

**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:** Tucson Field Office

**NEPA No.:** G020-2015-0013-CX

**Case File No.:** AZA-36886

**Proposed Action Title/Type:** Conveyance of Mineral Interest (CMI) to Waste Management

**Applicant:** Waste Management

**Location of Proposed Action:** Section 1, Lots 1-3, S½N½, S½, T. 12 S., R. 10 E., G&SR Meridian, Pima County, West Marana 7.5 Topo Map. Between W Avra Valley and W Silver Bell roads.

**Description of Proposed Action:** On February 21, 2012, Waste Management formerly DKL Holdings filed an application for a Conveyance of Mineral Interest (CMI). Waste Management's CMI application described that the surface lands are owned by this company and they are pursuing the patent of the subsurface minerals. A preliminary mineral report was completed. The Mineral Report concludes the lands identified in this application are classified by BLM as prospectively valuable for oil and gas, are not prospectively valuable for geothermal resources, and have low potential for other leasable minerals. The lands identified in this application are also known to have low potential for salable and locatable minerals. Therefore, it is the BLM's conclusion that the BLM convey, to the applicant, salable, and locatable minerals interest, exclusive of oil and gas, which show no value to the federal government.

**Part II. – PLAN CONFORMANCE REVIEW**

**This proposed action is subject to the following land use plan(s):** The Phoenix Resource Management Plan (Phoenix RMP).

**Decisions and page nos.:** Phoenix RMP does not prohibit the conveyance of minerals interest. “Mineral exploration and development are generally encouraged on public land in keeping with the Bureau’s multiple resource concepts. Overall guidance on the management of mineral resources appears in the Mining and Minerals Policy Act of 1970, Sec. 102 (a)(12) of FLMMPA, National Material and Minerals Policy, Research and Development Act of 1980 and the BLM’s Mineral Resources Policy of May 29, 1984

**Date plan approved/amended:** September 29 1989

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**

**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) Actions taken in conveying mineral interest where there are no known mineral values in the land under Section 209(b) of the Federal Land Policy and Management Act of 1976 (FLPMA);**

**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.

**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:

DATE:

NEPA Team	4/7/2015
Linda L. Dunlavey, Realty Specialist	4/28/15

/s/ Amy Markstein  
 PLANNING & ENVIRONMENTAL SPECIALIST

4/30/15  
 DATE

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.

<b>Yes</b>	<b>No</b>	<p><b>Rationale:</b> This action would have no significant environmental effects. The surface lands are under private ownership.</p> <p style="text-align: right;">Preparer's Initials _____</p>
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(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.

<b>Yes</b>	<b>No</b>	<p><b>Rationale:</b> No 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; and other ecologically significant or critical areas exist in the affected environment nor would any of these resources be impacted.</p> <p style="text-align: right;">Preparer's Initials _____</p>
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(c) Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102 (2) (E)].

<b>Yes</b>	<b>No</b>	<p><b>Rationale:</b> The proposed action is not controversial nor are there any unresolved conflicts concerning alternative uses of available resources.</p> <p style="text-align: right;">Preparer's Initials _____</p>
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(d) Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.

<b>Yes</b>	<b>No</b>	<p><b>Rationale:</b> Subsurface lands have been transferred to private ownership no significant environmental effects have resulted.</p> <p style="text-align: right;">Preparer's Initials _____</p>
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(e) Establish a precedent for future action or represent a decision in principal about future actions with potentially significant environmental effects.		
<b>Yes</b>	<b>No</b> <input checked="" type="checkbox"/>	<b>Rationale:</b> Any additional proposals would be analyzed and a separate decision would be arrived at based on the analysis.  Preparer's Initials _____
(f) Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.		
<b>Yes</b>	<b>No</b> <input checked="" type="checkbox"/>	<b>Rationale:</b> Subsurface lands have been transferred to private ownership with no cumulatively significant effects.  Preparer's Initials _____
(g) Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by the bureau.		
<b>Yes</b>	<b>No</b> <input checked="" type="checkbox"/>	<b>Rationale:</b> No such properties are known to exist that could be impacted by the proposed action.  Preparer's Initials _____
(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.		
<b>Yes</b>	<b>No</b> <input checked="" type="checkbox"/>	<b>Rationale:</b> No listed species or species proposed to be listed are found within the affected environment for the proposed action.  Preparer's Initials _____
(i) Violate a Federal law, or a State, local or tribal law or requirement imposed for the protection of the environment.		
<b>Yes</b>	<b>No</b> <input checked="" type="checkbox"/>	<b>Rationale:</b> No laws or requirements imposed for the protection of the environment would be violated.  Preparer's Initials _____
(j) Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).		

<b>Yes</b>	<b>No</b>  <b>X</b>	<p><b>Rationale:</b> The effects to the population as a whole resulting from the proposed action would be the same.</p> <p style="text-align: right;">Preparer's Initials _____</p>
<p>(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).</p>		
<b>Yes</b>	<b>No</b>  <b>X</b>	<p><b>Rationale:</b> No limitations to access sacred or any other sites would result from the proposed action.</p> <p style="text-align: right;">Preparer's Initials _____</p>
<p>(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).</p>		
<b>Yes</b>	<b>No</b>  <b>X</b>	<p><b>Rationale:</b> The surface land of this project area is in private ownership and therefore this proposed action would not contribute to the introduction or spread of noxious weeds or non-native species.</p> <p style="text-align: right;">Preparer's Initials _____</p>
<p><b>PART V. –COMPLIANCE REVIEW CONCLUSION</b>  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.</p> <p><b>MITIGATION MEASURES/OTHER REMARKS:</b> None</p> <p>APPROVING OFFICIAL: _____ DATE: _____</p> <p>TITLE: _____</p>		

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.