

United States Department of the Interior Bureau of Land Management

Environmental Assessment
DOI-BLM-AZ-C010-2011-0018-EA

January 18, 2011

Proposed Road Rights of Way

AZA-34483

AZA-34484

AZA-34485

U.S. Department of the Interior
Bureau of Land Management
Kingman Field Office
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ENVIRONMENTAL ASSESSMENT, FONSI and DR FORM

EA Number:

DOI-BLM-AZ-C010-2011-0018-EA
Lease/Serial Case File No. AZA
34483, AZA34484, AZA 34485

Bureau of Land Management, Kingman Field Office

Proposed Action Title/Type: Road Rights-of-Way

Location of Proposed Action: sec. 10., T. 29 N., R. 17 W., G&SRM.

Applicant (if any): Norman & Wilma James, Albert and Anita Adams, Pete Derewianko & Angela Warwick

I. Introduction

A. Background Three separate land owners have applied for a right of way (ROW) for legal access to their private property, two of which, Norman and Wilma James (AZA 34483) and Albert and Anita Adams (AZA 34485), would use existing roads on public land. In addition to using existing roads Pete Derewianko and Angela Warwick (AZA 34484) would need to create 102 feet of new road to gain access to their property. The legal access would assist in resolving zoning issues with Mohave County. On November 8, 2007 both Norman James and Pete Derewianko applied for a ROW to provide legal access to their property. On December 19, 2007 Albert and Anita Adams applied for a ROW to provide legal access to their private property. These three land owners do not have legal access to their property and cannot obtain legal access through adjacent private property.

B. Purpose and Need The purpose of the proposed action is to provide legal access to three private property owners with land in Township 29N Range 17W Sec 9.

C. Decisions To Be Made The BLM will decide whether or not to grant the proposed ROW.

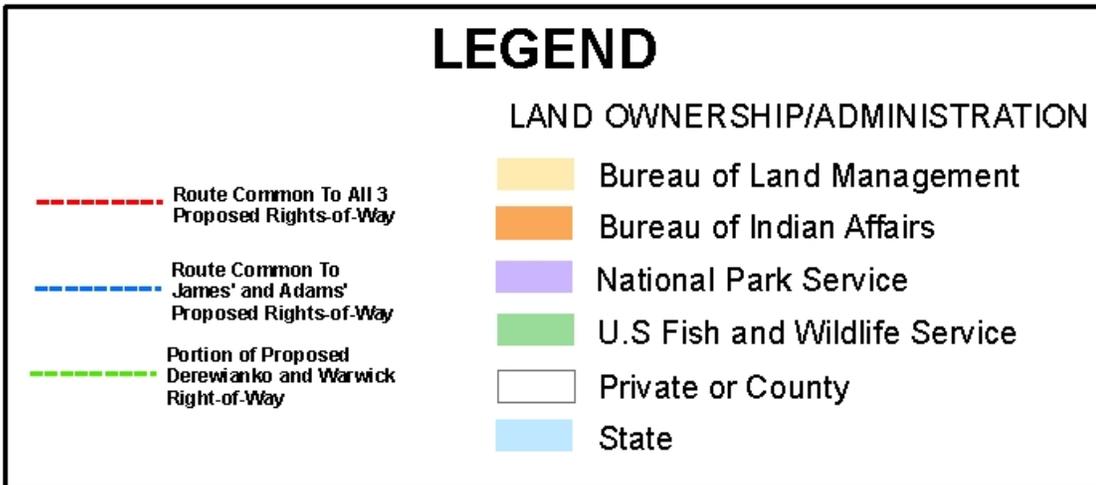
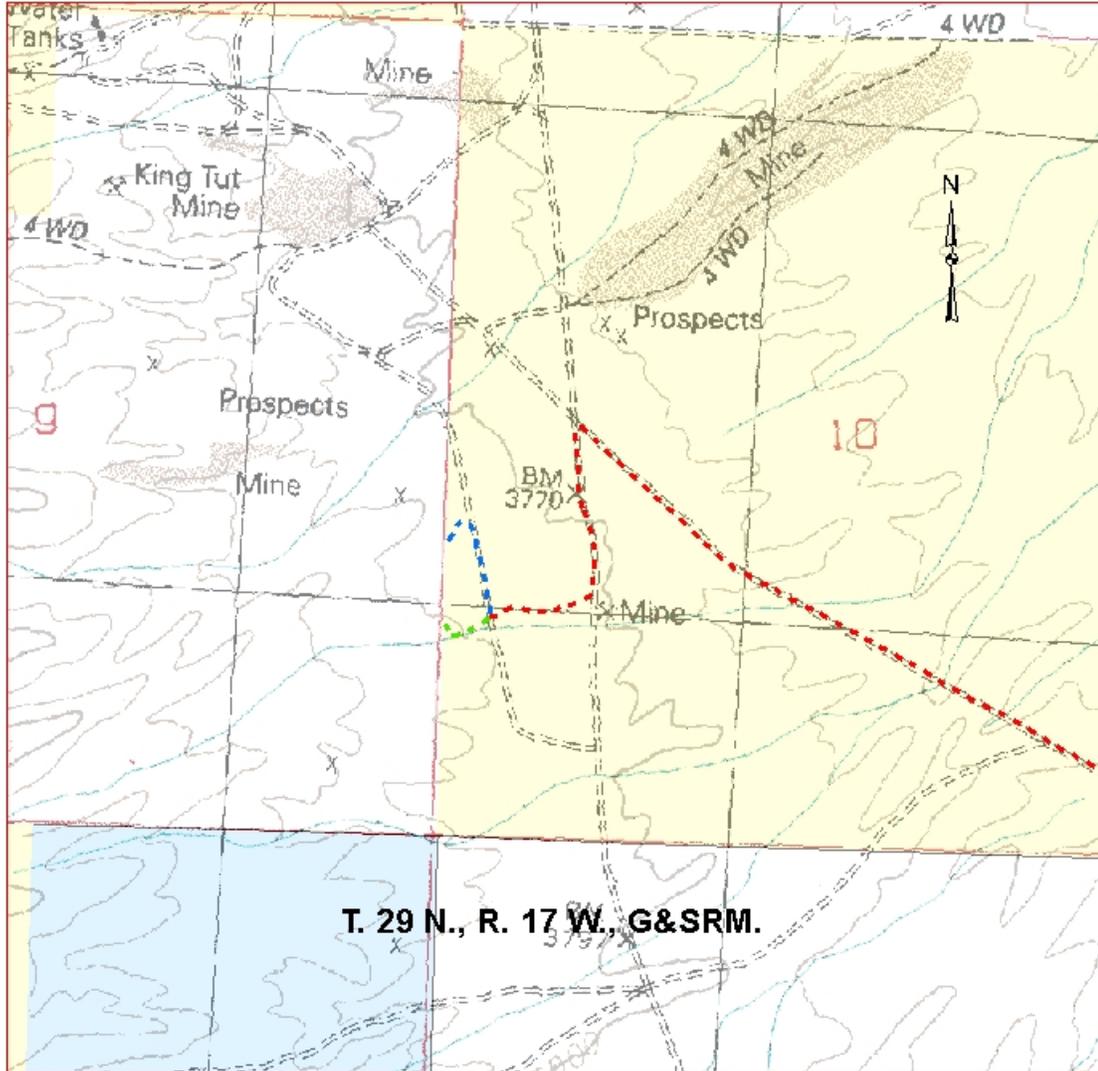
D. Conformance with BLM Land Use Plan(s) This proposed action is in conformance with the Kingman Resource Management Plan (KRMP) approved March 1995. The following KRMP Decision applies:

LR13a/V 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.

II. DESCRIPTION OF ALTERNATIVES, INCLUDING PROPOSED ACTION

A. Proposed Action The BLM would authorize a renewable thirty year ROWs for approximately 1.5 miles of road with a width of 18 feet wide for AZA 34483 and AZA 34485. Maintenance of the existing road would be allowed as long as disturbance remained within the existing blade scars and within the 18 foot ROWs. For AZA 34484 the ROW would permit the construction of approximately 102 feet of road at ten feet in width. The ROWs would not grant exclusive access and would be available for travel by the public on public land. The ROWs would be located in Township 29N Range 17W Sec 10. (See figure 1). A portion of the proposed ROWs follow an existing ROW for a powerline maintenance road for approximately 1 mile. The other two segments of roads were most likely created for exploration and/or mining purposes. Section 10 is identified as a disposal parcel in the RMP (1995).

Figure 1. Location of proposed ROW.



B. BLM Modified Width Alternative: Under this alternative rights-of-way would be granted for the same routes as under the proposed action alternative with the same terms and conditions except the width of the proposed ROW would be 15 feet instead of 18 feet as requested by the applicants, also excepting the approximate 102 feet of road which would be constructed for the proposed right-of-way for Derewianko and Warwick (AZA 34484), which would be ten feet in width. The intent of the reduced width would be to reduce the likelihood of the road being constructed to a width of 18 feet even though it would be stipulated to keep all maintenance activities within the existing disturbed areas.

C. No Action Alternative: BLM would not grant the proposed ROW.

III. Issue and Resource Review:

The project was considered by an interdisciplinary team identified in the BLM KFO Project Scoping Meeting on February 1, 2011. In an effort to Comply with 40 CFR 1500 (b) and focus on issues that are potentially significant to the action in question, this table was prepared to summarize the range of issues that were considered. Issues or resources that are checked as present but not affected are explained below the table. Potentially affected resources or issues are described and analyzed in the affected environment/environmental consequences.

PROJECT REVIEW			
Issues Considered	Not Present	Present and Not Affected	Present and Potentially Affected
Air Quality*		✓	
Areas of Critical Environmental Concern*	✓		
Climate Change Concerns	✓		
Cultural and Historic* (ii.)	✓		
Environmental Justice* / Socioeconomics	✓		
Floodplains*	✓		
Grazing		✓	
Hazardous or Solid Waste*	✓		
Invasive and Non-native Species*		✓	
Land Use Conflicts			✓
Migratory Birds*		✓	
Native American Religious Concerns*	✓		
Prime and Unique Farmland*	✓		
Soils		✓	
Special Status Species	✓		
Threatened and Endangered Species* (i.)	✓		
Vegetation		✓	
Visual Resources		✓	

PROJECT REVIEW			
Issues Considered	Not Present	Present and Not Affected	Present and Potentially Affected
Water Quality*	✓		
Wetland or Riparian Zones*	✓		
Wild and Scenic Rivers*	✓		
Wilderness*	✓		
Wildlife		✓	
Wild Horse and Burro	✓		
* Consideration Required By Law or Executive Order			

Notes:

- i. *Cultural Resources: A cultural survey was conducted in December 2007 for the site and there were no prehistoric or historic resources found. No sites were found or are known that would be eligible for listing in the National Register of Historic Places.*
- ii. *Threatened and Endangered Species: The proposed rights-of-way are within the experimental non-essential range of the California condor, however since there will be no new ground disturbance or changes to habitat conditions nothing in the proposed action would impact a condors ability to survive and reproduce.*

Present But Not Affected:

1. Air Quality: Mohave County is in an attainment area where air quality is generally considered good. Periodic maintenance of the road would result in some dust but it should dissipate quickly.
2. Grazing: there would be no loss of vegetation and no actions that would inhibit grazing management.
3. Non-native Invasive species: The construction of 102 feet of road for the proposed Derewianko and Warwick right-of-way (AZA 34484) could allow for a small amount of non-native species to propagate. It would be anticipated these species, Red Brome (*Bromus rubend*) and filaree (*Erodium cicutarium*) however these are common throughout the southwestern U.S. For the rest of the routes no new ground disturbance would be authorized and periodic maintenance would stay within existing blade scars. The granting of the proposed ROWs would not significantly increase the population of noxious or invasive weeds nor would it provide potential areas for colonization.
4. Migratory Birds: Some ground or vegetation disturbance would occur for the construction of 102 feet of road for the proposed Derewianko and Warwick right-of-way (AZA 34484). This would only be authorized after the Holders obtained a Notice To Proceed from the Authorized Officer which would stipulate that no construction would occur during the migratory bird breeding/nesting season. The periodic maintenance of the existing roads would not destroy nests or young of migratory birds. Any disturbance from maintenance would be short in nature (less than 2 hours) and would not result in nest failures.

5. Soils: The soils that would be disturbed have all been disturbed in the recent past except for the construction of 102 feet of road authorized under the proposed Derewianko and Warwick right-of-way (AZA 34484). The road maintenance for the rest of the proposed rights-of-way would be within the existing blade scars.
6. Vegetation: 0.023 acres of vegetation would be destroyed by the construction of the 102 feet of new road under the proposed Derewianko and Warwick right-of-way (AZA 34484). However it would be stipulated that prior to construction of this the Holder would be required to have a Notice To Proceed from the authorized officer so that the actual route could be flagged to avoid Joshua Trees and Mohave Yuccas. For the maintenance of the existing roads little if any vegetation would be disturbed by the road maintenance since the roads would remain at its original width.
7. Visual Resources: There would be no change to the visual resources in the area except for the disturbance created by the 102 feet of newly constructed road authorized by the proposed Derewianko and Warwick right-of-way (AZA 34484).
8. Wildlife: The construction of the 102 feet of new portion of road authorized under the proposed Derewianko and Warwick right-of-way (AZA 34484) would destroy 0.023 acres of habitat. Road maintenance of the existing roads would cause temporary noise disturbance during the day but there would not be any new disturbance or modification of habitat in these areas.

IV. AFFECTED ENVIRONMENT / ENVIRONMENTAL IMPACTS

A. Expected impacts from the Proposed Action Alternative:

1. Land Use Conflicts: there are two existing mining claims within section 10 that could overlap the proposed ROW. BLM has contacted the mining claimants and determined that if the existing road is disrupted by mining activities contemplated by the claimants the BLM would consider temporarily or permanently moving the ROW at that time. In the event this occurs compliance with the NEPA would be done upon filing of a mining plan of operation or other relevant action.
2. Although it is unlikely, the proposed ROW width of 18 feet may be mistakenly interpreted to authorize widening the existing roads from their present widths of approximately 12 to 15 feet to the full 18 feet which could damage Joshua Trees (*Yucca brevifolia*) and Mohave Yucca (*Yucca shidegira*). The proposed rights-of-way under this alternative would include a term and condition that would stipulate no Joshua Trees or Mohave Yuccas are to be affected by the operation or maintenance of the roads (Item 1 of Exhibit B of the attached draft ROW grant. NOTE: that draft grant is the same as contemplated under the BLM Modified Width Alternative). If this did occur it would be considered trespass as defined in 43 CFR 2808.10 (a) which states “Trespass is using, occupying, or developing the public lands or their resources without a required authorization or in a way that is beyond the scope and terms and conditions of your authorization.” (emphasis added)
3. Issuing the proposed ROW would allow the private property owners to have legal access to their property and would help to resolve the zoning issues associated with their properties.

B. Expected impacts from the BLM Modified Width Alternative:

By specifying the width at approximately the actual width of the existing roadways of 15 feet as proposed under this alternative it is anticipated this would make it less likely for the holders to interpret the grants as authorizing maintenance activities which could damage Joshua Trees or Mohave Yucca plants. As discussed in item IV. A. 2. above the proposed grants under this alternative would contain a term and condition that no Joshua Trees or Mohave Yucca plants are to be damaged.

For the proposed Derewianko and Warwick right-of-way (AZA 34484) the Holders would be required to have a Notice To Proceed issued by the authorized officer prior to constructing the proposed 102 feet of new road to ensure Joshua Trees and Mohave Yucca plants could be avoided as well as that the work would not be authorized during the migratory bird breeding/nesting season.

C. Expected Impacts from the No Action Alternative

If the no action alternative were selected there would be no change to the current conditions. None of the actions described in the proposed action or BLM Modified Width alternatives would occur. There would be no impact to the reviewed issues or resources.

D. Cumulative Impacts resulting from the Proposed Action and the BLM Modified Width Alternatives

There would be no impact to resources and so there would be no cumulative impacts.

E. Cumulative Impacts resulting from the No Action Alternative

There would be no changes to existing conditions within the project area if the proposed action was not implemented.

V. CONSULTATION AND COORDINATION

February 1, 2011- Project was scoped in the project planning meeting.

Preparer(s): Kingman Field Office

- Norman and Wilma James: Applicants
- Albert and Anita Adams: Applicants
- Pete Derewianko: Applicant
- Mike Gibelyou: ROW Agent, UNS Electric, Inc.
- WCD Trust: Mining Claimant
- Ammon Wilhelm: Wildlife Biologist
- Andy Whitefield: Realty Specialist
- Tim Watkins: Archaeologist

Environmental Coordinator: David Brock, Kingman Field Office

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

NEPA Document Number: DOI-BLM-AZ-CO10-2011-0018-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 / Jackie Neckels
Assistant Field Manager, Non-Renewable Resources, Kingman

03/01/2011
Date

Decision: The decision is to implement the BLM Modified Width Alternative and grant rights-of-way to Norman and Wilma James (AZA 34483), Albert and Anita Adams (AZA 34484), and Pete Derewianko and Angela Warwick (AZA 34485) for the operation, maintenance, and termination of existing roads on public lands near Meadview.

Rationale for Decision: The analysis completed for the rights-of-way found that there are no conflicts between resources if the rights-of-way were granted. Upon a field exam the maximum width of the existing roads was estimated at 15 feet and in some areas the Joshua Trees and Mohave Yuccas were relatively dense. Although all of the applicants would not intend to widen the roads, in light of the actual width the BLM Modified Width Alternative was included in the analysis in order to make it unambiguous as to preventing widening of the roads even though both the Proposed Action and BLM Modified Width Alternatives included a term and condition that no Joshua Trees or Mohave Yucca plants are to be harmed. Upon consultation with the applicants no concerns with the narrower width were expressed. A term and condition for the construction of approximately 102 feet of new road which would be authorized under AZA 34484 stipulates the Holders would be required to obtain a Notice To Proceed prior to construction so an appropriate route could be designated to avoid Joshua Trees and Mohave Yuccas and that no construction activities would be authorized during the migratory bird breeding/nesting season.

Stipulations: See the attached right-of-way grant for AZA 34483 (NOTE: rights-of-way grants AZA 34485 is identical to the grant prepared for AZA 34483 except for the holders' names and addresses. Right-of-way grant AZA 34484 is identical to rights-of-way grants AZA 34483 and AZA 34485 except for the Holders' names/addresses, the exhibit showing the right-of-way location, and the inclusion of the term and condition that the construction of 102 feet of new road would be authorized only after the Holders have obtained a Notice To Proceed).

/ s / Jackie Neckels
Assistant Field Manager,
Non-Renewable Resources, Kingman

03/01/2011
Date

UNITED STATES DEPARTMENT OF
THE INTERIOR BUREAU OF
LAND MANAGEMENT
RIGHT-OF-WAY GRANT/TEMPORARY USE PERMIT

SERIAL NUMBER AZA 34483

Note: R-O-W grant AZA 34485 is identical to this grant except for Holder info. - AW

1. A right-of-way is hereby granted pursuant to Title V of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761).

2. Nature of Interest:

a. By this instrument, the holder:

Norman and Wilma James
13615 SE Oatfield Road
Milwaukie, OR 97222

receives a right to operate, maintain, and terminate roads on public lands (or Federal lands for MLA Rights-of-Way) described as follows:

Gila and Salt River Meridian, Arizona

T.29 N., R. 17 W.,
sec. 10, SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$.

b. The right-of-way or permit area granted herein is 15 feet wide, 1.5 miles long and contains 2.727 acres, more or less.

c. This instrument shall terminate on December 31, 2041 unless, prior thereto, it is relinquished, abandoned, terminated, or modified pursuant to the terms and conditions of this instrument or of any applicable Federal law or regulation.

d. This instrument may be renewed. If renewed, the right-of-way or permit shall be subject to the regulations existing at the time of renewal and any other terms and conditions that the authorized officer deems necessary to protect the public interest.

- e. Notwithstanding the expiration of this instrument or any renewal thereof, early relinquishment, abandonment, or termination, the provisions of this instrument, to the extent applicable, shall continue in effect and shall be binding on the holder, its successors, or assigns, until they have fully satisfied the obligations and/or liabilities accruing herein before or on account of the expiration, or prior termination, of the grant.

3. Rental:

For and in consideration of the rights granted, the holder agrees to pay the Bureau of Land Management fair market value rental as determined by the authorized officer unless specifically exempted from such payment by regulation. Provided, however, that the rental may be adjusted by the authorized officer, whenever necessary, to reflect changes in the fair market rental value as determined by the application of sound business management principles, and so far as practicable and feasible, in accordance with comparable commercial practices.

4. Terms and Conditions:

- a. This grant or permit is issued subject to the holder's compliance with all applicable regulations contained in Title 43 Code of Federal Regulations parts 2800 and 2880.
- b. Upon grant termination by the authorized officer, all improvements shall be removed from the public lands within 90 days, or otherwise disposed of as directed by the authorized officer.
- c. Each grant issued for a term of 20 years or more shall, at a minimum, be reviewed by the authorized officer at the end of the 20th year and at regular intervals thereafter not to exceed 10 years. Provided, however, that a right-of-way or permit granted herein may be reviewed at any time deemed necessary by the authorized officer.
- d. The stipulations, plans, maps, or designs set forth in Exhibit(s) A, and B dated February 15, 2011 attached hereto, are incorporated into and made a part of this grant instrument as fully and effectively as if they were set forth herein in their entirety.

- e. Failure of the holder to comply with applicable law or any provision of this right-of-way grant or permit shall constitute grounds for suspension or termination thereof.
- f. The holder shall perform all operations in a good and workmanlike manner so as to ensure protection of the environment and the health and safety of the public.

IN WITNESS WHEREOF, The undersigned agrees to the terms and conditions of this right-of-way grant or permit.

(Signature of Holder)

(Signature of Authorized
Officer)

(Title)

(Title)

(Date)

(Effective Date of Grant)

**EXHIBIT A
AZA 34483
February 15, 2011**



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Miles



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

LEGEND	
LAND OWNERSHIP/ADMINISTRATION	
	Subject Right-of-Way
	Bureau of Land Management
	Bureau of Indian Affairs
	National Park Service
	U.S Fish and Wildlife Service
	Private or County
	State

EXHIBIT B
AZA34483
February 15, 2011

A. CONSTRUCTION, OPERATION, AND MAINTENANCE

1. The Holder will conduct all activities in a manner that will not damage Joshua Trees and other Yucca plants.
2. The Holder will conduct all activities associated with the operation, maintenance, and termination of the right-of-way within the authorized limits of the right-of-way.
3. Prior to activities authorized under this right-of-way grant the holder will locate and avoid buried utilities.
4. Right-of-way AZA 34483 is subject to right-of-way AZA 32582, granted to UniSource Energy Services (UES) for a power line. The Holder will not interfere with UES's activities in connection with the operation, maintenance, construction, or termination of the facilities authorized under right-of-way AZA 32582, and the Holder will conduct all activities in a manner which will not harm the facilities authorized under that right-of-way.
5. Right-of-way AZA 34483 does not include the public lands included in right-of-way AZA 17637, granted to Mohave County for Pierce Ferry Road. That portion of AZA 17637 adjacent to AZA 34483 is described as the East 60 feet of sec. 10, T. 29 N., R. 17 W., G&SRM.
6. The Holder recognizes the existing rights of mining claimants on public lands coincident with the proposed road right-of-way. The Holder assumes all risk and financial liability should the exploration or development within mining claims affect the operation of the right-of-way. Upon being directed by the Authorized Officer, the Holder recognizes that the right-of-way, or portions thereof, may need to be relocated if it interferes with the exploration or production activities on a mining claim(s) or if the mining claim(s) is patented. The Holder would provide appropriate measures for public safety in the event of exploration activities.
7. Failure of the Holder to share maintenance costs in dollars, equipment, materials, or manpower proportionate to the Holder's use with the other authorized users may be adequate grounds to terminate the right-of-way grant. The determination as to whether this has occurred and the decision to terminate shall rest with the Authorized Officer. Upon request, the Authorized Officer shall be provided with copies of any maintenance agreement entered into.
8. The Holder will maintain the road so that user traffic remains within the right-of-way and erosion is mitigated. Roads and road segments where serious erosional damage is occurring will be handled on a case-by-case basis.

9. 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 will 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 after consulting with the Holder.

10. No borrow areas for fill material will be permitted from public lands.

11. In the event the United States of America is contemplating conveyance of the lands affected by this right-of-way, in consultation with the Holder the Authorized Officer may change the location of right-of-way AZA 34483.

12. The holder will maintain the road to provide drainage and minimize erosion.

13. The holder will not block or otherwise prevent the general public from using the road on federal lands.

14. The holder will perform all operations in a good and workmanlike manner so as to ensure protection of the environment and the health and safety of the public.

15. Holder will not violate applicable air and water quality standards or related facility siting standards established by or pursuant to applicable Federal and State law.

16. The holder will protect all survey monuments. Survey monuments include, but are not limited to, General Land Office and Bureau of Land Management Cadastral Survey comers, reference comers, witness points, U.S. Coastal and Geodetic benchmarks and triangulation stations, military control monuments and civil (both public and private) survey monuments. In the event of obliteration or disturbance of any of these by the holder or anyone operating on his behalf, the holder will immediately report the incident to the authorized officer and the respective installing agency (if known) in writing. The holder will be responsible for the restoration of the monument(s) in a manner suitable to the authorized officer after consultation with all parties involved. If Bureau cadastral or other Federal surveyors are used to restore the monument(s), the holder will be liable to the United States for the costs.

17. The Holder will minimize disturbance to existing fences and other improvements on public land. The Holder is required to promptly repair improvements to at least their former state. Functional use of these improvements will be maintained at all times. The Holder will contact the owner of any improvements prior to disturbing them. When necessary to pass through a fence line, the fence shall be braced on both sides of the passageway prior to cutting the fence.

18. No maintenance activities shall be performed during periods when the soil is too wet to adequately support construction equipment. If such equipment creates ruts in excess of three inches deep, the soil shall be deemed too wet to adequately support construction equipment.

19. Use of pesticides shall comply with the applicable Federal and State laws. Pesticides and herbicides shall be used only in accordance with their registered uses and within limitations imposed by the Secretary of the Interior. Prior to the use of pesticides, Holder shall obtain from the Authorized Officer written approval of a plan showing the type and quantity of material to be used, pest(s) to be controlled, method of application, location of storage and disposal of containers, and any other information deemed necessary by the Authorized Officer. Emergency use of pesticides shall be approved in writing by the Authorized Officer prior to use.

20. The Holder of this right-of-way agrees to indemnify the United States against any liability arising from the release of any hazardous substance or hazardous waste (as these terms are defined in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. 9601, et seq. or the Resource Conservation and Recovery Act, 42 U.S.C. 6901, et seq.) on this right-of-way (unless the release or threatened release is wholly unrelated to Holder's activity in this right-of-way). This agreement applies without regard to whether a release is caused by the Holder, their agent, or unrelated third parties.

21. The 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.

22. Upon notification from the Authorized Officer the Holder will furnish and apply water, chemicals, or use other means satisfactory to the Authorized Officer for dust control.

23. Failure of the holder to comply with applicable law or any provision of this right-of-way grant or permit shall constitute grounds for suspension or termination thereof.

B. TERMINATION

1. Ninety days prior to termination of the right-of-way, the Holder shall contact the Authorized Officer to arrange a joint inspection of the right-of-way. This inspection will be held to agree to an acceptable termination (and rehabilitation) plan. This plan shall include, but is not limited to, removal of facilities, drainage structures, or surfacing material, recontouring, topsoiling, or seeding. The Authorized Officer must approve the plan in writing prior to the Holder's commencement of any termination actions.

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
RIGHT-OF-WAY GRANT/TEMPORARY USE PERMIT

SERIAL NUMBER AZA 34484

1. A right-of-way is hereby granted pursuant to Title V of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761).

2. Nature of Interest:

a. By this instrument, the holder:

Pete Dewewianko and Angela Warwick
HC 37 Box 2223
Meadview, AZ 86444

receives a right to operate, maintain, and terminate roads on public lands (or Federal lands for MLA Rights-of-Way) described as follows:

Gila and Salt River Meridian, Arizona

T. 29 N., R. 17 W.,

sec. 10, SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$.

b. The right-of-way or permit area granted herein is 15 feet wide, except for that portion of approximately 102 feet of the right-of-way adjacent to the Holders' property, which is 10 feet wide, is ~~1.5~~ miles long and contains ~~2.727~~ acres, more or less.

1.4

2.558

c. This instrument shall terminate on December 31, 2041 unless, prior thereto, it is relinquished, abandoned, terminated, or modified pursuant to the terms and conditions of this instrument or of any applicable Federal law or regulation.

d. This instrument may be renewed. If renewed, the right-of-way or permit shall be subject to the regulations existing at the time of renewal and any other terms and conditions that the authorized officer deems necessary to protect the public interest.

- e. Notwithstanding the expiration of this instrument or any renewal thereof, early relinquishment, abandonment, or termination, the provisions of this instrument, to the extent applicable, shall continue in effect and shall be binding on the holder, its successors, or assigns, until they have fully satisfied the obligations and/or liabilities accruing herein before or on account of the expiration, or prior termination, of the grant.

3. Rental:

For and in consideration of the rights granted, the holder agrees to pay the Bureau of Land Management fair market value rental as determined by the authorized officer unless specifically exempted from such payment by regulation. Provided, however, that the rental may be adjusted by the authorized officer, whenever necessary, to reflect changes in the fair market rental value as determined by the application of sound business management principles, and so far as practicable and feasible, in accordance with comparable commercial practices.

4. Terms and Conditions:

- a. This grant or permit is issued subject to the holder's compliance with all applicable regulations contained in Title 43 Code of Federal Regulations parts 2800 and 2880.
- b. Upon grant termination by the authorized officer, all improvements shall be removed from the public lands within 90 days, or otherwise disposed of as directed by the authorized officer.
- c. Each grant issued for a term of 20 years or more shall, at a minimum, be reviewed by the authorized officer at the end of the 20th year and at regular intervals thereafter not to exceed 10 years. Provided, however, that a right-of-way or permit granted herein may be reviewed at any time deemed necessary by the authorized officer.
- d. The stipulations, plans, maps, or designs set forth in Exhibit(s) A, and B dated February 15, 2011 attached hereto, are incorporated into and made a part of this grant instrument as fully and effectively as if they were set forth herein in their entirety.

- e. Failure of the holder to comply with applicable law or any provision of this right-of-way grant or permit shall constitute grounds for suspension or termination thereof.
- f. The holder shall perform all operations in a good and workmanlike manner so as to ensure protection of the environment and the health and safety of the public.

IN WITNESS WHEREOF, The undersigned agrees to the terms and conditions of this right-of-way grant or permit.

(Signature of Holder)

(Signature of Authorized
Officer)

(Title)

(Title)

(Date)

(Effective Date of Grant)

**EXHIBIT A
AZA 34484
February 15, 2011**



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

LEGEND

LAND OWNERSHIP/ADMINISTRATION

- Bureau of Land Management
- Bureau of Indian Affairs
- National Park Service
- U.S Fish and Wildlife Service
- Private or County
- State

Subject Right-of-Way

EXHIBIT B
AZA 34484
February 15, 2011

A. CONSTRUCTION, OPERATION, AND MAINTENANCE

1. Prior to construction of the approximate 102 feet of road the Holders will be required to obtain from the Authorized Officer a Notice To Proceed to ensure the route is acceptable to the Authorized Officer. The period of construction would be limited to October 1 through March 14 to avoid disruption to migratory bird breeding and nesting activities.
2. The Holder will conduct all activities in a manner that will not damage Joshua Trees and other Yucca plants.
3. The Holder will conduct all activities associated with the operation, maintenance, and termination of the right-of-way within the authorized limits of the right-of-way.
4. Prior to activities authorized under this right-of-way grant the holder will locate and avoid buried utilities.
5. Right-of-way AZA 34483 is subject to right-of-way AZA 32582, granted to UniSource Energy Services (UES) for a power line. The Holder will not interfere with UES's activities in connection with the operation, maintenance, construction, or termination of the facilities authorized under right-of-way AZA 32582, and the Holder will conduct all activities in a manner which will not harm the facilities authorized under that right-of-way.
6. Right-of-way AZA 34483 does not include the public lands included in right-of-way AZA 17637, granted to Mohave County for Pierce Ferry Road. That portion of AZA 17637 adjacent to AZA 34483 is described as the East 60 feet of sec. 10, T. 29 N., R. 17 W., G&SRM.
7. The Holder recognizes the existing rights of mining claimants on public lands coincident with the proposed road right-of-way. The Holder assumes all risk and financial liability should the exploration or development within mining claims affect the operation of the right-of-way. Upon being directed by the Authorized Officer, the Holder recognizes that the right-of-way, or portions thereof, may need to be relocated if it interferes with the exploration or production activities on a mining claim(s) or if the mining claim(s) is patented. The Holder would provide appropriate measures for public safety in the event of exploration activities.
8. Failure of the Holder to share maintenance costs in dollars, equipment, materials, or manpower proportionate to the Holder's use with the other authorized users may be adequate grounds to terminate the right-of-way grant. The determination as to whether this has occurred and the decision to terminate shall rest with the Authorized Officer. Upon request, the Authorized Officer shall be provided with copies of any maintenance agreement entered into.

9. The Holder will maintain the road so that user traffic remains within the right-of-way and erosion is mitigated. Roads and road segments where serious erosional damage is occurring will be handled on a case-by-case basis.

10. 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 will 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 after consulting with the Holder.

11. No borrow areas for fill material will be permitted from public lands.

12. In the event the United States of America is contemplating conveyance of the lands affected by this right-of-way, in consultation with the Holder the Authorized Officer may change the location of right-of-way AZA 34483.

13. The holder will maintain the road to provide drainage and minimize erosion.

14. The holder will not block or otherwise prevent the general public from using the road on federal lands.

15. The holder will perform all operations in a good and workmanlike manner so as to ensure protection of the environment and the health and safety of the public.

16. Holder will not violate applicable air and water quality standards or related facility siting standards established by or pursuant to applicable Federal and State law.

17. The holder will protect all survey monuments. Survey monuments include, but are not limited to, General Land Office and Bureau of Land Management Cadastral Survey corners, reference corners, witness points, U.S. Coastal and Geodetic benchmarks and triangulation stations, military control monuments and civil (both public and private) survey monuments. In the event of obliteration or disturbance of any of these by the holder or anyone operating on his behalf, the holder will immediately report the incident to the authorized officer and the respective installing agency (if known) in writing. The holder will be responsible for the restoration of the monument(s) in a manner suitable to the authorized officer after consultation with all parties involved. If Bureau cadastral or other Federal surveyors are used to restore the monument(s), the holder will be liable to the United States for the costs.

18. The Holder will minimize disturbance to existing fences and other improvements on public land. The Holder is required to promptly repair improvements to at least their former state. Functional use of these improvements will be maintained at all times. The Holder will contact the owner of any improvements prior to disturbing them. When necessary to pass through a fence line, the fence shall be braced on both sides of the passageway prior to cutting the fence.

19. No maintenance activities shall be performed during periods when the soil is too wet to adequately support construction equipment. If such equipment creates ruts in excess of three inches deep, the soil shall be deemed too wet to adequately support construction equipment.

20. Use of pesticides shall comply with the applicable Federal and State laws. Pesticides and herbicides shall be used only in accordance with their registered uses and within limitations imposed by the Secretary of the Interior. Prior to the use of pesticides, Holder shall obtain from the Authorized Officer written approval of a plan showing the type and quantity of material to be used, pest(s) to be controlled, method of application, location of storage and disposal of containers, and any other information deemed necessary by the Authorized Officer. Emergency use of pesticides shall be approved in writing by the Authorized Officer prior to use.

21. The Holder of this right-of-way agrees to indemnify the United States against any liability arising from the release of any hazardous substance or hazardous waste (as these terms are defined in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. 9601, et seq. or the Resource Conservation and Recovery Act, 42 U.S.C. 6901, et seq.) on this right-of-way (unless the release or threatened release is wholly unrelated to Holder's activity in this right-of-way). This agreement applies without regard to whether a release is caused by the Holder, their agent, or unrelated third parties.

22. The 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.

23. Upon notification from the Authorized Officer the Holder will furnish and apply water, chemicals, or use other means satisfactory to the Authorized Officer for dust control.

24. Failure of the holder to comply with applicable law or any provision of this right-of-way grant or permit shall constitute grounds for suspension or termination thereof.

B. TERMINATION

1. Ninety days prior to termination of the right-of-way, the Holder shall contact the Authorized Officer to arrange a joint inspection of the right-of-way. This inspection will be held to agree to an acceptable termination (and rehabilitation) plan. This plan shall include, but is not limited to, removal of facilities, drainage structures, or surfacing material, recontouring, topsoiling, or seeding. The Authorized Officer must approve the plan in writing prior to the Holder's commencement of any termination actions.

CULTURAL RESOURCE COMPLIANCE DOCUMENTATION RECORD

Project No: BLM-AZ-310-11-18 **Project Name:** Proposed Norman James ROW Survey

EA, Job or Case File No.:

Institution: BLM

Cultural Resource Use Permit No: N/A

Inventory Method: Existing Data Review Class II Class III

Eligibility Recommendation (for sites located):

Not-eligible sites (list site numbers): 0

Eligible sites (list site numbers): 0

Effect Recommendation (only on eligible sites from above):

No Historic Properties Affected Adverse Effect

No Adverse Effect

Treatment Recommendations: (check and attach full description and map(s) as needed):

Avoidance (by project redesign/cancellation, etc.)

Physical or administrative protection measures

Standard stipulations

Special stipulations

Data recovery (collection, excavation, detailed recording, etc.)

Consultation:

Covered under PA, no further consultation required with SHPO or ACHP

Consultation required: SHPO Advisory Council Native Americans

Comments: Standard Stipulations apply

Proposed undertaking: Applicant Norman James wishes to acquire a ROW grant for legal access to his private property.

Project location: T. 29 N, R. 17 W, Section 9, Meadview South 7.5 Quadrangle Map

Inventory: Survey was conducted by McFadden Archaeological Consulting in December of 2007. Nothing of cultural significance was observed. One systematic 15 meter wide transect was walked along the existing access road.

Tribal Consultation: No consultation with local tribes is necessary for the proposed action.

Findings: Pursuant to Section 106 of the National Historic Preservation Act and the regulations set forth in 36 CFR 800, BLM has determined that this undertaking would have no effect on historic properties, as defined in 36 CFR 800.16(I)(1).

Standard Stipulations:

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 Bureau of Land Management authorized representative. The holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the authorized representative to determine appropriate actions to prevent the loss of significant cultural or scientific values.

Attachments: none

Signed (by archaeologist): /s/ Tim Watkins

Date: 02/10/2011



McFadden Archaeological Consulting
953 West Vance Drive
Kanab, Utah 84741
(435) 644- 5217
Email:mcfadden@kanab.net



Mr. Craig J. Johnson
Archaeologist
BLM Kingman Field Office
2755 Mission Blvd
Kingman, AZ 86401

December 14, 2007

Dear Mr. Johnson:

Enclosed are two copies of the Norman James ROW clearance report carried out under Fieldwork authorization permit KF0-08-05.

If you have any questions or concerns please feel free to contact me.

Sincerely,

Douglas A. McFadden

cc. Norman James

December 14,2007

Douglas McFadden
McFadden Archaeological Consulting
953 W. Vance Drive
Kanab, Utah 84741

To Whom It May Concern:

Your record search contains ONLY ASM records.

The AZSITE Database is a consolidated Geographic Information System that contains records from various land managing agencies. Access to this consolidated database is only granted to approved agencies and users.

McFadden Archaeological Consulting has not applied for nor been granted access to AZSITE, therefore the results of your records check contain only Arizona State Museum records.

You will have to request records checks from the various land managing agencies that may manage records pertaining to your project area to ensure you have a complete record set for your project area. Alternatively you can apply for access to the AZSITE Database and receive a more complete record checks.

Sincerely,

Rick Karl, MA
AZSITE Database Manager
Arizona State Museum
For the AZSITE Consortium



Fig.1. Typical NW-SE road segment, facing NW.

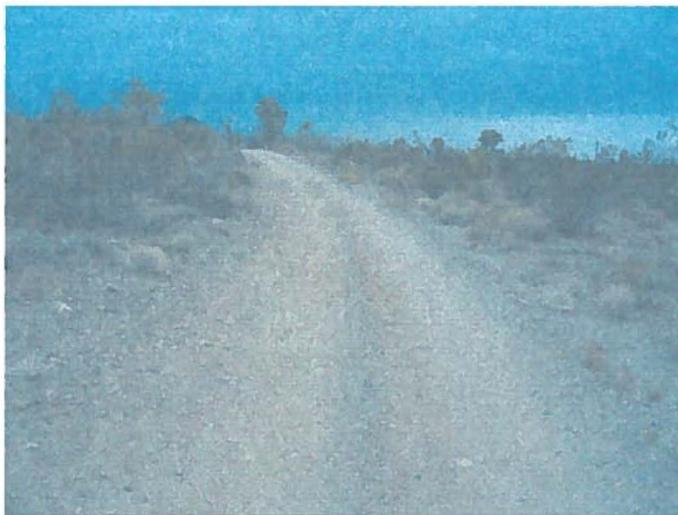


Fig. 2. Pearce Ferry Road, typical segment facing north.



Fig.. 3. IF-3, hole-in-cap cans.

*Sent to 1119 readers
by email 11/06/07
(in summary)
map left mailed USPS
11/06/07*

BLM ROW for Norman James and Pete Derewianko, Meadview, AZ

This is a joint effort to obtain separate legal access for the James and Derewianko property in Section 9 Meadview, AZ.

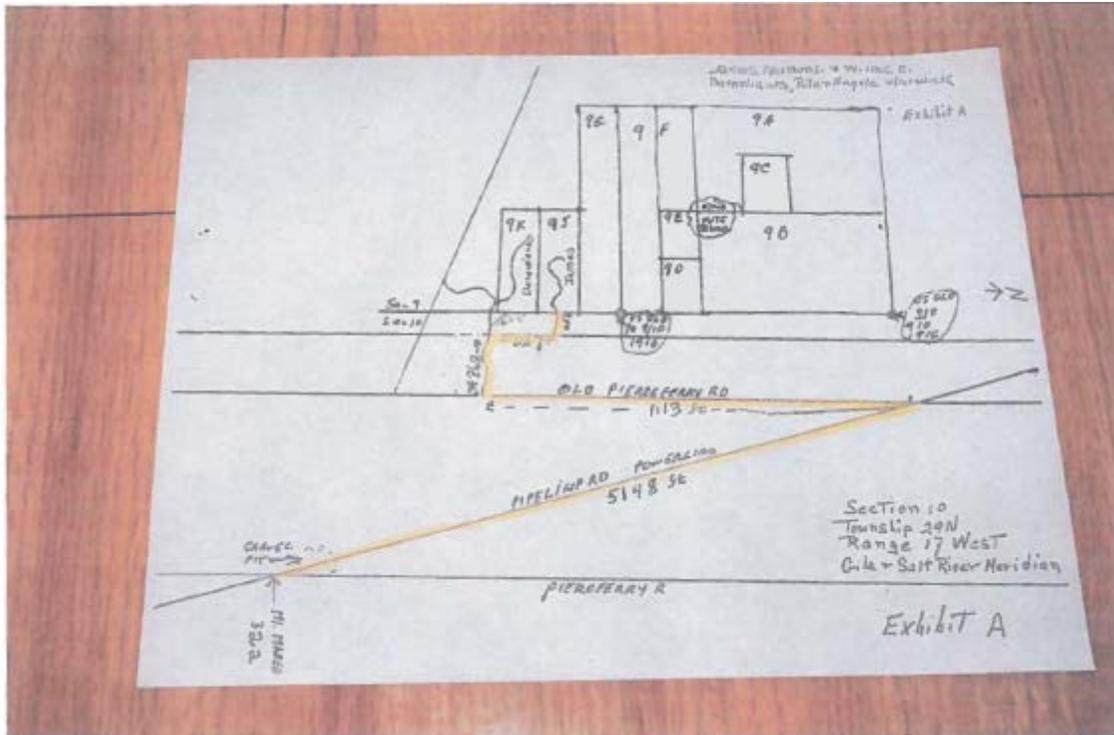
James' ROW will be for 7824 feet by 18 feet wide to their continuous ten (10) acres situated in Section 9, Township 29 North, Range 17 West, Gila and Salt River Meridian, Mohave County, Arizona (Mohave County Tax I. D. 336-11-006 (N2 S2 NE4 SE4)).

Derewianko's ROW is the same except for the last 970 feet. See Map

Our properties lay West of Federal public lands Section 10; Township 29 North, Range 17 West, Gila and Salt River Meridian, Mohave County, AZ.

Only existing BLM roads are requested for use except for the last 102 feet for Derewianko. This 102 feet will require construction to gain entrance to his property.

The ROW would begin by turning West .2 mile North of Mile Post 32 on new Pearce Ferry Road. Proceed through gravel parking area and then Northwest on the existing BLM road adjacent to the power poles for 5148 feet to the Old Pearce Ferry Road; turn South (120 degree left turn) and proceed on Old Pearce Ferry Road for 1113 feet. At this point for Derewianko you turn West on existing road for 868 feet and then turn at a 30 Degree right angle for 102 feet to enter his property. For James after traveling the 1113 feet of Old Pearce Ferry road you turn west and continue on existing road for 678 feet and then turn north 627 feet on existing road and then turn west 258 feet to James entrance.



Do you need more info from us?

James, Norman I and Wilma E.

James wjames@msn.net

I drive to Meadview on Tuesday and use the wireless service offered by the library.

Our cell phone numbers are Norman 970/739-0200

Wilma 970/73904022

Norman James Right-of-Way
Archaeological Inventory
(BLM-AZ-310-08-08)

Submitted to:
Kingman Field Office
Bureau of Land Management

Prepared for:
Dr. Norman I. James
Meadview, Arizona

Prepared By:
Douglas A. McFadden, P.I.
McFadden Archaeological Consulting
Kanab, Utah 84741
Permit # AZ-0003-6

December 5, 2007

Introduction

This report describes a cultural resource inventory (project # BLM-AZ-310-08-08) carried out by McFadden Archaeological Consulting at the request of Dr. Norman James. The purpose of the inventory was to assess cultural resource values along approximately 1.5 miles of road right-of-way on public lands administered by the Kingman Field Office, Bureau of Land Management. The cultural resource inventory is mandated by Section 106 of the National Historic Preservation Act. The right-of-way is intended to provide legal access to the private properties of Dr. James and the adjacent property owned by Mr. Pete Derewianko.

Project Description

The requested right-of-way is located in Section 10, T.29N, R.17 W in Mohave County Arizona. The application involves a series of existing gravel roads that branch off the Pearce Ferry Road (Figs. 1 and 2). With the exception of 102 feet of new construction required for access to the Derewianko property (Map 1), no road upgrading is anticipated.

Physical Setting

The project lies in the Mountain Transition zone between the Colorado Plateau and the Basin and Range Provinces (Stone 1987). The local landform is a pediment slope with east aspect. The relatively gentle gradient slope is cut by numerous, shallow drainages with alluvial outwash deposits many of which have been subjected to placer mining activity.

Vegetation has been characterized as Mohave Desert scrub (Stone 1987). Vegetation observed during the survey includes: Joshua tree, creosotebrush, burro brush, Mormon tea, snakeweed, prickly pear, yucca and cholla.

Records Search

A review of records at the Kingman Field Office indicated that no sites were recorded nor has any inventory been conducted near the proposed ROW.

A records search was requested from the Arizona State Museum December 4, 2007. An electronic report dated Dec 14, 2007 indicated "No sites or surveys are recorded" in the project area.

Survey Methods

A single transect was walked by one individual along the existing road and the flagged 102 foot route to the Derewianko property. The existing road averages 15' wide. Although the application calls for an 18' right-of-way, the area surveyed is assumed to cover a standard transect width of 45'. Given the 7,824 road length, approximately 8 acres were surveyed.

Previous disturbance in the area includes a buried pipeline along the east side of the NW- SE road segment and a power line paralleling the west side.

Findings

No cultural properties were identified during the survey. It is noted that a portion of the ROW is on the Pearce Ferry Road. A placer mine, noted on the Meadview South 7.5' map, occurs east of the right-of-way and was not within the surveyed area. Prior use of the roadways was indicated by recent and possibly historic isolated materials listed as isolated finds below.

Isolated Materials

IF-1. Evaporated milk can, type 11 (1917-1929), (Simonis1997); UTM 762202E 3977994N.

IF-2. Hole-in-cap cans (5), approximately 18cm high by 14 wide (crushed); UTM 761764E 3978267N (Fig. 3).

IF-3. Steel beverage can (pre-1960); UTM 761640E 3978320N.

IF-4. USGS Bench Mark V53 (1932); UTM 761647E 3978250N.

Recommendations

No cultural resources will be affected by the right-of-way proposal. Clearance for the right-of-way is recommended.

References

Simonis, Don

1997 Simonis Milk Can Guide. USDI, Bureau of land Management, Kingman Field Office.

Stone, Connie L.

1987 *People of the Desert, Canyons and Pines: Prehistory of the Patayan Country in West Central Arizona*. Cultural Resource Series No.5. Bureau of Land Management, Phoenix.

KINGMAN FIELD OFFICE SCOPING FORM

Proposal:

DOI-BLM-AZ-C010-2011-0018-EA
NEPA Document Number

_____ RMP Implementation No.

S:/BLMshare:
Document Location

Land Description: T29 R17 Sec 10

Applicant:

Authorization:

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

Needed Input (X)	Discipline	Signature
X	Lands	/s/ Abe Clark 02/18/2011
	Minerals	
	Range	
	Wild Horse and Burro	
	General Recreation	
X	Cultural and Paleontological Resources	/s/ Tim Watkins 02/22/2011
	Wilderness	
	Soils	
	Surface and Groundwater Quality/Water Rights	
	Air Quality	
X	Wildlife	/s/ Ammon Wilhelm 02/18/2011
X	Threatened and Endangered Plants and Animals	/s/ Ammon Wilhelm 02/18/2011
X	Migratory Birds	/s/ Ammon Wilhelm 02/18/2011
	Surface Protection	
	Hazardous Materials	
	Areas of Critical Environmental Concern	
	Visual Resources	
	Socio-Economics/Environmental Justice	
X	General Botany/Noxious Weeds	/s/ Ammon Wilhelm 02/18/2011
	Energy Policy	

Writer: / s / Ammon Wilhelm

Date: 02.01/2011

Environmental Coordinator: / s / David Brock

Date: 02/01/2011

Field Manager: / s / Ruben A. Sánchez

Date: 02/01/2011

**Proposed ROW
to
Access Private Property**

Proposed Route

29N17W

Pierce Ferry

River

Charles

Byron

Lucky

Peach

Pear

Amarisk

Rainbow

Donnie

