

ENVIRONMENTAL ASSESSMENT, FONSI and DR FORM

EA Number: DOI-BLM-AZ-CO10-2012-20-EA Lease/Serial Case File No.: AZA-34477

Bureau of Land Management, Kingman Field Office

Proposed Action Title/Type: Right-of-way for a ditch

Location of Proposed Action:

Gila & Salt River Meridian

T. 24 N., R. 14 W., Sec. 30, SW¹/₄SW¹/₄SW¹/₄SW¹/₄.

Applicant (if any): Mr. Harry and Mrs. Audrey Warner
10688 N. Benjamin Rd.
Kingman, AZ 86401

1.0 Introduction

1.1

BACKGROUND AND GENERAL DESCRIPTION

Mr. Harry and Mrs. Audrey Warner own private property in T. 24 N., R. 15 W., sec.25 SE¹/₄SE¹/₄. Their property line is at the corner of a section, the boundaries are as follows:

East of their property is T. 24 N., R. 14 W., sec. 30 S¹/₂ is owned by the United States.
South of the Warner's property is T. 24 N., R. 15 W., sec. 36 owned by the state.
Southeast of their property is T. 24 N. R. 14 W. sec. 31 which is privately owned.
Refer to aerial photo.

The Warner's submitted an application for a road right-of-way (ROW) May 29, 2007 for access approximately 100 yards long and 20-25 ft. wide along the West side of BLM sec 30, extending north from the southwest section corner.

A site visit showed current access to the Warner's property on State land by way of Boulder Avenue paralleling the area of the proposed road.

After discussions with the Warner's, they changed their request from an access road to a ditch. The ditch would prevent the flooding of their property during heavy rains.

1.2

NEED FOR PROPOSED ACTION:

1.2.1 BLMs need for proposed action

The need for the proposed action is to process the application (SF299 "Application for Transportation and Utility Systems and Facilities on Federal Lands") received May 29, 2007, and submitted by Mr. Harry and Mrs. Audrey Warner. The need for the action is established by the BLM's responsibility under the Federal Land Policy Management Act to respond to a request for a Right-of-Way Grant for facilities on public land.

1.2.2 Applicants need for proposed action

Mr. and Mrs. Audrey Warner own property with dirt road access on Boulder Ave. The access road was built across the natural drainage pattern in the area. This causes seasonal flooding of Boulder Ave. during heavy rains. They would like to build a ditch on BLM land that would divert water away from the access road to their land.

1.3

DECISION TO BE MADE:

The decision to be made is whether or not to grant the right-of-way as described in the Proposed Action portion of this document, or to deny the application.

1.4

CONFORMANCE WITH APPLICABLE LAND USE PLAN:

LUP Name: *Kingman Resource Management Plan/EIS*

Date Approved: March 1995

The proposed action is in conformance with the LUP, (though it is not specifically provided for), because it is clearly consistent with the following LUP decisions (objectives, terms, and conditions): Pages 66 and 67 of the RMP, a portion of item 2 of the errata sheet issued with the RMP/FEIS, and Decision L13a/V states "All other minor rights-of-way would be evaluated through the environmental review process and granted or rejected on a case-by-case basis. Existing rights-of-way would be used when possible to minimize surface disturbance."

2.0 Description of proposed action and alternatives

2.1

PROPOSED ACTION:

The BLM would grant the right-of-way AZA 34477 on public lands for the construction, operation, maintenance, and termination of a ditch within T. 24 N., R. 14 W., Sec. 30, SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$. The area that would be disturbed is a 15 ft. by 150 ft. swath of public land and would be cleared of vegetation.

Access to construct, maintain, operate, and terminate the ditch would be from private property owned by the applicant, through a barbed wire range fence. The construction and maintenance would be done using a rubber tired, 3720 John Deere Compact Utility Tractor with a 5 ft. 300 loader and a 447 Backhoe.

The ditch would start at the Southwest corner of BLM sec.30 and follow the natural drainage 150 foot ending at the West section line (see map). The dirt dug from the ditch would be used to build a berm on the East side of the ditch. The ditch would be no more than 24 inches deep.

2.2

DESCRIPTION OF NO ACTION ALTERNATIVE:

Under the No Action Alternative the right-of-way for a ditch would not be granted.

3.0

Environmental impacts from the proposed action

The Critical Elements of the Human Environment (BLM Handbook H-1790-1) were considered during this project with respect to the proposed action, no action and any other alternatives. The table below lists the critical elements and pertinent comments on each. Elements not affected by the Proposed Action or alternatives will not be discussed further in this EA.

PROJECT RESOURCE REVIEW			
Resources & Programs Considered	Not Present	Present and Not Affected	Present and/or Potentially Affected
Air Quality*		✓	
Cultural, Historic & Paleontological Resources*	✓		
Fish Habitat*	✓		
Forests and Rangelands*	✓		
Migratory Birds*	✓		
Native American Religious Concerns*	✓		
Threatened or Endangered Species*	✓		
Hazardous or Solid Wastes*	✓		
Drinking or Groundwater Quality*	✓		
Wild & Scenic Rivers*	✓		
Wilderness*	✓		
Environmental Justice*/ Socioeconomics	✓		
Floodplains*	✓		
Wetlands-Riparian Zones*	✓		
Areas of Critical Environmental Concern	✓		
Prime or Unique Farmlands	✓		
Fuels/Fire Management	✓		
Lands & Realty		✓	
Law Enforcement	✓		
Minerals	✓		
Human Health & Public Safety	✓		
Recreation		✓	
Grazing		✓	
Soils		✓	
Travel Management	✓		
Vegetation			✓
Visual Resources	✓		
Weeds(Invasive & Non-Native)	✓		
Wild Horses/Burros	✓		
Wildlife			✓

3.1

Biological Resources:

3.1.1

Vegetation

The resources that would be affected by the proposed action would primarily be the vegetation that would be removed, and the animals that rely on them. The area for the ditch totaling 0.052 acres would be cleared of vegetation and the reclamation would occur naturally. During periodic maintenance some of this vegetation would be removed.

3.2

Other:

3.2.1

Range-The range fence along the West section line of T. 24 N., R. 14 W., sec, 30 will be cut to allow for access to the construction site. The fence will be H-braced on both sides of the cut and when the construction is completed the fence will be restored to operational at the site of the cut. If livestock are within the pasture to the east a temporary gate would be required on the breached fence.

3.2.2

Air Quality- Dust would be made by the tractor during construction and maintenance of the ditch. The impact would be small and for a brief period due to the small area and equipment used.

3.2.3

Noise-Noise from the tractor would occur during construction and maintenance of the ditch. The impact would be small and for a brief period due to the small area and equipment used.

4.0

Impacts of the No Action Alternative:

4.1 Environmental impacts

No right-of-way would be granted and during heavy rains, the access road to the Warner's property would continue to flood.

5.0

DESCRIPTION OF MITIGATION MEASURES:

5.1

The following terms and conditions would be included:

5.1.1

Vegetation

- 1) All cacti, yucca, nolina (beargrass), ocotillo, agave or other state protected plants on public lands will be avoided where possible. Where they cannot be avoided the holder will transplant them onto public lands within 15 feet of this right-of-way. The plants will be transplanted by hand the same day that they are uprooted.

5.1.2

Range

- 1) Holder shall minimize disturbance to existing fences and other improvements on public land. The holder is required to promptly repair improvements to their former state at minimum. Functional use of these improvements will be maintained at all times. Holder will contact the owner of any improvements prior to disturbing them.
- 2) Prior to cutting the fence, bracing will be installed on both sides of the passageway. The braces utilized will either be horizontal braces (h-brace), pre-made fencing brace, or another brace that is approved by the authorized officer. The fence will be attached to the braces and the wires pulled tight. This installation will be done in a workman like manner to ensure the fence is kept in its current condition or better.
- 3) The holder will notify the authorized officer prior to the above specified measures so coordination with the grazing permittee can occur. At the discretion of the authorized officer the holder may be required to construct temporary livestock barriers to prevent livestock from exiting the allotment.
- 4) The holder is held liable for any negative effects to adjacent lands that occur as a result of this right-of-way. Consultation with the Authorized Officer may be required for additional mitigation to resolve any conflict. This right-of-way may be terminated if such measures are deemed ineffective.

5.2

Other:

4.2.1 Noise-No residual impacts from noise are anticipated. The impact would be small and limited to construction and maintenance periods.

4.2.2 Air quality-Dust and exhaust will be generated during construction and maintenance but no residual impacts to the air quality are anticipated. The amount of dust and exhaust would be minimal.

PERSONS/AGENCIES CONSULTED:

Rebecca Peck (BLM Wildlife Biologist)

Tim Watkins (BLM Archeologist)

Len Marceau (BLM Visual Resource)

Wade Duey (Walapai Ranch Permittee)

Preparer(s):

Melissa Patriquin (Realty Specialist)

Environmental Coordinator:

Ramone McCoy

Bureau of Land Management, Kingman Field Office
FINDING OF NO SIGNIFICANT IMPACT AND DECISION RECORD

NEPA Document Number: DOI-BLM-AZ-CO10-2012-20-EA

Finding of No Significant Impact: Based on the analysis of potential environmental impacts contained in the attached environmental assessment, I have determined that impacts are not expected to be significant and an environmental impact statement is not required.

/ s / Ruben A. Sanchez
Field Manager, Kingman

6/25/2012
Date

=====

DECISION RECORD

NEPA Document Number: DOI-BLM-AZ-CO10-2012-20-EA

Decision:

To grant right-of-way AZA-34477 as described in section 2.1, the Proposed Action of the environmental analysis(EA) numbered DOI-BLM-AZ-CO10-2012-20-EA.

Rational for Decision:

I have reviewed the proposed action and have found it to be in conformance with the LUP as described in section 1.4 in the aforementioned EA.

The granting of this right-of-way would benefit the public by allowing for the holder to have access to their property during heavy rains by diverting flood waters and preventing the flooding of the access road.

Stipulation:

See attached right-of-way grant.

/ s / Ruben A. Sanchez
Field Manager, Kingman

6/25/2012
Date