

**UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
TUCSON FIELD OFFICE  
TUCSON, ARIZONA**

**FINDING OF NO SIGNIFICANT IMPACT**

Amendment of Kelvin Bridge

NEPA Number DOI-BLM-AZ-G020-2016-0002-EA

Based on the analysis of potential environmental impacts contained in the attached environmental assessment (EA), and considering the significance criteria in 40 CFR 1508.27, described below, I have determined that the proposed action with the design specifications will not have a significant effect on the human environment. An environmental impact statement is therefore not required.

**Context**

In 2012, the Bureau of Land Management (BLM) issued a permanent and temporary construction right-of-way (ROW) grant No. AZA-35391 to Pinal County to allow for the construction of a new bridge on the Florence-Kelvin Highway over the Gila River in Pinal County, Arizona. An environmental assessment (EA) was completed in accordance with the National Environmental Policy Act (NEPA) and the BLM Tucson Field Office (TFO) issued a Finding of No Significant Impact (FONSI) and Decision Record for the project. The 2012 EA analyzed the proposed action to be constructed outside the breeding season for the Yellow-billed Cuckoo (YBCU) and the Southwestern Willow Flycatcher (SWFL) in order to reduce impacts to these species. The cumulative breeding seasons for these two species restricted construction from occurring between April 15 and September 30.

The bridge design has been updated since the 2012 EA with the following modifications:

- Modifying the bridge pier locations to avoid all impacts to waters of the U.S. (the Gila River)
- Reducing the height of the proposed bridge by 2 feet across the span of the bridge
- Changing the bridge support pier system design from three dual-column piers system to seven single-column piers system

Based on these factors, Pinal County requested that the BLM amend and reauthorize the permanent and temporary construction ROW grant to allow for a modified construction schedule with the bridge design updates. The modified construction schedule would allow for construction of the bridge during the breeding season for the YBCU and SWFL, with the exception of vegetation removing activities. In May 2016, the BLM prepared a new EA (AZ-G020-2016-0002-EA) which analyzed the effects of the modified construction schedule and bridge design. The EA did not identify any alternatives to the Proposed Action.

## **Intensity**

The following discussion is organized around the 10 Significance Criteria described at 40 CFR 1508.27. The following have been considered in evaluating intensity for this proposal:

- 1. Impacts that may be both beneficial and adverse:** The EA considered both potential beneficial and adverse effects (see EA Table 2-6, pp. 37-39). None of the effects are beyond the range of effects analyzed in the Phoenix “Resource Management Plan/Environmental Impact Statement” (December 1988).
- 2. Degree of effect on public health and safety:** The Proposed Action would provide a long-term moderate beneficial impact to public safety because the new bridge would allow for two-way motorized vehicle travel (existing bridge allows vehicle travel in only one direction at a time). In addition the new bridge would span over the ASARCO railroad and traffic would no longer have to cross the railroad at an at-grade crossing.
- 3. Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetland, wild and scenic rivers, or ecologically critical areas:** No adverse impacts to cultural resources would occur as discussed in more detail in #8 below. The Proposed Action will have a long term beneficial impact on the Arizona National Scenic Trail by designating the existing bridge as a non-motorized segment of the trail system. There are no park lands, prime farmlands, wild and scenic rivers, or ecologically critical areas in the project area. The new bridge will completely span the ordinary high water mark of the Gila River; therefore no impacts to Waters of the US or wetlands would occur.
- 4. Degree to which the possible effects on the quality of the human environment are likely to be highly controversial:** Aside from the comment letter from the AZGFD, no other public comments were received during the 30-day public comment period for the Draft EA. Comments in the AZFGD letter requested document clarification, modification to mitigation measures, and recommended additional mitigation measures. Therefore, the proposed action would not be considered highly controversial.
- 5. Degree to which the possible effects on the quality of the human environment are highly uncertain or involve unique or unknown risk:** The analysis has shown with a high degree of certainty that there would not be any unique or unknown risks to the human environment.
- 6. Degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration:** This project neither establishes a precedent nor represents a decision in principle about future actions. According to the Land Use Management section of the Phoenix RMP,

land use authorizations, including ROWs, will be issued to promote the maximum utilization of existing ROW routes. The Proposed Action will involve improvements to and expansion of an existing ROW and is thereby in general conformance with the RMP. The Proposed Action is consistent with the land management guidance established in the Phoenix RMP.

- 7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts:** The environmental analysis did not reveal any significant cumulative effects of the proposed action when considered with the impacts of past, present, and reasonably foreseeable future actions.
- 8. Degree to which the action may adversely affect district, sites, highways, structures, or objects listed on the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources:** The Proposed Action will result in beneficial impacts to the existing historic bridge because the bridge would be closed to motorized traffic, thereby slowing the bridge's deterioration. The existing historic bridge will continue to be maintained by Pinal County after it is decommissioned for motorized use and no longer part of the Florence-Kelvin Highway. The bridge will continue to be used by non-motorized traffic as a section of the Arizona National Scenic Trail. The SHPO concurred in 2005 with the conclusion that the project would have "No Adverse Effect" on the historic bridge.

The Proposed Action will not impact AZ U:16:299(ASM), the historical alignment of the Magma- Winkelman branch of the Southern Pacific Railroad and current Copper Basin Railroad, because the new bridge will span the historic railroad aerially and will not alter any of the characteristics of location, function, or setting that contributes to the railroad's NRHP eligibility (ADOT 2004a).

The ruins of the historic town of Kelvin, and a prehistoric artifact scatter, are located on private land that would be acquired by Pinal County for a new ROW (ADOT 2004a). An MOA (ADOT 2004b) to address likely impacts to the site through data recovery was developed and implemented. Adverse effects to this site have been resolved through the 2009-2010 data recovery effort (SWCA 2012). The SHPO concurred that the adverse effects to this site were resolved as a result of the data recovery effort in 2012.

- 9. Degree to which the action may adversely affect an endangered or threatened species or its critical habitat:** The Proposed Action may affect, and is likely to adversely affect the YBCU and its proposed critical habitat, because the project area contains suitable nesting, migratory and foraging habitat for this species. Approximately

1.7 acres of proposed critical habitat will be removed, including 0.6 acre of permanent loss as part of this project and YBCUs may be affected by the construction activities.

The Proposed Action may affect, and is likely to adversely affect, the SWFL and its designated critical habitat because this project area is within 100 to 200 feet of a recently occupied SWFL site, and the project area contains suitable nesting, migratory and foraging habitat for the species, as well as designated critical habitat and the associated Primary Constituent Elements for this species. Approximately 1.2 acres of designated critical habitat will be removed, including 0.4 acre of permanent loss as part of this project, and SWFLs may be affected by the construction activities.

The Proposed Action will not adversely affect any other endangered or threatened species or critical habitat. The BLM prepared a Biological Assessment and consulted with the USFWS as required by Section 7 of the Endangered Species Act. The USFWS concurred with the BLM's affects determinations for these species in their Biological Opinion on June 28, 2016, (included as Appendix C in the Final EA) and approved mitigation measures that will be implemented during construction to reduce impacts to the YBCU and SWFL.

**10. Whether the action threatens a violation of federal, state, or local environmental protection law:** The Proposed Action does not threaten to violate any law. The Proposed Action is in compliance with the Phoenix RMP, which provides direction for the protection of the environment on public lands.

I have reviewed the environmental assessment, relating to the issuance of the amendment of this grant listed above located on the following public lands.

This includes the explanation and resolution of any potentially significant environmental impacts. I have determined that the proposed action will not have any significant impacts on the human environment and that an EIS is not required. I have determined that the proposed action is in conformance with the Phoenix Resource Management Plan approved in Record of Decision dated December, 1988

**Attachments:**

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Stipulations July 27, 2016

/s/ Melissa Warren

8/26/2016

Melissa D. Warren, Field Manager, Tucson Field Office

Date