

## ENVIRONMENTAL ASSESSMENT, FONSI and DR FORM

**EA Number:** DOI-BLM-AZ-CO10-2010-0017-EA

Bureau of Land Management, Kingman Field Office

**Proposed Action Title/Type:** Acquisition of 640 acres adjacent to the Arrastra Mountain Wilderness and within Category I desert tortoise habitat, Quintero parcel.

**Location of Proposed Action:** T. 13N, R. 12W, sec. 7, Assessor parcel number: 102-02-001., Gila and Salt River Base and Meridian, Mohave County, Arizona (Map 1).

**Applicant (if any):** BLM

### CONFORMANCE WITH APPLICABLE LAND USE PLAN:

This proposed action is in conformance with the Kingman Resource Management Plan approved March 1995. This action is specifically addressed in the RMP as the parcel is identified for acquisition for desert tortoise in Appendix 20, page 512, and in Appendix 22, pg. 530 to meet goals and objectives of the Poachie Desert Tortoise ACEC.

- TE03 The objectives of special status species management are to provide for the recovery of listed species, to manage other species to avoid the need to federally list them and to improve habitat of special status species (Kingman RMP, page 85). Acquisition of this habitat helps to implement the RMP decision #TE03 that states "BLM will manage for conservation of candidate and BLM-sensitive species (and State listed species) their habitats. BLM will ensure that actions authorized will not contribute to the need to list any of these species as threatened or endangered".
- TE06 Unavoidable impacts or land use actions resulting in net loss to the quality or quantity of desert tortoise habitat would require compensation in the form of other equally suitable tortoise habitat in the Kingman Resource Area. (Page 54)
- TE04 BLM will manage for conservation of candidate and BLM-sensitive species and their habitats. BLM will ensure that actions authorized will not contribute to the need to list any of these species as threatened or endangered. (Page 29)
- SM02 Manage the twelve "Areas of Critical Environmental Concern" designation according to the goals and objectives in the RMP pages 95 to 111. Evaluate land use authorizations, including all existing activity plans, for compatibility with goals and objectives of the area of critical environmental concern.
- SM09 Evaluate all other land use authorizations for compatibility with goals and objectives of the area of critical environmental concern.
- PD06 Promote long term viability of a desert tortoise population.
- PD07 Achieve and maintain diverse plant communities and stable soils.
- PD08 Minimize adverse interactions between people and tortoises.

**OTHER APPLICABLE PLANS:** The Rangeland Plan for desert tortoise recommends acquiring Category I and II desert tortoise habitat (BLM 1988).

**NEED FOR PROPOSED ACTION:** Acquisition is needed to help preserve the integrity of desert tortoise habitat by creating contiguous federal ownership.

**DESCRIPTION OF PROPOSED ACTION ALTERNATIVE:** BLM proposes to acquire, through donation, 640 acres

of surface estate only, as described above, of Category I Desert Tortoise habitat.

**DESCRIPTION OF NO ACTION ALTERNATIVE:** BLM would not acquire the 640 acre parcel described above.

**GENERAL SETTING**

The parcel is located approximately 15 miles south of Wikieup, AZ on the north end of the Arrastra Mountain Wilderness along 17 Mile Road. The vegetation community is Paloverde-Saguaro which includes creosotebush, brittle bush, and a variety of cacti in the understory.



View northwest within section 7, T. 13 N., R. 12 W.



Tortoise habitat feature and view northeast within section 7, T. 13 N., R. 12 W.



View west toward the Big Sandy River within section 7, T. 13 N., R. 12 W.

**AFFECTED ENVIRONMENT:**

The affected environment was considered and analyzed by an interdisciplinary team as documented in the KFO Project Scoping Form found in the Administrative Record for this proposal. Resources of concern that are either not present in the project area or would not be impacted to a degree that requires detailed analysis will not be discussed here. Resources which could be impacted by the proposed action or alternatives are discussed below.

Land Tenure: Ownership of the surface and mineral estates of this property has been split. The surface estate is owned by Quintero Golf and Country Club LLC. The mineral estate is held by Santa Fe Pacific Railroad Company. There is no history of mining or mineral exploration activity on the property.

Riparian habitat: the parcel contains one perennial spring that has the potential to support riparian vegetation.

Threatened and Endangered species: No threatened or endangered species or critical habitats occur on this parcel.

Special Status Species: Several sensitive species potentially occur on this parcel including bats, rosy boa, and chuckwalla, desert tortoise and migratory birds. Risks to these species are primarily related to development, and include habitat fragmentation and destruction.

Sonoran desert tortoise: All 640 acres are located within Category I desert tortoise habitat (Kingman RMP 1995). The Rangewide Plan for desert tortoise defines Category I habitat as habitat that may be essential to maintain viable populations, most conflicts are resolvable, medium to high density or low density contiguous with medium or high density, stable or decreasing population. The goals for Category I habitat are to maintain stable viable populations and halt further declines in tortoise habitat values.

Migratory Birds: Migratory birds would occur at low densities on the upland portions of this parcel and at higher densities at the spring. Migratory birds are protected under the Migratory Bird Treaty Act which directs the BLM to prevent harm to migratory birds or nests unless otherwise permitted.

Socioeconomics: Mohave County property taxes for this parcel in 2009 were approximately \$511.

Area of Critical Environmental Concern (ACEC): This parcel is located within the Poachie Desert Tortoise Habitat ACEC. The goal of the ACEC is to promote the long term viability of the desert tortoise population (Kingman RMP, pg. 106).

## **ENVIRONMENTAL IMPACTS:**

### **Impacts from the Proposed Action**

Land Tenure: Acquiring the subject parcel would put the surface into public ownership. BLM would then be able to manage this area as contiguous habitat as there are adjacent public lands surrounding this parcel. The surface estate would be managed in accordance with the decisions from the approved Kingman Resource Management Plan (1995). The mineral estate would continue to be managed by Santa Fe Railroad Company.

Riparian habitat: Acquisition of this parcel would protect the spring area from development associated impacts. Development impacts have the potential to degrade the riparian vegetative community by effecting water flow and quality.

Sonoran desert tortoise: This parcel was identified in the Kingman RMP for acquisition to protect and consolidate desert tortoise habitat. Having this parcel in public ownership would prevent development of this land and help to achieve desert tortoise habitat management objectives. Acquisition of this parcel would further BLM's objective of managing this species habitat to avoid the need to federally list. It would help assure that the habitat would remain intact and functional for tortoise by reducing the potential for habitat altering disturbances. The parcel would be managed to promote long-term viability of the desert tortoise population. This parcel is being donated to BLM as mitigation for loss of approximately 211 acres of desert tortoise habitat within the Phoenix Field Office area. This loss occurred as a result of the granting of rights-of-way (AZA-23298, AZA-29560, and AZA-30751) to Quintero Golf and Country Club needed for access to a housing development. The environmental effects of the rights-of-way were analyzed in EA-AZ-020-2000-0051. This EA includes a mitigation measure of acquiring 640 acres of suitable desert tortoise compensation lands. This donation would help BLM achieve "No Net Loss" of tortoise habitat on public lands.

Chuckwalla and Rosy Boa: Impacts to these two species are similar to those described for the desert tortoise above.

Migratory Birds: Several species of migratory birds nest, winter and forage within the project area. Impacts as described under the desert tortoise section above would be similar. Nesting, wintering and foraging habitat would be maintained. This alternative would promote the long-term viability of migratory birds. Protection of the spring would assure water and riparian habitat would remain available to migratory birds.

Bats: Several BLM sensitive and State listed bat species would forage within the project area. Some may use this habitat area to roost in the granitic rock crevices or holes in the cactus. Acquisition of this land would maintain this foraging and roosting habitat for bats and would promote the long-term viability of the bat populations that occur within the area. It would also further BLM's decision to manage species habitat to avoid the need to federally list species. Protection of the spring would assure water would remain available to bats.

Socio-economic considerations: If the BLM acquires this parcel it would remove this land from the tax records for Mohave County which would result in a loss of \$511 of revenue for Mohave County.

Area of Critical Environmental Concern: Acquisition of the parcel would help the BLM achieve its goal of promoting the long term viability of the desert tortoise.

### **Impacts from the No Action Alternative**

Land Tenure: Not acquiring the subject parcel would keep this parcel in private ownership. BLM would not be able to manage this area as contiguous habitat along with adjacent public lands.

Riparian: Acquisition of this parcel would not protect the spring from development associated impacts as described above under the Impacts of the Proposed Action.

Desert tortoise, chuckwalla, rosy boa, migratory birds, and bats: This parcel has the potential for future development into housing subdivisions. This would affect these species that live on or use this habitat area. Habitat altering disturbances such as roads, clearing of habitat for housing, harassment, collection and mortality caused by humans, ATV use and harassment or mortality caused by pets are expected to occur. Management of adjacent public land for tortoise, migratory birds and sensitive species would become more difficult and possibly not achievable if housing developments were to occur within adjacent areas.

Socio-Economic considerations: Mohave County would not lose tax revenue if this alternative was selected.

Area of Critical Environmental Concern: Not acquiring this parcel would not help the BLM achieve its goal of promoting the long term viability of the desert tortoise.

### **Cumulative Impacts**

A pending land exchange near this parcel, between the BLM Arizona State Office and Asarco Mining Company would bring 10 sections or 6,400 acres of land within the ACEC into public ownership. The proposed acquisition of 640 acres combined with the Asarco Land Exchange would result in contiguous public ownership a large area of quality tortoise habitat.

A pending acquisition of property between the BLM, Kingman Field Office and a private landowner would bring 80 acres into public ownership along the Burro Creek drainage approximately 7 miles north of this parcel.

The mineral estate on this parcel is owned by Santa Fe Railroad Company. It is possible that the mineral estate could be leased or sold to a company that would develop the property for the extraction of sand, gravel, or decorative rock. It is unlikely that the parcel would be subject to mineral extraction (no matter who manages the mineral estate) under the

current and reasonably foreseeable circumstances e.g., proximity to a large market, availability of the same materials at more desirable locations.

Currently there are approximately 400,000 acres within the boundary of the Kingman Field Office where the BLM manages the surface estate but not the mineral estate. The acquisition of this parcel would increase the acreage by 640 acres of split estate to be managed by BLM.

**DESCRIPTION OF MITIGATION MEASURES:**

There are no mitigating measures identified.

**PERSONS/AGENCIES CONSULTED:**

Preparer(s):

Rebecca Peck, Wildlife Biologist  
Don McClure, Assistant Field Office Manager

**References**

BLM 1988 Desert Tortoise Management on the Public Lands: A Rangeland Plan.

BLM 1995 Kingman Resource Area Land Use Plan and Final Environmental Impact Statement.

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**FINDING OF NO SIGNIFICANT IMPACT**

I have reviewed this environmental assessment numbered **DOI-BLM-AZ-CO10-2010-0017-EA** including the explanation and resolution of any potentially significant environmental impacts. I have determined that the proposed action will not have any significant impacts on the human environment and that an EIS is not required.

Authorized Official: /s/ Ruben A. Sánchez Date: 05/25/2010  
Ruben Sanchez, Field Office Manager  
Kingman Field Office

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**DECISION RECORD**

It is my decision to authorize the Proposed Action as described in Environmental Assessment No. **DOI-BLM-AZ-CO10-2010-0017-EA**. This decision would result in the acquisition of 640 acres of private land within the Poachie Desert Tortoise Habitat ACEC from a private party.

**Rationale:** Acquisition would help preserve the integrity of desert tortoise habitat by creating contiguous federal ownership and help to achieve the goals and objectives identified in the Poachie Desert Tortoise ACEC.

**Alternatives Considered:**

**Proposed Action** –Acquisition of 640 acres of private surface from Quintero Golf and Country Club LLC and place the property into public ownership. The property is located in T. 13N, R. 12W, sec. 7, Assessor parcel number: 102-02-001., Gila and Salt River Base and Meridian, Mohave County, Arizona.

**No Action** - The “No Action” alternative was considered for this project. Under the “No Action” alternative, the private property would not be acquired.

**Appeals:** 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. If an appeal is taken, your notice of appeal must be filed in the Kingman Field Office, 2755 Mission Blvd., Kingman, AZ 86401 within 30 days from the date 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) for a stay (suspension) 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 (43 CFR 4.21). 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 the Kingman Field 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.

Stipulations: None

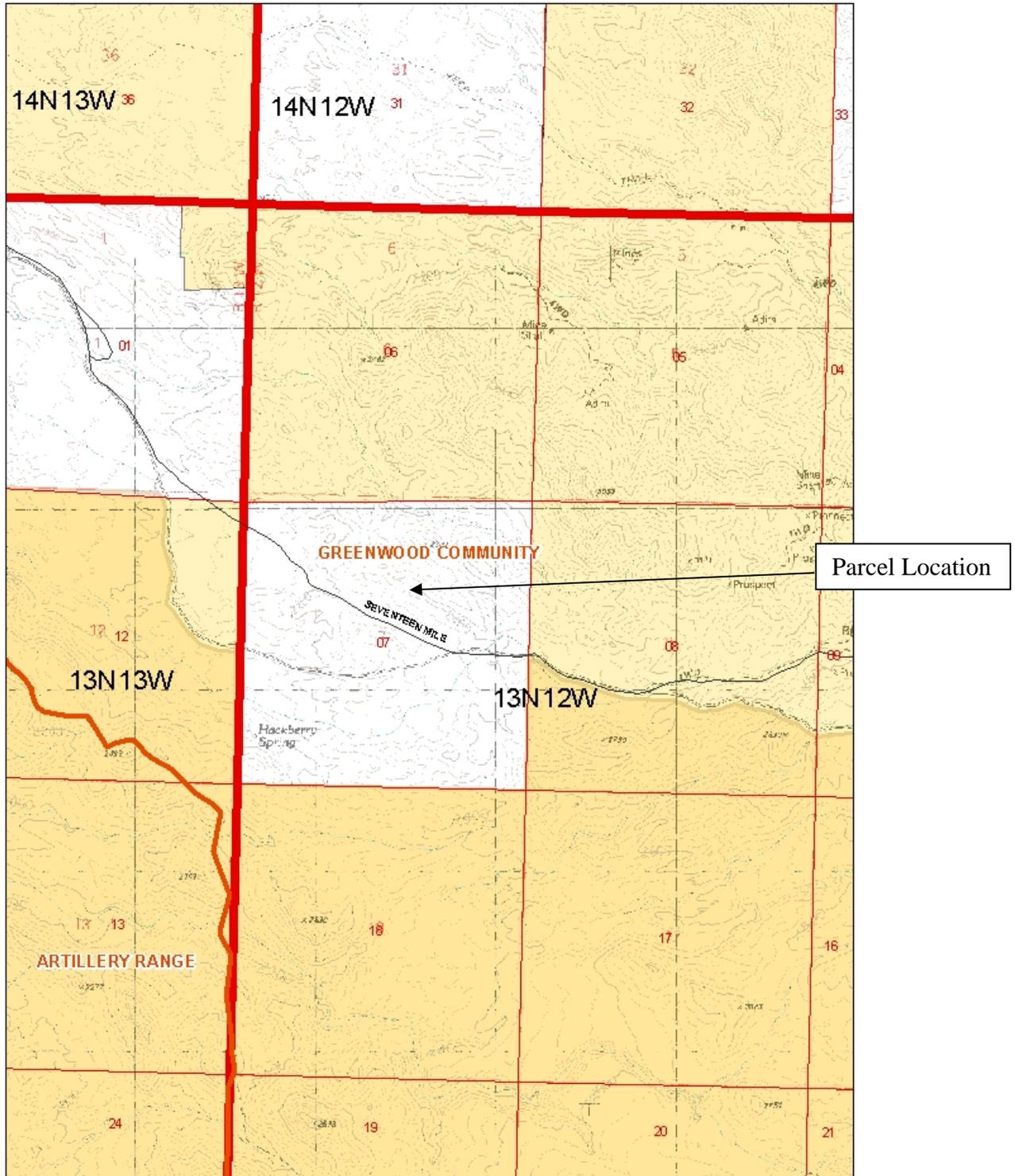
**Approved By:**

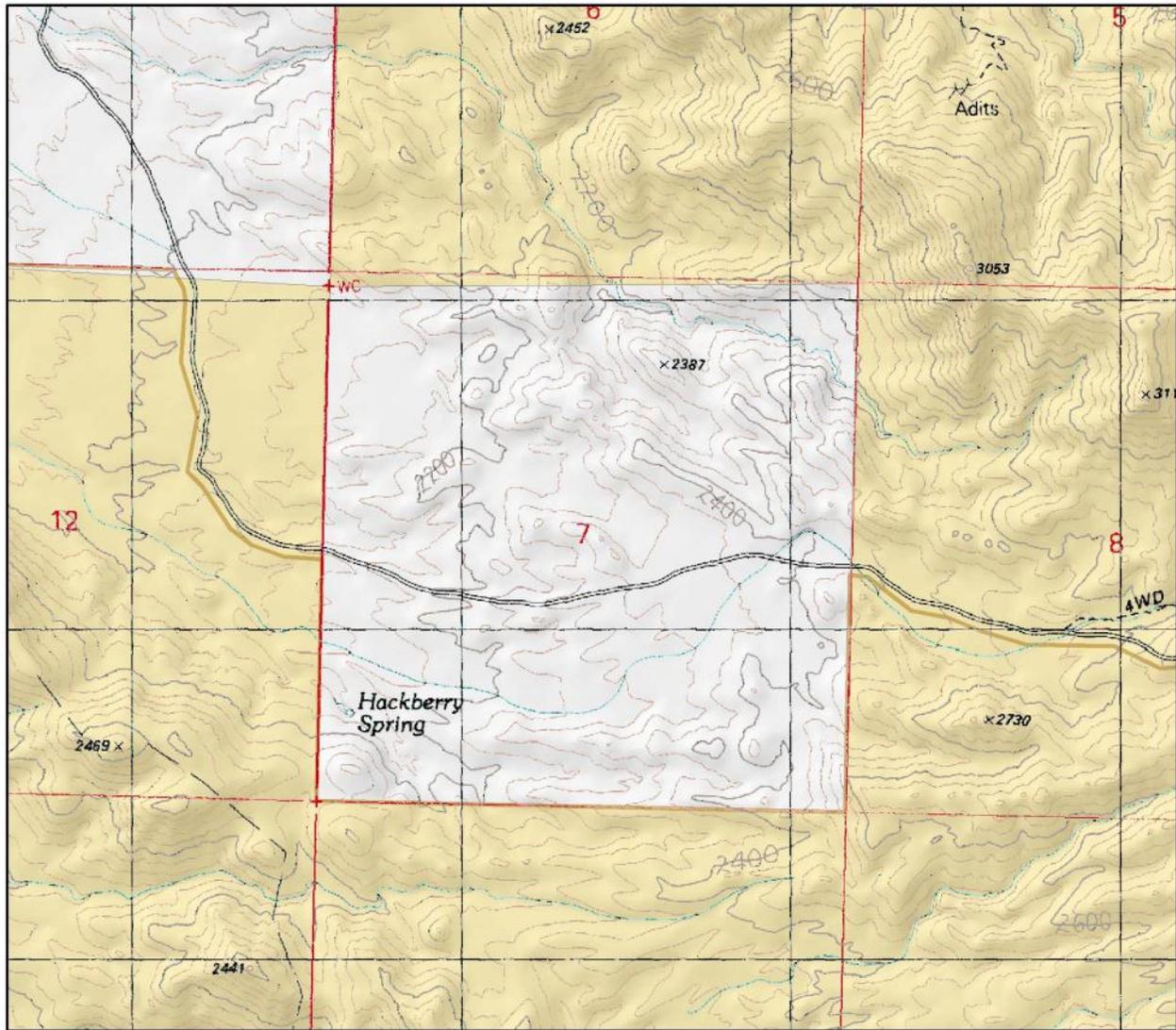
\_\_\_\_\_/s/ Ruben A. Sánchez  
Ruben Sanchez  
Field Manager  
Kingman Field Office

\_\_\_\_\_/05/25/2010  
Date

Map 1. Quintero Acquisition.

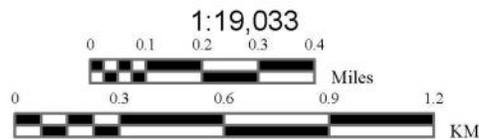
Quintero Donation  
T13N., R12W., Sec 7





**Legend**

- |                           |   |                                |  |
|---------------------------|---|--------------------------------|--|
| Private Lands             | Bureau of Land Management (BLM)         | BLM Wilderness Area            | BLM National Monument                    |
| State Lands               | National Forest Lands (USFS)            | Forest Service Wilderness Area | National Conservation Area               |
| State Wildlife Area       | National Park Service (NPS)             | NPS Wilderness Area            | Military Reservations/Corps of Engineers |
| City, State, County Parks | USFW Service, National Wildlife Refuges | USFW Service Wilderness Area   | Bureau of Reclamation (BOR)              |
| County Lands              | Indian Lands or Reservations            |                                |  |



**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.



United States Department of the Interior  
Bureau of Land Management  
Arizona State Office

Map created on Mar 24, 2009  
Land Status Updated February 20, 2007



**PHOTO LOG NO. 1**  
**View Southwest at Hackberry Spring in SW<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>, Section 7, T. 13 N., R. 12 W.**



**PHOTO LOG NO. 2**  
**View Northwest from Hackberry Spring in SW<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>, Section 7, T. 13 N., R. 12 W.**



**PHOTO LOG NO. 3**

**View Southwest into Hackberry Spring enclosure in SW<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>, Section 7, T. 13 N., R. 12 W.**



**PHOTO LOG NO. 4**

**View Southwest into Hackberry Spring enclosure in SW<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>, Section 7, T. 13 N., R. 12 W.**



**PHOTO LOG NO. 5**  
**View Northwest along fence line at Hackberry Spring enclosure in SW $\frac{1}{4}$ SW $\frac{1}{4}$ , Section 7.**



**PHOTO LOG NO. 6**  
**View due West along Mohave County Road "Seventeen Mile" in Section 7, T. 13 N., R. 12 W.**



**PHOTO LOG NO. 7**  
**View Northwest within Section 7, T. 13 N., R. 12 W.**



**PHOTO LOG NO. 8**  
**View Northwest within Section 7, T. 13 N., R. 12 W.**



**PHOTO LOG NO. 9**  
**View Northeast within Section 7, T. 13 N., R. 12 W.**



**PHOTO LOG NO. 10**  
**View West toward the Big Sandy River within Section 7, T. 13 N., R. 12 W.**



# United States Department of the Interior

## BUREAU OF LAND MANAGEMENT

Kingman Field Office  
2755 Mission Boulevard  
Kingman, Arizona 86401  
[www.az.blm.gov](http://www.az.blm.gov)



May 28, 2010

In Reply Refer To:  
2100 (AZ-931)  
AZA35232(AZ310)

### Memorandum

To: Record in Case File AZA35232

From: Ruben Sanchez, Field Manager (AZ-310)

Subject: Administrative acceptability of Exceptions from Title Commitment

In accordance with the Department of Justice Standards, 2001; the case file must contain a statement determining rejection or acceptance of items that occur on the title and must be a part of a purchase transaction case file.

The parcel lies adjacent to the Arrastra Wilderness area, located within the Colorado River District, Kingman Field Office. The parcel is being donated to the Bureau of Land Management (BLM) as mitigation for loss of approximately 211 acres of desert tortoise habitat within the Phoenix Field Office area. This loss occurred as a result of the granting of rights-of-way (ROW), (AZA-23298, AZA-29560, and AZA-30751) to Quintero Golf and Country Club needed for access to a housing development. The environmental effects of the ROW were analyzed in EA-AZ-020-2000-0051. This Environmental Assessment (EA) includes a mitigation measure of acquiring 640 acres of suitable desert tortoise compensation. This transaction complies with the applicable Federal Regulations pertaining to acquisition of federal property.

The following encumbrances listed in Schedule B, Section Two; Exceptions, of Title Commitment No. CTM2009003402, dated November 25, 2009 are administratively acceptable (AZA35232):

1. Defects liens, encumbrances, adverse claims or other matters, if any, created first appearing in the public records or attaching subsequent to the effective date but prior to the date of the proposed insured acquires of value of record the estate or interest thereon covered by this commitment.

2. Any American Land Title Association Policy issued pursuant hereto (except extended coverage) will contain under Schedule B the standard exceptions set forth at the inside cover hereof.

3. Any loss, claim or damage by virtue of the failure of public records to disclose that said premises has any appurtenant means of ingress and egress to and from any dedicated public street or highway.

4. The reservations and rights of the Santa Fe Pacific Railroad Company, including, but not limited to, the reservation of all oil, gas, coal and other minerals in said land, together with the right to prospect for, mine and remove the same, all as set forth in Deed recorded in Book 64 of Deeds, Page 124. Therefore, it is possible that the mineral estate could be leased or sold to a company that would develop the property for the extraction of sand, gravel, or decorative rock. The parcel lacks legal access so any commercial development of the mineral estate would be connected to a BLM right-of-way necessary to obtain legal access.

4. (cont'd.) It is unlikely that the parcel would be subject to mineral extraction (no matter who manages the mineral estate) under the current and reasonably foreseeable circumstances e.g., proximity to a large market, lack of legal access, availability of the same materials at more desirable locations.

cc: Colorado River District (AZ300) w/o/attachments  
Kingman Field Office (AZ3100) w/o/attachments

**Cover Sheet**  
**Pre-Acquisition Liability Survey (PALS)**  
**Pre-Acquisition Environmental Site Assessment (ESA)**

**Section 1: Property Description**

Serial Number: AZA35232

Property/Name: Donation of Mitigation Land by Quintero Golf and Country Club

Location/Legal Description/Tax Lot No.: T. 13 N., R. 12 W., Sec. 7, GSRB&M,  
Mohave County, Arizona 102-02-001

Owner: Quintero Golf and Countyr Club LLC 928-231-5073  
Name Phone Number

Type and Purpose of Acquisition: Donation of Mitigation Land for impacts from  
Quintero Golf and Country Club construction

Current Use: Vacant Land held for transfer to BLM through Donation

Use after Acquisition: Manage as vacant land for desert tortoise habitat

The following documents were provided to the EP/AEP to assist in the completion of this PALS:

- Preliminary Title Report
- Chain of Title Documents if necessary
- Permission to Enter Letter
- Site Map
- Most recent aerial photograph (if more are needed they will be obtained by the AEP/EP when completing Worksheet No. 1)
- \_\_\_\_\_
- \_\_\_\_\_

Printed Name: William L. Harris, PHD, PE Title: Hazardous Materials  
& AML Program Lead

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Section 2: If Prepared By an Assistant Environmental Professional:** I have conducted portions of this PALS under the responsible charge of an Environmental Professional.

Printed Name: Marilyn A. Roth Title: Assistant Environmental  
Professional

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

If none of the PALS was prepared by an AEP, the EP will sign in Section 3.

**Cover Sheet**  
**Pre-Acquisition Liability Survey (PALS)**  
**Pre-Acquisition Environmental Site Assessment (ESA)**

**Section 3: AAI Conclusions.** As an Environmental Professional, I have reviewed and/or prepared the attached documentation associated with this acquisition and have reached the following conclusion:

- This Pre-Acquisition Liability Survey has revealed no evidence of hazardous substances, petroleum products, or environmental conditions on this real property. No further inquiry is needed for purposes of all appropriate inquiries; therefore, this property is suitable for acquisition.
- This Pre-Acquisition Liability Survey has revealed evidence of hazardous substances, petroleum products, or environmental conditions in connection with this real property; therefore, this property is not suitable for acquisition.
- This Pre-Acquisition Liability Survey has revealed evidence of hazardous substances, petroleum products, or environmental conditions in connection with this real property; therefore, a Phase I Environmental Site Assessment is recommended.
- This Pre-Acquisition Liability Survey has revealed evidence of hazardous substances, petroleum products, or environmental conditions in connection with this real property. Therefore, only the following portions are suitable for acquisition: (describe). The following portions are not suitable for acquisition and should be excluded: (describe).

Additional recommendations for issues identified on Worksheet #4: Solid Waste, Physical Hazards, and Non-Scope Issues, are as follows:

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Printed Name: \_\_\_\_\_ Title: Environmental Professional

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Cover Sheet**  
**Pre-Acquisition Liability Survey (PALS)**  
**Pre-Acquisition Environmental Site Assessment (ESA)**

**Section 4: Approval. I concur with the conclusion in Section 3.**

Printed Name: Ruben A. Sanchez Title: Field Office Manager

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Attachments (Check)**

- All Appropriate Inquiries (AAI) Results
- Worksheet No. 1: Records
- Worksheet No. 2: Interviews
- Worksheet No. 3: Visual Inspection of the Facility and Adjoining Properties
- Worksheet No. 4: Solid Waste, Physical Hazards, and Non-Scope Issues
- Site Map(s)
- Aerial Photograph(s)
- Site Photographs
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

10-23-06

**Worksheet No. 2 - Questionnaire for Interview**  
**Pre-Acquisition Liability Survey (PALS)**

The AAI Rule requires that interviews be conducted of the current owner and occupant of the subject property. This worksheet is intended to assist with completion of the “Interview” portion of the All Appropriate Inquiry land acquisition screening. While it is intended as a useful guide, it is not all inclusive and does not meet all the requirements for CERCLA defenses. If the property has multiple occupants, the inquiry of the environmental professional shall include interviewing major occupants, as well as those occupants likely to use, store, treat, handle or dispose of hazardous substances, pollutants, contaminants, petroleum and petroleum products, and controlled substances, or those who have likely done so in the past. This includes interviewing one or more of the following persons:

- Current and past facility managers with relevant knowledge of uses and physical characteristics of the property;
- Past owners, occupants, or operators of the subject property; or
- Employees of current and past occupants of the subject property.

Name of person being interviewed:

\_\_\_\_\_

(If by phone, provide phone number)

Affiliation with Subject Real Property:

\_\_\_\_\_

(Owner/operator/caretaker/previous owner/neighbor, etc.)

Time frame affiliated with Subject Real Property:

Name of person conducting interview: Marilyn A. Roth

Signature of person conducting interview: \_\_\_\_\_

Title of person conducting interview: Realty Specialist

Date(s) of interview: \_\_\_\_\_

Note: This form may be mailed to the person(s) to be interviewed and request a written response to the questions.

**Worksheet No. 2 - Questionnaire for Interview**  
**Pre-Acquisition Liability Survey (PALS)**

***“To the Best of Your Knowledge...”***

**A. Property Use/s**

1. Is the property currently or was it previously used for an industrial, commercial use (i.e. official and unofficial shooting ranges, processing, handling, management, disposal, storage, manufacture, or transportation of hazardous substances or petroleum products, such as a gasoline station, motor repair facility, commercial printing facility, dry cleaners, photo developing laboratory, meth lab, junkyard, boneyard, or landfill, or as a waste treatment, storage, disposal, processing, or recycling facility). If yes, describe the activities and provide the time frame, types, location/s and quantities of hazardous substance use and/or storage.

Yes \_\_\_ No \_\_\_ Unknown \_\_\_

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Has there been any past, present, or permitted or planned mining activity or oil and gas exploration/development present on the property? If yes, describe the activities and provide the time frame, location/s and scope of operations.

Yes \_\_\_ No \_\_\_ Unknown \_\_\_

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2. Has the property ever been used for agricultural, livestock, crop purposes? If yes, describe the operations and indicate the location/s and time frames involved.

Yes \_\_\_ No \_\_\_ Unknown \_\_\_

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If yes, was hazardous substance use and/or storage involved in the operations (example, pesticide/herbicide use, cattle dip vats). If yes, describe and provide location/s and the type, quantity and duration of use.

Yes \_\_\_ No \_\_\_ Unknown \_\_\_

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3. Are there, or have there been any improvements, such as old building foundations, buildings, water towers, smokestacks, smelters, etc., on the property? If yes, describe the improvements and provide location/s and the date of construction and removal (if applicable).

Yes \_\_\_ No \_\_\_ Unknown \_\_\_

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4. Other Questions as necessary based on the records review:

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**B. Hazardous Materials & Substances**

1. Do the current operations at/on the property involve the use and storage of hazardous materials and substances. If yes, please describe the operations and indicate the location/s, type and quantities of materials used. Describe the storage location/s and if any chemical mixing (example pesticide blending) operations occur. Discuss any use, storage, mixing, or disposal of chemicals, automotive or industrial batteries, pesticides, herbicides, fungicides, paints, solvents, or other, on fence lines, right of ways, or other structures such as airstrips, heliports, crop duster operations, etc.

Yes \_\_\_ No \_\_\_ Unknown \_\_\_

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If yes, has there been a spill or release of hazardous substances, petroleum products, or other potential environmental problems on the property associated with current operations? If yes, describe the nature and location/s of the release and the quantities and types of hazardous substances. This includes staining of soils and floors in areas utilized for the use and storage of hazardous materials.

Yes \_\_\_ No \_\_\_ Unknown \_\_\_

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If a spill or release of hazardous substances or petroleum products had occurred, was it reported to the National Response Center or a local or State emergency response authority? If yes, identify the agency. Yes \_\_\_ No \_\_\_ N/A \_\_\_ Unknown \_\_\_

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If a spill or release of hazardous substances or petroleum products has occurred, has the release been mitigated? If yes, describe the mitigation, identify the regulatory agency who oversaw the mitigation and indicate if a no-further action (NFA) determination has been issued by the lead regulatory agency.

Yes \_\_\_ No \_\_\_ N/A \_\_\_ Unknown \_\_\_

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If remediation is completed, is there contamination or residual contamination present? If yes, are there any institutional controls/land use restrictions in place or long term monitoring and maintenance requirements?

Yes \_\_\_ No \_\_\_ N/A \_\_\_ Unknown \_\_\_

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2. Are there any past operations at the property that involved the use and storage of hazardous materials and substances? If yes, describe the operations and the location/s, types and quantities.

Yes \_\_\_ No \_\_\_ Unknown \_\_\_

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If yes, has there been a spill or release of hazardous substances, petroleum products, or other potential environmental problems on the property associated with past operations or tenants? If yes, describe the nature and location/s of the release and the quantities and types of hazardous substances. Yes \_\_\_ No \_\_\_ N/A

\_\_\_ Unknown \_\_\_

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If a spill or release of hazardous substances or petroleum products had occurred, was it reported to the National Response Center or a local or State emergency response authority? If yes, identify the agency. Yes \_\_\_ No \_\_\_ N/A \_\_\_ Unknown \_\_\_

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If a release of hazardous substances or petroleum products had occurred, was the release been mitigated? If yes, describe the mitigation, identify the regulatory agency who oversaw the mitigation and indicate if a no-further action (NFA) determination was been issued by the lead regulatory agency.

Yes \_\_\_ No \_\_\_ N/A \_\_\_ Unknown \_\_\_

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If remediation is completed, is there still contamination or residual contamination present? If yes, are there any institutional controls/land use restrictions in place or long term monitoring and maintenance requirements?

Yes \_\_\_ No \_\_\_ N/A \_\_\_ Unknown \_\_\_

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3. Are there or have there ever been any pipelines, utility lines, railways, entry/exit ports and associated structures, either buried or overhead, crossing the property? If yes, please describe and indicate the location/s, approximate date when constructed and the identification of the owner.

Yes \_\_\_ No \_\_\_ Unknown \_\_\_

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If yes, are you aware of any spills or releases associated with them? If yes, please describe the spills and/or releases and indicate the date, type and quantities of materials involved.

Yes \_\_\_ No \_\_\_ Unknown \_\_\_

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If a spill or release has occurred, are you aware if the release has been mitigated? If yes, please indicate who conducted the mitigation and identify the regulatory agency who oversaw the mitigation. If known, indicate if a no-further action (NFA) determination was been issued by the lead regulatory agency.

Yes \_\_\_ No \_\_\_ N/A \_\_\_ Unknown \_\_\_

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If remediation is completed, are you aware if there is still contamination or residual contamination present? If yes, are there any institutional controls/land use restrictions in place or long term monitoring and maintenance requirements?

Yes \_\_\_ No \_\_\_ N/A \_\_\_ Unknown \_\_\_

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4. Are you aware of any hazardous substance or pollutant or contaminant spill or release, or other potential environmental problems on any adjacent or nearby properties? If yes, please describe (if known) the location/s of the release, the type and quantities of materials involved and the approximate dates. If known, also indicate the owner of the property where the release occurred.

Yes \_\_\_ No \_\_\_ Unknown \_\_\_

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If there was a release of hazardous substances, petroleum products on any adjacent or nearby properties are you aware if the release was mitigated?

Yes \_\_\_ No \_\_\_ N/A \_\_\_ Unknown \_\_\_

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Are you aware if there is contamination present or residual contamination present on adjacent and/or nearby properties which poses a threat or may pose a future threat to the Subject Real Property? If yes, describe the threat or potential threat.

Yes \_\_\_ No \_\_\_ N/A \_\_\_ Unknown \_\_\_

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Are you aware of any institutional controls/land use restrictions in place or long term monitoring and maintenance requirements in place on adjacent or nearby properties that effect the Subject Real Property? If yes, please describe and identify the adjacent or nearby property and the property owner.

Yes \_\_\_ No \_\_\_ N/A \_\_\_ Unknown \_\_\_

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Are you aware if the site topography has been altered and/or if there are any unnatural topographic features present on the subject real property? If yes, please describe the topographic alterations and/or unnatural features. Indicate their location/s on the subject real property and if known when the alterations occurred and by whom.

Yes \_\_\_ No \_\_\_ Unknown \_\_\_

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Has fill material ever been brought onto the property that originated from a contaminated site or that was of an unknown origin? If yes, describe the date and quantity of material brought to the Subject Real Property, indicate when on the property the material was placed.

Yes \_\_\_ No \_\_\_ Unknown \_\_\_

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If fill material came from a contaminated site, identify the contaminated site of origin of the material and describe the contamination present.

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5. Is there any evidence of waste materials currently or previously being dumped above grade, buried, and/or burned on the property (i.e. hazardous materials, industrial waste, petroleum products, labeled/unlabeled drums or other containers, pesticide containers, household and farm debris, automotive or industrial batteries, building demolition debris, or any other waste materials)?

Yes \_\_\_ No \_\_\_ Unknown \_\_\_

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6. Are any aboveground or underground storage tanks being or have been used on the property? If yes, identify where on the property the tanks are/were located, when the tanks were installed and the types and quantities of hazardous materials stored. If the tanks were removed indicate when the removal took place and whether a closure certification notice was received by the lead regulatory agency.

Yes \_\_\_ No \_\_\_ Unknown \_\_\_

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If above-ground or underground storage tanks are or have been used on the property, was there ever a spill or release of hazardous substances associated with the tank system? If yes, indicate the date and nature of the spill or release.

Yes \_\_\_ No \_\_\_ Unknown \_\_\_

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If a spill or release has occurred related to an on-site tank system, was it mitigated to the satisfaction of the lead regulatory agency? If no, describe further actions that must be undertaken to address the spill or release.

Yes \_\_\_ No \_\_\_ N/A\_\_\_ Unknown \_\_\_

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7. Other Questions as necessary based on the records review:

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**C. Water/Waste Water**

1. Does the property currently or has it ever been supplied by an on-site drinking water supply well? If yes, provide the location/s of the well and date of construction.

Yes \_\_\_ No \_\_\_ Unknown \_\_\_

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Have contaminants ever been identified in the on-site drinking water well or the water system that exceeded acceptable levels? If yes, describe the contamination and indicate the dates, contaminant levels and the source of the contamination, if known.

Yes \_\_\_ No \_\_\_ N/A\_\_\_ Unknown \_\_\_

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If an on-site drinking water well is no longer used, has it been properly abandoned in accordance with applicable regulatory requirements. If, yes, indicate the date the well was abandoned.

Yes \_\_\_ No \_\_\_ N/A\_\_\_ Unknown \_\_\_

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2. Does the property currently have or has there ever been an on-site waste water treatment and disposal systems (septic systems, sewage lagoons, etc.). If yes, please provide a description of the system, including the location/s, size, date constructed, and which buildings discharge to the system.

Yes \_\_\_ No \_\_\_ Unknown \_\_\_

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If the on-site waste water treatment and disposal system is no longer in use has it been closed? If yes, describe method of closure and date closed.

Yes \_\_\_ No \_\_\_ N/A\_\_\_ Unknown \_\_\_

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3. Have any monitoring wells been installed on the property? If yes, explain the purpose of the wells and provide the location/s, dates of construction and any analytical results.

Yes \_\_\_ No \_\_\_ Unknown \_\_\_

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If the monitoring wells are no longer in use, have they been properly abandoned in accordance with applicable regulatory requirements. If, yes, indicate the date the wells were abandoned.

Yes \_\_\_ No \_\_\_ N/A\_\_\_ Unknown \_\_\_

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4. Is surface water present on the property (i.e. pits, ponds, lagoons, rivers, creeks, oceans, etc.)? If yes, provide a description of the location/s and type of surface water present.

Yes \_\_\_ No \_\_\_ Unknown \_\_\_

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If surface water is present, are you aware of any unnatural characteristics (i.e., color, sheens, odors, sterile, etc.)? If yes, please describe and indicate whether the situation is new or has been present for an extended period of time.

Yes \_\_\_ No \_\_\_ N/A \_\_\_ Unknown \_\_\_

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5. Other Questions as necessary based on the records review:

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**D. Compliance/Permits**

1. Are you aware of any environmental liens against the Subject Real Property that have been filed or recorded under Federal, Tribal, state or local law? If yes, describe the lien and indicate the date and effect on the current and future use of the property.

Yes \_\_\_ No \_\_\_ Unknown \_\_\_

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2. Are you aware of any activity and land use limitations that are in place on the Subject Real Property or that have been filed or recorded under federal, tribal, state or local law? If yes, describe the land use restrictions and identify when they were issued and by whom.

Yes \_\_\_ No \_\_\_ Unknown \_\_\_

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3. Are you aware if any environmental site assessment, or other environmental investigations, of the Subject Real Property, or any other property/site records that indicated the presence of hazardous substances, petroleum products, or other potential environmental problems on the property? If yes, describe the report and findings.

Yes \_\_\_ No \_\_\_ Unknown \_\_\_

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Are you aware if any environmental site assessment, or other environmental investigations, of the Subject Real Property, or any other property/site records that recommended further assessment of the property? If yes, identify the report and indicate if the further assessment was performed.

Yes \_\_\_ No \_\_\_ N/A \_\_\_ Unknown \_\_\_

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4. Are you aware of any past, threatened, or pending lawsuits or administrative proceedings concerning a release or threatened release of any hazardous substances or petroleum products on the subject real property? If yes, describe and identify when and by whom the legal and/or administrative action was initiated.

Yes \_\_\_ No \_\_\_ Unknown \_\_\_

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5. Have there ever been spills of hazardous substances or petroleum products that were reported to the National Response Center or a local or State emergency response authority?

Yes \_\_\_ No \_\_\_ Unknown \_\_\_

Details: \_\_\_\_\_

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6. Other Questions as necessary based on the records review:

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**E. Other**

1. Are you aware of the presence of or has there been, any anomalous vegetation (i.e. stressed, dead, etc.) present on the property? If yes, indicate the location/s and approximate dates. Yes \_\_\_ No \_\_\_ Unknown \_\_\_

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2. If not mentioned above, is there anything else that could indicate the presence of hazardous substances, petroleum products or other environmental conditions that may impact the Subject Real Property?

Yes \_\_\_ No \_\_\_ Unknown \_\_\_

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If the questionnaire is provided to the owner/operator, provide a signature block.  
Following is a suggested format:

Name of individual completing Questionnaire:

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Signature of individual completing Questionnaire:

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Affiliation with Subject Real Property:

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(Owner/operator/caretaker/previous owner/neighbor, etc.)

Time frame affiliated with Subject Real Property:

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Date Signed: \_\_\_\_\_