

Name of Project: Southwest Gas Corporation Right-of-Way on Ave. 9E & 10E

Number: AZ-320-2006-005

Case File No.: AZA 33304

Location (legal description):

Right-of-Way Grant application, AZA 33304, affects the following public lands: Lots 1, 5, 6, and 7, and SE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, sec. 1, T. 9 S., R. 22 W., Gila and Salt River Meridian, Yuma County, Arizona. The area described contains 0.332 acres approximately.

Applicant: Southwest Gas Corporation

Description of Proposed Action:

On October 6, 2005, we received a right-of-way (ROW) application from Southwest Gas Corporation for four existing 2-inch and 4-inch polyethylene natural gas pipelines, 10 feet wide by a total of 1,446 feet long, buried within the ROWs of existing RS 2477 roads (AZA 6297 and AZA 34992) located on public lands. The ROW would be in accordance with the plan of development received on October 6, 2005 (see Exhibit A). The natural gas pipelines currently provide gas service to public and private entities in the area. The ROW would be issued pursuant to the Mineral Leasing Act (MLA) of 1920, as amended, and all applicable regulations contained in Title 43 Code of Federal Regulations part 2880. The ROW grant would be issued for a 30-year term with the right to renew. Maintenance of the pipelines would occur as needed within the right-of-way area. If land outside the area were needed for maintenance, a short term right-of-way would need to be requested.

Categorical Exclusion Reference:

Right-of-Way Grant Application, AZA 33304: 516 DM 6, Appendix 5.4: E(12) –Grants of rights-of-way wholly within the boundaries of other compatibly developed rights-of-way.

Required Stipulations:

1. Upon grant termination by the authorized officer, all improvements shall be removed from the public lands within 90 days, or otherwise disposed of as provided in paragraph (4)(d) or as directed by the authorized officer.
2. Each grant issued pursuant to the authority of paragraph (1)(a) for a term of 20 years or more shall, at a minimum, be reviewed by the authorized officer at the end of the 20th year and at regular intervals thereafter not to exceed 10 years. Provided, however, that a right-of-way or permit granted herein may be reviewed at any time deemed necessary by the authorized officer.
3. Failure of the holder to comply with applicable law or any provision of this right-of-way grant or permit shall constitute grounds for suspension or termination thereof.
4. The stipulations, plans, maps, or designs set forth in Exhibit(s) A dated April 5, 2006, attached hereto, are incorporated into and made a part of this grant instrument as fully and effectively as if they were set forth herein in their entirety.

5. No signs or advertising devices shall be placed on the premises or on adjacent public lands, except those posted by or at the direction of the authorized officer.
6. The holder shall perform all operations in a good and workmanlike manner so as to ensure protection of the environment and the health and safety of the public.
7. The holder shall conduct all activities associated with the construction, operation and termination of the right-of-way within the authorized limits of the right-of-way.
8. Thirty (30) days 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. 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 holder's commencement of any termination activities.
9. The holder shall clean off-road equipment (power or high-pressure cleaning) of all mud, dirt, and plant parts prior to moving equipment onto public land authorized under this grant.
10. All design, material, and construction, operation, maintenance, and termination practices shall be in accordance with safe and proven engineering practices.
11. The holder shall inform the authorized officer with 48 hours of any accidents on federal lands that require reporting to the Department of Transportation as required by 49 CFR Part 195.
12. 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.
13. If in connection with operations under this authorization, 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 holder shall stop operations in the immediate area of the discovery, protect the remains and objects, and immediately notify the authorized officer. The holder shall continue to protect the immediate area of the discovery until notified by the authorized officer that operations may resume.
14. Prior to preconstruction activities on the subject parcel, the holder shall identify all noxious weeds present. A list of the weeds shall be provided to the authorized officer. A determination will be made by the authorized officer of any noxious weeds that may require flagging for treatment. The holder shall treat the noxious weeds as required by the authorized officer.
15. The holder shall protect all survey monuments found within the right-of-way. Survey monuments include, but are not limited to, General Land Office and Bureau of Land Management Cadastral Survey Corners, reference corners, witness points, U.S. Coastal and Geodetic benchmarks and triangulation stations, military control monuments, and recognizable civil (both public and

Categorical Exclusion Review

Department of the Interior Departmental Manual 516 2.3.A(3) provides for a review of the following categorical exclusion criteria to determine if exceptions apply to this project. The following exceptions apply to individual actions within categorical exclusions (CX). Environmental documents must be prepared for actions which may:

CRITERIA	YES	NO
1 Have significantly adverse effects on public health or safety.	_____	__X__
2 Have adverse effects on such unique geographic characteristics as historic or cultural resources, parks, recreation or refuge lands, wilderness areas, wild or scenic rivers, sole or main drinking water aquifers, prime farmlands, wetlands, floodplains, or ecologically significant or critical areas, including those listed on the Department's National Register of Natural Landmarks.	_____	__X__
3 Have highly controversial environmental impacts.	_____	__X__
4 Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.	_____	__X__
5 Establish a precedent for future actions or represent a decision in principle about future actions with potentially significant environmental effects.	_____	__X__
6 Are directly related to other actions with individually insignificant but cumulatively significant environmental effects.	_____	__X__
7 Adversely affect on properties listed or eligible for listing on the National Register of Historic Places.	_____	__X__
8 Adversely affect species listed or proposed for listing on the List of Endangered or Threatened Species, or adversely affect designated critical habitat for these species.	_____	__X__
9 Require compliance with Executive Order 11988 (Floodplain Management), Executive Order 11990 (Protection of Wetlands), or the Fish and Wildlife Coordination Act.	_____	__X__
10 Threaten to violate a Federal, State, local, or tribal law or requirements imposed for protecting the environment.	_____	__X__