

ASDO NEPA DOCUMENT ROUTING SHEET

NEPA Document Number: **DOI-BLM-AZ-A010-2015-0015-CX**

Project Title: **Tamarisk Temporary Housing Permit AZA 036370**

Project Lead: **Marisa Monger**

Date that any scoping meeting was conducted: N/A

Date that concurrent, electronic distribution for review was initiated: March 31, 2015

Deadline for receipt of responses: **Tuesday, April 21, 2015**

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:

Kevin Wright, Monument Manager, VCNM

**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-A010-2015-0015-CX
Case File No.: AZA 036370

Proposed Action Title/Type: Tamarisk Temporary Housing Permit

Applicant: Tamarisk Enterprises

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. 39 N., R. 7 E.,
 sec. 7;
 tract 37.

The area described contains 0.115 acres.

Description of Proposed Action: Tamarisk Enterprises proposes to renew their permit for temporary housing located near Cliff Dwellers, Arizona on public lands managed by the Arizona Strip Field Office. The permit would be authorized for three years. The mobile housing is owned by the U.S. Fish and Wildlife Service (USFWS) and is used to provide housing/office space for The Peregrine Fund's biology crew managing the California condor project in the area. The proposed permit area is approximately 100 feet by 150 feet and is adjacent to private property owned by Tamarisk Enterprises. The utilities currently connected to the housing are also proposed as part of the permit.

A proposed land exchange is currently being processed and the existing housing is located within the parcel identified for disposal in the Arizona Strip Field Office Resource Management Plan (RMP) and within the proposed land exchange. If the land exchange is completed, this permit would no longer be needed.

Permit would be subject to all provisions of 43 CFR 2920 including the terms and conditions identified in 43 CFR 2920.7, rental payments as provided by 43 CFR 2920.8, and mitigation measures/special conditions listed in Part V of this document.

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.

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). In addition, the proposed action does not conflict with other decisions in the RMP.

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	March 31, 2015
Gloria Benson, Tribal Liaison	April 22, 2015
Whit Bunting, Range/Vegetation/Weeds/S&G	April 1, 2015
Laurie Ford, Lands & Realty/Minerals/Hazmat	April 6, 2015
Diana Hawks, Recreation/Wilderness/VRM	March 31, 2015
John Herron, Cultural Resources	March 31, 2015
Jace Lambeth, Special Status Plants	April 6, 2015
John Sims, Supervisory Law Enforcement	April 8, 2015
Richard Spotts, Environmental Coordinator	April 1, 2015
Jeff Young, Wildlife/T&E Animals	April 21, 2015
Lorraine Christian, Field Manager, ASFO	April 20, 2015

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 <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 proposal is a renewal 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 temporary housing permit would have no impacts on recreation, wilderness, or national monument lands. No wild and scenic river segments occur near the proposed project area. See Cultural Resource Compliance Documentation Record and J Herron email 3/31/2015, DHawks email 3/31/2015, and JYoung email 4/21/2015. 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 renewal and no additional on-the-ground activities are proposed. 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 has been previously authorized and there are no additional on-the ground activities proposed. Environmental effects of the housing were fully analyzed prior to the permit being issued in 1997. 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 was previously authorized and does not represent a decision in principle about future actions with potentially significant environmental effects. Each proposal is assessed individually. 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: No cumulative effects because there is no increase in the overall use of the area due to the housing, and there is no direct relationship to other actions with significant cumulative environmental effects. 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. See Cultural Resource Compliance Documentation Record and JHerron email 3/31/2015. 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 would not modify listed wildlife species habitat and there would be no disturbance associated with the proposed action to listed wildlife species. Therefore, no Section 7 consultation or conference with the U.S. Fish and Wildlife Service is needed. See JYoung email 4/21/2015 and JLambeth email 4/6/2015. 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 environmental laws/requirements would be violated. See JYoung email dated 4/21/2015 and GBenson email dated 4/22/2015. 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 effect on low income or minority populations because proposed action is located in a remote area some distance from residential populations. 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 permittee would use the same existing roads that other recreationalists use and would not restrict access to any area open to the public due to the minimal impacting nature of the proposal, as well as permit stipulation #4 in Mitigation Measures/Special Conditions of this CX. See GBenson email dated 4/22/2015.

Preparer's Initials GB

(1) 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 as the housing is already in place as well as the permit stipulation #5 in Mitigation Measures/Special Conditions of the CX. See WBunting email dated 4/1/2015.

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:

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. The holder would be responsible for the eradication of noxious weeds within the permit area throughout the term of the permit. 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.

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.

APPROVING OFFICIAL: Lorraine M. Christian DATE: 4/24/2015

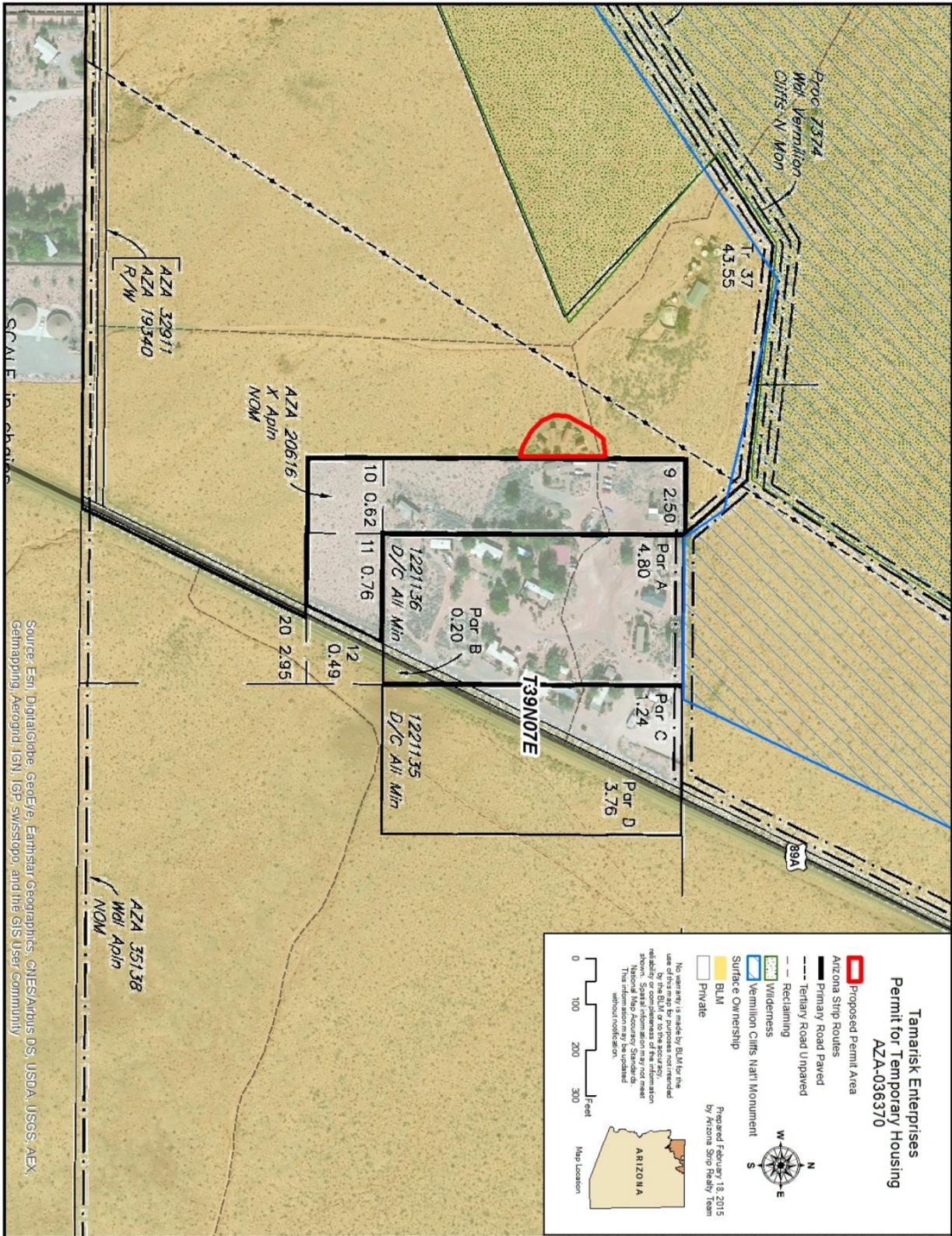
TITLE: Field Manager, Arizona Strip Field Office

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

Tamarisk Temporary Housing Permit AZA 036370

NEPA No.: DOI-BLM-AZ-A010-2015-0015-CX



DECISION MEMORANDUM

Tamarisk Temporary Housing Permit AZA 036370

NEPA No.: DOI-BLM-AZ-A010-2015-0015-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 2920.2-2(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 2920.2-2(b), 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

4/24/2015
Date

Attachment: Form 1842-1

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 345 East Riverside Drive St. George, Utah 84790	
NOTICE OF APPEAL.....		
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)