

**DECISION MEMORANDUM**  
**TRICO; Power Line Utility**  
**Right-of-Way Renewal**  
**DOI-BLM-AZ-G020-2015-0024-CX**

U.S. Department of the Interior  
Bureau of Land Management  
Tucson Field Office  
Ironwood Forest National Monument

**Project Description**

This Trico Electric Cooperative, Inc. Right-of-Way (ROW) is located on the Ironwood Forest National Monument and was originally issued on March 5, 1962, for 50 years as AR-030401. On August 29, 2011, the applicant filed for renewal and at that time, the BLM issued a new case number AZA-035754 to the applicant, due to FLPMA regulations. The applicant is seeking renewal of their ROW for 30 years with right to request renewal at that time.

The project location is:

Gila and Salt River Meridian, Arizona

T. 12 S., R. 9 E.,

- sec. 19, SW1/4SE1/4;
- sec. 25, lots 3 and 4;
- sec. 26, lots 1-4 inclusive;
- sec. 27, lots 1-4 inclusive;
- sec. 28, lots 1-4 inclusive;
- sec. 29, lots 1-4 inclusive;
- sec. 30, lots 1 and 2.

The length of the ROW is 26,912.16 feet (@ 4.53 miles), the width is 20 feet and approximately contains 12.36 acres. The ROW contains a 14.4/24.9-kV electric distribution power lines, which are owned, operated and maintained by Trico. Specific distribution line upgrades and maintenance are not currently scheduled at this time. However, it is necessary for Trico to be able to schedule these types of project activities whenever problems arise in order to continue providing customers with electricity. These potential future actions are connected to the reauthorization of the ROW.

Future maintenance of the existing electrical infrastructure will include replacing individual poles and any other necessary repairs relating to pole replacement. Maintenance may also include pruning existing vegetation within the ROW to maintain clearance limits. Before any vegetation is considered to be removed or trimmed, Trico will be required to submit a vegetation inventory and work plan to BLM. At that time the BLM will determine the level of vegetation removal/trimming and any monetary compensation for the loss of natural resources. Trico will consult with the BLM on all matters related to future maintenance affecting the subject power line and any plans for access roads or staging areas and equipment that have not been identified in their ROW application. For any future upgrades and/or increases of voltage to the transmission line, Trico will be required to submit a request for an Amendment of the ROW. Trico will also be required to submit a Plan of Development or Circuit Map, which displays the location of all infrastructures, to the BLM prior to any work proposed to be conducted in this ROW.

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." As well as Appendix E.11 that states "Conversion of existing right-of-way grants to Title V grants or existing leases to FLPMA Section 302(b) leases where no new facilities or other changes are needed."

Because this ROW was issued in 1962, no environmental or cultural analysis was conducted at that time. However, upon the renewal of this ROW and the conversion of the ROW to FLPMA standards a Biological Evaluation was completed as well as a Class III Cultural Inventory.

The Biological Evaluation (BE) was conducted in 2011 and identified five Nichol Turk's Head cacti in the ROW or in close proximity to it. Cacti locations were confirmed in August of 2015. The Nichol Turk's Head is listed as endangered on the Endangered Species List. In addition, the BE discovered a Sonoran Desert Tortoise den in close proximity to the ROW. ROW stipulations have been added to the ROW grant that Trico provide on-site monitoring during all maintenance activities to protect any listed species.

The cultural resource compliance clearance survey was completed on September 10, 2015 by BLM staff, which included a Class III Inventory. One site was found in the vicinity of the ROW. Special stipulations were incorporated into the standard stipulations list to cover any work done on the ROW.

There are no active mining claims. The area is serves as the boundary between the Silverbell and Agua Dulce grazing allotments, however the allotments are 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 30 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/ Melissa Warren  
Tucson Field Manager

12/16/2015  
Date

Attachments:

Stipulations  
Form 1842-1