

**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.:** G020-2015-0014-CX

**Case File No.:** AZA-036750

**Proposed Action Title/Type:** CX

**Applicant:** Viel Gluck Limited Partnership & Ben Fatto Limited Partnership

**Location of Proposed Action:** An access road 11 miles southeast of Florence, off of East Florence/Kelvin Highway

**Description of Proposed Action:** On September 16, 2014 Viel Gluck Limited Partnership & Ben Fatto Limited Partnership filed an application for a grant for legal access to the property in T. 5 S., R. 11 E., Section 14, Gila and Salt River Meridian. The road is located on public lands in the W½ of section 15 and the NE¼NW¼ portion of section 22.

It is an existing road right-of-way that has been assigned to Thomas Van Bebber and Cynthia Bell. The Partnerships would like their own access. The road is 25' wide and 4627' in length.

The term of the grant will be 30 years and will be issued with the right to apply for renewal.

The proposed action qualifies as a CX under Departmental Manual 516, 11.9, Appendix 4 E.16 that reads, "Acquisition of easements for an existing road or issuance of leases, permits, or rights-of-way for the use of existing facilities, improvements, or sites for the same or similar purposes."

When the grant was originally issued in 1997, wildlife, T&E species, and cultural surveys were completed and no problems were found. An active & authorized record search was done. There are no active mining claims in the area. The Box O grazing lease isn't a conflict. The right-of-way holder has been contacted and does not have any issues with the BLM issuing a new grant to the Partnerships.

**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.:** Page 14: "to issue land use authorization on a case by case basis"

**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 [Appendix 4 E.16] Acquisition of easements for an existing road or issuance of leases, permits, or rights-of-way for the use of existing facilities, improvements, or sites for the same or similar purposes.;**

**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:

TFO NEPA Team Members	4/17/2015
Linda Dunlavey - Realty Specialis	

/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>	<b>Rationale:</b> No significant environmental effects are expected to result from this project.
	<b>X</b>	
Preparer's Initials _____		

(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>	<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. There are no occurrences of BLM sensitive or State listed species within the project area.
	<b>X</b>	
Preparer's Initials _____		

(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>	<b>Rationale:</b> There are no known controversial effects or unresolved conflicts involved in within the project area.
	<b>X</b>	
Preparer's Initials _____		

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

<b>Yes</b>	<b>No</b>	<b>Rationale:</b> No significant environmental effects are expected to result from this project.
	<b>X</b>	
Preparer's Initials _____		

(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> Future actions regarding this project, if any, would require processing in accordance with laws, regulations, and policy.  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> The effects of the proposed grant would be limited to the existing grant.  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 properties listed, or eligible for listing, on the National Register of Historic Places are within the project area nor would any properties be affected by the proposed grant.  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> There would be no effect to any T&E species or designated critical habitat as none are found within the proposed action area. There is no suitable T&E species habitat within the project area.  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>	<b>Rationale:</b> The effects to the population as a whole resulting from the proposed action would be the same.  <div style="text-align: right;">Preparer's Initials _____</div>
(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).		
<b>Yes</b>	<b>No</b>  <b>X</b>	<b>Rationale:</b> No limitations to access sacred or any other sites would result from the proposed action.  <div style="text-align: right;">Preparer's Initials _____</div>
(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).		
<b>Yes</b>	<b>No</b>  <b>X</b>	<b>Rationale:</b> The grant is being issued for an existing road, no additional ground work will be done; therefore, this action should not contribute to the the spread of noxious weeds or non-native species.  <div style="text-align: right;">Preparer's Initials _____</div>
<p><b>PART V. –COMPLIANCE REVIEW CONCLUSION</b></p> <p>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> See Attached Stipulations.</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.