

ASDO NEPA DOCUMENT ROUTING SHEET

NEPA Document Number: **DOI-BLM-AZ-A010-2015-0006-CX**

Project Title: **Seegmiller Mountain Communication Site Right-of-Way Assignment AZA 024029**

Project Lead: **Marisa Monger**

Date that any scoping meeting was conducted: N/A

Date that concurrent, electronic distribution for review was initiated: January 28, 2015

Deadline for receipt of responses: **Wednesday, February 04, 2015, COB**

ID Team/Required Reviewers will be determined at scoping meeting or as a default the following:

Gloria Benson, Tribal Liaison
Whit Bunting, Range/Vegetation/Weeds/S&G
Laurie Ford, Lands/Realty/Minerals
Diana Hawks, Recreation/Wilderness/VRM
John Herron, Cultural Resources
Jace Lambeth, Special Status Plants
John Sims, Supervisory Law Enforcement
Richard Spotts, Environmental Coordinator
Jeff Young, Wildlife/T&E Animals
Lorraine Christian, Field Manager, ASFO

Required Recipients of electronic distribution E-mails only (not reminders):

Steve Rosenstock (E-mail address: srosenstock@azgfd.gov)
Daniel Bulletts (E-mail address: dbulletts@kaibabpaiute-nsn.gov)
Peter Bungart (E-mail address: pbungart@circaculture.com)
Dawn Hubbs (E-mail address: dawn.hubbs101@gmail.com)

(Mr. Rosenstock is an Arizona Game and Fish Department (AGFD) habitat program manager. Mr. Bulletts is acting Environmental Program Director for the Kaibab Paiute Tribe (KPT). Mr. Bungart and Ms. Hubbs are cultural staff for the Hualapai Tribe. They may review and/or forward on ASDO NEPA documents to other employees. If a Project Lead receives comments from any AGFD employee on their draft NEPA document, they should include them in the complete set/administrative record and share them with Jeff Young as the ASDO Wildlife Team Lead. Mr. Young will then recommend how these comments should be addressed. If a Project Lead receives comments from any KPT or Hualapai Tribe employee, they should include them in the complete set/administrative record and share them with Gloria Benson as the ASDO Tribal Liaison. Ms. Benson will then recommend how these comments should be addressed.)

Discretionary Reviewers:

**NATIONAL ENVIRONMENTAL POLICY ACT (NEPA)
COMPLIANCE RECORD FOR CATEGORICAL EXCLUSIONS (CX)
U.S. Department of Interior
Bureau of Land Management**

PART I. – PROPOSED ACTION

BLM Office: Arizona Strip Field Office **NEPA No.:** DOI-BLM-AZ-A010-2015-0006-CX
Case File No.: AZA 024029

Proposed Action Title/Type: Seegmiller Mountain Communication Site Right-of-Way Assignment

Applicant: Media Advisors, LLC

Location of Proposed Action: The proposed action is located within the following described area and as shown on the attached map:

Gila and Salt River Meridian, Arizona
T. 40 N., R. 11 W.,
sec. 20, SE1/4SE1/4SE1/4.

The area described contains 10 acres of which the project area contains 0.230 acres.

Description of Proposed Action: Simmons Media, LLC proposes to assign their existing right-of-way AZA024029 for a communication site on Seegmiller Mountain to Media Advisors, LLC. The right-of-way would authorize the operation and maintenance of a Commercial Communicator Site, containing a multi-user building and an FM radio tower and antenna on public lands. The right-of-way area is 100 feet wide, 100 feet long and contains approximately 0.23 acres. Guy wires are authorized to extend beyond the parameters of the site. The existing right-of-way was granted for 30 years expiring on June 28, 2022 and may be renewed.

Right-of-way grant would be subject to all provisions of 43 CFR 2800 including the terms and conditions identified in 43 CFR 2805, rental payments as provided by 43 CFR 2806, and special conditions would be updated to reflect the current terminology and are listed in Part V of this document. The authorization document would be updated to a Communication Use Lease (Form 2800-18) as required by current regulation.

PART II. – PLAN CONFORMANCE REVIEW

This proposed action is subject to the following land use plan(s): Arizona Strip Field Office Resource Management Plan (RMP)

Decisions and page nos.:

MA-LR-06, page 2-71

Individual land use authorizations (ROWS, permits, leases, easements) will be evaluated on a case-by-case basis in accordance with other RMP provisions and NEPA compliance. New land use authorizations will be discouraged within avoidance areas (i.e., ACECs, lands supporting listed species, NHTs, riparian areas, and areas managed to maintain wilderness characteristics) and allowed in such areas only when

no reasonable alternative exists and impacts to these sensitive resources can be mitigated. New ROWs will be routed away from high-density listed species' populations and cultural sites, and along the edges of avoidance areas. In addition, mitigation measures may include underground placement of linear ROWs along existing roads in the House Rock Valley area and special protection measures for archaeological resources (See Special Status Species and Cultural decisions).

MA-LR-07, page 2-71

The use of designated ROW corridors/sites and existing ROW use areas will be encouraged to the extent possible but, depending on site-specific needs, actual locations may vary. Such variances shall be considered consistent with other RMP provisions, provided such locations and uses are consistent with the selection criteria, and goals and objectives for ROW corridors and ROW use areas.

Date plan approved/amended: January 29, 2008

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

PART III. – NEPA COMPLIANCE DETERMINATION REVIEW

A. The proposed action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9, E(9) which states that ‘Renewals and assignments of leases, permits, or rights-of-way where no additional rights are conveyed beyond those granted by the original authorizations.’

And

B. 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.

PART IV. – EXTRAORDINARY CIRCUMSTANCES DOCUMENTATION

PREPARERS/REVIEWERS:	DATE:
Marisa Monger, Project Lead	January 28, 2015
Gloria Benson, Tribal Liaison	February 4, 2015
Whit Bunting, Range/Vegetation/Weeds/S&G	February 5, 2015
Laurie Ford, Lands & Realty/Minerals/Hazmat	February 2, 2015
Diana Hawks, Recreation/Wilderness/VRM	January 30, 2015
John Herron, Cultural Resources	January 30, 2015
Jace Lambeth, Special Status Plants	January 30, 2015
John Sims, Supervisory Law Enforcement	No response received
Richard Spotts, Environmental Coordinator	January 30, 2015

Jeff Young, Wildlife/T&E Animals		January 30, 2015
Lorraine Christian, Field Manager, ASFO		February 3, 2015
The action has been reviewed to determine if any of the extraordinary circumstances (43 CFR 46.215(a)-(1)) apply. The project would:		
(a) Have significant impacts on public health or safety.		
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Rationale: No significant impacts on public health and safety would result from the proposed action because the activity is a name change on the holder of the right-of-way and would not affect any on-the-ground activities. Preparer's Initials <u>MM</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 <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Rationale: The transfer of an existing communication site ROW at Seegmiller Mountain should have no significant impact on resources. The area is outside designated wilderness, any special area designation, and not near a wild and scenic river segment. Preparer's Initials <u>DH, JH, JY</u>
(c) Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102 (2) (E)].		
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Rationale: No controversial environmental effects or unresolved alternative uses of resources exist because proposed action is a name change on the holder of the right-of-way and would not affect any on-the-ground activities. Preparer's Initials <u>MM</u>
(d) Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.		
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Rationale: No. Proposed action is a routine activity that only changes the name of the holder of an existing right-of-way. Environmental effects of the communications facility were fully analyzed prior to the right-of-way being issued in 1992. Preparer's Initials <u>MM</u>
(e) Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.		
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Rationale: No. Proposed action is similar to previously authorized activities and does not represent a decision in principle about future actions with potentially significant environmental effects. The proposed action is simply to change the holder name on an existing right-of-way.

		Preparer's Initials <u>MM</u>
(f) Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.		
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Rationale: There would be no cumulative effects because the proposed action is simply to change the holder name on an existing right-of-way. Preparer's Initials <u>MM</u>
(g) Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by the bureau.		
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Rationale: No. The proposed action is simply to change the holder name on an existing right-of-way. See Cultural Resource Compliance Documentation Record and JHerron email 1/30/2015. Preparer's Initials <u>JH</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 <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Rationale: No. The proposed action is simply to change the holder name on an existing right-of-way. See JYoung email 1/30/2015 and JLambeth email 1/30/2015. Preparer's Initials <u>JY, JL</u>
(i) Violate a Federal law, or a State, local or tribal law or requirement imposed for the protection of the environment.		
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Rationale: No. The proposed action is simply to change the holder name on an existing right-of-way. See JYoung email 1/30/2015 and GBenson email 2/4/2015. Preparer's Initials <u>JY, GB</u>
(j) Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).		
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Rationale: No. The proposed action is simply to change the holder name on an existing right-of-way. Preparer's Initials <u>MM</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 <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Rationale: No access would be limited by the proposed action. The proposed action is simply to change the holder name on an existing right-of-way. See GBenson email 2/4/2015. Preparer's Initials <u>GB</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: No impacts would result. The proposed action is simply to change the holder name on an existing right-of-way. See WBunting email dated 2/5/2015.

Preparer's Initials WB

PART V. – COMPLIANCE REVIEW CONCLUSION

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/SPECIAL CONDITIONS/OTHER REMARKS:

1. Construction/maintenance sites would be maintained in a sanitary condition at all times; waste materials at those sites would be disposed of promptly at an appropriate waste disposal site. "Waste" means all discarded matter including, but not limited to, human waste, trash, garbage, refuse, oil drums, petroleum products, ashes, and equipment. "Waste" also includes the creation of micro-trash such as bottle caps, pull tabs, broken glass, cigarette butts, small plastic, food materials, bullets, bullet casings, etc. No micro-trash would be left at construction/maintenance sites and trash receptacles used at construction/maintenance sites would be wildlife proof.
2. At no time would vehicle or equipment fluids (including motor oil and lubricants) be dumped on public lands. All accidental spills would be reported to the authorized officer and be cleaned up immediately, using best available practices and requirements of the law, and disposed of in an authorized disposal site. All spills of federally or state listed hazardous materials which exceed the reportable quantities would be promptly reported to the appropriate state agency and the authorized officer.
3. Any surface or sub-surface archaeological, historical, or paleontological remains not covered in the Cultural Resource Project Record discovered during use, new construction, or additions would be left intact; all work in the area would stop immediately and the authorized officer (435-688-3323) would be notified immediately. Recommencement of work would be allowed upon clearance by the authorized officer in consultation with the archaeologist.
4. If in connection with use any human remains, funerary objects, sacred objects, or objects of cultural patrimony as defined in the Native American Graves Protection and Repatriation Act (P. L. 101-601; 104 Stat. 3048; 25 U.S.C. 3001) are discovered, the holder would stop use in the immediate area of the discovery, protect the remains and objects, and immediately notify the authorized officer. The holder would continue to protect the immediate area of the discovery until notified by the authorized officer that use may resume.
5. There is potential for the spread of noxious and invasive weeds from equipment contaminated with weed seed and/or biomass. To reduce this potential, the holder would thoroughly power wash and remove all vegetative material and soil before transporting equipment to the work site to help minimize the threat of spreading noxious and invasive weeds. This includes trucks, trailers, and all other machinery. In addition, the holder would be responsible for the eradication of noxious weeds

within the right-of-way area throughout the term of the right-of-way. The holder would be responsible for consultation with the authorized officer and local authorities for implementing acceptable weed treatment methods. Any use of chemical treatments would be made using only chemicals approved in the *Final Vegetation Treatments Using Herbicides on Bureau of Land Management Lands in 17 Western States Programmatic Environmental Impact Statement* (June 2007b), by a state certified applicator who would abide by all safety and application guidelines as listed on the product label and Material Safety Data Sheet. Any reclamation efforts requiring seeding would be done with certified, weed-free seed, using a seed mix approved by the authorized officer.

6. Use of herbicides would comply with the applicable Federal and state laws. Herbicides would be used only in accordance with their registered uses and within limitations imposed by the Secretary of the Interior. Prior to the use of herbicides, the holder would obtain from the authorized officer written approval of a plan showing the type and quantity of material to be used, weed(s) to be controlled, method of application, location of storage and mixing areas, method of cleansing and disposing of containers, and any other information deemed necessary by the authorized officer. Emergency use of herbicides would be approved in writing by the authorized officer prior to such use.
7. Where California condors visit a worksite while activities are underway, the on-site supervisor would avoid interaction with condors. Authorized activities would be modified, relocated, or delayed if those activities have adverse effects on condors. Authorized activities would cease until the bird leaves on its own or until techniques are employed by permitted personnel that result in the individual condor leaving the area. The holder would be required to notify the Bureau of Land Management wildlife lead (435-688-3373) of this interaction within 24 hours of its occurring. Heavy machinery would not be operated within 0.5 mile of active California condor nests during the nesting season (February 1- November 30), or as long as the nest is viable. Information regarding active condor nests can be obtained from the Bureau of Land Management's wildlife team lead at (435) 688-3373.

APPROVING OFFICIAL: Sorraine H. Christian DATE: 2/5/2015

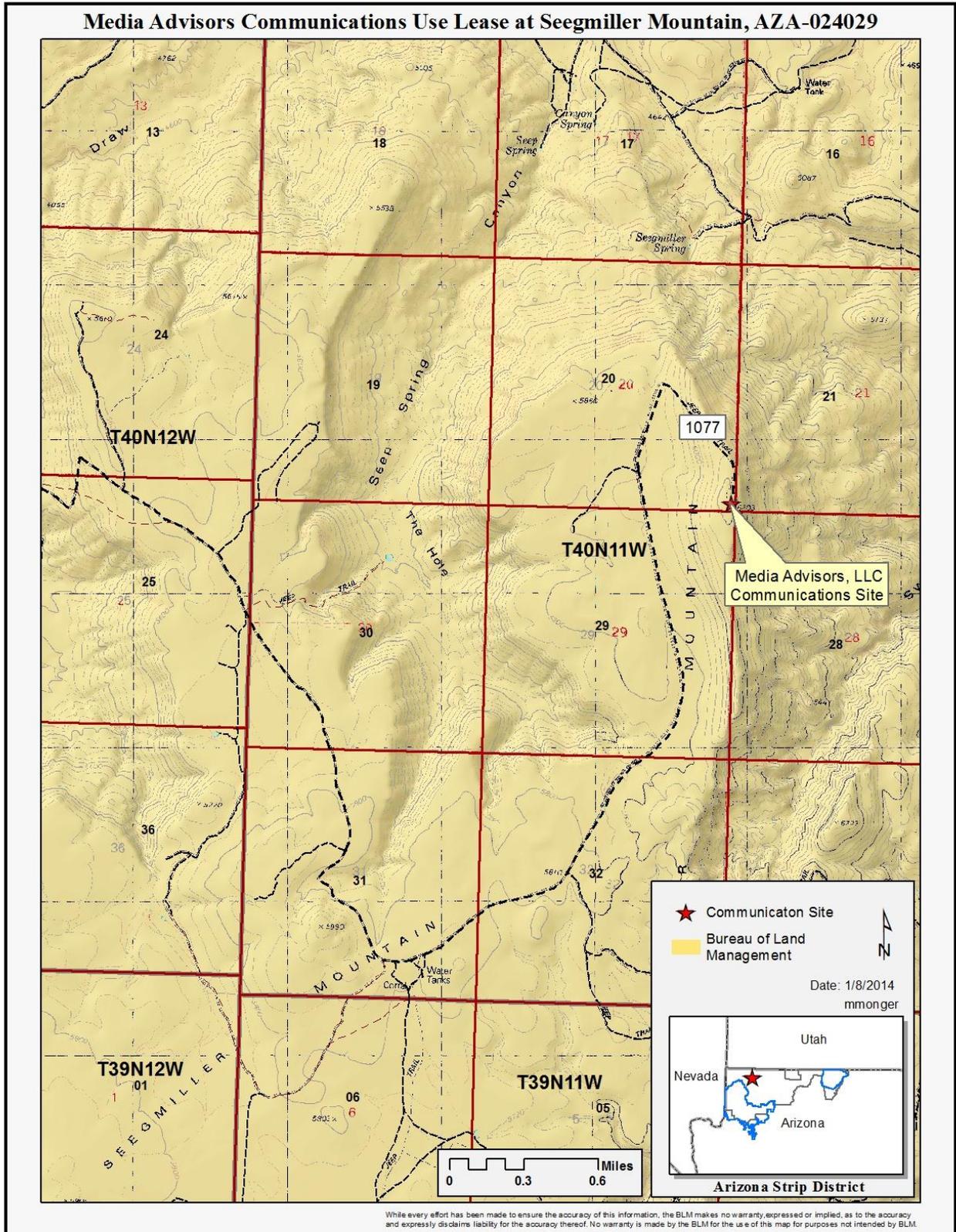
TITLE: Field Manager, Arizona Strip Field Office

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.

LOCATION MAP

Seegmiller Mountain Communication Site Right-of-Way Assignment AZA 024029

NEPA No.: DOI-BLM-AZ-A010-2015-0006-CX



While every effort has been made to ensure the accuracy of this information, the BLM makes no warranty, expressed or implied, as to the accuracy and expressly disclaims liability for the accuracy thereof. No warranty is made by the BLM for the use of this map for purposes not intended by BLM.

Date _____
Initial _____

DECISION MEMORANDUM

Seegmiller Mountain Communication Site Right-of-Way Assignment AZA 024029

NEPA No.: DOI-BLM-AZ-A010-2015-0006-CX

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

Approval and Decision

Based on a review of the project described in the attached Categorical Exclusion (CX) documentation and resource staff recommendations, I have determined that the project is in conformance with the Arizona Strip Field Office Resource Management Plan (approved January 29, 2008) and is categorically excluded from further environmental analysis. It is my decision to approve the action as proposed with the mitigation measures/special conditions identified in Part V of the CX.

Administrative Review or Appeal Opportunities

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 attached Form 1842-1. If an appeal is taken, your notice of appeal must be filed in the Arizona Strip Field Office, 345 East Riverside Drive, St. George, Utah 84790 within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

In accordance with 43 CFR 2801.10(b), this decision remains in effect pending appeal unless a stay is granted. If you wish to file a petition pursuant to regulations at 43 CFR 2801.10 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 Department of the Interior, Office of the Field Solicitor, Sandra Day O'Connor U.S. Court House #404, 401 West Washington Street SPC44, Phoenix, AZ 85003-2151 (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.

Lorraine M. Christian
Lorraine M. Christian, Field Manager

2/5/2015
Date

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

INFORMATION ON TAKING APPEALS TO THE INTERIOR BOARD OF LAND APPEALS

DO NOT APPEAL UNLESS

1. This decision is adverse to you,
AND
2. You believe it is incorrect

IF YOU APPEAL, THE FOLLOWING PROCEDURES MUST BE FOLLOWED

1. NOTICE OF APPEAL.....	A person who wishes to appeal to the Interior Board of Land Appeals must file in the office of the officer who made the decision (not the Interior Board of Land Appeals) a notice that he wishes to appeal. A person served with the decision being appealed must transmit the <i>Notice of Appeal</i> in time for it to be filed in the office where it is required to be filed within 30 days after the date of service. If a decision is published in the FEDERAL REGISTER, a person not served with the decision must transmit a <i>Notice of Appeal</i> in time for it to be filed within 30 days after the date of publication (43 CFR 4.411 and 4.413).	
2. WHERE TO FILE	Field Manager, Arizona Strip Field Office Bureau of Land Management	
NOTICE OF APPEAL.....	345 East Riverside Drive St. George, Utah 84790	
WITH COPY TO SOLICITOR...	Office of the Field Solicitor Sandra Day O'Connor US Courthouse, Suite 404 401 West Washington Street, SPC-44 Phoenix, Arizona 85003-2151	
3. STATEMENT OF REASONS	Within 30 days after filing the <i>Notice of Appeal</i> , file a complete statement of the reasons why you are appealing. This must be filed with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. If you fully stated your reasons for appealing when filing the <i>Notice of Appeal</i> , no additional statement is necessary (43 CFR 4.412 and 4.413).	
WITH COPY TO SOLICITOR.....	Office of the Field Solicitor Sandra Day O'Connor US Courthouse, Suite 404 401 West Washington Street, SPC-44 Phoenix, Arizona 85003-2151	AND COPY TO.....Field Manager, Arizona Strip Field Office Bureau of Land Management 345 East Riverside Drive St. George, Utah 84790
4. ADVERSE PARTIES.....	Within 15 days after each document is filed, each adverse party named in the decision and the Regional Solicitor or Field Solicitor having jurisdiction over the State in which the appeal arose must be served with a copy of: (a) the <i>Notice of Appeal</i> , (b) the Statement of Reasons, and (c) any other documents filed (43 CFR 4.413).	
5. PROOF OF SERVICE.....	Within 15 days after any document is served on an adverse party, file proof of that service with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. This may consist of a certified or registered mail "Return Receipt Card" signed by the adverse party (43 CFR 4.401(c)).	
6. REQUEST FOR STAY.....	Except where program-specific regulations place this decision in full force and effect or provide for an automatic stay, the decision becomes effective upon the expiration of the time allowed for filing an appeal unless a petition for a stay is timely filed together with a <i>Notice of Appeal</i> (43 CFR 4.21). If you wish to file a petition for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Interior Board of Land Appeals, the petition for a stay must accompany your <i>Notice of Appeal</i> (43 CFR 4.21 or 43 CFR 2801.10 or 43 CFR 2881.10). A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the <i>Notice of Appeal</i> 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 (43 CFR 4.413) at the same time the original documents are filed with 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.	

Unless these procedures are followed, your appeal will be subject to dismissal (43 CFR 4.402). Be certain that all communications are identified by serial number of the case being appealed.

NOTE: A document is not filed until it is actually received in the proper office (43 CFR 4.401(a)). See 43 CFR Part 4, Subpart B for general rules relating to procedures and practice involving appeals.

43 CFR SUBPART 1821--GENERAL INFORMATION

Sec. 1821.10 Where are BLM offices located? (a) In addition to the Headquarters Office in Washington, D.C. and seven national level support and service centers, BLM operates 12 State Offices each having several subsidiary offices called Field Offices. The addresses of the State Offices can be found in the most recent edition of 43 CFR 1821.10. The State Office geographical areas of jurisdiction are as follows:

STATE OFFICES AND AREAS OF JURISDICTION:

Alaska State Office ----- Alaska
Arizona State Office ----- Arizona
California State Office ----- California
Colorado State Office ----- Colorado
Eastern States Office ----- Arkansas, Iowa, Louisiana, Minnesota, Missouri
and, all States east of the Mississippi River
Idaho State Office ----- Idaho
Montana State Office ----- Montana, North Dakota and South Dakota
Nevada State Office ----- Nevada
New Mexico State Office ---- New Mexico, Kansas, Oklahoma and Texas
Oregon State Office ----- Oregon and Washington
Utah State Office ----- Utah
Wyoming State Office ----- Wyoming and Nebraska

(b) A list of the names, addresses, and geographical areas of jurisdiction of all Field Offices of the Bureau of Land Management can be obtained at the above addresses or any office of the Bureau of Land Management, including the Washington Office, Bureau of Land Management, 1849 C Street, NW, Washington, DC 20240.

(Form 1842-1, September 2006)