

**U.S. Department of the Interior
Bureau of Land Management**

**NATIONAL ENVIRONMENTAL POLICY ACT (NEPA)
COMPLIANCE RECORD FOR CATEGORICAL EXCLUSIONS (CX)**

PART I. – PROPOSED ACTION

BLM Office: Lower Sonoran Field Office

NEPA No.: DOI-BLM-AZ-P020-2015-0012-CX

Case File No.: AZA-31807

Proposed Action Title/Type: R/W Assignment

Applicant: Steven and Fay Blum

Location of Proposed Action: T. 12 S., R. 6 W., Section 16

Description of Proposed Action: The applicants, Steven and Fay Blum, have filed a request for assignment of a road right-of-way, with concurrence from Marlin and Patty Turinsky. The assignment of the road right-of-way would not authorize any new features or development to the area, other than what has previously been authorized. The right-of-way grant will expire on May 15, 2032.

Part II. – PLAN CONFORMANCE REVIEW

This proposed action is subject to the following land use plan(s): Lower Sonoran Record of Decision and Approved Resource Management Plan (September 2012)

The proposed action is in conformance with the applicable land use plan because it is specifically provided for in the following land use plan decision(s):

LR-1.3.1: Proposed minor linear and nonlinear LUAs will be prohibited in areas designated as LUA Exclusion Areas, unless they allow for:

- Access to private property inholdings when there is no other reasonable access alternative across non-federal land.

The proposed action is in conformance with the land use plan, even though it is not specifically provided for, because it is clearly consistent with the following land use plan decision(s):

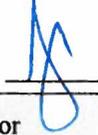
This proposed action has been reviewed for conformance with these plans (*43 CFR 1610.5-3, BLM Manual 1601.04.C.2*).

The action has been reviewed to determine if any of the extraordinary circumstances (43 CFR 46.215(a)-(l)) apply. The project would:

(a) Have significant impacts on public health or safety.

Yes	No	Rationale: No impacts to public health or safety is anticipated from implementation of this right-of-way assignment. The applicants are requesting to have the existing right-of-way assigned to them, with no changes to what has previously been authorized.
	X	

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.

Yes	No	Rationale: The proposed right-of-way assignment will not impact unique resources or geographic areas. No newly planned disturbance is expected.
	X	

Preparer's Initials



(c) Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102 (2) (E)].

Yes	No	Rationale: The proposed right-of-way assignment would not involve any unresolved conflicts concerning alternative uses of available resources, or controversy over potential environmental effects is known.
	X	

Preparer's Initials



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

Yes	No	Rationale: No uncertain or potentially significant environmental effects are anticipated with the proposed right-of-way assignment.
	X	

Preparer's Initials



The action has been reviewed to determine if any of the extraordinary circumstances (43 CFR 46.215(a)-(l)) apply. The project would:

(e) Establish a precedent for future action or represent a decision in principal about future actions with potentially significant environmental effects.

Yes	No	Rationale: The proposed right-of-way assignment does not establish a precedent for, or foreclose on, any future action.	Preparer's Initials 
	X		

(f) Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.

Yes	No	Rationale: The right-of-way assignment is not connected to, or cumulative with, any other present or reasonably foreseeable future action.	Preparer's Initials 
	X		

(g) Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by the bureau.

Yes	No	Rationale: The right-of-way assignment project area does not appear to contain any known properties listed, or eligible for listing, on the National Register of Historic Places. The area has already been disturbed with by the existing roadway. The grant would be assigned to the new applicants, with no additional disturbances being expected.	Preparer's Initials 
	X		

(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.

Yes	No	Rationale: The proposed right-of-way assignment will not have any impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species. The right-of-way has previously been authorized. The proposed action is simply to assign what has previously been authorized, resulting in no impacts on species listed, or proposed to be listed, on the list of Endangered or Threatened Species.	Preparer's Initials 
	X		

(i) Violate a Federal law, or a State, local or tribal law or requirement imposed for the protection of the environment.

Yes	No	Rationale: The proposed assignment will not violate any Federal laws, or any State, local or tribal laws, or requirements imposed for the protection of the environment.	Preparer's Initials 
	X		

The action has been reviewed to determine if any of the extraordinary circumstances (43 CFR 46.215(a)-(l)) apply. The project would:		
(j) Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).		
Yes	No	Rationale: The proposed right-of-way assignment will not have a disproportionately high and adverse effect on low income or minority populations.
	X	
Preparer's Initials 		
(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).		
Yes	No	Rationale: The proposed right-of-way assignment will not 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.
	X	
Preparer's Initials 		
(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).		
Yes	No	Rationale: The proposed right-of-way assignment will not 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. Nothing beyond what has already been authorized is anticipated.
	X	
Preparer's Initials 		

PART V. –COMPLIANCE REVIEW CONCLUSION

This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The proposed action has been reviewed, and none of the extraordinary circumstances described in 516 DM 2 apply.

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.

MITIGATION MEASURES/OTHER REMARKS:

- Any cultural and/or paleontological resources (historic or prehistoric site or object) discovered by the holder, or any person working on his behalf, on public or Federal land shall be immediately reported to the authorized officer. Holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed

is issued by the authorized officer. An evaluation of the discovery will be made by the authorized to determine appropriate actions to prevent the loss of significant cultural or scientific values. The holder will be responsible for the cost of the evaluation and any decision as to proper mitigation measures will be made by the authorized officer after consulting with the holder.

2. Harassment of wildlife is a violation of Arizona State Law. Wildlife is to be observed from a safe distance that will not disturb their normal behavior.
3. Handling, collecting, damaging or destroying desert tortoises or their burrows is prohibited by Arizona State Law.
4. State protected plant species (e.g., cactus species, ocotillo, palo verde, mesquite, ironwood, and smoke tree) shall be avoided if possible. Collection of these plant species is strictly prohibited. The ocotillo and juvenile saguaro are to be salvaged and planted off the right-of-way on public lands. The saguaro should be planted under a nurse plant, like a palo verde tree.
5. The holder shall furnish and apply water or other means satisfactory to the authorized officer for dust control.

AUTHORIZING OFFICIAL:  _____ DATE: 7/29/13

NAME: EDWARDS J KENDER

TITLE: LSFO FIELD MGR

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.

**BUREAU OF LAND MANAGEMENT PHOENIX FIELD OFFICE
ENVIRONMENTAL ASSESSMENT
REVIEW COVER SHEET**

Proposal: Road Right-of-Way to gain access to private property.			
Land Description: T. 12 S., R. 6 W., Section 16			
Applicant: Marlin & Patty Turinsky		Type of Case: R/W 2800	Related #: AZA-31807
EA Number: AZ-020-2002-0008		Special Charge Code (if applicable) :	
EA Assigned to: Goodlow			
<p>Coordination: Indicate in the left column which disciplines were analyzed in the EA and print the name of the individuals who participated in the third. Author's name should be used if author analyzed the impacts. Place an asterisk in the fourth column to indicate that written comments have been provided during clearance. The appropriate specialist will also initial this column to show concurrence when a critical, discipline - specific, issue is addressed in the EA or when a specialist, other than the author, provided input.</p>			
NEEDED INPUT (x)	DISCIPLINE	TEAM INPUT & REVIEW	*
x	Lands	Goodlow	
	Minerals		
	Range Mgt/ Stnd for Range Health		
	Burros		
	Recreation		
	Visual Resource Management		
x	Cultural/ Paleo/ Tribal Consult	Sullivan	
	Soil		
	Water (Quality, Rights, etc.)		
	Air Quality		
	Wildlife		
x	T&E Species	Masters	
	Surface Protection		
	Non-Native Invasive Species		
	National Landscape Cons System		
	Areas of Critical Env Concern		
	Socio-Econ/ Environ Justice		
Preparer: <i>[Signature]</i> Date: 3-12-02			
Planning & Environmental: <i>[Signature]</i> Date: 3-18-02			
Assistant Field manager: <i>[Signature]</i> Date: 3/19/02			

Environmental Assessment

EA Number AZ-020-2002-0008

Phoenix Field Office (020)

Case File No. AZA-31807

Proposed Action Title/Type: Right-of-way

Location of Proposed Action: T. 12 S., R. 6 W., Gila and Salt River Meridian, Arizona
Section 16, Pima County.

Applicant: Marlin and Patty Turinsky
Address: 1548 Gooby Road
Sandpoint, Idaho 83864

Date: February 3, 2002

Conformance With Applicable Land Use Plan:

This proposed action is subject to the following land use plan:

Name of Plan: Lower Gila South RMP

Date Approved: June 1988

This plan has been reviewed to determine if the proposed action conforms with the land use plan terms and conditions as required by 43 CFR 1610.5.

Remarks: The proposed action has been found to be consistent with the intent of the Resource Management Plan (RMP), pg. 11, *Land Tenure*.

Need for Proposed Action: The right of way is needed to provide the applicants (Marlin and Patty Turinsky) access to private property.

Description of Proposed Action: The BLM would grant a right-of-way under the Federal Land Policy and Management Act of 1976 to Marlin and Patty Turinsky to gain access to portions of an existing road that is approximately 300' feet in length by 30' feet in width (approximately 0.2 acres) located in section 16, T. 12 S., R. 6W., in Pima County. The right-of-way would also include a proposal to construct and maintain an additional road that will connect to a portion of the existing road (see attached map) that will be approximately 210' feet in length by 30' feet in width (approximately 0.14 acres). The road right of way will provide the applicants access to private property. The right-of-way request will be for a 30 year term.

Alternative Action(s): The only alternative being considered is the 'no action' alternative. Under this alternative, no authorization would be granted. The BLM would not issue a right-of-way to Marlin and Patty Turinsky on public lands in Section 16, T. 12 S., R. 6 W. The right-of-way application would be rejected. Marlin and Patty Turinsky have a need for the right-of-way in order to provide the access to their private property.

Environmental Impacts:

<u>Critical Elements</u>	<u>Affected</u>		<u>Critical Elements</u>	<u>Affected</u>	
	Yes	No		Yes	No
ACECs		x	Nat. Amer. Rel. Concerns		x
Air Quality		x	T&E Species		x
Cultural Resources		x	Wastes, Hazardous		x
Environmental Justice		x	Water Quality		x
Farmland, Prime/Unique		x	Wetlands/Riparian		x
Flood Plains		x	Wild & Scenic Rivers		x

Invasive, Non-Native Plants	x	Wilderness	x
Standards For Rangeland Health	x		

Cumulative Impacts: The proposed action would not cause substantial increases in cumulative impacts in the Ajo area and vicinity beyond those resulting from other past, present, or reasonable foreseeable actions. Other past, present, or reasonable foreseeable actions proposed in the Ajo area and vicinity that would contribute to cumulative background conditions include the development of the Ajo area, the commercial and residential development of adjoining undeveloped lands, and the construction of major roads and utilities. These actions would cause substantial incremental increases in cumulative impacts in Ajo and its vicinity.

The cumulative impacts for the 'no action' would be the same as the cumulative impacts described for the proposed action.

Description of Impacts:

Air Quality

Impacts to the air quality in the Ajo area and vicinity would be temporary and would not be significant. People in and around the area of the proposed action would be temporarily exposed to dust from construction activities and to pollutant emissions from construction equipment.

Noise Quality

People in and around the area of the proposed action would be temporarily exposed to increased noise levels from construction activities. Construction noise levels would be substantial in the immediate vicinity of construction activities.

Vegetation Resources

The construction of the new disturbance area of the proposed road would cause the permanent loss of 0.14 acres of vegetation in the Ajo area. The permanent loss of vegetation would not significantly impact vegetation resources.

Visual Resources

The construction of the proposed road would cause a minor modification to the landscape in the Ajo area which would be visible from all directions within the specified location.

Energy

The proposed action does not occur in an area with any existing utility corridors, there are no known planned or proposed energy developments, and no applications for such use has been received by the Phoenix Field Office. It has been determined by resource specialists that the proposed action will not have a direct or indirect impact on energy development, production, supply, and/or distribution.

Description of Mitigation Measures and Residual Impacts:

1. All applicable regulations in accordance with 43 CFR 2800.
2. Any cultural and/or paleontological resources (historic or prehistoric site or object) discovered by the holder or any person working on the holders behalf, on public or federal land shall be immediately reported to the authorized officer. The holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the authorized officer. An evaluation of the discovery will be made by the authorized officer to determine the appropriate actions to prevent the loss of significant cultural or scientific values. The holder will be responsible for the cost of the evaluation and any decision as to the proper mitigation measures will be made by the authorized officer after consulting with the holder.

3. Harassment of wildlife is a violation of Arizona State Law. Wildlife is to be observed from a safe distance that will not disturb their normal behavior.
4. Handling, collecting, damaging, or destroying desert tortoises or their burrows is prohibited by Arizona State Law.
5. State protected plant species (e.g., cactus species, ocotillo, palo verde, mesquite, ironwood, and smoke tree) shall be avoided if possible. Collection of these plant species is strictly prohibited. The ocotillo and juvenile saguaro are to be salvaged and planted off the right of way on public lands. The saguaro should be planted under a nurse plant, like a palo verde tree.
6. The holder shall furnish and apply water or other means satisfactory to the authorized officer for dust control.

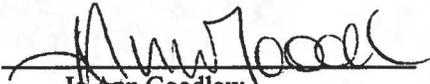
There would be no residual impacts.

Persons/Agencies Consulted:

Elroy Masters
Tammi Sullivan

Wildlife Biologist, Phoenix Field Office
Archaeologist Specialist, Phoenix Field Office

Preparer: _____


Jo Ann Goodlow
Realty Specialist, PFO

Date: 3-12-02

Finding of No Significant Impact/Decision Record.

Decision: It is my decision to grant a right of way for an access road to Marlin and Patty Turinsky, 1548 Gooby Road, Sandpoint, Idaho 83864. The right-of-way is located in the E½E½E½ of Section 16, T. 12S., R. 6W., Gila and Salt River Meridian, Pima County, Arizona, as shown on the attached map.

The grant will be made under the authority of Title V of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1761) and will be subject to the terms and conditions in 43 CFR 2801 and payment of rent as determined in accordance with 43 CFR 2803.1-2. The grant will also be subject to the standard stipulations developed from the mitigation measures in the attached environmental assessment as shown in the attached Exhibit B.

Finding of No Significant Impact: Based on the analysis of potential environmental impacts contained in the attached environmental assessment, I have determined that the impacts are not expected to be significant and an environmental impact statement is not required.

Rationale for the Decision: The decision to allow the proposed action and grant the right-of-way does not result in any undue or unnecessary environmental degradation and is in conformance with the Lower Gila South Resource Management Plan, approved September 1988. *This action will not have a direct or indirect adverse impact on energy development, production, supply and/or distribution.*



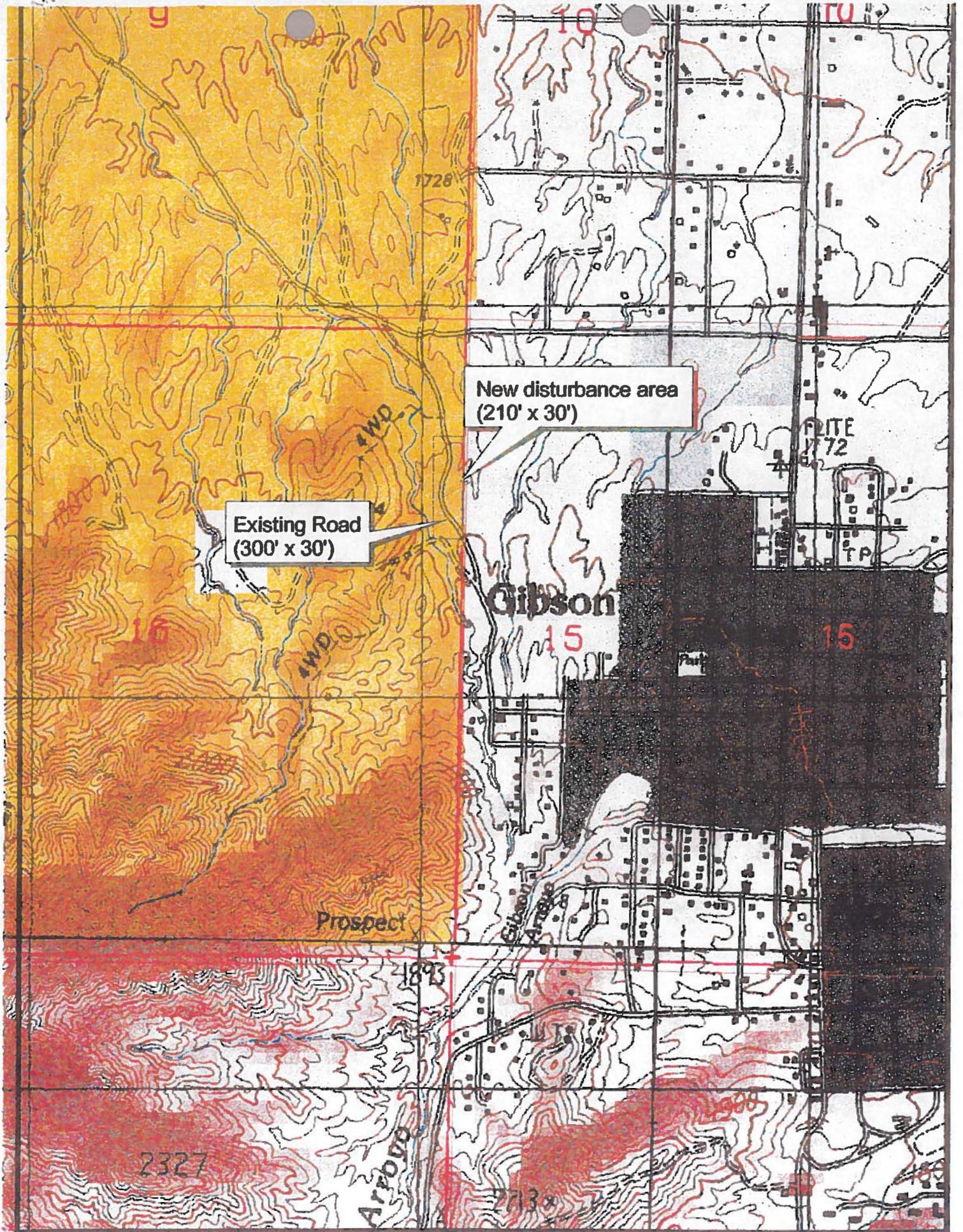
Field Manager, PFO

3/19/02

Date

Stipulations for Marlin and Patty Turinsky

1. All applicable regulations in accordance with 43 CFR 2800.
2. Any cultural and/or paleontological resources (historic or prehistoric site or object) discovered by the holder or any person working on the holders behalf, on public or federal land shall be immediately reported to the authorized officer. The holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the authorized officer. An evaluation of the discovery will be made by the authorized officer to determine the appropriate actions to prevent the loss of significant cultural or scientific values. The holder will be responsible for the cost of the evaluation and any decision as to the proper mitigation measures will be made by the authorized officer after consulting with the holder.
3. Harassment of wildlife is a violation of Arizona State Law. Wildlife is to be observed from a safe distance that will not disturb their normal behavior.
4. Handling, collecting, damaging, or destroying desert tortoises or their burrows is prohibited by Arizona State Law.
5. State protected plant species (e.g., cactus species, ocotillo, palo verde, mesquite, ironwood, and smoke tree) shall be avoided if possible. Collection of these plant species is strictly prohibited. The ocotillo and juvenile saguaro are to be salvaged and planted off the right of way on public lands. The saguaro should be planted under a nurse plant, like a palo verde tree.
6. The holder shall furnish and apply water or other means satisfactory to the authorized officer for dust control.



Existing Road
(300' x 30')

New disturbance area
(210' x 30')

Gibson

Prospect

Arroyo

SITE #72

2327

1893

15

15

1728

10

10

9

16

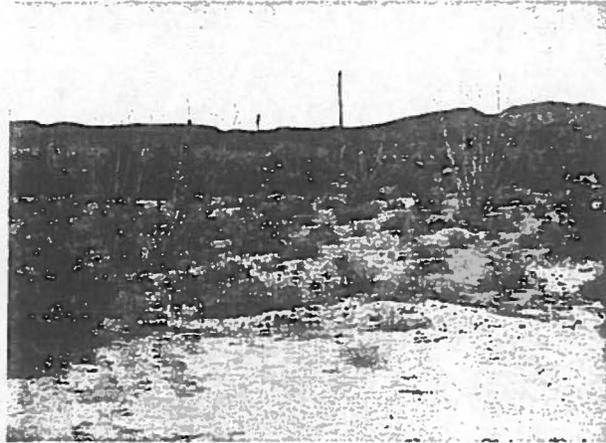
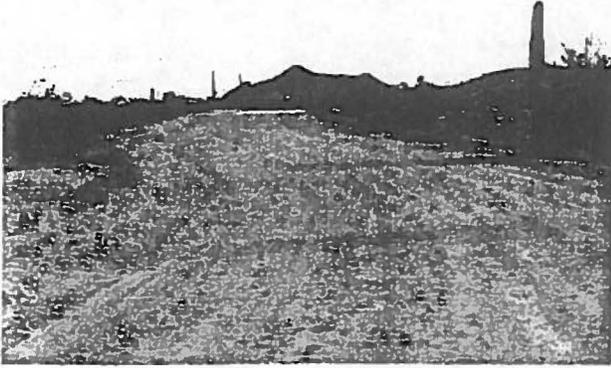
1730

1898

Date: November 27, 2001
To: Jo Ann Goodlow, Realty Specialist
From: Elroy Masters, Wildlife Biologist
Subject: Road Right-of-Way (AZA-31807)

Marlin and Patty Turinsky has applied for a road Right of Way near the town of Ajo at T. 12 S., R. 6W., section 16. The applicant proposes to access a portion of an existing road on public lands to gain access to private property. The applicant also proposes to construct and maintain an additional road that will branch off of the existing road. The right of way would be for existing 30ft by 300ft road and construction of new road 210' x 30'. Granting the right of way will have no effect on federally listed threatened or endangered species. The Right-of-Way is not within suitable habitats for the Cactus ferruginous pygmy-owl (*Glaucidium brasilianum cactorum*), Sonoran pronghorn antelope (*Antilocapra americana sonoriensis*), or lesser long-nose bats (*Leptonycteris curasoae yerbabueane*). The right of way is not within BLM categorized desert tortoise habitats. Desert tortoises may occur in the area. The stipulations below are general for project in or near tortoise habitats.

The construction of the new road will impact 2-4 ocotillos, one small saguaro and few chain fruit chollas. The ocotillos and saguaro are to be salvaged and planted of the right of way. The following digital pictures of the existing road and the area to be disturbed by construction of the new road.



These are standard stipulations for the proposed right of way:

1. Harassment of wildlife is a violation of Arizona State Law. Wildlife is to be observed from a safe distance that will not disturb their normal behavior.
2. Handling, collecting, damaging, or destroying desert tortoises or their burrows is prohibited by Arizona State Law.
3. State protected plant species (e.g., all cactus species, ocotillo, palo verde, mesquite, ironwood, and smoke tree) shall be avoided if possible. Collection of these plant species is strictly prohibited. The ocotillos and juvenile saguaro are to be salvaged and planted off the right of way on public lands. The saguaro should be planted under a nurse plant, like a palo verde tree.

Copy filed Dec 11, 2011

Proj. #020-13-02-55
Case # A-31807
Date: 11/29/2001

COMMENT DOCUMENT WORKSHEET

I, Tammi Sullivan, in review of the above-noted Proposed Action, have the following comments: It is understood that Marlin and Patty Turnisky would like to propose access to a portion of an existing road on public land to gain access to private land. The client also wants to construct and maintain an additional portion of road for access to private property. The legal location of the road is T.12 S, R. 6 W section 16 of the 7.5 minute Child's Mountain Quadrangle.

I was accompanied by Misti Haines to the area of Gibson, Arizona to investigate the area within the right of way and some of the surrounding areas. Previous surveys have been done in this area and a few historic can dumps were encountered. With the investigations that Misti and myself had done we came into contact with three historic trash dumps. In this area between 40-65m to the South East of the right of way we encountered tin cans, some sardine cans, glass, metal and even some prehistoric pottery.

The area involved in this investigation was 300' x 30' or 91m x 9m. The total acreage for the right of way is .20acres. However Misti and myself surveyed 2.7acres for the right of way. There were 5 transects at 15m in length and 30m in width so that comes to 75m x 150m which equals 2.7acres.

I believe that this area is okay for clearance because expansion of the Right of Way will not impact the cultural material that is around it. Also the cultural material that was found has no person or thing that it can be related to. Background information shows that there was mining in and around this area but the material that is around is from historic trash dumps, meaning they could have come from anywhere and from anytime. There are no structures associated with any mining within this area. There was modern trash mixed with historic trash along with 3 pieces of prehistoric pottery.

To conclude, no cultural sites will be impacted from the development of the new road. However if the client decides they want the road longer or wider then there may be some impact on the historic trash dumps.

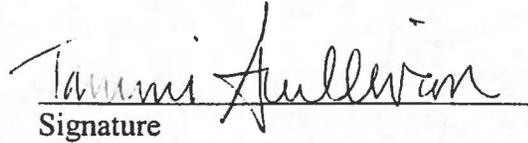
Recommendations:

- Clearance Not Recommended
- Unconditional Clearance Recommended
- Clearance Recommended with the Following Stipulations

Standard Stipulations

Any cultural and/or paleontological resource (historic or prehistoric site or object) discovered by the holder, or any person working on his behalf, on public or Federal land shall be immediately reported to the Bureau of Land Management authorized officer. The holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the authorized officer to determine appropriate actions to prevent the loss of significant cultural or scientific values.

Specialized Stipulation(s) as Follows:


Signature