

# ASDO NEPA DOCUMENT ROUTING SHEET

NEPA Document Number: CX-AZ-110-2008-030

Project Title: Robinson Wash Free Use Permit

Project Lead: Rody Cox

Date that any scoping meeting was conducted: N/A

Date that concurrent, electronic distribution for review was initiated: April 1, 2008

Deadline for receipt of responses: April 22, 2008

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

Gloria Benson, Native American Coordinator  
Lorraine Christian, Field Manager  
Laurie Ford, Lands/Realty/Minerals  
Diana Hawks, Recreation/Wilderness/VRM  
John Herron, Cultural  
Lee Hughes, Special Status Plants  
Kitti Jensen, Wildlife/ T&E  
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

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

Andi Rogers (E-mail address: [arogers@azgfd.gov](mailto:arogers@azgfd.gov) )

Rick Miller (E-mail address: [rmiller@azgfd.gov](mailto:rmiller@azgfd.gov) )

LeAnn Skrzynski (E-mail address: [lskrzynski@kaibabpaiute-nsn.gov](mailto:lskrzynski@kaibabpaiute-nsn.gov) )

(Ms. Rogers and Mr. Miller 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 Kitti 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:

## **NEPA Document Number: CX-AZ-110-2008-30**

### **A. Background**

BLM Office: Arizona Strip Field Office (ASFO) Lease/Serial/Case File No.: AZA-34556

Proposed Action Title/Type: Robinson Wash Free Use Permits

Location of Proposed Action: T. 37 N., R. 5 W., Sec. 27, SWNE, GSRM (Location Map, Attachment 3).

Description of Proposed Action: The ASFO force account crews have been removing gravel from Robinson Wash near the old Hack Mine. This site is one of historic gravel removal by the operators of the old Hack Mine, as well as the ASFO force account crews. The wash is not classified as a riparian area. Attachment 2 is a location map for the proposed mineral material site location. The gravel is good quality and is used to repair and maintain the Hack Canyon Road, Tuweep Road and various other roads in the vicinity. It is proposed to issue Free Use Permits to Mohave County and the Arizona Strip Field Office. Authorization for free use is regulated by 43 CFR § 3604.

The gravel would be excavated from the wash using a rubber tired loader or tractor backhoe, loaded into a dump truck and hauled to the needed locations. The historic area of disturbance is roughly 5 acres, mineral material site would be less than 5 acres and would be confined to areas of past disturbance. Since the gravel is removed from a wash the material would be replenished when the wash runs and reclamation requirements would be minimal. All mineral materials would be extracted or removed in accordance with approved conservation practices so to preserve to the maximum extent feasible all scenic, recreational, watershed, and other land and resource values. The maximum amount of material proposed for removal is 50,000 cubic yards and the term of the free use permits would be for ten (10) years.

#### Terms and Conditions of Approval:

1. Heavy equipment and surface disturbance will be limited to the posted and flagged area within the wash.
2. The permit holder shall be responsible for and diligently supervise the actions of any contractor and/or subcontractor who operate in the material site under the authority granted under this permit and a copy of the free use permit and the terms and conditions of approval must be in each vehicle that hauls material from the site.
3. The operator will promptly remove and dispose of all waste caused by the operations as directed by the Authorized Officer. "Waste" refers to all discarded matter including human waste, trash, garbage, refuse, petroleum products, ashes, and equipment. Wastes shall be disposed in an authorized landfill unless otherwise approved in writing by the Authorized Officer. Any drain oil from equipment will be contained and removed to an approved disposal facility.
4. The operator will avoid driving through any and all sources of naturally occurring water in the wash bottom and shall avoid discharge of any substance that would negatively alter the quality of the water.
5. There is potential for the spread of noxious and invasive weeds from equipment contaminated with weed seed and/or biomass. To reduce this potential, the operator will

thoroughly power wash and remove all vegetative material and soil before transporting equipment to the site to help minimize the threat of spreading noxious and invasive weeds. This includes trucks, trailers, and all other machinery. The operator shall be responsible for the eradication of noxious weeds on disturbed areas. The operator 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 2007), by a state certified applicator who will abide by all safety and application guidelines as listed on the product label and Material Safety Data Sheet (MSDS). Any reclamation efforts requiring seeding will be done with certified, weed-free native seed.

6. (a) Any surface, or sub-surface archaeological, historical, or paleontological remains not covered by the CRPR discovered during preparation or actual work shall be left intact; all work in the area shall stop immediately and the Authorized Officer will be notified. Commencement of work shall be allowed upon clearance by the Authorized Officer in consultation with BLM's Archaeologist.
- (b) If in connection with this work 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; 104 Stat. 3048; 25 U.S.C. 3001) are discovered, the operator shall stop operations in the immediate area of the discovery, protect the remains and objects, and immediately notify the Authorized Officer. The operator shall continue to protect the immediate area of the discovery until notified by the Authorized Officer that operations may resume.

## **B. Land Use Plan Conformance**

Land Use Plan Name: Arizona Strip District Resource Management Plan

Date Approved/Amended: 1992/1998

The proposed action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decision(s): The Arizona Strip District Resource Management Plan, Table II-1, Mineral Resources, Salable Minerals: The Materials Sale Act of 1947 and 43 CFR 3600 provide for the disposal and regulation of mineral materials. Disposal is administered on a case-by-case basis. Salable minerals are sold at fair market values. Free use permits are issued to federal and state agencies, local communities and non-profit groups as the need arises.

The Vermillion Resource Area Implementation Plan decision M101, page II-11 states "Provide for the disposal and regulation of mineral materials at fair market value on a case-by-case basis. Free-use permits would be issued to federal and state agencies, and local communities."

## **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 6, Appendix 5.4: F. (10) states "Disposal of mineral materials such as sand, stone, gravel, pumice, pumicite, cinders, and clay, in amounts not exceeding 50,000 cubic yards or disturbing more than 5 acres, except in riparian areas."

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 DM2 apply. Attachment 1 is the Extraordinary Circumstances Review And Checklist.

I considered the proposed terms and conditions of approval and expect negligible to minor, short term impacts from the proposed action. Attachment 1 does not list any Extraordinary Circumstances associated with the proposed action.

**D: Signature**

Authorizing Official: \_\_\_\_\_ Date: \_\_\_\_\_

Name: Lorraine M. Christian

Title: Field Manager

**Contact Person**

For additional information concerning this CX review, contact Rody Cox, Geologist, Arizona Strip Field Office, (435) 688-3244

# Attachment 1

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



# DECISION MEMORANDUM

Robinson Wash Free Use Permits  
CX-AZ-110-2008-030

US Department of the Interior  
Bureau of Land Management  
Arizona Strip Field Office  
345 East Riverside Drive, St. George, Utah

## 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 District Resource Management Plan (approved 1992) and is categorically excluded from further environmental analysis. It is my decision to approve the action as proposed with the following terms and conditions.

1. Heavy equipment and surface disturbance will be limited to the posted and flagged area within the wash.
2. The permit holder shall be responsible for and diligently supervise the actions of any contractor and/or subcontractor who operate in the material site under the authority granted under this permit and a copy of the free use permit and the terms and conditions of approval must be in each vehicle that hauls material from the site.
3. The operator will promptly remove and dispose of all waste caused by the operations as directed by the Authorized Officer. "Waste" refers to all discarded matter including human waste, trash, garbage, refuse, petroleum products, ashes, and equipment. Wastes shall be disposed in an authorized landfill unless otherwise approved in writing by the Authorized Officer. Any drain oil from equipment will be contained and removed to an approved disposal facility.
4. The operator will avoid driving through any and all sources of naturally occurring water in the wash bottom and shall avoid discharge of any substance that would negatively alter the quality of the water.
5. There is potential for the spread of noxious and invasive weeds from equipment contaminated with weed seed and/or biomass. To reduce this potential, the operator will thoroughly power wash and remove all vegetative material and soil before transporting equipment to the site to help minimize the threat of spreading noxious and invasive weeds. This includes trucks, trailers, and all other machinery. The operator shall be responsible for the eradication of noxious weeds on disturbed areas. The operator 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 2007), by a state certified applicator who will abide by all safety and application guidelines as listed on the product label and Material Safety Data Sheet (MSDS). Any reclamation efforts requiring seeding will be done with certified, weed-free native seed.
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covered by the CRPR discovered during preparation or actual work shall be left intact; all work in the area shall stop immediately and the Authorized Officer will be notified. Commencement of work shall be allowed upon clearance by the Authorized Officer in consultation with BLM's Archaeologist.

(b) If in connection with this work 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; 104 Stat. 3048; 25 U.S.C. 3001) are discovered, the operator shall stop operations in the immediate area of the discovery, protect the remains and objects, and immediately notify the Authorized Officer. The operator shall continue to protect the immediate area of the discovery until notified by the Authorized Officer that operations may resume.

### **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 enclosed 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 pursuant to regulation 43 CFR 4.21 (58 FR 4939, January 19, 1993) (request) 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 Office of the Solicitor (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.

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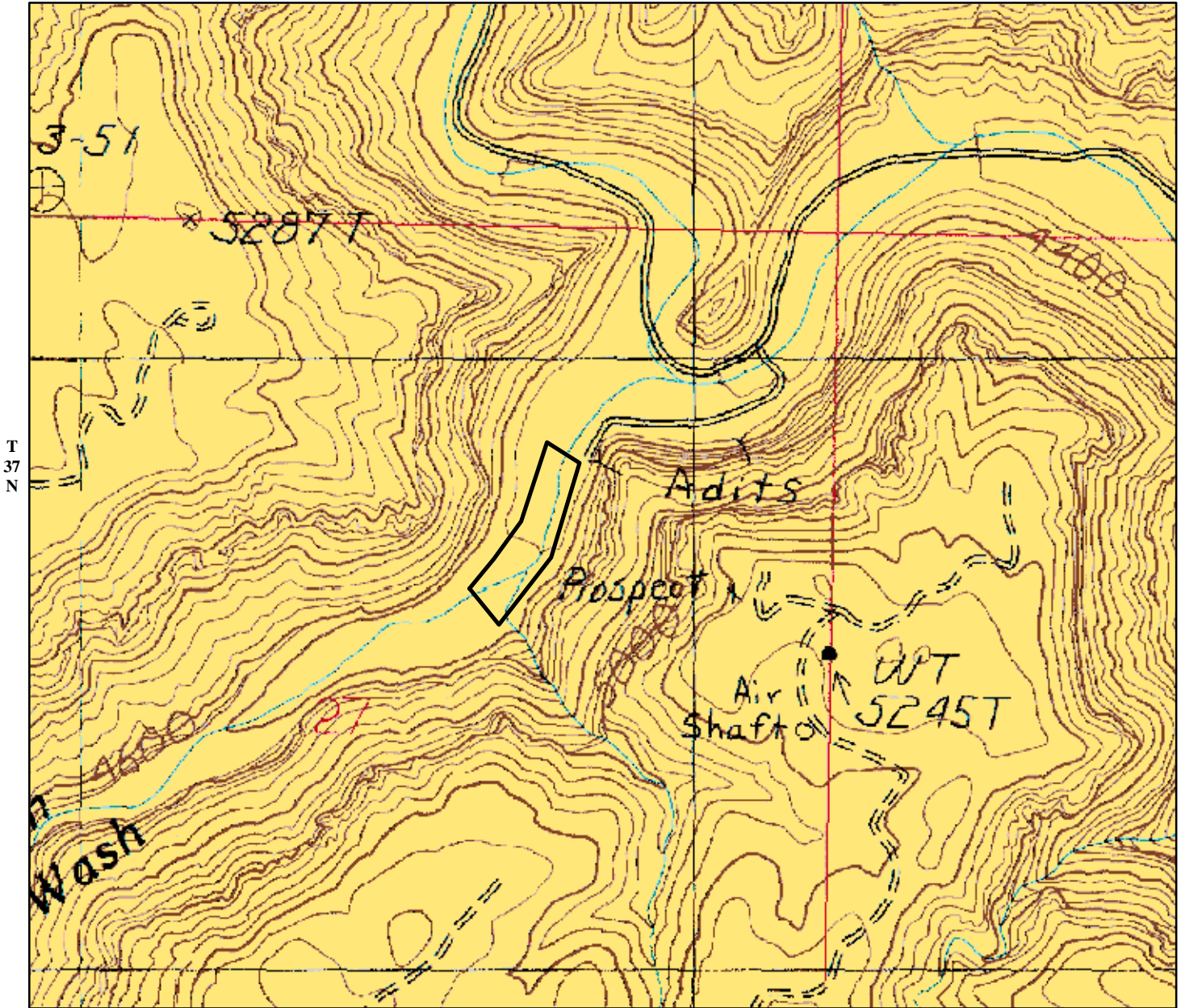
Lorraine M. Christian  
Field Manager

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Date

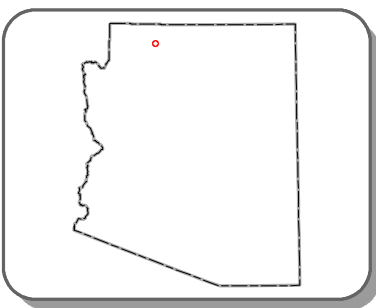
Attachment: Form 1842-1

R5W





Location Map

State of Arizona

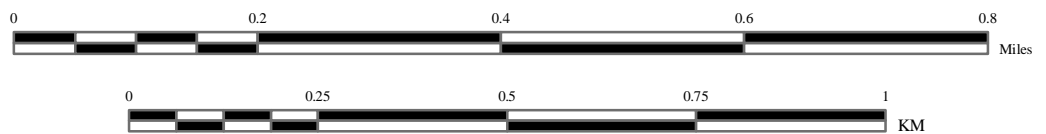


Legend

-  Proposed Free Use Permit Location
-  Bureau of Land Management



Scale 1:10,000



**CAUTION:**  
Land ownership data is derived from less accurate data than the 1:24000 scale base map. Therefore, land ownership may not be shown for parcels smaller than 40 acres, and land ownership lines may have plotting errors due to source data.

No warranty is made by the Bureau of Land Management for the use of the data for purposes not intended by the BLM.