

PHOENIX DISTRICT OFFICE NEPA COMPLIANCE RECORD  
FOR CATEGORICAL EXCLUSIONS  
AND ADMINISTRATIVE DETERMINATIONS

Type of Compliance Record:

NEPA#: DOI-BLM-AZ-P010-2012-025

Related #: AZA- 27398

Categorical Exclusion (CX) [Complete Parts I, II (A) & (B), IV & V]

       Administrative Determination (AD) [Complete Parts I, III, IV & V]

Proposed Action Title/Type: Apiary Permit Renewal

Location of Proposed Action:

Gila & Salt River Meridian, Maricopa County, Arizona

T. 8 N., R. 2 E., sec 15, NW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>;

T. 8 N., R. 2 E., sec 34, NE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>;

T. 9 N., R. 2 E., sec 22, NW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>.

The USGS Quad Map for all 3 sites is Black Canyon City.

**Site 1:** Take I-17 North to Rock Springs Exit 242 then take Old Black Canyon Highway south. After approximately one mile, the road will split. The site is on the northwest side.

(T. 8 N., R. 2 E., Sec 15 NW<sup>1</sup>/<sub>4</sub>.)

**Site 2:** Take I-17 North to Table Mesa Road Exit 236, go northwest 2 miles, where the road splits go right (about a mile). Take a right <sup>3</sup>/<sub>4</sub> of a mile, to a powerline, when the road comes to another split. The site is on the south side. (T. 8 N., R. 2 E., Sec 34 NE<sup>1</sup>/<sub>4</sub>.)

**Site 3:** Take I-17 North to Maggie Mine Road Exit 244. Next, head south on Old Black Canyon Highway a <sup>1</sup>/<sub>4</sub> mile, to Maggie Mine Road, then go Northwest 2 miles to a dirt road. Take the dirt road south about a <sup>1</sup>/<sub>4</sub> mile to the site. (T. 9 N., R. 2 E., Sec 22 NW<sup>1</sup>/<sub>4</sub>.)

Description of the Proposed Action: Authorization for the renewal of the multi-year permit AZA-27398, dated June 11, 2009. The applicant, Dennis Arp (Mountain Top Honey), is requesting the renewal of 3 existing sites for apiary use. The proposed sites are in a small area with little disturbance. A renewal of the permit would only allow Dennis Arp to continue that which is authorized, in his permit, on public lands. The permit would be issued for a term of 3 years.

PART I - PLAN CONFORMANCE REVIEW

This proposed action is subject to the following land use plan: **The Bradshaw-Harquahala Record of Decision and Approved Resource Management Plan** (RMP), approved April 2010. The proposed action has been reviewed for conformance with this plan [43 CFR 1610.5-3, Bureau of Land Management (BLM) Manual 1601.04 C.2, BLM Manual Supplement (MS) 1617.3, Departmental Manual (DM) 516 DM 11.5 (effective 5/8/08)]. It has been determined that the proposed action does comply with the objectives, terms, and conditions of the RMP. Specifically, this type of action is provided for under Decisions Applicable to the Entire Planning Area, Land Health Standards, Lands and Realty Management, Land Use Authorizations LR-24 *“Continue to issue land use authorizations (rights-of-way, leases, permits, easements) on a case-by-case basis and in accordance with resource management prescriptions in this land use plan.”*

PART II - CATEGORICAL EXCLUSION DETERMINATION

A. Verification of Listing: This proposed action qualifies as a CX under 516 DM 2, Appendix 1 (effective 9/26/84). It falls under the criteria for 516 DM 6, Appendix 5.4E(9) (effective 3/11/71), 516 DM 11.9E(9) (effective 5/8/2008), as well as BLM National Environmental Policy Act Handbook (H-1790-1) Appendix 4, E(9) (dated 1/2008). Each of the three citations states, **“Renewals and assignments of leases, permits, or rights-of-way where no additional rights are conveyed beyond those granted by the original authorization.”**

The proposed action also meets the categorical exclusion standards under DM 516 11.9E(19) **“Issuance of short-term (3 years or less) rights-of-way or land use authorizations for such uses as storage sites, apiary sites, and construction sites where the proposal includes rehabilitation to restore the land to its natural or original condition.”**

And

B. Exception Review: 516 DM 2.3A(3) and 516 DM 2, Appendix 2 provides for the review of the following criteria to determine if exceptions apply to this project. [NOTE: Appropriate staff should determine exception, comment and initial for concurrence. If exceptions apply to the action or project, and existing National Environmental Policy Act (NEPA) documentation does not address it, i.e., Part III, then further NEPA analysis is required].

CRITERIA:

	Comment (YES/NO)	Staff Initial
1. Have significant impacts on public health and safety?	<u>NO</u>	<u>HC</u>
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?	<u>NO</u>	<u>HC, CC, TB, DRH</u>
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)]?	<u>NO</u>	<u>HC, DRH, TB</u>
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks?	<u>NO</u>	<u>HC, CC, DRH</u>
5. Establish a precedent for future action, or represent a decision in principle about future actions, with potentially significant environmental effects?	<u>NO</u>	<u>HC, CC, TB, DRH</u>
6. Have a direct relationship to other actions with individually insignificant, but cumulatively significant, environmental effects?	<u>NO</u>	<u>HC, TB</u>

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 DRH, HC, CC
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 CC, HC
9. Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment? NO DRH, CC, HC
10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898)? NO HC
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 DRH, HC
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 HC, CC

CC = Codey Carter                      TB = Tom Bickauskas    HC = Hillary Conner  
 DRH = David Remington Hawes

PART III - EXISTING EA/EIS REVIEW FOR ADMINISTRATIVE DETERMINATION.

This proposed action is addressed in the following existing BLM Environmental Analysis (EA) / Environmental Impact Statement (EIS):

This EA/EIS has been reviewed against the following criteria to determine if it covers the proposed action.

1. The proposed action is a feature of, or essentially the same as, the alternative selected and analyzed in the existing document.
2. A reasonable range of alternatives was analyzed in the existing document.
3. There has been no significant change in circumstances or significant new information germane to the proposed action.
4. The methodology/analytical approach previously used is appropriate for the proposed action.
5. The direct and indirect impacts of the proposed action are not significantly different than those identified in the existing document.
6. The proposed action would not change the previous analysis of cumulative impacts.

7. Public involvement in the previous analysis provides appropriate coverage for the proposed action.

PART IV - SIGNATURES FOR COMPLIANCE

PREPARER: \_\_\_/S/\_\_\_\_\_  
Hillary A. Conner, Realty Specialist

DATE: \_05/25/2012 \_\_\_\_\_

REVIEWER: \_\_\_/S/\_\_\_\_\_  
Leah Baker, Planning & Environmental Coordinator

DATE: \_05/25/2012 \_\_\_\_\_

PART V – DECISION:

I have reviewed this plan conformance and NEPA compliance record and have determined that the proposed project is in conformance with the approved land use plan and that no further environmental analysis is required. This action will not have a direct or indirect adverse impact on energy development, production, supply and/or distribution. It is my decision to implement the project, as described, with the mitigation measures identified below.

MITIGATION MEASURES/OTHER REMARKS:

Mitigating measures will be attached to the permit as stipulations. The stipulations for the permit request are located in the attached document (Attachment 1). Enclosures also include a location map (Attachment 2) of the proposed site areas.

1. All applicable regulations in accordance with 43 CFR 2920.
2. Any cultural and/or paleontological resources (historic or prehistoric site or object) discovered by the holder or any person working on the holders behalf, on public or federal land shall be immediately reported to the authorized officer (AO), Hassayampa Field Office (HFO) Field Manager, D. Remington Hawes, at 623-580-5530. The holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the AO. An evaluation of the discovery will be made the AO to determine the appropriate actions to prevent the loss of significant cultural or scientific values. The holder will be responsible for the cost of the evaluation and any decision as to the proper mitigation measures will be made by the AO after consulting with the holder.

SIGNATURE: \_\_\_/S/\_\_\_\_\_  
D. Remington Hawes, HFO Field Manager

DATE: \_05/25/2012 \_\_\_\_\_

# Attachment 1

## STIPULATIONS AZA-27398 Apiary Permit Renewal

1. The permit will be renewed pursuant to the terms and conditions of the original authorization.
2. No hives will be permitted within ¼ mile of water, residences, or intensive public use areas. To mitigate any potential conflict with livestock, the hives shall be placed at least one-half (1/2) mile from livestock waters.
3. Access to sites will be across existing roads only. Hives will be adjacent to roadways. The hives would be placed within 100 feet of existing roads on the described lands. Hives at both areas will be placed in existing cleared/compacted areas.
4. No surface disturbance such as clearing or leveling of sites is allowed. No armadas (shade structures) will be constructed unless specifically authorized.
5. If there is an incident involving Africanized honey bees in the hives located on public lands authorized under this permit, the permittee will immediately notify the authorized officer (AO), of the incident and then submit written documentation of the corrective action taken.
6. The permittee shall hold a liability insurance policy, with the minimum limits of \$100,000 per occurrence and \$300,000 annual aggregate for bodily injury, and provide a copy of it to the AO. The permittee will be required to maintain the insurance policy for the life of the permit and provide proof of insurance annually to the Bureau of Land Management (BLM) AO.
7. Hives shall not be placed in a location that is being actively used for mining exploration or production.
8. The permittee must comply with state and local apiary laws and place proper identification of ownership on the sites.
9. The permittee shall not place more than 100 bee hives at each site at any time. Each site will be signed. The sign shall be visible from the nearest point of access and shall contain the permittee's name.
10. Any surface, or sub-surface archaeological, historical, or paleontological remains discovered during use, shall be left intact; all work in the area shall stop immediately and the AO shall be notified immediately. Commencement of work shall be allowed upon clearance by the BLM Hassayampa Field Office (HFO) Field Manager in consultation with the Archaeologist.

11. An additional archaeological survey shall be required in the event the proposed project location is changed, or additional surface disturbing activities are added to the project after the initial survey. Any such survey would have to be completed prior to commencement of the project.
  
12. 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 holder will thoroughly power wash and remove all vegetative material and soil before transporting equipment to the work site (to help minimize the threat of spreading noxious and invasive weeds). This includes trucks, trailers, and all other machinery. The holder would be responsible for the eradication of noxious weeds, on disturbed areas within the limits of the work site, during the permit period. The holder is responsible for consultation with the AO and local authorities for implementing acceptable weed treatment methods. Any use of chemical treatments would be made using only chemicals approved in BLM's EIS, by a state certified applicator who would abide by all safety and application guidelines as listed on the product label and Material Data Safety Sheet (MSDS). Any reclamation efforts requiring seeding will be done with certified, weed-free native seed.