

NEPA COMPLIANCE RECORD

Categorical Exclusion (CX)



Bureau of Land Management
Safford Field Office
Safford, AZ

I. PROJECT INFORMATION

NEPA #: DOI-BLM-AZ-G010-2016-0021-CX	Serial/Case File No.: AZA32137
Title: Cathy Ann Enterprise Communication Site	
Proposed Action/Type: Renewal of existing communication site right-of way	
Proposed Action (Who, What, When, Where, How): The proposed action is to renew Cathy Ann Enterprises existing communication site ROW on Guthrie Peak in Greenlee County, Arizona. The proposed action would be renewed for a period of 30 years. There is no change in use and no new construction. The location of the communication site is: Gila and Salt River Meridian, Greenlee County, AZ, T.6S., R.29E., sec. 25, NE¼. Latitude: 32.889176 Longitude: -109.322884	
<input checked="" type="checkbox"/> Map Attached	
Applicant (If any): Cathy Ann Enterprises	
Applicable CX: 516 DM 11.9, E (9): Renewals and assignments of leases, permits, or right-of-ways where no additional rights are conveyed beyond those granted by the original authorizations.	

II. PLAN CONFORMANCE REVIEW

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

- Safford District Resource Management Plan (RMP) and Record of Decision approved September 1992 and July 1994. According to page 22 of the RMP, "Rights-of-way, leases and permits will be considered on a case-by-case basis, in accordance with the decisions of this Resource Management Plan."
- Guthrie Peak Communications Site Management Plan approved March 2, 2010.

The proposed action has been reviewed and determined to be in conformance with this plan [43 CFR 1610.5, BLM MS 1601.04(C)(2)].

Project Lead

Date



III. RESOURCE PROGRAM CONSULTATION & COORDINATION

III (A). CX Applicability/ Exception Review

Date Internal Scoping Initiated: 4/11/16 Date Internal Scoping Closed: 4/25/16				
Applies? Yes No	NAME	EXTRAORDINARY CIRCUMSTANCE (EXCEPTION)	SIGNATURE*	DATE
<i>*Signature indicates that I have reviewed the project to determine the applicability of an extraordinary circumstance.</i>				
If any of the following extraordinary circumstances are applicable to the action being considered, either an EA or EIS must be prepared for the action. Brackets [#] refers to corresponding BLM NEPA Handbook H-1790-1 Appendix 5 Categorical Exclusions: Extraordinary Circumstances (per 516 DM 2, Appendix 2.)				
<input type="checkbox"/> <input checked="" type="checkbox"/>	RJ Estes	(1) Have significant impacts on public health or safety. [2.1]	<i>RJ Estes</i>	4/11/16
<input type="checkbox"/> <input checked="" type="checkbox"/>	Amelia Underwood	(2) Have significant effects on such unique geographic characteristics as prime farmlands; sole or principal drinking water aquifers; wetlands (Executive Order 11990); or floodplains (Executive Order 11988). [2.2]	<i>Amelia Underwood</i>	4/11/16
<input type="checkbox"/> <input checked="" type="checkbox"/>	Todd Murdock	(3) Have significant effects on such natural resources and unique geographic characteristics as park, recreation or refuge lands; national natural landmarks; national monuments; wilderness areas; wild or scenic rivers; or ecologically significant or critical areas. [2.2]	<i>Todd Murdock</i>	4/11/16
<input type="checkbox"/> <input checked="" type="checkbox"/>	Dan McGrew	(4) Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places [2.7], or on such unique geographic characteristics as historic or cultural resources. [2.2] Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment. [2.9] 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). [2.11]	<i>Dan McGrew</i>	4/11/16
<input type="checkbox"/> <input checked="" type="checkbox"/>	Jeff Conn/ Mark McCabe	(5) Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant effects on designated Critical Habitat for these species. [2.8] Have significant impacts on migratory birds. [2.2]	<i>Jeff Conn</i>	4.18.16
<input type="checkbox"/> <input checked="" type="checkbox"/>	Jason Martin	(6) 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). [2.12]	<i>Jason Martin</i>	4/11/16
<input type="checkbox"/> <input checked="" type="checkbox"/>	[AFM] <i>Tom Schnell</i>	(7) Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [42 USC 4332(2)(E)]. [2.3]	<i>Tom Schnell</i>	4/19/16
<input type="checkbox"/> <input checked="" type="checkbox"/>	Ron Peru	(8) Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks. [2.4]	<i>Ron Peru</i>	4/19/16
<input type="checkbox"/> <input checked="" type="checkbox"/>	[AFM] <i>Tom Schnell</i>	(9) Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects. [2.5]	<i>Tom Schnell</i>	4/19/16
<input type="checkbox"/> <input checked="" type="checkbox"/>	Ron Peru	(10) Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects. [2.6]	<i>Ron Peru</i>	4/19/16
<input type="checkbox"/> <input checked="" type="checkbox"/>	Sharisse Fisher	(11) Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898). [2.10]	<i>Sharisse Fisher</i>	4/11/16



III (B). Critical Resources Review

Critical Resource	Specialist	Affected, but less than Significant		Comments		Signature	Date
		Yes	No	Yes	No		
1. NRHP/Cultural	D. McGrew		✓		✓	<i>[Signature]</i>	4/11/16
2. TES Species	J. Conn/ M. McCabe		✓		✓	<i>[Signature]</i>	4.18.16
3. Floodplains/Wetlands	A. Underwood		✓		✓	<i>[Signature]</i>	4/11/16
4. Invasive Species	J. Martin		✓		✓	<i>[Signature]</i>	4/11/16

Comments/Attachments: _____

IV. FINAL REVIEW

This proposed action qualifies as a categorical exclusion under the Environmental Policy Act in accordance with 516 DM 11.9, E (9): Renewals and assignments of leases, permits, or right-of-ways where no additional rights are conveyed beyond those granted by the original authorizations.

This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. It has been reviewed to determine if any of the exceptions described in 516 DM 2, Appendix 2, apply.

The action does not have significant adverse effects on public health and safety nor does the action adversely affect such unique geographic characteristics as historic or cultural resources, parks, recreation, or refuge lands, wilderness areas, wild or scenic rivers, sole or principal drinking water aquifers, prime farmlands, wetlands, floodplains, or ecologically significant or critical areas, including those listed on the Department's National Register of Natural Landmarks. The action does not have highly controversial environmental effects nor have highly uncertain environmental effects or involve unique or unknown environmental risk nor does it adversely affect a species listed or proposed to be listed on the list of endangered or threatened species. It does not establish a precedent for future action or represent a decision in principle about a future consideration with significant environmental effects or related to other actions with individually insignificant but cumulatively significant environmental effects. The proposed action does not adversely affect properties listed or eligible for listing in the National Register of Historic Places or threaten to violate a Federal, State, local or tribal law or requirements imposed for the protection of the environment or which require compliance with Executive Order 11988 (Floodplain Management), Executive Order 11990 (Protection of Wetlands) or the Fish and Wildlife Coordination Act.

Mitigation Measures:

No mitigation measures identified or required for this action.



Standard Realty Stipulations:

1. This grant is issued subject to the holder's compliance with all applicable regulations contained in Title 43 Code of Federal Regulations part 2800.
2. Cathy Ann Enterprise will construct, operate and maintain this facility in accordance with the Guthrie Peak Communications Management Site Plan dated March 2, 2010. The entire Guthrie Peak Communication plan dated March 2, 2010, is incorporated into this communications use lease, AZA32137, issued for the Arizona Dirt and Wire LLC Guthrie Peak Communication Site, in addition to all stipulations carried forward into this lease as described and as approved by the Authorized Officer. Provisions of the site plan are enforced through the granting authorization of the communications use lease authorization. Each lessee is expected to incorporate mandatory BLM lease and site plan requirements into any subsequent agreements with the lessee's tenants and customers. The lessee is also responsible for enforcement of said requirements involving the lessee's tenants and customers. (Exhibit C- Guthrie Peak Communications Plan 2010)
3. The tower, equipment building, propane tank, and the existing microwave (dish) antennas will be painted a non-reflective color of covert green from the Standard Environmental Color Chart CC-001. (Exhibit D- Standard Environmental Color Chart CC-001) The new microwave antennas shall be dark grey or painted non-reflective covert green.
4. Microwave (dish) antennas will be limited to a size no larger than the maximum required to accomplish the engineering requirements of the path on which they are to operate. The maximum width of Cathy Ann Enterprise microwave dishes will not exceed 6".
5. Microwave (dish) antennas will be mounted as low as possible to reduce visual impacts. All Cathy Ann Enterprise microwave dishes will be placed below the 100' level on the tower.
6. Antennas will be purchased with or treated to have a non-reflective surface.
7. The proponent and any contractors will need to thoroughly power wash and remove all vegetative material and soil before transporting equipment to the construction site to minimize the threat of spreading noxious and invasive weeds. This includes trucks, trailers, and all other machinery. The contractor, in concert with the BLM, would be responsible for weed control on disturbed areas within the limits of the right-of-way or construction site. The proponent and contractor would be responsible for consultation with the Authorized Officer and local authorities for implementing acceptable weed treatment methods. Any use of chemical treatments would abide by all safety and application guidelines as listed on the product label and Material Data Safety Sheet (MSDS). Any reclamation efforts requiring seeding would need to be done with certified, weed-free native seed. Contact BLM for approved sources of native seed, certified testing and mixtures. All herbicidal treatments must comply with: Record of Decision, Vegetation Treatments Using Herbicides on BLM lands in 17 Western States, EIS, 2007, Herbicide Active Ingredients Approved for Use and Vegetation Treatments Using Aminopyralid, Fluroxypyr, and Rimsulfuron on BLM lands in 17 Western States, EIS, DOI-BLM-WO-WO2100-2012-0002-EIS.
8. Security lighting for on-ground facilities and equipment will be down-shielded to keep light within the boundaries of the site.
9. Service personnel or researchers from the Communication Tower Working Group will be allowed access to the site to evaluate bird use, conduct dead-bird searches, to place net catchments below the towers but above the ground, and to place radar, Global Positioning System, infrared, thermal imagery, and acoustical monitoring equipment as necessary to assess and verify bird movements and to gain information on the impacts of various sizes, configurations, and lighting systems



10. Upon grant termination by the authorized officer, all improvements shall be removed from the public lands within 180 days, or otherwise disposed of as provided by the authorized officer.
11. The plans, maps, or designs submitted by holder with the original and previously amended applications are incorporated into and made a part of this grant instrument as fully and effectively as if they were set forth herein in their entirety.
12. The lessee will adhere to the current Gila District fire restrictions that are in place during construction or maintenance of the communications site.
13. Failure of the holder to comply with applicable law or any provision of this right-of-way grant shall constitute grounds for suspension or termination thereof.
14. All operations shall be performed in a good and workmanlike manner so as to ensure protection of the environment and the health and safety of the public.
15. All activities directly or indirectly associated with construction, operation and maintenance shall be conducted within the limits of the approved right-of-way. This right-of-way does not allow for any surface disturbing activities outside the right-of-way area.
16. The holder(s) shall comply with all applicable Federal laws and regulations existing or hereafter enacted or promulgated. In any event, the holder(s) shall comply with the Toxic Substances Control Act of 1976, as amended (15 U.S.C. 2601, et seq.) with regard to any toxic substances that are used, generated by or stored on the right-of-way or on facilities authorized under this right-of-way grant. (See 40 CFR, Part 702-799 and especially, provisions on polychlorinated biphenyls, 40 CFR 761.1-761.193.) Additionally, any release of toxic substances (leaks, spills, etc.) in excess of the reportable quantity established by 40 CFR, Part 117 shall be reported as required by the Comprehensive Environmental Response, Compensation and Liability Act of 1980, Section 102b. A copy of any report required or requested by any Federal agency or State government as a result of a reportable release or spill of any toxic substances shall be furnished to the authorized officer concurrent with the filing of the reports to the involved Federal agency or State government.
17. The holder shall notify the Authorized Officer prior to commencement of emergency maintenance outside the right-of-way to discuss repair and construction activities.
18. Any archaeological or historical artifacts or remains, or vertebrate fossils discovered during construction, maintenance and use shall be left intact and undisturbed, all work in the area shall stop immediately, and the Authorized Officer shall be notified immediately. Commencement of operations shall be allowed upon clearance by the Authorized Officer.
19. If in connections with operations under this authorization, any human remains, funerary objects, sacred objects or objects of cultural patrimony as defined in the Native American Graves Protection and Repatriation Act (P.L. 101-601; Stat. 3048; 25 U.S.C. 3001) are discovered, the lessee shall stop operations in the immediate area of the discovery, protect the remains and objects, and immediately notify the Authorized Officer of the discovery. The lessee shall continue to protect the immediate area of the discovery until notified by the Authorized Officer that operations may resume.
20. No construction or routine maintenance activities shall be performed during periods when the soil is too wet to adequately support construction equipment. If such equipment creates ruts in excess of 4 inches deep, the soil shall be deemed too wet to adequately support construction equipment.
21. The holder shall take all necessary steps to prevent or minimize soil erosion to include utilization of



straw bale barriers during construction and permanent retaining structures installed as needed.

- 22. The holder must amend the right-of-way grant at any time additional land, equipment, and/or new uses are proposed which are beyond the scope of the existing authorization.
- 23. At least 60 days prior to termination of the right-of-way, the holder shall contact the Authorized Officer to arrange a joint inspection of the right-of-way. This inspection will be held to agree to an acceptable termination (and rehabilitation) plan. This plan shall include, but is not limited to, removal of facilities, drainage structures, or surface material, re-contouring, top soiling, or seeding. The Authorized Officer must approve the plan in writing prior to the holder's commencement of any termination activities.
- 24. The holder shall notify the Authorized Officer of any address change that occurs during the term of the right-of-way.

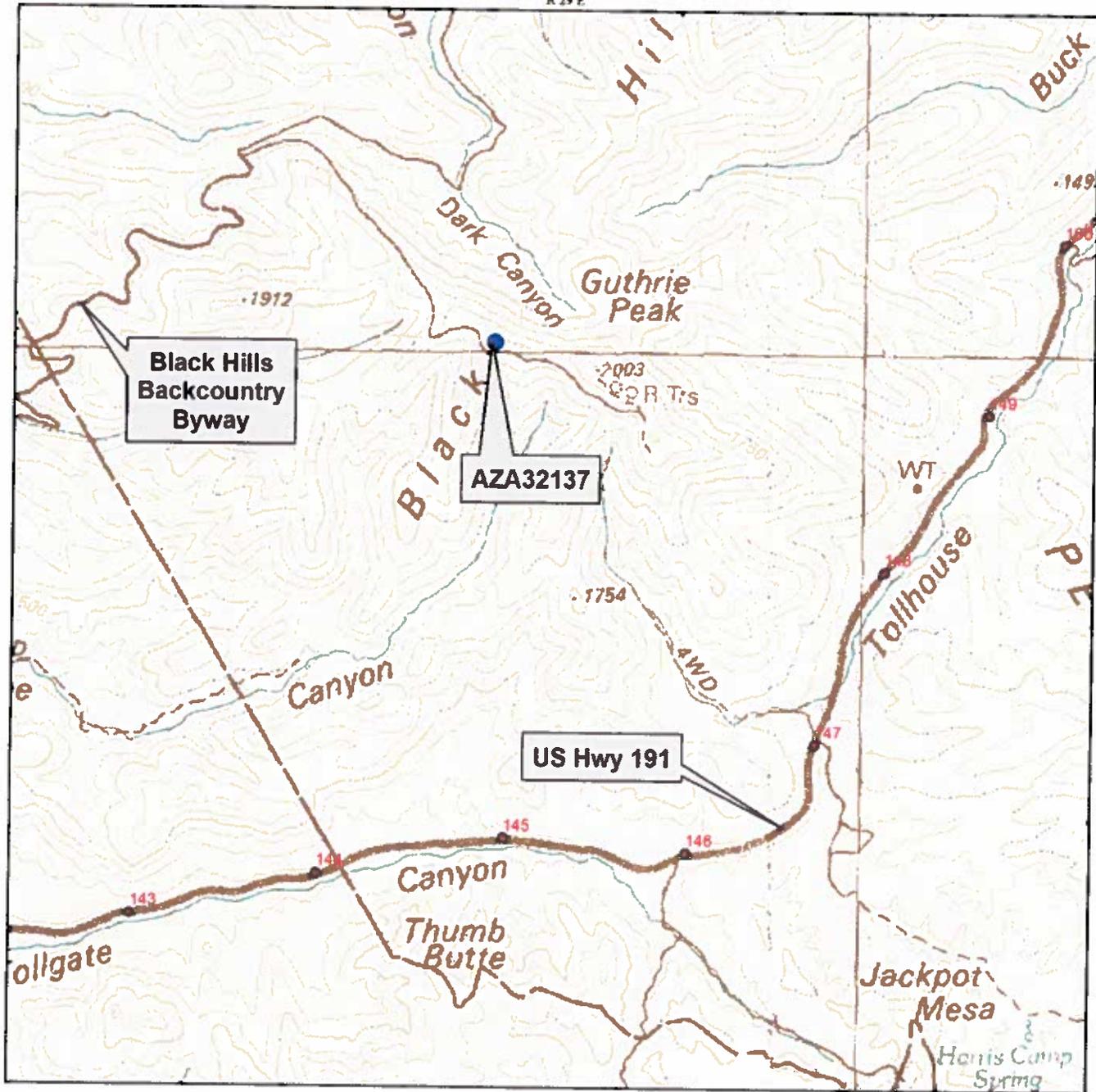
NEPA Coordinator: Amy Corathers Date: 5/5/16
 acting Assistant Field Manager: Roberto Lopez Date: 5/5/16

V. DECISION

I have reviewed this plan conformance and NEPA compliance record and have determined that the proposed action does not conflict with major land use plans and will not have any significant impacts on environmental resources. Therefore, it does not represent an exception, and is categorically excluded from further environmental review. It is my decision to implement the project, as described, with the incorporation of the mitigation measures specified in Section IV above.

Authorized Official: Scott C. Cooke Date: 5/5/16
 Scott C. Cooke
 Field Manager

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Legend

 Bureau of Land Management (BLM)

