

# Categorical Exclusion Documentation Format for Actions Other Than Hazardous Fuels and Fire Rehabilitation Actions

## Project Name

NEPA Number DOI- BLM-AZ-C010-2011-0009-CX

### A. Background

BLM Office: Kingman Field Office                      Lease/Serial/Case File No.: AZA 26466

Proposed Action Title/Type: Renewal of Land Use Permit AZA 26466

Location of Proposed Action: S½NE¼SW¼NE¼, SE¼SW¼NE¼, N½NE¼NW¼SE¼ sec. 30, T. 21 N., R. 16 W., G&SRM.

Description of Proposed Action: Renewal of Land Use Permit for stockpiling mineral materials on 20 acres in Sawmill Canyon in the above described public lands. The proposed permit would expire on 12/31/2013.

### B. Land Use Plan Conformance

Land Use Plan Name: *Kingman Resource Management Plan/EIS*

Date Approved/Amended: March 1995

The proposed action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decision(s):

The proposed action is in conformance with the LUP, even though it is not specifically provided for, because it is clearly consistent with the following LUP decision(s) (objectives, terms, and conditions):

KRMP/FEIS p. 70 "Use permits would continue to be issued on a case-by-case basis following environmental review."

LUP Decision LR20/B3 Land Use Permits will continue to be issued on a case-by-case basis following NEPA Compliance.

### C. Compliance with NEPA:

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9, **E (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.**

This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The proposed action has been reviewed (See Attachment 1), and none of the extraordinary circumstances described in 516 DM2 apply.



## Attachment 1: Extraordinary Circumstances Review

Extraordinary Circumstances	Comment (Yes or No with supporting Rational
1. Have significant effects on public health or safety.	No. The area has had stockpiled material since before it was reconveyed to the U.S. in 1989 with no detriment to the public's health and safety and none are anticipated.
2. Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness 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; and other ecologically significant or critical areas.	No. The area was checked for cultural resources prior to the BLM permitting this in 1992 and no such resources were discovered. The terms and conditions of the permit would require notification to the BLM and cessation of work if cultural resources were discovered. No park, recreation or refuge lands, wilderness, wild or scenic rivers, natural landmarks, prime farmlands, wetlands, national monuments, and other ecologically significant or critical areas are in the vicinity of the proposed permitted area nor would any of these areas be affected. The proposed permitted area is within the Sacramento basin watershed and is within the floodplain of Sawmill Canyon Wash, an ephemeral stream, and foraging area for migratory bird species. It is not anticipated that any of these resources would be significantly impacted.
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2) (E)].	No. The anticipated effects from the issuance of the proposed permit would not be controversial nor would it involve unresolved conflicts concerning alternative uses of available resources.
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.	No. This area has been used for stockpiling of mineral materials since before the lands were reconveyed to the U.S. and the environmental effects to date have not been unique or unknown nor is it anticipated that the environmental effects from the continued use of the area for stockpiling mineral materials would be unique or unknown.
5. Establishes a precedent for future action or represents a decision in principle about future actions with significant environmental effects.	No. The issuance of the proposed permit would be for a 3 year term, upon the end of which the BLM would consider the issuance of a permit should the applicant wish to continue its use of the area, at which time the BLM would decide the appropriateness of continuing this use of these lands. Upon cessation of the use of this area the permittee would reclaim the area.
6. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.	No. No other actions are known with a direct relationship to the issuance of the proposed permit.
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. No listed properties or properties eligible for listing are in the vicinity of the area which would be covered under the proposed land use permit nor would any of these properties be affected.

<p>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.</p>	<p>No. No listed species or species proposed to be listed on the List of Endangered or Threatened Species are in the vicinity of the area which would be covered under the proposed land use permit nor would any of these or designated Critical Habitat be affected by the issuance of the proposed permit.</p>
<p>9. Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.</p>	<p>No. No laws for the protection of the environment would be violated by the issuance of the proposed permit.</p>
<p>10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).</p>	<p>No. The issuance of the proposed permit would not have a high and adverse effect on low income or minority populations.</p>
<p>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).</p>	<p>No. No Indian sacred sites are known to exist in the vicinity of the proposed permit area.</p>
<p>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).</p>	<p>No. Although exotic annual species exist in the area (i.e. <i>Bromus rubens</i>, <i>Brassica tournefortii</i>) the proposed permit would not increase these plants in and around the proposed permitted area.</p>

## Approval and Decision Attachment 2

**Compliance and assignment of responsibility:** Lands and Realty

**Monitoring and assignment of responsibility:** Lands and Realty

**Review:** *We have determined that the proposal is in accordance with the categorical exclusion criteria and that it would not involve any significant environmental effects. Therefore, it is categorically excluded from further environmental review.*

**Prepared by:**           / s / Andy Whitefield                                **Date:**           02/14/2011          

**Andy Whitefield, EPS  
Project Lead**

**Reviewed by:**           / s / David Brock                                **Date:**           02/14/2011          

**David Brock  
NEPA Coordinator**

**Reviewed by:**           / s / Jackie Neckels                                **Date:**           02/14/2011          

*Jackie Neckels, Assistant Field  
Manager, Non-Renewable  
Supervisor*

**Project Description:** Renewal of Land Use Permit for stockpiling mineral materials in the S $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ SW  $\frac{1}{4}$ NE $\frac{1}{4}$ , N $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$  sec. 30, T. 21 N., R. 16 W., G&SRM. The proposed permit would expire on 12/31/2013.

**Decision:** Based on a review of the project described above and field office staff recommendations, I have determined that the project is in conformance with the land use plan and is categorically excluded from further environmental analysis. It is my decision to approve the action as proposed, with the following stipulations (if applicable).

**Approved By:**           / s / Jackie Neckels                                **Date:**           2/14/2011          

**Jackie Neckels  
Assistant Field Manager, Kingman Field Office**

**Exhibits:**

- 1) **Stipulations:** See attached permit.

**KINGMAN FIELD OFFICE SCOPING FORM**

**Proposal:**

DOI-BLM-AZ-C010-2011-0009-CX \_\_\_\_\_  
 NEPA Document Number RMP Implementation No.

S:/BLMshare: \LANDS\BACKLOG\AZA26466  
 Document Location

**Land Description:** sec. 30, T.21 N., R.16 W., G&SRM.

Applicant: Desert Construction

Authorization:

**INVOLVEMENT:** Indicate in the left column which disciplines need to provide information into the EA.

Needed Input (X)	Discipline	Signature
	Lands	
	Minerals	
	Range	
	Wild Horse and Burro	
	General Recreation	
x	Cultural and Paleontological Resources	/ s / Tim Watkins 01/24/2010
	Wilderness	
	Soils	
	Surface and Groundwater Quality/Water Rights	
	Air Quality	
x	Wildlife	/ s / Rebecca L. Peck 01/24/2011
x	Threatened and Endangered Plants and Animals <i>(No T&amp;E in project area)</i>	/ s / Rebecca L. Peck 01/24/2011
x	Migratory Birds	/ s / Rebecca L. Peck 01/24/2011
	Surface Protection	
	Hazardous Materials	
	Areas of Critical Environmental Concern	
	Visual Resources	
	Socio-Economics/Environmental Justice	
	General Botany/Noxious Weeds	
	Energy Policy	

Writer:  / s / Andy Whitefield

Date:  01/4/2011

Environmental Coordinator:  / s / David Brock

Date:  02/14/2011

Field Manager:  / s / Jackie Neckels

Date:  02/14/2011

## PROJECT COORDINATION

Agenda/Minutes

10:30 a.m.

January 4, 2011

Facilitator: Dave Brock      Recorder: Becky Peck      Timekeeper: Len Marceau

**Agenda Items:** Brief description, legal description, general location, name of presenter, time needed.

Rules: 90 minute meetings  
No side conversations  
Stick to time limits

Additional agenda items added at end of meeting if time permits

PAST DUE CLEARANCES:

DECISION RECORDS TO BE DISCUSSED:

NEPA LOG (update on each project in the log) at end of meeting:

### **PROJECTS:**

1. Oak Creek Energy “Silver Creek Wind Assessment Project”, AZA 34965, located in Mohave Valley. Cost recovery project 5101 FX A298. (Sheri Ahrens, Lake Havasu Field Office 20 min). There is a POD for the project. Comments were due Dec. 17, 2010 Why would BLM allow met towers in the ACEC where new disturbance is not allowed? If there is enough wind in this area to install wind turbines this could lead to a proposal to install turbines which appear\’s to be in non-conformance with the RMP. Everyone involved needs to read the project proposal. Blmshare/NEPA/agenda& minutes/2010-0002-EA.

2. UniSource Hart Power Line, AZA 35487. T. 21 N., R. 17 W., Sec. 8 and 17. (Angela Mogel, Arizona State Office 10 min). This power line would come off an existing power line across public land 479’ with one pole to Joe Hart’s property near the Coyote Pass Hwy 93 inspection station to provide power to a communication tower. 480’ X 50’. This would service a communication site on J. Hart’s private property. Hart told Angela he has been coordinating with FAA required him to conduct tribal consultation. Angela requested he send her this information. He has not sent this information to her or KFO yet. Is this the 20.8 KV line. Yes it is. This project is full cost recovery. This is a new line. NENW of section 17 may be within the CFRA. Is there a management prescription that precludes utility crossing. Len doesn’t think the CFRA management plan says no new utilities – he will check this out. This is a cost recovery project 5103 ER AC16. Biological clearance and EA work will be done by BLM- Ammon Wilhelm. Ammon will also do the visual work. Check to see if ROW is within CFRA. Cultural Resources, Tim Watkins; Len Marceau, Recreation; Field Trip: set for today.

3. HEADS-UP. Special Recreation Permit for Oatman Stables to provide guided horseback riding tours. Tom McCarthy is starting another tour operation on the same routes as his SRP in 2005 and amended in 2007. 2005 SRP covered 3 different routes, 4 trips per day, 2-8 participants and 1-2 guides per trip, and trip length of 1-2 hours. Plan to write a DNA. Staff: Rebecca Peck-Wildlife and Tim Watkins-Archaeology; June Wendlandt, WH&B. (Len Marceau, 20 min). Post use report: 4 trips per day is high. In one segment there was more than 4 trips per day. Len will expand on this later. SRP folder will be checked for issues of late payment.

4. HEADS-UP. Seed Collection for use in fire rehab. We Received funding from BPS to collect seeds in the Mojave desert to use in restoration projects. This could also include some work trying to germinate some seeds. Does anyone have seeds they would like to see collected? (Ammon 15 Minutes)

5. Relict Leopard Frog Introduction: T. 21N, R. 20W, sec. 2, Spring source: UTM: NAD 83. 737640mE, 3901720mN . North of SR 68 at Union Pass. (Rebecca Peck, 15 min).

Release: The proposal is to introduce/release the Relict Leopard Frog (*Rana onca*) at Union Pass Spring and at multiple pools located downstream of the source in section 2. Total potential area of release is approximately ½ mile in length. The release would occur in late spring to early summer when frogs become available from head starting facilities in Nevada and Arizona. Released individuals would include first year frogs, and may include late stage tadpoles, depending on recommendations of the Relict Leopard Frog Conservation Team. Multiple releases would occur over a ten year period depending on natural recruitment. There is potential that a self-sustaining population could establish in five years.

Habitat preparation for release: To create sites for frog basking, a few overhanging branches of turbinella oak at six to twelve spots would be removed to open up areas for sunlight penetration. Hand tools such as loppers and a hand saw would be used. No motorized equipment would be used.

Frogs and tadpoles would be carried in with hand buckets and dumped into the spring and pool areas.

Monitoring: Surveys would be conducted 2-3 times per year. Surveys would be conducted during the day and night. Nocturnal surveys would be conducted during the spring and fall in search of frogs. A diurnal (daytime) egg mass survey would be conducted during the spring to search for egg masses. Survey frequency may increase depending upon survey results.

Habitat maintenance for survey: Frog survey crews would maintain footpaths to survey for frogs.

Research Studies: Research studies may be conducted to investigate the conservation biology of the frog.

This is on the Gediodia allotment

Wildlife & T& E: Rebecca Peck; Cultural Resources Tim Watkins; Range, Abe Clark;

6. Heads Up: Solar Energy Draft EIS for SW States is available for review J. Neckels. There is one volume that is specific to the state of Arizona. Solar study areas in Arizona are identified and appear in a map. One is partially in KFO – “Bullard Wash study area”. This is joint project between BLM and Dept. of energy. Meeting in Las Vegas – end of Feb. or first week in March. There is a web site with this information. <http://solareis.anl.gov>. . The BLM would like the focus to be on the study areas identified. There could be other areas identified outside of the study areas also chosen to be studied for solar power. This will amend our land use plan so be sure to check it out.

7. Renewal of Desert Construction permit in Sawmill Canyon. Proposes to do a DNA for a three year permit. No expansion proposal. The old permit had a hot plant which they have never operated. The new permit would not have the hot plant in it. They use public land for stockpiling only. Wildlife and T&E, Rebecca Peck; Cultural Resources, Tim Watkins.

Attendees: Ruben Sanchez, Angela Mogel, Ammon Wilhelm, Len Marceau, June Wendlandt, Andy Whitefield, Don McClure, Dave Brock, Randy Allison, Paul Misiaszek, Jackie Neckels, Paul Hobbs, Tim Watkins, Abe Clark, Jason Foose.

Next meeting: January 18, 2011 1:30 pm

Facilitator: John Reid

Recorder: Tim Watkins

Timekeeper: Len Marceau

PERMIT

Permission is hereby granted to **Desert Construction, Inc.**  
of **Kingman, Arizona**  
to use the following described lands:

Permit Number  
**AZA 26466**

TOWNSHIP	RANGE	SECTION	SUBDIVISION
21 N.	16 W.	30	S1/2NE1/4SW1/4NE1/4, SE1/4SW1/4NE1/4, N1/2NE1/4NW1/4SE1/4

Meridian	State	County	Acres (number)
G&SR	Arizona	Mohave	20.00

for the purpose of  
**Stockpiling mineral materials**

and subject to the following conditions:

- This permit is issued for the period specified below. It is revocable at the discretion of the BLM, at any time upon notice. This permit is subject to valid adverse claims heretofore or hereafter acquired.
- This permit is subject to all applicable provisions of the regulations (43 CFR 2920) which are made a part hereof.
- This permit may not be assigned without prior approval of the BLM.
- Permittee must not enclose roads or trails commonly in public use.
- Authorized representatives of the Department of the Interior, other Federal agencies, and State and local law officials will at all times have the right to enter the premises on official business.
- Permittee must pay the United States for any damage to its property resulting from the use.
- Permittee must notify the BLM of address change immediately.
- Permittee must observe all Federal, State, and local laws and regulations applicable to the premises and to erection or maintenance of signs or advertising displays including the regulations for the protection of game birds and game animals, and must keep the premises in a neat, orderly, and sanitary condition.
- Permittee must pay the BLM, in advance, the lump sum of \$ N/A for the period of use authorized by this permit or \$ **1,083.00**, annually, as rental or such other sum as may be required if a rental adjustment is made.
- Use or occupancy of land under this permit will commence within N/A months from date hereof and must be exercised at least N/A days each year.
- Permittee must take all reasonable precautions to prevent and suppress forest, brush, and grass fires and prevent pollution of waters on or in the vicinity of the lands.
- Permittee must not cut any timber on the lands or remove other resources from the land without prior written permission from the BLM. Such permission may be conditioned by a requirement to pay fair market value for the timber or other resources.
- Permittee agrees to have the serial number of this permit marked or painted on each advertising display or other facility erected or maintained under the authority of such permit.
- This permit is subject to the provisions of Executive Order No. 11246 of September 24, 1965, as amended, which sets forth the Equal Opportunity clauses. A copy of this order may be obtained from the BLM.
- Permittee acknowledges, by signing below, that he/she knows, understands and accepts the terms and conditions under which this permit is issued.
- Special conditions (attach additional sheets, if necessary)  
**See Exhibit B, attached.**

Permit issued for period

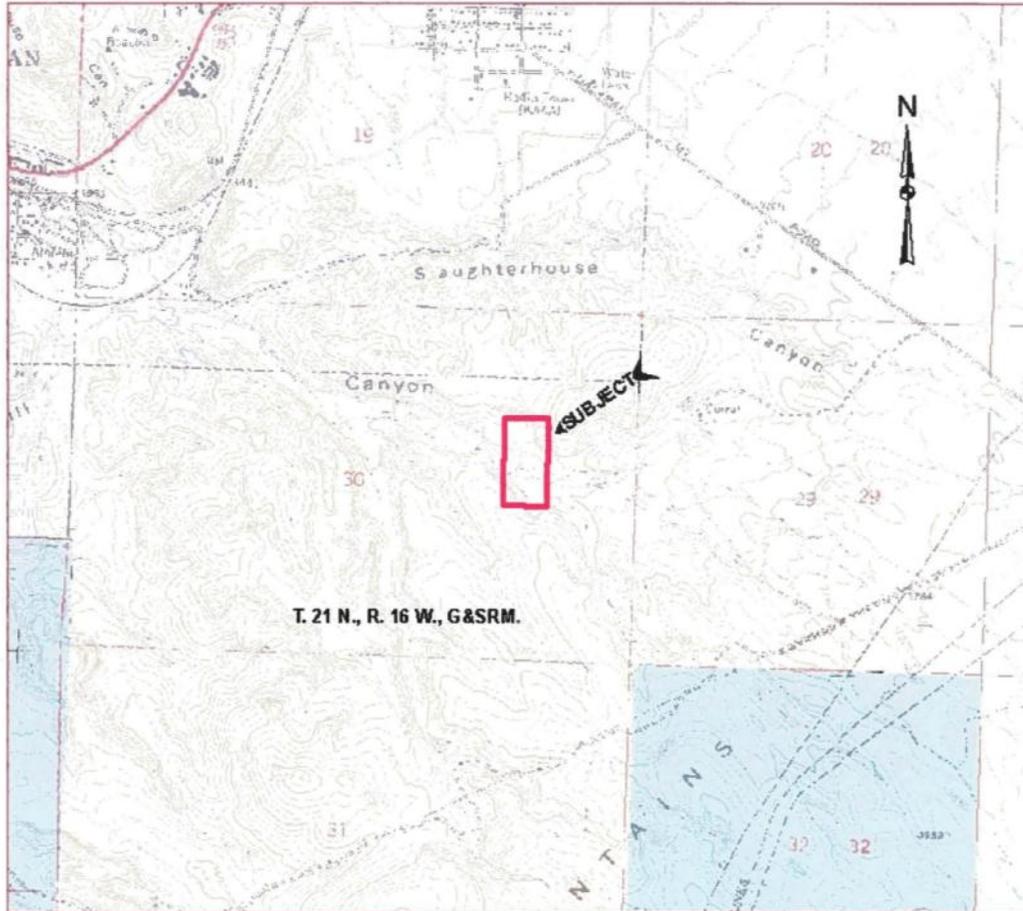
From 01/01/2011  
To 12/31/2013

  
\_\_\_\_\_  
(Permittee)  
\_\_\_\_\_  
(BLM)  
\_\_\_\_\_  
(Title) (Date)

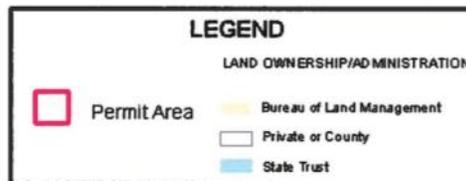
**INSTRUCTIONS**

- Submit, in duplicate, to any local office of the Bureau of Land Management having jurisdiction of the lands.
- Applications for Land Use Permits will not be accepted unless a notification of the availability of the land for non-BLM use (*Notice of Realty Action*) has been published in the Federal Register and for 3 weeks thereafter in a newspaper of general circulation. This provision does not apply in those situations where the publication of a (*Notice of Realty Action*) has been waived by the BLM.
- If the annual rental exceeds \$250 dollars per year, costs of processing the application must be paid by the applicant in advance.
- The BLM may require additional information to process an application. Processing will be deferred until the required information is furnished by the applicant.

**AZA 26466  
EXHIBIT A**



No warranty is made by the Bureau of Land Management for the use of the data for purposes not intended by the BLM.



AZA26466

Exhibit B

1. 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 will 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.
2. Holder(s) shall comply with all applicable Federal laws and regulations existing or hereafter enacted or promulgated. In any event, holder(s) shall comply with the Toxic Substances Control Act of 1976, as amended (15 U.S.C. 2601, et seq.) with regard to any toxic substances that are used, generated by or stored on the right-of-way or on facilities authorized under this right-of-way grant (See 40 CFR, Part 702-799 and especially, provisions on polychlorinated biphenyls, 40 CFR 761.1-761.193.) Additionally, any release of toxic substances (leaks, spills, etc.) in excess of the reportable quantity established by 40 CFR, Part 117 shall be reported as required by the Comprehensive Environmental Response, Compensation and Liability Act of 1980, Section 102b. A copy of any report required or requested by any Federal agency or State government as a result of a reportable release of spill of any toxic substances shall be furnished to the Authorized Officer concurrent with the filing of the reports to the involved Federal agency or State government.
3. All activities associated with the stockpiling of materials for which this permit is granted will be conducted within the area specified herein.
4. Construction sites will be maintained in a sanitary condition at all times; waste materials at those sites will be disposed of promptly at an appropriate waste disposal site. Waste means all discarded matter including, but not limited to, human waste, trash, garbage, refuse, oil drums, petroleum products, ashes, and equipment.
5. The permittee will remove only the minimum amount of vegetation necessary for the stockpiling of mineral materials. Topsoil will be conserved during excavation and reused as cover on disturbed areas to facilitate regrowth of vegetation.
6. All activities will be conducted on existing disturbed areas.

7. Unless the area covered under this land use permit is incorporated into another land use authorization, upon expiration, early relinquishment, abandonment, or termination of this permit, the area covered under this permit is to be left free of stockpiled materials, unless, in consultation with and at the discretion of the authorized officer, such materials may be spread over the area to mimic the natural landscape of the area. The area is to be left so as to minimize erosion while allowing the natural drainage of and through the site.
8. If during any phase of the construction, operation, or termination of the permit or related facilities any oil or other pollutant should be discharged from the equipment, or from containers or vehicles impacting Federal lands, the control and total removal, disposal, and cleanup of such oil or other pollutant, wherever found, will be the responsibility of the permittee, regardless of fault. Upon failure of permittee to control, cleanup, or dispose of such discharge on or affecting Federal lands, or to repair all damages to Federal lands resulting therefrom, the authorized officer may take such measures as he deems necessary to control and cleanup the discharge and restore the area, including, where appropriate, the aquatic environment and fish and wildlife habitats, at the full expense of the permittee. Such action by the authorized officer will not relieve the holder of any liability or responsibility.
9. The gate between private land and public land will be kept closed during non-operating hours. If the gate causes problems with the cattle operation, the permittee will be required to install a cattleguard to BLM specifications. If problems are still encountered, fencing of the area to BLM specifications may be required.