

PHOENIX DISTRICT OFFICE NEPA COMPLIANCE RECORD  
FOR CATEGORICAL EXCLUSIONS  
AND ADMINISTRATIVE DETERMINATIONS

Type of Compliance Record:

NEPA#: DOI-BLM-AZ-P010-2010-020

Related #: AZAR-17036

Categorical Exclusion (CX) [Complete Parts I, II (A) & (B), IV & V]

       Administrative Determination (AD) [Complete Parts I, III, IV & V]

Proposed Action Title/Type: Durham Communication Right-of-Way (ROW).

Location of Proposed Action:

Gila & Salt River Meridian, Maricopa County, Arizona  
T. 3 N., R. 3 W., sec 27, tract 37.

See Appendix A, Site Map (White Tanks - East Commsite), and Appendix B, Site Plan for Durham Communications.

Description of Proposed Action: Bud, Incorporated was granted a communication site ROW (AZAR-17036) on White Tank Mountain, on September 25, 1957. The grant issued, by the Bureau of Land Management (BLM), was for the purpose of a radio relay station. An amendment was issued to the new owner, Durham Communication, to convert the authorization of the grant from the Act of March 4, 1911 to the Federal Land Policy and Management Act (FLPMA) of October 21, 1976, (90 Stat. 2776; 43 U.S.C. 1761), on May 15, 1995. It also allowed for the addition of a 7.5 KW propane generator, for the continued operation of the project. The grant was issued for a term of 50 years and the amendment coincided with the original grant.

The amendment ROW application was analyzed through an Environmental Assessment (EA), AZ-024-95-037, signed April 19, 1995. Impacts associated with the 7.5 propane generator were addressed in the White Tank Mountains Programmatic Environmental Record. (The WTMPER AZ-020-8-83). As no additional changes have been made, the aforementioned EA is deemed adequate; no further environmental analysis is needed.

PART I - PLAN CONFORMANCE REVIEW. This proposed action is subject to the following land use plan: The Bradshaw-Harquahala Resource Management Plan (RMP), dated April 2010. The action has been reviewed for conformance with this plan (43 CFR 1610.5-3, H-1601-1 VI, F and G). Specifically, in the Bradshaw-Harquahala Record of Decision and Approved Resource Management Plan (RMP), page 33, under Land Use Authorizations, LR-24 states,

*“Continue to issue land use authorizations (right-of-way, leases, permits, easements) on a case-by-case basis and in accordance with resource management prescriptions in this land use plan.”*

Justification for the use of a CX resides in Bureau of Land Management (BLM) National Environmental Policy Act (NEPA) Handbook H-1790-1, Appendix 4 (E)(9).

PART II - CATEGORICAL EXCLUSION DETERMINATION

A. Verification of Listing: This proposed action qualifies as a CX under Department of Interior (DOI) Department Manual (DM) 516 DM 2, Appendix 1 DOI-BLM-AZ-P010-2010-020-CX, 516 DM 2, Appendix 1, and Appendix 4 E. (9),

“Renewals and assignments of leases, permits, or rights-of-way where no additional rights are conveyed beyond those granted by the original authorizations.”

And

B. Exception Review: Each BLM Handbook H-1790-1, Appendix 5 and 516, DM 2, Appendix 2 provide for the review of the following criteria to determine if Extraordinary Circumstances apply to this project. (NOTE: Appropriate staff should determine exception, comment and initial for concurrence. If exceptions apply to the action or project, and existing NEPA documentation does not address it, i.e., Part III, then further NEPA analysis is required).

CRITERIA	Comment (YES/NO)	Staff Initial
1. Have significant impacts on public health and safety?	<u>NO</u>	<u>HC</u>
2. Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness or wilderness study 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 (Executive Order 13186); and other ecologically significant or critical areas?	<u>NO</u>	<u>HC</u>
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)]?	<u>NO</u>	<u>HC</u>
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks?	<u>NO</u>	<u>HC</u>
5. Establish a precedent for future action, or represent a decision in principle about future actions, with potentially significant environmental effects?	<u>NO</u>	<u>HC</u>
6. Have a direct relationship to other actions with individually insignificant, but cumulatively significant, environmental effects?	<u>NO</u>	<u>HC</u>

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| 7. Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by either the Bureau or office?   | <u>NO</u> | <u>HC</u> |
| 8. 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?  | <u>NO</u> | <u>HC</u> |
| 9. Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment?   | <u>NO</u> | <u>HC</u> |
| 10. 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)?   | <u>NO</u> | <u>HC</u> |
| 11. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898)?   | <u>NO</u> | <u>HC</u> |
| 12. 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)? | <u>NO</u> | <u>HC</u> |

Persons/Agencies Consulted:

- ❖ DOI-BLM-AZ-P010-2010-020-CX – BLM, Hassayampa Field Office (HFO) Resource Specialists: [Hillary Conner, Realty Specialist]
- ❖ EA AZ-024-95-037 – BLM, Phoenix Field Office (PFO) Resource Specialists: [Jim Andersen, Realty Specialist]

PART III - EXISTING EA/EIS REVIEW FOR ADMINISTRATIVE DETERMINATION.

This proposed action is addressed in the following existing BLM Environmental Analysis (EA) / Environmental Impact Statement (EIS):

This EA/EIS has been reviewed against the following criteria to determine if it covers the proposed action.

1. The proposed action is a feature of, or essentially the same as, the alternative selected and analyzed in the existing document.
2. A reasonable range of alternatives was analyzed in the existing document.
3. There has been no significant change in circumstances or significant new information germane to the proposed action.

