

**United States Department of the Interior
Bureau of Land Management**

DOI-BLM-NM-A020-2016-0020-CX

**A-1 Access to State Material Pit and
BLM Road Rehabilitation**

U.S. Department of the Interior
Bureau of Land Management
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Socorro Field Office
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**U.S. DEPARTMENT OF THE INTERIOR
Bureau of Land Management**

**Socorro Field Office
901 S. HWY 85
Socorro, NM 87801**

CATEGORICAL EXCLUSION REVIEW/DECISION

NEPA Log Number: DOI-BLM-NM-A020-2016-0020-CX

Lease/Serial/Case File No.: NMNM 135834

A. Background

**Title of Proposed Action: A-1 Access to State Material Pit and
BLM Road Rehabilitation**

Location of Proposed Action:

County	Township	Range	Section	QQ
Socorro	003S	001W	031	
	004S	001W	006	
	003S	002W	036	
	004S	002W	001	

Applicant (if any): A-1 Quality Redi-Mix, Inc.

Description of Proposed Action:

There are two existing BLM roads that lead to the State Land Mineral Material Pit south of the "Box" Special Recreation Management Area (SRMA). The purpose of the Temporary ROW grant is to provide short term access to A-1 Quality Redi-Mix, Inc. for the removal of mineral materials from the pit from May 15, 2016, to August 31, 2016. A-1 plans to haul 45K CY of rip rap out of the mineral pit utilizing the access roads across public land. A-1 is required to reclaim and repair the roads, following BLM guidelines to restore the roads to their pre-existing condition. No new road construction would be authorized.

B. Conformance with Land Use Plan

This proposed action conforms with the Socorro Resource Management Plan (RMP) 2010, because it is specifically provided for in the land use decision(s):

Or, it is clearly consistent with the following decisions, objectives, and conditions of the RMP:

“Under the authority of FLPMA and the Mineral Leasing Act of 1920 (see Appendix B: Acts of Authority and Mandates for the BLM), the Socorro Field Office will continue to grant right-of-way leases and permits to qualified individuals, businesses, and government entities for use of public land. Right-of-way grants will include authorizations for access, utilities and telephone lines, fiber-optic lines, and other communication sites” (RMP, 2010: page 18).

C. Compliance with NEPA

This proposed action is categorically excluded from further documentation under NEPA in accordance with BLM NEPA Handbook 1790-1 Appendix 3 or Appendix 4

CXAP4_E20

BLM - Realty

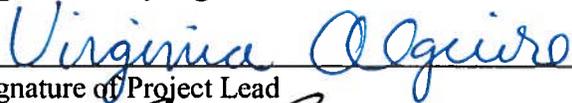
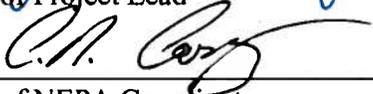
“One-time issuance of short-term (3 years or less) rights of way or land use authorizations which authorize trespass action where no new use or construction is allowed, and where the proposal includes rehabilitation to restore the land to its natural or original condition.”

This action does not meet any of the extraordinary circumstances described in 516 DM 2, Appendix 2.

Review for Extraordinary Circumstances	Signature	Date	Impact
Archaeologist	Brenda Wilkinson	<u>B. Wilkinson</u> 5-12-2016	No with strips
Biologist-Animal/TE	Carlos Madril	<u>[Signature]</u> AFM for Carlos M. 5/12/16	No
Biologist-Plant/TE	Carlos Madril	<u>[Signature]</u> AFM for Carlos M. 5/12/16	No

I have reviewed this proposed categorical exclusion and determined that it is appropriate for the proposed action and that none of the Categorical Exclusions Extraordinary Circumstances apply.

Signatures By Signature Date

 _____ Signature of Project Lead	 _____ Date
 _____ Signature of NEPA Coordinator	 _____ Date

D. Signature

Finding: Based upon the above review, I have determined that the proposed action (as described, including any indicated stipulations) is in conformance with the land use plan and meets criteria for the selected categorical exclusion in that none of the Extraordinary Circumstances apply. Therefore, the action is excluded from further environmental analysis and documentation.

Decision: It is my decision that since the cited CX is applicable for the proposed project and that the action conforms with the (*Socorro RMP*), I hereby authorize the proposed action.

 _____ Signature of the Responsible Official	 _____ Date
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Contact Person

For additional information concerning this CX review, contact Virginia Alguire, Realty Specialist, Socorro Field Office, 901 S. HWY 85, Socorro, NM 87801, and 575-835-0412.

Note: A separate decision document must be prepared for the action covered by the CX.

STIPULATIONS

The Holder agrees to comply with the following stipulations to the satisfaction of the Authorized Officer:

1. The holder shall conduct all activities associated with the operation, maintenance and termination of the right-of-way within the authorized limits of the right-of-way. If ANY surface disturbance is to occur outside of the existing road bed (+/- 12 feet) an Archaeological Monitor is required. Contact BLM prior to any work outside of existing road bed. This includes blading, ripping, loading or unloading of equipment, and any other action outside of the existing road bed.
2. The holder shall provide for the safety of the public entering the right-of-way. This may include, but is not limited to, flag men/women with communication systems for single-lane roads without visible turnouts, and attended gates for blasting operations with notification of blasting operations by posting a sign at the entrance off the county road.
3. The holder shall permit free and unrestricted public access to and upon the right-of-way for all authorized uses except for those specific areas designated as restricted by the authorized officer to protect the public, wildlife, or livestock.
4. 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 three inches deep, the soil shall be deemed too wet to adequately support construction equipment.
5. The holder shall maintain the right-of-way in a safe, usable condition, as directed by the authorized officer.
6. 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 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 officer to determine appropriate actions to prevent the loss of significant cultural or scientific values. The holder will be responsible for the cost of evaluation and any decision as to proper mitigation measures will be made by the authorized officer after consulting with the holder.
7. The right-of-way shall be maintained in a sanitary condition at all times; waste materials shall be disposed of promptly at an appropriate waste disposal site. "Waste" means all discarded matter including, but not limited to, human waste, trash, garbage, refuse, oil drums, petroleum products, ashes, and equipment.
8. 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.)

9. 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.

10. The holder of the Right-of-Way agrees to indemnify the United States against any liability arising from the release of any hazardous substance or hazardous waste (as these terms are defined in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. 9601, et seq. or the Resource Conservation and Recovery Act of 1976, 42 U.S.C. 6901 et seq.) on the right-of-way (unless the release or threatened release is wholly unrelated to the right-of-way holder's activity on the right-of-way. This agreement applies without regard to whether a release is caused by the holder, its agent, or unrelated third parties.

11. Power or high-pressure clean all equipment of all mud, dirt, and plants immediately prior to moving on to and off of the project area. Any gravel or fill to be used must come from weed-free sources. Inspect gravel pits and fill sources to identify weed-free sources.

12. The applicant shall be responsible for control of noxious weeds listed for New Mexico and the County. Monitoring of the ROW should be done annually and if noxious weeds are found on BLM-administered land, control measures will be taken as approved by the BLM Authorized Officer. Chemical control on BLM requires the holder to apply for a Pesticide Use Proposal with BLM, and chemicals shall be applied by a New Mexico State Certified Chemical Applicator.

13. Authorized roads used by the holder shall be rehabilitated or maintained when construction activities are complete. 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. The authorized officer must approve the plan in writing prior to the holder's commencement of any termination activities.

14. The Authorized Officer reserves the right to require surfacing of any portion of the access road at any time deemed necessary. Surfacing may be required in the event the road deteriorates, erodes, road traffic increases, or it is determined to be beneficial for future field development. The surfacing depth and type of material will be determined by the authorized officer.

15. Any existing cattleguard(s), fences or gates on the access road shall be repaired or replaced if they are damaged or have deteriorated beyond practical use.

16. The Authorized Officer reserves the right to administrative access to public lands involved and holder may provide authorized officer with keys or combinations to locked gates on property needed to access involved public lands.

17. The holder shall meet Federal, State, and local emission standards for air quality. The operator shall implement dust abatement measures as needed to prevent fugitive dust from vehicular traffic, equipment operations, or wind events.

18. It is the holder's responsibility to comply with other federal, state, and/or county regulatory requirements and to contact private landowners for access and/or notification.