

U.S. Department of the Interior
Bureau of Land Management

NATIONAL ENVIRONMENTAL POLICY ACT (NEPA)
COMPLIANCE RECORD FOR CATEGORICAL EXCLUSIONS (CX)

PART I. – PROPOSED ACTION

BLM Office: Hassayampa Field Office

NEPA No.: DOI-BLM-AZ-P010-2015-0006-CX

Case File No.: AZA-36615

Proposed Action Title/Type: Congress Heights Road R/W

Applicant: Congress Heights BLM Road R/W Assoc.

Location of Proposed Action: T. 10 N., R. 6 W., section 23, lots 18 and 19.

Description of Proposed Action: The requested road R/W is 2,600' long and 20' wide and is wholly within a road R/W issued to ACT Contracting LLC (AZA-28179)

Part II. – PLAN CONFORMANCE REVIEW

This proposed action is subject to the following land use plan(s): Bradshaw Harquahala Record of Decision and Approved Resource Management Plan (April 2010)

- The proposed action is in conformance with the applicable land use plan because it is specifically provided for in the following land use plan decision(s):
- The proposed action is in conformance with the land use plan, even though it is not specifically provided for, because it is clearly consistent with the following land use plan decision(s): page 33, under Land Use Authorizations, LR-25 states, “Continue to issue land use authorizations (rights-of-way, leases, permits, easements) on a case-by-case basis and in accordance with resource management prescriptions in this land use plan.”

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

PART III. – NEPA COMPLIANCE DETERMINATION REVIEW

The proposed action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9 E. (12) *Grants of right-of-way wholly within the boundaries of other compatibly developed rights-of-way.*

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

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

Yes	No <input checked="" type="checkbox"/>	Rationale:	
			Preparer's Initials <u>JVA</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 <input checked="" type="checkbox"/>	Rationale:	
			Preparer's Initials <u>JVA</u>

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

Yes	No <input checked="" type="checkbox"/>	Rationale:	
			Preparer's Initials <u>JVA</u>

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

Yes	No <input checked="" type="checkbox"/>	Rationale:	
			Preparer's Initials <u>JVA</u>

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

Yes	No <input checked="" type="checkbox"/>	Rationale:	
			Preparer's Initials <u>JVA</u>

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

Yes	No <input checked="" type="checkbox"/>	Rationale:	
			Preparer's Initials <u>JVA</u>

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

(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:
	X	
		Preparer's Initials <u>JVA</u>

(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:
	X	
		Preparer's Initials <u>JVA</u>

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

Yes	No	Rationale:
	X	
		Preparer's Initials <u>JVA</u>

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

Yes	No	Rationale:
	X	
		Preparer's Initials <u>JVA</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	Rationale:
	X	
		Preparer's Initials <u>JVA</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	Rationale:
	X	
		Preparer's Initials <u>JVA</u>

PART V. –COMPLIANCE REVIEW CONCLUSION

This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The proposed action has been reviewed, and none of the extraordinary circumstances described in 516 DM 2 apply.

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.

MITIGATION MEASURES/OTHER REMARKS:

1. All applicable regulations in accordance with 43 Code of Federal Regulation (CFR) 2800.
2. Any cultural and/or paleontological resources (historic or prehistoric site or object) discovered by the holder or any person working on the holders behalf, on public or federal land shall be immediately reported to the Authorized Officer (AO). The holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the AO. An evaluation of the discovery will be made the AO to determine the appropriate actions to prevent the loss of significant cultural or scientific values. The holder will be responsible for the cost of the evaluation and any decision as to the proper mitigation measures will be made by the AO after consulting with the holder.
3. The holder shall protect all survey monuments found within the ROW. Survey monuments include, but are not limited to, General Land Office (GLO) and Bureau of Land Management (BLM) Cadastral Survey Corners, reference corners, witness points, United States (U.S.) Coastal and Geodetic benchmarks and triangulation stations, military control monuments, and recognizable civil (both public and private) survey monuments. In the event of obliteration or disturbance of any of the above, the holder shall immediately report the incident, in writing, to the AO and the respective installing authority if known. Where GLO or BLM ROW monuments or references are obliterated during operations, the holder shall secure the services of a registered land surveyor or a Bureau cadastral surveyor to restore the disturbed monuments and references using surveying procedures found in the Manual of Surveying Instructions for the Survey of the Public Lands in the United States, latest edition. The holder shall record such survey in the appropriate county and send a copy to the AO. If the Bureau cadastral surveyors or other Federal surveyors are used to restore the disturbed survey monument, the holder shall be responsible for the survey cost.
4. The holder shall inform the AO within 48 hours of any accidents on federal lands that require reporting to the Department of Transportation as required by 49 CFR Part 195.
5. The holder shall comply with all State and Federal laws applicable to the authorized use and such additional State and Federal laws, along with the impending regulations, that may be enacted and issued during the term of the grant.
6. The holder shall not use BLM managed land that is within, adjacent to, or outside the ROW for the long-term storage of any materials, equipment, or vehicles during any construction, operation, maintenance, and/or termination activities associated with the ROW.
7. Holder shall maintain the ROW in a safe, usable condition.
8. The holder shall operate and maintain any improvements, within this ROW, in strict conformity with

that which has been approved by this grant. Any relocation, additional construction, or use that is not in accord with the approved grant, shall not be initiated without the prior written approval of the AO.

9. The ROW reserves to the Secretary of the Interior, or lawful delegates, the right to grant additional ROW, leases, or easements on BLM land for compatible uses over, under, within or adjacent to the lands involved in this grant.
10. No vegetative material, debris or refuse shall be disposed of either within the ROW or on any other federal land. Instead, the holder shall dispose of any vegetative material, debris and/or refuse at legal off-site locations.
11. The holder of this ROW or the holder's successor in interest shall comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) and the regulations of the Secretary of the Interior issued pursuant thereto.
12. The holder shall comply with all applicable Federal laws and regulations existing or hereafter enacted or promulgated. In any event, the holder(s) shall comply with the Toxic Substances Control Act of 1976, as amended (15 U.S.C. 2601, et seq.) with regard to any toxic substances that are used, generated by or stored on the ROW or on facilities authorized under this ROW grant. (See 40 CFR, Part 702-799 and especially, provisions on polychlorinated biphenyls, 40 CFR 761.1-761.193.) Additionally, any release of toxic substances (leaks, spills, etc.) in excess of the reportable quantity established by 40 CFR, Part 117 shall be reported as required by the Comprehensive Environmental Response, Compensation and Liability Act of 1980, Section 102b. A copy of any report required or requested by any Federal agency or State government as a result of a reportable release or spill of any toxic substances shall be furnished to the AO concurrent with the filing of the reports to the involved Federal agency or State government.
13. The holder shall comply with all Federal, State, and local regulations whether or not specifically mentioned within this grant.
14. The holder shall fully indemnify or hold harmless the U.S. for any liability, for damage, or claims arising in connection with the holder's use and occupancy of the ROW.
15. The holder agrees to indemnify the U.S. against any liability arising from the release of any hazardous substance or hazardous waste (as these terms are defined in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. 9601, et. seq. or the Resource Conservation and Recovery Act of 1976, 42 U.S.C. 6901 et. seq.) on the ROW, unless the release or threatened release is wholly unrelated to the ROW holder's activity on the ROW. This agreement applies without regard to whether a release is caused by the holder, its agent, or unrelated third parties.
16. Each grant issued for a term of 20 years or more shall, at a minimum, be reviewed by the authorized officer at the end of the 20th year and at regular intervals thereafter not to exceed 10 years. Provided, however, that a right-of-way granted herein may be reviewed at any time deemed necessary by the authorized officer.
17. If desert tortoises are encountered during construction or maintenance activities, they should be avoided, not handled and left unharmed.
18. Upon expiration of the ROW or upon abandonment, whichever comes first, the holder will restore the lands to their natural grade and condition so far as it is practicable and/or to the satisfaction of the AO.

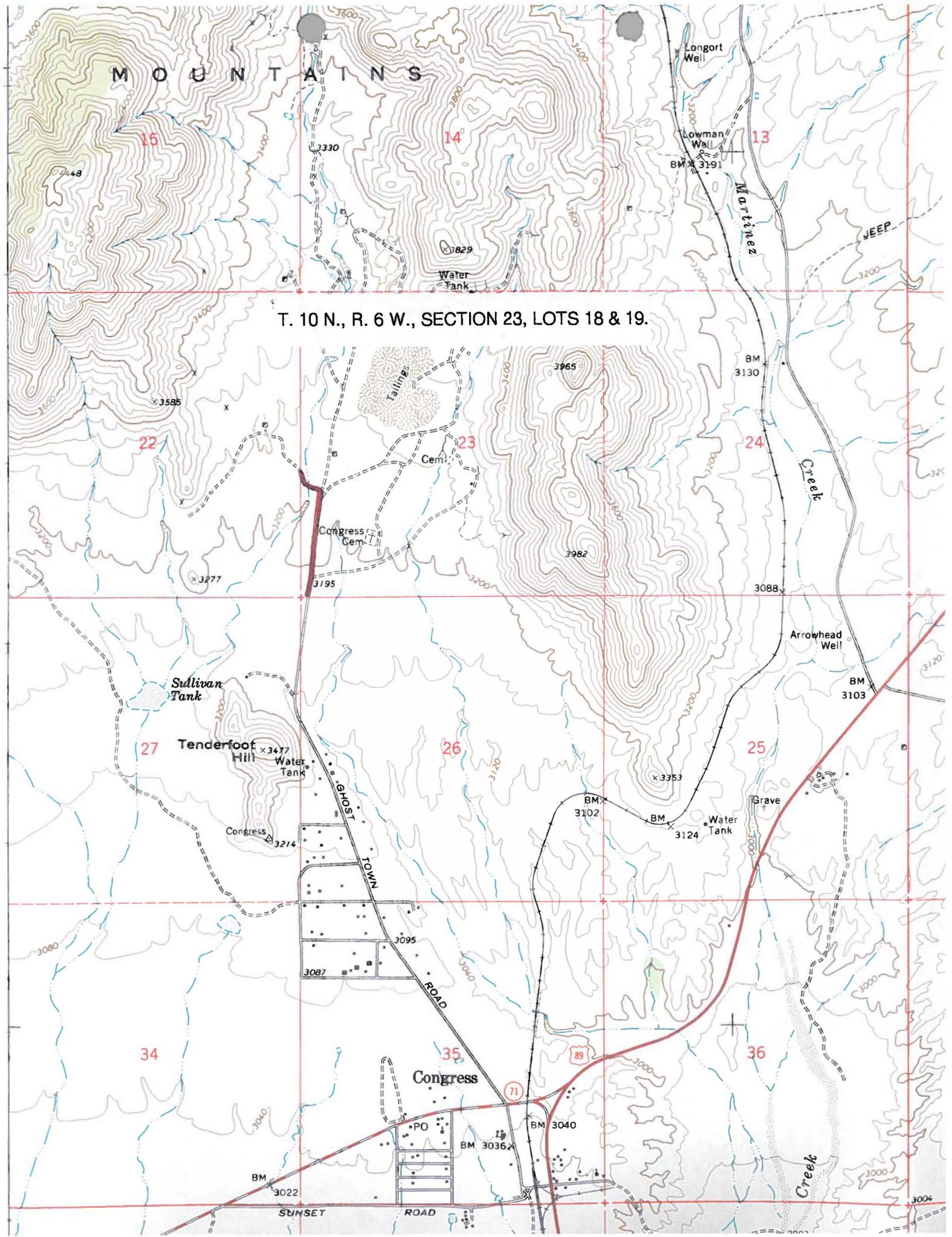
19. Prior to termination of the ROW, the holder shall contact the AO to arrange a pre-termination conference. This conference will be held to review the termination provisions of the grant.

AUTHORIZING OFFICIAL: D. Pennington Hawes DATE: 6/18/2015
NAME: Rem Hawes
TITLE: Field Manager

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.

MOUNTAINS

T. 10 N., R. 6 W., SECTION 23, LOTS 18 & 19.



BLM
Phoenix District Office
PLANNING & COMPLIANCE
PROJECT INITIATION FORM



INSTRUCTIONS

1. Complete the form below and place a signed copy in the wire box labeled "PIFs" located in the NEPA area.
2. Save an electronic copy of the PIF with a shapefile of the project area (if available) and any maps, photos, or other supporting documents in the NEPA Dropbox (S:\District\NEPA\Dropbox - PIFs_CompletedProjects\PIF).
3. For expedited projects (as designated by management), you will receive the form back with your NEPA number and you can proceed with processing your NEPA documentation (CX or DNA). For all other projects, prepare a brief presentation to explain the project at the next FO/NEPA meeting.

PROJECT INFORMATION

PROJECT NAME	Congress Heights Road R/W	OFFICE	Hassayampa Field Office
APPLICANT	Congress Heights BLM Road R/W Assoc.	LEAD	Andersen
ACRES (total)	1.19	FILE No.	AZA-36615
ACRES (BLM)	1.19	COUNTY(IES)	Yavapai
LAT/LONG (decimal degrees)	34.1941°N, 112.8495°W		
LOCATION DESC. (T&R and/or text)	T. 10 N., R. 6 W., section 23, lots 18 and 19.		
MEETING DATE	January 2015	NEPA No.	DOI-BLM-AZ-P010-2015-0006-CX
NEPA LEVEL	CX	CITE/REF.	E. (12)

BRIEF DESCRIPTION (summary only for public viewing; a more detailed description may be attached on a separate sheet if necessary)

The requested road R/W is 2,600' long and 20' wide and is wholly within a road R/W issued to ACT Contracting LLC (AZA-28179)

SIGNATURES

I agree to execute the compliance for this project fully and in accordance with BLM policy and guidelines, and will maintain an administrative record sufficiently documenting these efforts.

Signature: Date: 12/15/14
Project Lead

I certify that this project aligns with the established priorities for the office and has my permission to proceed.

Signature: Date: 12/16/2014
Field Manager/Assistant Field Manager

PRELIMINARY SCOPING WORKSHEET

Project Name

Determination Key

NP = Not Present in the area affected by the proposed or alternative actions.

NI = Present but Not Impacted to a degree that detailed analysis is required.

PI = Present and Potentially Impacted such that detailed analysis is necessary.

NC = No Change in impacts from those already analyzed in prior existing EA/EIS for the action (DNAs only; reference EA/EIS in "citation" box).

UN = Presence or effect UNKNOWN. Additional investigation is necessary/recommended.

Determination ✓					Resource/Concern	Specialist	Signature	Date
NP	NI	PI	NC	UN				

Ecological

					Air Quality			
					Water (quality, hydrology, etc.)			
					Wildlife / Habitat (incl. TE/SS species)			
					Vegetation (incl. weeds)			
					Soils / Geologic			
					Wild Horse & Burro			

Human / Social

					Cultural / Historic Sites			
					Socioeconomic (induce growth, EJ, etc.)			
					Visual / Aesthetics			
					Safety / Hazards			
					Access / Travel			
					Native American Relig. Concerns			
					Fire Management			

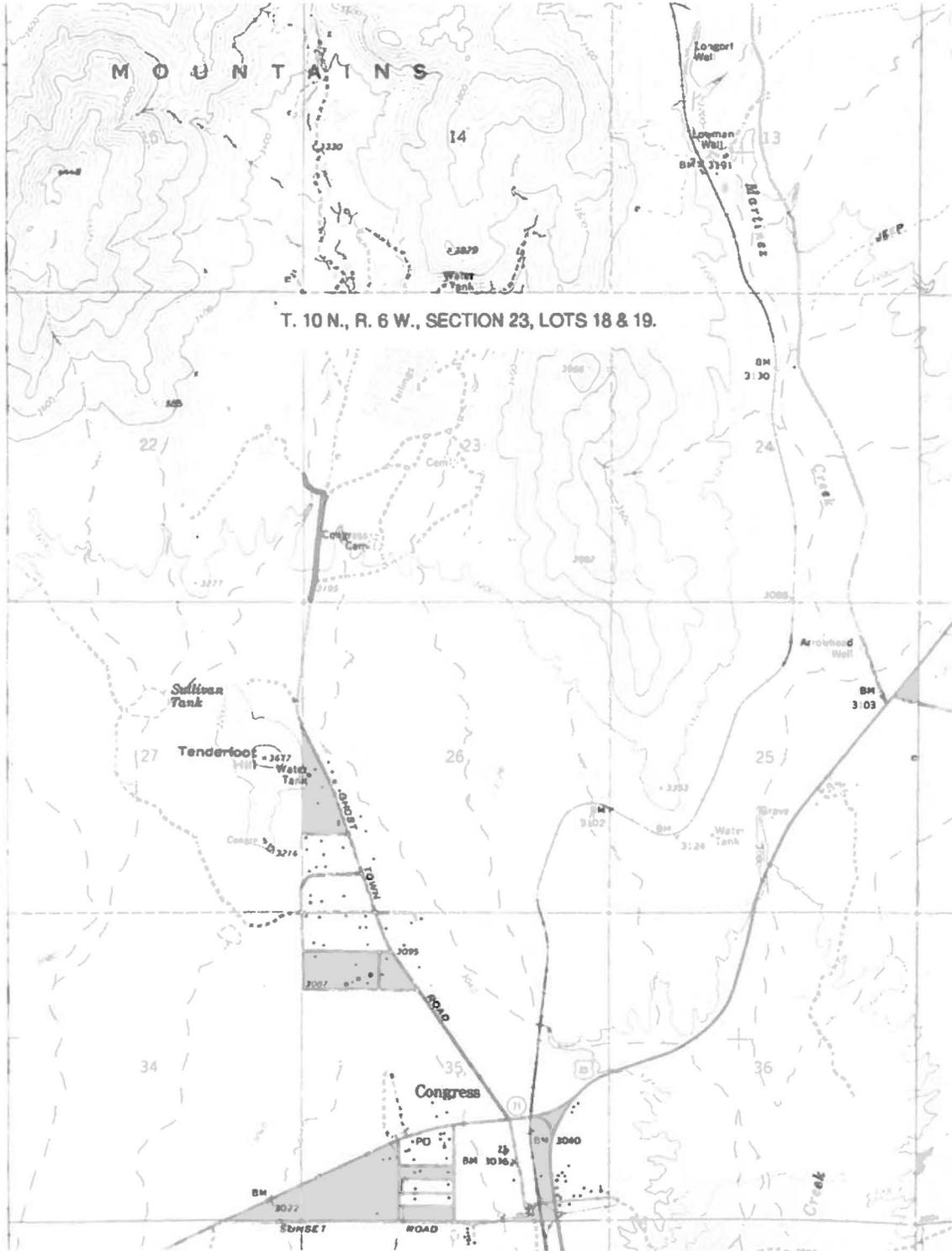
Competing / Conflicting Uses

					Mining			
					Grazing			
					Lands and Realty			
					Recreation			
					Special Management Areas (ACECs, Wilderness, W&SR, etc.)			
					Monument Objects			

Remarks/Notes

- no T+E species
- no cultural clearances needed.

Exhibit A (continued)



T. 10 N., R. 6 W., SECTION 23, LOTS 18 & 19.