

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

Type of Compliance Record:

NEPA#: DOI-BLM-AZ-P010-2010-013-CX

Related #: AZA-27843

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

_____ Administrative Determination [Complete Parts I, III, IV & V]

Proposed Action Title/Type: Larry White Apiary Permit Renewal

Location of Proposed Action:

Gila & Salt River Meridian, Maricopa County, Arizona

T. 7 N., R. 2 W., sec 19, SW $\frac{1}{4}$ NE $\frac{1}{4}$;

T. 7 N., R. 3 W., sec 26, SW $\frac{1}{4}$ NE $\frac{1}{4}$;

T. 6 N., R. 1 W., sec 14, NE $\frac{1}{4}$ NE $\frac{1}{4}$;

T. 6 N., R. 1 W., sec 26, NE $\frac{1}{4}$ NW $\frac{1}{4}$;

T. 6 N., R. 2 W., sec 25, SE $\frac{1}{4}$ NW $\frac{1}{4}$;

T. 7 N., R. 1 W., sec 13, N $\frac{1}{2}$ SE $\frac{1}{4}$.

The USGS Quad Maps for all 4 sites are Badly, Governors Peak, Hieroglyphics SW, Garfias, and Red Picacho.

Description of the Proposed Action: Authorization for the renewal of the multi-year permit AZA-27843, first issued May 20, 1993. The applicant, Larry White, is requesting the renewal of 6 existing sites, for apiary use, on public lands in Arizona. The proposed sites are each in a small area (less than one acre) with little disturbance. A renewal of the permit would only allow Larry White to continue that which is authorized, in his permit, on public lands. The permit would be issued for a term of 4 years.

PART I - PLAN CONFORMANCE REVIEW

This proposed action is subject to the following land use plan (LUP): The Bradshaw-Harquahala Resource Management Plan (RMP), dated April 2010. The action has been reviewed for conformance with this plan per 43 CFR 1610.5-3, H-1601-1 VI (F) and (G), as well as H-1601-1 Appendix C I.(E). Specifically, in the Bradshaw-Harquahala Record of Decision and Approved RMP, page 33, under Land Use Authorizations, LR-24 states,

“Continue to issue land use authorizations (right-of-way, leases, permits, easements) on a case-by-case basis and in accordance with resource management prescriptions in this land use plan.”

PART II - CATEGORICAL EXCLUSION (CX) DETERMINATION

A. Verification of Listing: Justification for the use of a CX resides in Bureau of Land Management (BLM) National Environmental Policy Act (NEPA) Handbook H-1790-1, Appendix 4 (E)(9) and 516 DM 2, Appendix 1 (1.5). Under the Department of Interior (DOI) Department Manual (DM), this proposed action (DOI-BLM-AZ-P010-2010-012-CX) qualifies as a CX through regulation 516 DM 11.9 (E)(9) which states,

“Renewals and assignments of leases, permits, or rights-of-way where no additional rights are conveyed beyond those granted by the original authorizations.”

And

B. Exception Review: Each BLM Handbook H-1790-1, Appendix 5 and 516, DM 2, Appendix 2 provide for the review of the following criteria to determine if Extraordinary Circumstances apply to this project. (NOTE: Appropriate staff should determine exception, comment and initial for concurrence. If exceptions apply to the action or project, and existing NEPA documentation does not address it, i.e., Part III, then further NEPA analysis is required).

It has been determined that the proposed action does comply with the objectives, terms, and conditions of the RMP.

CRITERIA:	Comment (YES/NO)	Staff Initial
1. Have significant impacts on public health and safety?	<u>NO</u>	<u>HC</u>
2. Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness or wilderness study areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds (Executive Order 13186); and other ecologically significant or critical areas?	<u>NO</u>	<u>HC, CM, MS, TH</u>
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)]?	<u>NO</u>	<u>HC, MS</u>
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks?	<u>NO</u>	<u>HC, TH, CM, MS</u>
5. Establish a precedent for future action, or represent a decision in principle about future actions, with potentially significant environmental effects?	<u>NO</u>	<u>HC, TH, MS, CM,</u>
6. Have a direct relationship to other actions with individually insignificant, but cumulatively significant, environmental effects?	<u>NO</u>	<u>HC, MS</u>
7. Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by either the	<u>NO</u>	<u>CM, MS</u>

Bureau or office?

- | | | |
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| 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? | <u>NO</u> | <u>TH, HC</u> |
| 9. Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment? | <u>NO</u> | <u>TH, HC</u> |
| 10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898)? | <u>NO</u> | <u>HC</u> |
| 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)? | <u>NO</u> | <u>CM, HC</u> |
| 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)? | <u>NO</u> | <u>HC, TH</u> |

Persons/Agencies Consulted:

- ❖ BLM, Hassayampa Field Office (HFO) Resource Specialists [Tim Hughes (TH), Wildlife Biologist; Chris McLaughlin (CM), Archeologist; Mary Skordinsky (MS), Recreation Planner].

PART III - EXISTING ENVIRONMENTAL ANALYSIS/ENVIRONMENTAL IMPACT STATEMENT (EA/EIS) REVIEW FOR ADMINISTRATIVE DETERMINATION.

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

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

evaluation and any decision as to the proper mitigation measures will be made by the AO after consulting with the holder.

4. No hives will be permitted within ¼ mile of water, residences, or intensive public use areas. To mitigate any potential conflict with livestock, the hives shall be placed at least one-half (1/2) mile from livestock waters.
5. Access to sites will be across existing roads only. Hives will be adjacent to roadways. The hives would be placed within 100 feet of existing roads on the described lands. Hives at all areas will be placed in existing cleared/compacted areas.
6. No sites will be within 2 miles of any previously authorized apiary site (unless the sites will be granted to the same applicant).
7. No surface disturbance such as clearing or leveling of sites is allowed. No armadas (shade structures) will be constructed unless specifically authorized.
8. If there is an incident involving Africanized honey bees in the hives located on public lands authorized under this permit, the permittee will immediately notify the AO, of the incident and then submit written documentation of the corrective action taken.
9. The permittee must comply with state and local apiary laws and place proper identification of ownership on the sites.
10. Hives shall not be placed in a location that is being actively used for mining exploration or production.
11. The permittee shall hold a liability insurance policy, with the minimum limits of \$100,000 per occurrence and \$300,000 annual aggregate for bodily injury, and provide a copy of it to the AO. The permittee will be required to maintain the insurance policy for the life of the permit and provide proof of insurance annually to the BLM AO.
12. The permittee shall not place more than 100 bee hives at each site at any time. Each site will be signed. The sign shall be visible from the nearest point of access and shall contain the permittee's name and 10-digit telephone number.
13. The permittee shall mark the center of each site with a post. The permittee shall maintain each post in place until directed by the AO to remove the post. The permittee shall paint the message BLM PERMIT AZA-27843 on each post. The permittee shall maintain the painted message until the post is removed.
14. Failure of the holder to comply with applicable law or any provision of this permit shall constitute grounds for suspension or termination thereof.
15. The holder shall comply with all Federal, State, and local regulations whether or not specifically mentioned within this permit.

16. The holder shall comply with all applicable Federal laws and regulations existing or hereafter enacted or promulgated. In any event, the 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 in the permitted area or on facilities authorized under this permit. (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 or spill of any toxic substances shall be furnished to the AO concurrent with the filing of the reports to the involved Federal agency or State government.
17. The holder of permit number AZA-27837 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 of 1976, 42 U.S.C. 6901 et seq.) on the permit (unless the release or threatened release is wholly unrelated to the permit holder's activity on the permit. This agreement applies without regard to whether a release is caused by the holder, its agent, or unrelated third parties.
18. The holder shall inform the AO within 48 hours of any accidents on federal lands that require reporting to the Department of Transportation as required by 49 CFR Part 195.
19. No construction or routine 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 **four** inches deep, the soil shall be deemed too wet to adequately support construction equipment.
20. Upon permit termination by the AO, all improvements shall be removed from the public lands within 90 days, or otherwise disposed of as provided in paragraph (4)(d) or as directed by the AO.

AUTHORIZED OFFICER: /S/ Jim Andersen 5/17/2010
 FOR Steve Cohn, HFO FIELD MANAGER DATE

SPECIALIST COMMENTS
AZA-27843 Larry White Apiary Permit

Tim Hughes, Wildlife Biologist:

"No T/E?P species impacts." 2/7/2005

Chris McLaughlin, Archeologist:

“No cultural issues. Please include standard steps from archaeology.” 4/12/2010

Mary Skordinsly, Recreation Planner:

“No facilities. If development occurs, apiary would be moved a safe distance away.” 4/19/2010