

**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: Agua Fria National Monument

NEPA No.: DOI-BLM-AZ-P030-2014-0004-CX

Case File No.: N/A

Proposed Action Title/Type: Point Extreme Water Maintenance

Applicant: N/A

Location of Proposed Action: Agua Fria National Monument T. 9N., R. 3E.

Description of Proposed Action: The purpose of the project is to perform maintenance on an existing, non-functioning, well and water storage system located at the southern portion of the Agua Fria National Monument (AFNM) approximately 40 miles north of Phoenix, AZ. The defunct well and storage system is located in the Cross Y Allotment near an area referred to colloquially as Point Extreme. The system is not currently in use for livestock operations; consequently, the system has fallen into disrepair. Without the functioning range improvement, there is very little to no upland water sources in the area for wildlife species. Typical big game species in the area include mule deer (*Odocoileus hemionus*), pronghorn antelope (*Antilocapra americana americana*) and javelina (*Pecari tajacu*).

The goal of both the Bureau of Land Management (BLM) and Arizona Game and Fish Department (AGFD) is to improve upland water resources in the area for wildlife. To accomplish that goal, staff with AGFD will rehabilitate an existing well and install a solar pump in the well. A 3 square foot solar panel will be attached to an existing structure. A water trough will be installed in the same location as an existing non-functional trough. A subsurface pipe will also be replaced that connects the well to the trough. To accomplish this task, a group of four or fewer staff will work for fewer than three days. Hand tools will be used to replace the trough and pipe. .

Part II. – PLAN CONFORMANCE REVIEW

This proposed action is subject to the following land use plan(s): Agua Fria National Monument 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):

WF-11. The density and distribution of wildlife waters will be maintained, improved, or increased throughout the planning areas to sustain and enhance wildlife populations across their range, p. 16.

APPEAL OF THE DECISION

This decision may be appealed to the Interior Board of Land Appeals (IBLA), 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 this office at the above address within 30 days from receipt of this decision. The appellant has the burden of showing that the Decision appealed from is in error.

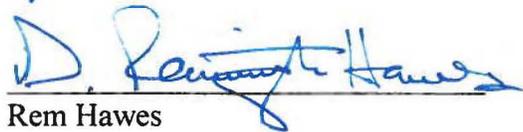
If you wish to file a petition pursuant to regulation at 43 CFR 3256.11 or 43 CFR 3200.5 for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to 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 IBLA 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 regulation, a petition for a stay of a decision pending appeal must show sufficient justification based on the following standards:

1. The relative harm to 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.
4. Whether the public interest favors granting the stay.

af. 12/4/14



Rem Hawes
BLM Hassayampa Field Manager

12/4/2014
Date

**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: Agua Fria National Monument

NEPA No.: DOI-BLM-AZ-P030-2014-0003-CX

Case File No.: N/A

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Applicant: N/A

Location of Proposed Action: Agua Fria National Monument T. 9N., R. 3E.

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The goal of both the Bureau of Land Management (BLM) and Arizona Game and Fish Department (AGFD) is to improve upland water resources in the area for wildlife. To accomplish that goal, staff with AGFD will rehabilitate an existing well and install a solar pump in the well. A 3 square foot solar panel will be attached to an existing structure. A water trough will be installed in the same location as an existing non-functional trough. A subsurface pipe will also be replaced that connects the well to the trough. To accomplish this task, a group of four or fewer staff will work for fewer than three days. Hand tools will be used to replace the trough and pipe. .

Part II. – PLAN CONFORMANCE REVIEW

This proposed action is subject to the following land use plan(s): Agua Fria National Monument 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):

WF-11. The density and distribution of wildlife waters will be maintained, improved, or increased throughout the planning areas to sustain and enhance wildlife populations across their range, p. 16.

WF-13. New wildlife waters will be built when needed to maintain, restore, or enhance native wildlife populations or distributions, p. 16.

WF-14. Reasonable administrative vehicular access will be allowed for AGFD staff to wildlife water facilities for maintenance, repair, or research, p, 16.

- 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):

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

Appendix 4

A. Fish and Wildlife

2. Minor modification of water developments to improve or facilitate wildlife use (e.g., modify enclosure fence, install flood valve, or reduce ramp access angle), p. Appendix 4-147.

Extraordinary Circumstances Review: In accordance with **43 CFR 46.215**, any action that is normally categorically excluded must be subjected to sufficient environmental review to determine if it meets any of the 12 Extraordinary Circumstances described. If any circumstance applies to the action or project, and existing NEPA documentation does not adequately address it, then further NEPA analysis is required.

IMPORTANT: Appropriate staff should review the circumstances listed in Part IV, comment and initial for concurrence. Rationale supporting the concurrence should be included in the appropriate block.

Part IV. – EXTRAORDINARY CIRCUMSTANCES DOCUMENTATION

PREPARERS:	INITIALS:	DATE:
Paul Sitzmann – Wildlife Biologist	PS	12/4/14
Casey Addy – Natural Resource Specialist		
Amanda James – Agua Fria National Monument Manager	AJ	12/4/14
Bryan Lausten – Archaeologist		


 PLANNING & ENVIRONMENTAL SPECIALIST

DATE 12/4/14

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 x	Rationale: The replacement of dysfunctional water facilities will not impact public health or safety Preparer's Initials <u>PS</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 x	Rationale: The replacement of the dysfunctional water system at Point Extreme will occur within the foot print of the existing facilities already located on the Agua Fria National Monument. Consequently, no new impacts will occur Preparer's Initials <u>PS</u>
(c) Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102 (2) (E)].		
Yes	No x	Rationale: The replacement of the dysfunctional water system is neither controversial nor does it involve unresolved conflicts concerning alternative uses of available resources. Preparer's Initials <u>PS</u>

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

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

Yes	No	Rationale: The effects of the replacement of water system components are well known; unknown environmental risks are not anticipated.	Preparer's Initials <u>PS</u>
	x		

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

Yes	No	Rationale: No precedent for future action will occur by allowing an existing water system to be maintained	Preparer's Initials <u>PS</u>
	x		

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

Yes	No	Rationale: No cumulative environmental effects will occur by allowing the maintenance of the point extreme water facilities.	Preparer's Initials <u>PS</u>
	x		

(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: No cultural resources were identified during a Class III intensive archaeology survey that was conducted within the proposed project area by Bryan M. Lausten the monument's archaeologist. Motorized travel related to this proposed project will be limited to existing open roads. Based upon the results of the Class III archaeological survey and vehicular access this project as proposed will have no effect on historic properties.	Preparer's Initials <u>PS</u>
	x		

(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: No proposed or listed threatened or endangered species will be affected by the maintenance of the water facilities at Point Extreme. No critical habitat is designated within the area where maintenance activities will occur.	Preparer's Initials <u>PS</u>
	x		

The action has been reviewed to determine if any of the extraordinary circumstances (43 CFR 46.215(a)-(I)) apply. The project would:		
(i) Violate a Federal law, or a State, local or tribal law or requirement imposed for the protection of the environment.		
Yes	No x	Rationale: No laws will be violated by allowing an existing water facility to be maintained. Preparer's Initials <u>PS</u>
(j) Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).		
Yes	No x	Rationale: No people are located even remotely close to the project area. Consequently, no disproportionate effects to low income or minority populations will occur. Preparer's Initials <u>PS</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 x	Rationale: This project as proposed will not limit or impede access to any lands within the monument. The project area is disturbed and has not been identified as an area of Tribal religious concerns. Preparer's Initials <u>PS</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 x	Rationale: No noxious weeds occur in the vicinity of the project area. Consequently, the surface disturbance resulting from the replacment of the trough and pipe will not likely be colonized by weeds. Preparer's Initials <u>PS</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: Cultural monitor must be present during activities needed to replace the trough and pipe.

AUTHORIZING OFFICIAL: *Rem Hawes* DATE: *12/4/2014*
NAME: *Rem Hawes*
TITLE: *Hassayampa 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.



United States Department of the Interior



BUREAU OF LAND MANAGEMENT

Phoenix District

Agua Fria National Monument

21605 North 7th Avenue

Phoenix, Arizona 85027

www.blm.gov/az/

Dec. 23, 2014

In Reply Refer To:
6700 (P030)

Memorandum

To: Nicole Jimenez, Federal Aid, Southwest Region, US Fish and Wildlife Service

From: *For* Amanda James, Monument Manager, Agua Fria National Monument, Bureau of Land Management *Paul [Signature] Acting*

Through: Rem Hawes, Field Manager, Hassayampa Field Office, Bureau of Land Management *D. [Signature] Hawes*

Subject: BLM agreement to be lead agency for NHPA consultation for water system maintenance project located on the Agua Fria National Monument

The BLM, Agua Fria National Monument, agrees to be the lead agency for National Historic Preservation Act (NHPA) Section 106 consultations for the maintenance and modification of the Point Extreme water facility (DOI-BLM-AZP030-2014-0003-CX). The BLM requires and will provide an archeologist be present during ground disturbing activities.

Courtesy Copy: David Carson, Wildlife Manager, Arizona Game and Fish Department