

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

Type of Compliance Record:

NEPA#: DOI-BLM-AZ-P010-2010-015

Related #: AZA-11866

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

Administrative Determination (AD) [Complete Parts I, III, IV & V]

Proposed Action Title/Type: Maricopa County Flood Control Right-of-Way (ROW).

Location of Proposed Action:

See Attachment 1, Item No. AZA-11866 Legal Description and Attachment 2, Exhibit to Accompany Legal Description.

Description of Proposed Action: On January 31, 1980, Maricopa County Flood Control was granted the use of a water facility ROW, pursuant to the Federal Land Policy and Management Act (FLPMA) of October 21, 1976, (90 Stat. 2776; 43 U.S.C. 1761). The grant issued, by the Bureau of Land Management (BLM), was for the purpose of establishing several flood-control structures. An amendment was issued to allow for two drainage structures and one emergency spillway, for the continued operation of the project, on December 19, 1980. The grant was issued for a term of 30 years and the amendment coincided with the original grant.

The original ROW application was analyzed by the Harquahala Valley Watershed Environmental Statement that was approved by the Council of Environmental Quality, in March 1977. Along with an Environmental Statement (ES) prepared in the Decision Record, dated December 9, 1980, a supplemental BLM Environmental Assessment (EA) (# AZ-020-9-143) was prepared. For the amendment, another supplemental BLM EA (# AZ-020-1-31) was completed. The ES, along with the two supplemental BLM EAs, are deemed adequate; and no further environmental analysis is needed.

PART I - PLAN CONFORMANCE REVIEW. This proposed action is subject to the following land use plan: The Bradshaw-Harquahala Resource Management Plan (RMP), dated April 2010. The action has been reviewed for conformance with this plan (43 CFR 1610.5-3, H-1601-1 VI, F and G). Specifically, in the Bradshaw-Harquahala Record of Decision and Approved Resource Management Plan (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.”

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).

PART II - CATEGORICAL EXCLUSION DETERMINATION

A. Verification of Listing: This proposed action qualifies as a categorical exclusion under Department Manual 516 DM 2, Appendix 1 DOI-BLM-AZ-P010-2010-015-CX, 516 DM 2, Appendix 1, and Appendix 4 E. (9),

“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).

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</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</u>
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks?	<u>NO</u>	<u>HC</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</u>
6. Have a direct relationship to other actions with individually insignificant, but cumulatively significant, environmental effects?	<u>NO</u>	<u>HC</u>
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?	<u>NO</u>	<u>HC</u>
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>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>HC</u>
10. 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>HC</u>

PREPARER: /s/ Hillary Conner
Hillary Conner, REALTY SPECIALIST

4/28/2010
DATE

PART V - DECISION. I have reviewed this plan conformance and NEPA compliance record and have determined that the proposed project is in conformance with the approved land use plan and that no further environmental analysis is required. This action will not have a direct or indirect adverse impact on energy development, production, supply and/or distribution. It is my decision to implement the project, as described, with the mitigation measures identified below.

MITIGATION MEASURES/OTHER REMARKS: The mitigation measures and terms and conditions of the original ROW grant AZA-11866 will continue to apply. No new mitigation measures are necessary.

AUTHORIZED OFFICER: /s/ Steve Cohn
Steve Cohn, HFO FIELD MANAGER

4/30/2010
DATE