

ASDO NEPA DOCUMENT ROUTING SHEET

NEPA Document Number: CX-AZ-110-2008-0028

Project Title: Jimmie Hughes Agricultural Lease Assignment AZA-27285

Project Lead: Linda Barwick/Laurie Ford

Date that any scoping meeting was conducted:

Date that concurrent, electronic distribution for review was initiated: **7/10/2009**

Deadline for receipt of responses: **August 10, 2009**

ID Team/Required Reviewers will be determined at scoping meeting or as a default the following:

Gloria Benson, Tribal Liaison
Diana Hawks, Recreation/Wilderness/VRM
Laurie Ford, Lands/Realty/Minerals
Karen Jensen, Wildlife/T&E Wildlife
John Herron, Cultural
Lee Hughes, Special Status Plants
Ray Klein, GCPNM Supervisory Ranger
Linda Price, S&G
Bob Sandberg, Range/Vegetation
Richard Spotts, Environmental Coordinator
Ron Wadsworth, Supervisory Law Enforcement
LD Walker, Weed Coordinator
Lorraine Christian, Field Manager

Required Recipients of electronic distribution E-mails only (not reminders):

Andi Rogers (E-mail address: arogers@azgfd.gov)
Sarah Reif (E-mail address: sreif@azgfd.gov)
LeAnn Skrzynski (E-mail address: lskrzynski@kaibabpaiute-nsn.gov)

(Ms. Rogers and Ms. Reif are Arizona Game and Fish Department (AGFD) habitat specialists. Ms. Skrzynski is Environmental Program Director for the Kaibab Paiute Tribe (KPT). They may review and/or forward on ASDO NEPA documents to other employees. If a Project Lead receives comments from any AGFD employee on their draft NEPA document, they should include them in the complete set/administrative record and share them with Karen Jensen as the ASDO Wildlife Team Lead. Ms. Jensen will then recommend how these comments should be addressed. If a Project Lead receives comments from any KPT employee, they should include them in the complete set/administrative record and share them with Gloria Benson as the ASDO Native American Coordinator. Ms. Benson will then recommend how these comments should be addressed.)

Discretionary Reviewers:

None

NEPA DOCUMENT NUMBER: CX-AZ-110-2008-0028

A. Background

BLM Office: Arizona Strip Field Office Case File No.: **AZA-27285**

Proposed Action Title/Type: Jimmie Hughes Agricultural Lease Assignment

Location of Proposed Action: GSRM, T. 39 N., R. 16 W., sec. 3, N1/2N1/2NE1/4SW1/4.

Description of Proposed Action: Jimmie Hughes (assignor) has requested assignment of his agricultural lease AZA-27285 (see map Attachment 1) to Virgin Valley Ranch, LLC (assignee) consisting of approximately 10.6 acres which was originally authorized in 1993 (EA-AZ-010-93-03). Approximately 3.6 acres are cultivated and approximately 7 acres are tamarisk. The 7 acres are used for wildlife as well as some of the exotic wildlife kept at the neighboring Arvada Game Ranch. The area is bounded on the north and west by Virgin Valley Ranch LLC land which was purchased from Jimmie Hughes. The Virgin River is to the south and the Scenic Bridge across the Virgin River is to the east. The leased area is fenced. The assignee intends to use the lease in the same manner as the assignor. No new areas would be cultivated or otherwise cleared of vegetation. Assignee must comply with the terms and conditions in 43 CFR 2920.7 and the updated terms and conditions of the original lease (Attachment 2).

B. Land Use Plan Conformance

Land Use Plan Name: Arizona Strip Field Office Resource Management Plan (RMP)

Date Approved/: January 29, 2008. The proposed action is in conformance with the RMP. Decision IMPL-LR-10 provides existing agricultural lease to Hughes will continue.

C. Compliance with NEPA: The proposed action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9, E(9) which provides for, "Renewals and assignments of leases, permits or rights-of-way 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. The proposed action has been reviewed, and none of the extraordinary circumstances described in 516 DM 2 apply (see Attachment 3).

D. Signature

Authorizing Official: _____ Date: _____
Lorraine M. Christian, Field Manager

Contact Person

For additional information concerning this CX review, contact Linda Barwick, Land Law Examiner, Arizona Strip Field Office, 345 East Riverside Drive, St. George, Utah 84790, phone 435-688-3287.

Attachment 3

EXTRAORDINARY CIRCUMSTANCES REVIEW AND CHECKLIST		
<p>IMPORTANT: Appropriate staff should review the circumstances listed below, and comment for concurrence. Rationale supporting the concurrence should be included where appropriate.</p>		
EXTRAORDINARY CIRCUMSTANCES	YES/NO & RATIONALE (If Appropriate)	STAFF
Does the proposed action...		
1. Have significant impacts on public health and safety?	NO	LBarwick
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?	NO	DHawks
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)]?	NO	LFord
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks?	NO	LFord
5. Establish a precedent for future action, or represent a decision in principle about future actions, with potentially significant environmental effects?	NO	LFord
6. Have a direct relationship to other actions with individually insignificant, but cumulatively significant, environmental effects?	NO	LFord
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?	NO	JHerron
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?	NO	LHughes/ KJensen
9. Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment?	NO	GBenson
10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898)?	NO	LFord
11. 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)?	NO	GBenson
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).	NO	LWalker

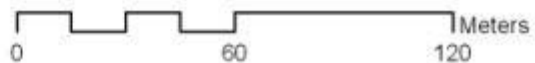
Attachment 1

Agricultural Lease

AZA-027285



-  Authorized Rights-of-Way, Permits, or Leases
-  BLM Corner
-  PLSS Second Division



Attachment 2

The lessee agrees to:

- (a) Comply with all applicable regulations contained in Title 43 CFR 2920.
- (b) Observe all Federal, State, county, and other laws, regulations, and ordinances which are applicable to the premises including compliance with air and water quality standards, and cultural and wildlife protection laws and regulations.
- (c) Not to proceed with any clearing of riparian vegetation/tamarisk habitat or expansion of the cultivated area without prior written approval. Modifications or additions to the parcel as it exists on the effective date of this lease may be made only upon written approval of the authorized officer.
- (d) Not commit waste or injury to the land, or utilize it for any purpose other than that for which this lease is issued.
- (e) Take all reasonable precautions to prevent and suppress forest, brush, grass, and other fires that may result in damage and extinguish all fires before leaving the premises unattended.
- (f) Not transfer or assign the lease, in whole or in part, without prior approval of the authorized officer.
- (g) Take the following measures to reduce the potential for the spread of noxious and invasive weeds from equipment contaminated with weed seed and/or biomass: a) The lessee will thoroughly power wash and remove all vegetative material and soil before transporting equipment to the permit area to help minimize the threat of spreading noxious and invasive weeds. This includes trucks, trailers, and all other machinery. b) The lessee is responsible for the eradication of noxious weeds within the lease area throughout the term of the lease. c) The lessee is responsible for consultation with the authorized officer and local authorities for implementing acceptable weed treatment methods. Any use of chemical treatments will be made using only chemicals approved in the *Final Vegetation Treatments Using Herbicides on Bureau of Land Management Lands in 17 Western States Programmatic Environmental Impact Statement (June 2007b)*, by a state certified applicator who will abide by all safety and application guidelines as listed on the product label and Material Data Safety Sheet. d) Chemical treatments will not be used in tamarisk habitat. e) Any reclamation efforts requiring seeding will be done with certified, weed-free native seed.
- (h) Comply with the applicable Federal and state laws for the use of herbicides. Herbicides shall be used only in accordance with their registered uses and within limitations imposed by the Secretary of the Interior. Prior to the use of herbicides, the holder shall obtain from the authorized officer written approval of a plan showing the type and quantity of material to be used, weed(s) to be controlled, method of application, location of storage and mixing areas, method of cleansing and disposing of containers, and any other information deemed necessary by the Authorized Officer. Emergency use of herbicides shall be approved in writing by the Authorized Officer prior to such use.
- (i) Any surface, or sub-surface archaeological, historical, or paleontological remains not covered in the CRPR discovered during use shall be left intact; all work in the area shall stop immediately and the Authorized Officer of the Arizona Strip (435)688-3323 shall be notified

immediately. Recommencement of work shall be allowed upon clearance by the Authorized Officer in consultation with the Archaeologist.

- (j) At no time dump vehicle or equipment fluids on public lands. All accidental spills must be reported to the Authorized Officer and be cleaned up immediately, using best available practices and requirements of the law. All spills of federally or state listed hazardous materials which exceed the reportable quantities shall be promptly reported to the appropriate state agency and the Authorized Officer.
- (k) Maintain lease area in a sanitary condition at all times; waste materials on the lease area 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. "Waste" also includes the creation of micro-trash such as bottle caps, pull tabs, broken glass, cigarette butts, small plastic, etc. Trash receptacles used in the permit area shall be wildlife proof.
- (l) Contact the Authorized Officer 60 days prior to termination of the lease to arrange a joint inspection of the lease. 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, recontouring, topsoiling, or seeding. The Authorized Officer must approve the plan in writing prior to the lessee's commencement of any termination activities.
- (m) To hold the United States harmless from and indemnified against any liability for damages to life, person, or property arising from the operations under this lease as provided in 43 CFR 2920.7(f).

DECISION MEMORANDUM
JIMMIE HUGHES AGRICULTURAL LEASE ASSIGNMENT AZA-27285
CX-AZ-110-2008-0028

U.S. Department of the Interior
Bureau of Land Management
Arizona Strip Field Office

Approval and Decision

Based on a review of the project described in the attached Categorical Exclusion documentation and field office staff recommendations, I have determined that the project is in conformance with the Arizona Strip Field Office Resource Management Plan (approved January 29, 2008) and is categorically excluded from further environmental analysis. It is my decision to approve the action as proposed with the provisions identified in Attachment 2.

Administrative Review or Appeal Opportunities

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and the attached Form 1842-1. If an appeal is taken, your notice of appeal must be filed at the Arizona Strip Field Office, 345 East Riverside Drive, St. George, Utah 84790, within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition (request) pursuant to regulations 4.21 (58 FR 4939), for a stay (suspension) of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the Department of the Interior, Office of the Field Solicitor, Sandra Day O'Connor U.S. Court House #404, 401 West Washington Street SPC44, Phoenix, AZ 85003-2151 (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

Standards for Obtaining a Stay

1. The relative harm to the parties if the stay is granted or denied,
2. The likelihood of the appellant's success on the merits,
3. The likelihood of immediate and irreparable harm if the stay is not granted, and
4. Whether the public interest favors granting the stay.

Lorraine M. Christian
Field Manager

Date