

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

DOI-BLM-AZ-P020-2010-013-CX
Kyle W. Hindman Conveyance of Mineral Interests (CMI) Application

A. Background

BLM Office: Lower Sonoran Field Office Lease/Serial/Case File No.: AZA-33799

NEPA Number: **DOI-BLM-AZ-P020-2010-013-CX**

Proposed Action Title/Type: Conveyance of Mineral Interest Application

Applicant: Kyle W. Hindman
 25390 W HWY 85
 Buckeye, AZ 85326

Location of Proposed Action:

T. 1 S., R. 3 W., Section 9, SW¹/₄NE¹/₄, SE¹/₄NW¹/₄, NE¹/₄SW¹/₄, NW¹/₄SE¹/₄1/4.;

Description of Proposed Action:

Kyle W. Hindman (applicant) currently owns 160 acres of private surface estate south of Buckeye, AZ. He has submitted a Conveyance of Mineral Interests application to acquire the federally owned subsurface estate that lies beneath his private surface estate.

B. Land Use Plan Conformance

Land Use Plan Name: The Lower Gila South Resource Management Plan Date: Aug. 1985; and the Approved Amendment to the Lower Gila North Management Framework Plan and the Lower Gila South Resource Management Plan and Decision Record Approved/Amended: June 1988/July 2005, respectively.

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

In the Lower Gila South RMP/EIS area there are approximately 23,645 acres of federal minerals that underlie either state or private lands and approximately 112,160 acres of federal surface estate where the underlining minerals are owned by either state or private interests. The situation causes confusion and creates problems with the individual or agency owning or managing the surface estate. Therefore, it is recommended that BLM acquire approximately 112,160 acres of state and private mineral estate and dispose of approximately 23,645 acres of federal minerals that underlie state and privately owned surface estate (page 16).

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 2, Appendix 1, _____ or **516 DM 11.9 E (5)** which states: *Actions taken in conveying mineral interest where there are no known mineral values in the land under Section 209(b) of the Federal Land Policy and Management Act of 1976 (FLPMA).*

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, and none of the extraordinary circumstances described in 516 DM2 apply.

The BLM has determined that this decision or action conforms to the land use plan that none of the 10 exceptions (516 DM 2, Appendix 2) apply, and therefore neither an EA nor EIS is needed. The decisions or action will be implemented subject to the stipulations attached to the authorizing document

D: Signature

Authorizing Official: _____/s/ _____ Date: _____June 23, 2010_____ (Signature)

Name: Emily Garber

Title: Field Manager – Lower Sonoran Field Office

Contact Person

For additional information concerning this CX review, contact Matthew Magaletti, Realty Specialist, Phoenix District Office – Lower Sonoran Field Office, 21605 North 7th Avenue, Phoenix, Arizona 85027, 623-580-5500.

Note: A separate decision document must be prepared for the action covered by the CX.

Attachment 1

EXTRAORDINARY CIRCUMSTANCES REVIEW AND CHECKLIST		
<p>IMPORTANT: Appropriate staff should review the circumstances listed below, and comment for concurrence. Rationale supporting the concurrence should be included where appropriate.</p> <p><i>MM – Matthew Magaletti, Realty Specialist (BLM), CM – Chris McLaughlin, Archeologist (BLM), SB – Steve Bird, Wildlife Biologist (BLM)</i></p>		
EXTRAORDINARY CIRCUMSTANCES	YES/NO & RATIONALE (If Appropriate)	STAFF
Does the proposed action...		
1. Have significant impacts on public health and safety?	NO	MM
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?	NO	CM
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)]?	NO	MM
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks?	NO	MM
5. Establish a precedent for future action, or represent a decision in principle about future actions, with potentially significant environmental effects?	NO	MM
6. Have a direct relationship to other actions with individually insignificant, but cumulatively significant, environmental effects?	NO	MM
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	CM
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?	NO	SB
9. Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment?	NO	MM
10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898)?	NO	MM
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)?	NO	CM
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)?	NO	MM

Approval and Decision Attachment 2

Compliance and assignment of responsibility: Matthew Magaletti
Monitoring and assignment of responsibility: Matthew Magaletti

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/_____ **Date:** June 1, 2010

Matthew Magaletti
Project Lead

Reviewed by: _____/s/_____ **Date:** June 1, 2010

Leah Baker

Planning & Environmental Coordinator

Reviewed by: _____/s/_____ **Date:** June 23, 2010

Emily Garber
Manager

Project Description:

Kyle W. Hindman (applicant) currently owns 160 acres of private surface estate south of Buckeye, AZ. He has submitted a Conveyance of Mineral Interests application to acquire the federally owned subsurface estate that lies beneath his private surface estate.

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/_____ **Date:** June 23, 2010

Emily Garber
Lower Sonoran Field Office Manager