

ASDO NEPA DOCUMENT ROUTING SHEET

NEPA Document Number: DOI-BLM-AZ-A010-2009-0017-CX

Project Title: Hatch Cliff Dwellers Airstrip Permit Renewal

Project Lead: Linda Barwick

Date that any scoping meeting was conducted:

Date that concurrent, electronic distribution for review was initiated: July 22, 2009

Deadline for receipt of responses: August 22, 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
John Herron, Cultural
Lee Hughes, Special Status Plants
Ray Klein, GCPNM Supervisory Ranger
Linda Price, S&G
Whit Bunting, 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 Tribal Liaison. Ms. Benson will then recommend how these comments should be addressed.)

Discretionary Reviewers:

None

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A. Background

BLM Office: Arizona Strip Field Office Lease/Serial/Case File No.: AZA-27939

Proposed Action Title/Type: Hatch Cliff Dwellers Airstrip Permit Renewal

Location of Proposed Action: T. 39 N., R. 6 E.,
sec. 33, N2SE, SWSE;
sec. 34, SWSWNW.

Containing 11.669 acres, more or less

Description of Proposed Action: Ted Hatch proposes to renew the permit for the existing private airstrip near the Cliff Dwellers Lodge in House Rock Valley. The dirt airstrip is approximately 3,800 feet long by 100 feet wide, with a parking area 300 feet by 400 feet, and access to the airstrip 12 feet wide by 700 feet long within the area described above and as shown on Attachment 1. There would be no upgrading of the airstrip. Only routine maintenance would be performed. There would be no structures authorized in the permit area. The permit would be subject to all applicable provisions of 43 CFR 2920. See Attachment 2 for additional special conditions.

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 MA-LR-06 provides individual land use permits will be evaluated on a case-by-case basis in accordance with other RMP provisions and NEPA compliance.

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.

DECISION MEMORANDUM

HATCH CLIFF DWELLERS AIRSTRIP PERMIT RENEWAL AZA-27939

DOI-BLM-AZ-A010-2009-0017-CX

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 special conditions identified in Attachment 1.

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 43 CFR 2920.2-2(b) 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 appropriate Office of the Solicitor (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

Attachment: Form 1842-1

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	LBarwick
6. Have a direct relationship to other actions with individually insignificant, but cumulatively significant, environmental effects?	NO	LBarwick
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	LDWalker

Attachment 2

SPECIAL CONDITIONS Hatch Cliff Dwellers Airstrip Renewal AZA-27939

1. Holder shall maintain the permitted area in a safe, usable condition, as directed by the FAA.
2. When grading the airstrip for maintenance, deposit graded materials next to the airstrip in a previously disturbed locality.
3. Prior to weed control activities, survey the site for any nesting migratory birds. Under the Migratory Bird Treaty Act, if any nesting birds are found in the action area, work will immediately halt and the Arizona Strip District wildlife biologist will be contacted.
4. 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 BLM requires the following measures be taken: The permit holder 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. The permit holder is responsible for the eradication of noxious weeds within the permit area throughout the term of the permit. The permit holder 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 Vegetation Treatments Using Herbicides on Bureau of Land Management Lands in 17 Western States Programmatic Environmental Impact Statement (November 2005), 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 seed, using a seed mix approved by the authorized officer.
5. Use of herbicides shall comply with the applicable Federal and state laws. 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.
6. 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 shall be notified immediately. Recommencement of work shall be allowed upon clearance by the authorized officer in consultation with the archaeologist.

7. If in connection with use, any human remains, funerary objects, sacred objects or objects of cultural patrimony are 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 holder shall stop use in the immediate area of the discovery, protect the remains and objects, and immediately notify the authorized officer. The permit holder shall continue to protect the immediate area of the discovery until notified by the authorized officer that use may resume.
8. The permit holder shall agree to observe all federal, state, county, and other laws, regulations, and ordinances which are applicable to the permitted use or area.
9. Permitted areas shall be maintained in a sanitary condition at all times; waste materials at those sites 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 bits, lead bullets, and bullet casings, even food materials. Permit holder will instruct visitors not to leave any micro-trash or waste at the site. Trash receptacles used in the permit area shall be wildlife proof.
10. At no time shall vehicle or equipment fluids be dumped on public lands. All accidental spills must be reported to BLM 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.
11. The holder of Permit No. AZA-27939 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 permitted area (unless the release or threatened release is wholly unrelated to the permit holder's activity on the permitted area). This agreement applies without regard to whether a release is caused by the holder or its agent.
12. According to 43 CFR 2920.7(f)(2), "Holders of a land use authorization and all owners of any interest in and affiliates or subsidiaries of any holder of a land use authorization issued under these regulations shall pay third parties the full value of all injuries or damage to life, person or property caused by the holder, its employees, agents or servants or by a contractor, its employees, agents or servants." Also 43 CFR 2920.7(f)(3) states, "Holders of a land use authorization shall indemnify or hold harmless the United States against any liability for damages to life, person or property arising from the authorized occupancy or use of the public lands under the land use authorization."
13. This permit may be automatically renewable upon payment of the annual rental unless the authorized officer notifies the permittee within 60 days of the expiration date of the permit that the permit shall not be renewed.
14. Prior to termination of the permit, the holder will contact the Authorized Officer to arrange a pre-termination conference. This conference will be held to review the termination provisions of the permit.

15. The permit holder shall notify the BLM wildlife team lead if California condors visit the permitted area while permitted activities are underway. Permittee shall refrain from starting or continuing the work and contact the authorized officer or BLM wildlife biologist immediately if California condors are present at the start or during maintenance activities.

Attachment 1

SPECIAL CONDITIONS Hatch Cliff Dwellers Airstrip Renewal AZA-27939

1. Holder shall maintain the permitted area in a safe, usable condition, as directed by the FAA.
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3. Prior to weed control activities, survey the site for any nesting migratory birds. Under the Migratory Bird Treaty Act, if any nesting birds are found in the action area, work will immediately halt and the Arizona Strip District wildlife biologist will be contacted.
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