

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

**Pickaway Trail Association Road Amendment  
DOI-BLM-AZ-P010-2011-048- CX**

**A. Background**

BLM Office: Hassayampa Field Office (HFO)

Lease/Serial/Case File No.: AZA-26086

Proposed Action Title/Type: Right-of-Way Road Amendment

Project Code: LLAZPO10000 1430 ER

Location of Proposed Action:

T. 10 N., R. 2 E., G&SR Meridian, Yavapai County, Arizona  
Section 6, Portion of Lots 4, 5, 7;  
Section 6, W½SE¼NW¼.

Description of Proposed Action: Right-of-way (ROW) amendment to add an additional 2.42 acres (approximately 1,950 feet long and 50 feet wide), of an existing road, to the Pickaway Trail Association's authorization (AZA-26086). Currently the Pickaway Trail Association holds a ROW for Pickaway Trail road (approximately 1 acre), located roughly 9 miles south of Mayer, Arizona. This application is for the authorization to use a road (known as Bradshaw Mountain Ranch road) previously authorized to IPP Limited, Inc. (ROW AZA-23341) and Bradshaw Mountain Ranch (ROW AZA-30476). On November 6, 2007, the Pickaway Trail Association was informed, by the Bureau of Land Management (BLM), their grant did not wholly complete legal access to the Pickaway properties. Specifically, Bradshaw Mountain Ranch Road (approx. 2.42 acre) should have been included in the Pickaway Trail Association's original authorization. The proposed amendment would complete access to the Pickaway Trail Association's private properties.

**B. Land Use Plan Conformance**

Land Use Plan (LUP) Name: Bradshaw Harquahala Resource Management Plan

Date Approved/Amended: 4/1/2010

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):

Land Use Authorization LR-24, "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."

**C: Compliance with NEPA**

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with BLM NEPA Handbook H-1790-1, Appendix 4 or 516 Departmental Manual (DM) 11.9:

Categorical Exclusions E. Realty (16), “Acquisition of easements for an existing road or issuance of leases, permits, or rights-of-way for the use of existing facilities, improvements, or sites for the same or similar purposes.”

A CX is appropriate as 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 H-1790-1, Appendix 5 or 516 DM 2, Appendix 2 apply.

[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. Attachment 1 (BLM Categorical Exclusions: Extraordinary Circumstances), enclosed, is a checklist of each extraordinary circumstance and corresponding staff concurrence].

**D. Signature**

*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 (see Attachment 1). Therefore, it is categorically excluded from further environmental review.*

**Prepared by:**           /s/Hillary Conner          7/22/2011            
**Hillary Conner**  
**Realty Specialist**

**Reviewed by:**           /s/ Jim Andersen          7/25/2011            
**Jim Andersen**  
**Lead Realty Specialst**

**Reviewed by:**           /s/ Leah Baker          8/3/2011            
**Leah Baker**  
**Planning & Environmental Coordinator**

**E. Contact Person**

For additional information concerning this CX review, contact: Hillary Conner, HFO Realty Specialist, by phone 623-580-5649, e-mail hconner@blm.gov, or address BLM Phoenix District Office 21605 N. 7th Avenue Phoenix, Arizona 85027.



BLM Categorical Exclusions: Extraordinary Circumstances<sup>1</sup>  
**Attachment 1**

CRITERIA	<u>Comment (Y/N)</u>	<u>Staff Initial</u>
1. Have significant impacts on public health and safety?	<u>NO</u>	<u>TB, IDT</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>TB, CC, CM, IDT</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>TB, CC, CM, IDT</u>
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks?	<u>NO</u>	<u>TB, CC, CM, IDT</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>TB, CC, CM, IDT</u>
6. Have a direct relationship to other actions with individually insignificant, but cumulatively significant, environmental effects?	<u>NO</u>	<u>CC, CM, IDT</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>CM, IDT</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>CC, IDT</u>
9. 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, IDT</u>
10. Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment?	<u>NO</u>	<u>CM, IDT</u>

- |  |           |                    |
|--|-----------|--------------------|
| 11. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898)?   | <u>NO</u> | <u>IDT</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>TB, CC, IDT</u> |

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<sup>1</sup> If an action has any of these impacts, you must conduct NEPA analysis.

Persons/Agencies Consulted:

- ❖ BLM, Field Office Resource Specialists - Interdisciplinary Team (ID Team) consisting of all specialists at NEPA meeting dated 7/11/2011 (IDT); Wildlife Biologist Codey Carter (CC), Archeologist Chris McLaughlin (CM), Recreation Specialist Tom Bickauskas (TB).
- ❖ ID Team (IDT) Members at meeting, dated 7/11/2011, in addition to those previously mentioned above - Lead Realty Specialist Jim Andersen, Planning and Environmental Coordinator Leah Baker, Archeologist Cheryl Blanchard, Realty Specialist Hillary Conner, Geologist Karen Conrath, Project Manager Kathleen Depukat, Geologist David Eddy, Rangeland Specialist Andrea Felton, Realty Specialist JoAnn Goodlow, Rangeland Management Specialist James Holden, Archeologist Brain Lausten, Environmental Planner/Realty Specialist Matthew Magaletti, Range Technician Mary Pyles, Recreation Planner Jack Ragsdale, Geologist Mike Rice, Wildlife Biologist Paul Sitzmann, Lead Outdoor Recreation Planner Mary Skordinsky, GIS Specialist Sharisse Fisher.

Specialist Comments for AZA-26086 Pickaway Trail Association Road Amendment  
**Attachment 2**

**Codey Carter, Wildlife Biologist:**

*“No impact to T&E species. Existing road. Not in desert tortoise habitat. Little or no adverse impacts to BLM sensitive species, migratory birds, or other wildlife species would be expected to occur as a result of this action..” 7/12/2011*

**Chris McLaughlin, Archeologist:**

*“No impact to cultural resources. Area covered by previous surveys. Please include standard discovery stips.” 7/12/2011*

**Tom Bikauskas, Recreation Planner:**

*“The attached map shows the inventoried roads which serve as the interim route designation for this area. All of the roads are open currently. The orange highlighted routes to the east of the proposed ROW need access for hunting, recreation, wildlife management and ranching. When grading the road, ensure that the berms are not too high as to prevent access by four wheel drive vehicles. If drainage ditches are requested, further field review of these side roads would need to be done to ensure at least minimum access is provided.” 7/22/2011*

BLM Mitigation Measures/Other Remarks  
**Attachment 3**

1. All applicable regulations in accordance with 43 Code of Federal Regulation (CFR) 2800.
2. The holder shall avoid any and all impacts to any historic or cultural resource by ensuring ground disturbing activities including vehicles and equipment are kept within the area approved within the right-of-way (ROW) grant.
3. Any cultural and/or paleontological resources (historic or prehistoric site or object) discovered by the holder or any person working on the holders behalf, on public or federal land shall be immediately reported to the Authorized Officer (AO). The holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the AO. An evaluation of the discovery will be made the AO to determine the appropriate actions to prevent the loss of significant cultural or scientific values. The holder will be responsible for the cost of the evaluation and any decision as to the proper mitigation measures will be made by the AO after consulting with the holder.
4. The proponent, Pickaway Trail Association, shall avoid any and all impacts to any historic or cultural resource by ensuring ground disturbing activities, including vehicles and equipment, are kept within the area approved within this ROW request.
5. The holder shall protect all survey monuments found within the ROW. Survey monuments include, but are not limited to, General Land Office (GLO) and Bureau of Land Management (BLM) Cadastral Survey Corners, reference corners, witness points, United States (U.S.) Coastal and Geodetic benchmarks and triangulation stations, military control monuments, and recognizable civil (both public and private) survey monuments. In the event of obliteration or disturbance of any of the above, the holder shall immediately report the incident, in writing, to the AO and the respective installing authority if known. Where GLO or BLM ROW monuments or references are obliterated during operations, the holder shall secure the services of a registered land surveyor or a Bureau cadastral surveyor to restore the disturbed monuments and references using surveying procedures found in the Manual of Surveying Instructions for the Survey of the Public Lands in the United States, latest edition. The holder shall record such survey in the appropriate county and send a copy to the AO. If the Bureau cadastral surveyors or other Federal surveyors are used to restore the disturbed survey monument, the holder shall be responsible for the survey cost.
6. 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.
7. The holder shall comply with all State and Federal laws applicable to the authorized use and such additional State and Federal laws, along with the impending regulations, that may be enacted and issued during the term of the grant.
8. The holder shall not use BLM managed land that is within, adjacent to, or outside the ROW for the long-term storage of any materials, equipment, or vehicles during any construction, operation, maintenance, and/or termination activities associated with the ROW.
9. Holder shall maintain the ROW in a safe, usable condition, as directed by the AO. (A regular maintenance program shall include, but is not limited to, blading, ditching, culvert installation, and surfacing).
10. The holder shall operate and maintain any improvements, within this ROW, in strict conformity with

that which has been approved by this grant. Any relocation, additional construction, or use that is not in accord with the approved grant, shall not be initiated without the prior written approval of the AO.

11. The holder agrees that the BLM shall not be held responsible for any activities occurring as a result of fences being cut, destroyed, or altered in any way as a result of the holders' activities that are associated with the ROW.
12. The ROW reserves to the Secretary of the Interior, or lawful delegates, the right to grant additional ROW, leases, or easements on BLM land for compatible uses over, under, within or adjacent to the lands involved in this grant.
13. The holder agrees that the AO may prescribe additional terms and conditions to the ROW grant as a result of the review conducted on any proposed construction/maintenance designs and plans.
14. No vegetative material, debris or refuse shall be disposed of either within the ROW or on any other federal land. Instead, the holder shall dispose of any vegetative material, debris and/or refuse at legal off-site locations.
15. The holder of this ROW or the holder's successor in interest shall comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) and the regulations of the Secretary of the Interior issued pursuant thereto.
16. The holder shall meet Federal, State, and local emission standards for air quality.
17. 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 on the ROW or on facilities authorized under this ROW 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 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.
18. The holder shall comply with all Federal, State, and local regulations whether or not specifically mentioned within this grant.
19. The holder shall be responsible for weed control on disturbed areas within the limits of the ROW. The holder is responsible for consultation with the AO and/or local authorities for acceptable weed control methods (within the limits imposed in the grant).
20. Use of pesticides shall comply with the applicable Federal and state laws. Pesticides 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, the holder shall obtain from the AO 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 AO. Emergency use of pesticides shall be approved in writing by the AO prior to such use.
21. The holder shall conduct all activities associated with the construction, operation, inspection,

maintenance, and termination of the ROW within the authorized limits of the ROW except as provided below, or unless otherwise authorized in writing by the AO.

22. The holder shall confine all vehicular traffic to the authorized limits of the ROW, unless otherwise authorized in writing by the AO.
23. When grading the road, ensure the berms are not too high as to prevent access by four wheel drive vehicles. If drainage ditches are requested, further field review of these side roads would need to be done to ensure at least minimum access is provided.
24. The holder shall fully indemnify or hold harmless the U.S. for any liability, for damage, or claims arising in connection with the holder's use and occupancy of the ROW.
25. The holder agrees to indemnify the U.S. 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 ROW, unless the release or threatened release is wholly unrelated to the ROW holder's activity on the ROW. This agreement applies without regard to whether a release is caused by the holder, its agent, or unrelated third parties.
26. This ROW may be renewed. If renewed, the ROW will be subject to regulations existing at the time of renewal, and such other terms and conditions deemed necessary to protect the public interest.
27. The holder shall permit free and unrestricted public access to and upon the ROW for all lawful and proper purposes.
28. Within 90 days after completion of construction or after all restoration stipulations have been complied with, whichever is later, proof of construction, on forms approved by the Director, shall be submitted to the AO.
29. Upon completion of maintenance and/or initial construction, the lands shall be restored to as near their natural condition as possible, subject to approval by the AO.
30. Upon expiration of the ROW or upon abandonment, whichever comes first, the holder will restore the lands to their natural grade and condition so far as it is practicable and/or to the satisfaction of the AO.
31. Prior to termination of the ROW, the holder shall contact the AO to arrange a pre-termination conference. This conference will be held to review the termination provisions of the grant.