



United States Department of the Interior



BUREAU OF LAND MANAGEMENT

Yuma Field Office
2555 East Gila Ridge Road
Yuma, AZ 85365
www.az.blm.gov

FINDING OF NO SIGNIFICANT IMPACT

For

EA No. AZ-320-2007-39

AZA 33851

The Bureau of Land Management (BLM), Yuma Field Office, has analyzed a proposal for an access road (Alternative A – Proposed Action) under the authority of Title V of the Federal Land Policy and Management Act, as amended. The road would provide legal access to a private property and would be used as part of Avenue 47E alignment in Yuma County east of The Town of Tacna. Yuma Development One, LLC, is the proponent of the road ROW. This proposal (Alternative A), the No Action Alternative (Alternative B) are described within the attached Environmental Assessment (EA) No. AZ-320-2007-39.

The EA is tiered to and in conformance with the *Yuma District Resource Management Plan*, as amended and its *Record of Decision* (BLM, May 1986 & February 1987). Any of the above referenced documents may be viewed at the Yuma Field Office during normal business hours.

The proposed action would assure that no significant adverse impacts would occur to the human environment in the following areas: Air Quality, Areas of Critical Environmental Concern, Cultural Resources, Environmental Justice, Farm Lands (Prime or Unique), Floodplain, Hazardous or Solid Waste, Native American Religious Concerns, Non-Native Invasive Species, Socioeconomic Resources, Threatened or Endangered Species, Water Quality (Ground or Surface), Wetlands/Riparian Zones, Wild and Scenic Rivers, or Wilderness.

The proposed action does not significantly affect energy supply, distribution, and/or use and therefore a Statement of Adverse Energy Impact is not required.

On the basis of the information contained in the EA, and all other information available to me as is summarized above, it is my determination that the Proposed Action does not constitute a major Federal Action affecting the quality of the human environment. Therefore, an Environmental Impact Statement is unnecessary and will not be prepared.

/s/ James T. Shoaff
James T. Shoaff
Yuma Field Manager

5/29/2009
Date



United States Department of the Interior



BUREAU OF LAND MANAGEMENT

Yuma Field Office
2555 East Gila Ridge Road
Yuma, AZ 85365
www.az.blm.gov

**Decision Record
For
EA AZ-320-2007-39
Yuma Development One Road (AZA 33851)**

Decision

It is my decision to authorize a right-of-way (ROW) grant for an access road, 50 feet wide by 2,640 feet long, (Alternative A of the environmental assessment). The road ROW will be approved under the authority of Title V of the Federal Land Policy and Management Act (FLPMA), as amended, for a 20-year period with the right to renew. The road will provide legal access to the private property of Yuma Development One, LLC. The ROW will affect the following public lands:

Gila and Salt River Meridian, Yuma County, Arizona

T. 8 S., R. 15 W.,
sec. 17, W $\frac{1}{2}$ SW $\frac{1}{4}$ (within).

The area described contains 3.03 acres approximately.

Rationale for Decision

The rationale for my decision can be supported with the *Yuma Development One, LLC, Access Road ROW* (EA AZ-320-2007-39) and the Finding of No Significant Impact. This decision is in conformance with the *Yuma District Resource Management Plan*, as amended and its Record of Decision (BLM, May 1986 & February 1987).

Management and Mitigation Consideration

BLM will require the following conservation measures from the proponent:

1. In the event of an unanticipated discovery of cultural resources, all work will cease in the area of the discovery and the BLM Authorized Officer shall be notified immediately. Procedures outlined in the implementing regulations for the National Historic Preservation Act of 1966, as amended (see 36 CFR 800.13, Post Review Discoveries), will be followed. Pursuant to these regulations, all tribes consulted for this project will be notified of an unanticipated discovery within 48 hours of the discovery. Work may not resume until written authorization to proceed is issued by the BLM.
2. To lessen the potential impacts caused by hydraulic and/or fuel spills all construction equipment will be properly maintained and inspected daily. If a spill should occur, it will be immediately reported to the BLM and cleaned up according to regulatory requirements. Any contaminated soils will be disposed of in an appropriate manner and in accordance with appropriate laws and regulations.
3. To limit the potential impact from solid waste all solid waste will be placed in closed containers and disposed of on a regular basis at an approved disposal site.

4. To limit the potential spread of non-native invasive plant species, all construction equipment coming on to public land will be washed prior to bring on to public land.
5. To limit impacts to air quality water or other means satisfactory to the authorized officer for dust control will be applied during construction.
6. OHV proliferation shall be mitigated by placing standard BLM limited use signs at the end points (entrance and exit) of the right-of-way to deter unauthorized OHV.

Monitoring

Yuma Field Office staff will conduct compliance inspections throughout the life of the ROW.

Appeal Process

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 in this office (at the above address) 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 regulation 43 CFR 2801.10 or 43 CFR 2881.10 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.

Standards for Obtaining a Stay

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:

- (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.

The Proposed Action will have no effect on the President's Energy Policy and a Statement of Adverse Energy Impact is not required.

/s/ James T. Shoaff
James T. Shoaff
Yuma Field Manager

5/29/2009
Date

Attachment: Form 1842-1