

**DECISION MEMORANDUM**  
**William Kaiser; Road Right-of-Way Renewal**  
**DOI-BLM-AZ-G020-2015-0021-CX**

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

**Project Description**

On August 7, 2015, Mr. William Kaiser filed an application for the renewal of the Right-of-Way (ROW) AZA-027201. Access to the applicant's private property has been granted on a previous ROW grant, which expired on March 9, 2013.

On March 10, 1993, a ROW for an access road was granted to Mr. William Kaiser. The length of the road is 1,300 feet and the width is 35 feet and approximately 1.04 acres. Mr. Kaiser filed a renewal application on August 7, 2015. His application for renewal indicates a desire to continue use of the ROW as it presently exists on the ground. This access road runs from north to south for ½ mile, with connection to Highway 82 at the north end. The ROW is approximately 1 mile west of the San Pedro Riparian National Conservation Area's western boundary.

This grant is for a 25-foot wide access road that runs 1,300 feet across the following public lands:

Gila and Salt River Meridian, Arizona

T. 20 S., R. 21 E.,  
sec. 6, E½SE¼.

The proposed action qualifies as a CX under Departmental Manual 516, 11.9, Appendix 4 E.9 that reads, "Renewals and assignments of leases, permits or rights-of-way where no additional rights are conveyed beyond those granted by the original authorization."

The Safford District Office initiated NEPA compliance document EA# AZ-040-02-64 for this project on September 17, 1992. A staff archaeologist did an on the ground cultural resource survey in 1992 in the immediate area of the ROW location. No resources were found. The EA was signed by the Phoenix Area Manager on February 12, 1993.

A cultural resource compliance clearance survey was completed again on September 15, 2015, which included a Class I Records Search. Nothing of significance was gleaned from this review. A wildlife survey was done by the wildlife staff and no T&E species or issues were encountered. A record search for active/authorized uses in the area revealed the use of the ROW by four other grant holders, which include the following: (1) AZA-028726 Sulpher Springs Electric, (2) AZA-031107 US Geological Survey Water Resources Division, (3) AZA-032680 Mr. Chris and Mrs. Mabel Riddle for an access road to private property, and (4) AZA-034804 Century Link Communication. There are no active mining claims. The area is located within the Babocomari grazing allotment, however the allotment is not expected to be an issue for the ROW or vice-versa. Stipulations regarding cultural resources and maintenance of the road are included with the renewal of the ROW.

The grant will be issued for a 20 year term with the right of renewal. This ROW is authorized under the Title V of FLMPA.

## Approval and Decision

Based on a review of the project described in the attached Categorical Exclusion documentation and field office staff recommendations, I have determined that the project is in conformance with the Safford District Resource Management Plan (RMP), Page 22: "Rights-of-Way, leases and permits will be considered on a case-by-case basis, in accordance with the decision of the Resource Management Plan." (approved August 1991; 2) 6-16-1988) and is categorically excluded from further environmental analysis. It is my decision to approve the action as proposed with the attached stipulations.

## 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 Form 1842-1, which can be found at the Tucson Field Office. If an appeal is taken, your notice of appeal must be filed via fax, mail, or hand delivered at Tucson Field Office, 3201 E Universal Way, Tucson AZ 85756 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 43 CFR 4.21 (58 FR 4939, January 19, 1993) (request) for a stay (suspension) 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 Office of the Solicitor (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 with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

### Standards for Obtaining a Stay

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.

/s/ Claire Crow (acting)  
Karen Simms, Acting Tucson Field Manager

10/14/2015  
Date

Attachments:

Stipulations  
Form 1842-1