordance with their registered uses and within limitations imposed by the Secretary of the Interior. Prior to the use of pesticides, the holder shall obtain from the Authorized Officer written approval of a plan showing the type and quantity of material to be used, pest(s) to be controlled, method of application, location of storage and disposal of containers and any other information deemed necessary by the Authorized Officer. The plan shall be submitted no later than December 1 of any calendar year that covers the proposed activities for the next fiscal year. Pesticides shall not be permanently stored on public lands authorized for use under this right-of-way.

B. Land Use Plan (LUP) Conformance

The Proposed Action complies with the *Lake Havasu Field Office Resource Management Plan (RMP)* approved on May 10, 2007.

The proposed action is in conformance with the applicable LUP because it is specifically provided for on page 37: Lake Havasu Field Office may allow the use of the public lands or interests in lands through issuance of ROWs, leases, and permits. The types of uses that would be authorized by a ROW issued pursuant to Title 5 FLPMA would include access roads, power lines, telephone lines, fiber optic systems,

communications facilities, and so forth. Examples of uses authorized pursuant to the Mineral Leasing Act include crude oil pipelines and oil and gas pipelines. Typical uses authorized by permits would include filming and establishing and maintaining apiary sites.

C. Identify applicable National Environmental Policy Act (NEPA) documents and other related documents that cover the proposed action.

EA-AZ-054-95-46, La Paz County Landfill Expansion Project; FONSI and DR executed January 16, 1996

D. NEPA Adequacy Criteria

1. Is the new proposed action a feature of, or essentially similar to, an alternative analyzed in the existing NEPA document(s)? Is the project within the same analysis area, or if the project location is different, are the geographic and resource conditions sufficiently similar to those analyzed in the existing NEPA document(s)? If there are differences, can you explain why they are not substantial?

Yes, the proposed action is within the same footprint of the existing ROW. Additional area, between two forks of the existing ROW, is included within the proposed action, but is geographically similar. The construction of a spur line and associated transload facility is similar to the impacts analyzed within the existing document.

2. Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the new proposed action, given current environmental concerns, interests, and resource values?

Yes. There is no new information regarding environmental concerns, interests or resource values that would change the analysis decision.

3. Is the existing analysis valid in light of any new information or circumstances (such as, rangeland health standard assessment, recent endangered species listings, and updated lists of BLM-sensitive species)? Can you reasonably conclude that new information and new circumstances would not substantially change the analysis of the new proposed action?

Yes. There is no new information known or new circumstances have arisen that would change the analysis of the new proposed action compared to the proposed action alternative analyzed in the EA.

4. Are the direct, indirect, and cumulative effects that would result from implementation of the new proposed action similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA document?

Yes. The original Environmental Assessment included a 30 day public comment period, which was extended for an additional 30 days. During this time, it was determined local opposition or controversy was nonexistent.

5. Are the public involvement and interagency review associated with existing NEPA document(s) adequate for the current proposed action?

Yes. BLM specialists discussed and reviewed the EA. The new spur line, service road parallel to the spur line and pad has the support of the local users.

DECISION RECORD

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LUP Name: *Lake Havasu Field Office Resource Management Plan*

Date approved: May 10, 2007

The proposed action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decision(s): On Page 37: Lake Havasu Field Office may allow the use of the public lands or interests in lands through issuance of ROWs, leases, and permits. The types of uses that would be authorized by a ROW issued pursuant to Title 5 FLPMA would include access roads, power lines, telephone lines, fiber optic systems, communications facilities, and so forth. Examples of uses authorized pursuant to the Mineral Leasing Act include crude oil pipelines and oil and gas pipelines. Typical uses authorized by permits would include filming and establishing and maintaining apiary sites.

It is my decision to approve the action as proposed.

Kimber Liebhauser AUTHENTICATED by L. Stapp
Signature of the Responsible Official
Kimber Liebhauser
Lake Havasu Field Office Manager

8/25/2014
Date