

Finding of No Significant Impact (FONSI)

DOI-BLM-AZ-P010-2011-027

Application for a 12 kV Powerline Right-Of-Way (ROW)

CONTEXT

The applicant applied for a powerline ROW to rebuild an existing 12 kV powerline segment [.0006875 square miles on the Bureau of Land Management (BLM)], which is currently unauthorized. The rebuild will include new construction to be added vertically in order to enlarge the powerline. A total of .44 acres has been requested for this ROW, on BLM land. Specifically, the applicant is requesting a ROW that is approximately 954 feet in length by 10 feet (on each side of the centerline) or a total width of 20 feet. This project is a connected action. Approximately 3.79 miles of the project corridor crosses Arizona State Trust land, .20 miles (321.87 m/1,056 ft) BLM land and .13 miles Maricopa County land. The 12 kV overhead powerline consists of three 50 foot galvanized steel monopoles. The removal of three existing wood poles will be completed as a full extraction and removal from the ROW corridor.

INTENSITY

The following discussion is organized around the 10 Significance Criteria described at 40 Code of Federal Regulations (CFR) 1508.27. The following have been considered in evaluating intensity for this proposal:

- 1. Impacts that may be both beneficial and adverse.**
- 2. Degree of effect on public health and safety**
- 3. Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.**
- 4. Degree to which the possible effects on the quality of the human environment are likely to be highly controversial.**
- 5. Degree to which the possible effects on the quality of the human environment are highly uncertain or involve unique or unknown risk.**
- 6. Degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.**
- 7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.**
- 8. Degree to which the action may adversely affect district, sites, highways, structures, or objects listed on the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.**

9. Degree to which the action may adversely affect an endangered or threatened species or its critical habitat.

10. Whether the action threatens a violation of federal, state, or local environmental protection law.

This FONSI was subject to a 15-day period of public review and comment. From March 8, 2011 through March 24, 2011, interested parties had the ability to submit their comments, questions or concerns to [Blm AZ Phoenix Lands@blm.gov](mailto:Blm_AZ_Phoenix_Lands@blm.gov). No comments were received.

I have reviewed this Environmental Assessment (EA) (DOI-BLM-AZ-P010-2011-027), including the explanation and resolution of any significant environmental impacts, according to the significance criteria in 40 CFR 1508.27, described below. I have determined that the proposed action, with mitigating measures described within the EA, will not have any significant impacts on the human environment and an Environmental Impact Statement (EIS) is therefore not required. I have determined that the proposed action is in conformance with the approved land use plan.

_____/s/_____
Steve Cohn, Field Manager

____03/29/2011_____
Date

Bureau of Land Management (BLM)
Environmental Assessment (EA)

EA No. DOI-BLM-AZ-P010-2011-027
Serial No: AZA-35214

BLM Office: Hassayampa Field Office (HFO)
Phoenix District Office (PDO)

Proposed Action: Application for a 12 kV Powerline Right-of-Way (ROW), AZA-35214.
Existing Use, for Which No Authorization Has Been Obtained, Located Within
the Black Canyon Trail Multi-Use Designated Corridor.

Location of Proposed Action: Gila and Salt River Meridian, Arizona
T. 6 N., R. 2 E., Sec. 8, SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$; NE $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$.

Applicant: Arizona Public Service (APS)

Address: P.O Box 53933, M.S. 3016
Phoenix, Arizona 85072-3933

Conformance with Applicable Land Use Plan: The Bradshaw-Harquahala Resource Management Plan (RMP), dated April 2010. The proposed action has been reviewed for conformance with this plan [BLM Land Use Planning Handbook 1601-1 IV. C, BLM Manual Supplement (MS) 1617.3]. Determination has been made that the proposed action complies with the objectives, terms, and conditions of the RMP. Specifically, 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.”

Remarks (Rationale): The proposed action is subject to the above RMP and has been reviewed to determine conformity to the terms and conditions required by 43 Code of Federal Regulations (CFR) 1610.5-3. It is also consistent with BLM Manual Handbook H-1601-1 VI (F and G), 40 CFR 1500-1508, 516 Departmental Manual (DM) 1-7 and BLM National Environmental Policy Act (NEPA) Handbook (H-1790-1) Chapter 7 – Determining Whether An Environmental Assessment (EA) or Environmental Impact Statement (EIS) is Appropriate 7.3 Significance states,

“Whether an action must be analyzed in an EA or EIS depends upon a determination of the significance of the effects.”

The Council on Environmental Quality (CEQ) regulations refer to both significant effects and significant issues [explained in 40 CFR 1508.27, 1508.25(c) and 1502.2(b)].

Authority for authorizing site management planning, on public land (administered by the BLM), is granted by the Federal Land Policy and Management Act of 1976, (90 Stat. 2776; 43 U.S.C. 1761) and is reflected in Title 43, CFR, Part 2800.

Purpose & Need for Proposed Action: The purpose of the proposed action is to provide APS access to upgrade and rebuild an existing 12 kV powerline. The upgrade is needed in order to accommodate the growing population of the Black Canyon Trails facilities. The need for the proposed action is to respond to a FLPMA right of way request submitted by the proponent to reconstruct an existing 12 kV powerline. The decision to be made is whether or not to grant the ROW application.

Description of Proposed Action: The applicant is applying for a powerline ROW to rebuild an existing 12 kV powerline segment (.0006875 square miles on BLM), which is currently unauthorized. The rebuild will include new construction to be added vertically (with no additional square miles) in order to enlarge the powerline. A total of .44 acres has been requested for this ROW on BLM land. Specifically, the applicant is requesting a ROW that is approximately 954 feet in length by 10 feet (on each side of the centerline) or a total width of 20 feet. This project is a connected action. Approximately 3.79 miles of the project corridor crosses Arizona State Trust land, .20 miles (321.87 m/1,056 ft) crosses BLM land and .13 miles crosses Maricopa County land. The 12 kV overhead powerline consists of three 50 foot galvanized steel monopoles. The removal of three existing wood poles will be completed as a full extraction and removal from the ROW corridor.

The proposed action crosses isolated parcels of public land within existing authorized ROW in the Black Canyon corridor, along I-17 and State routes 69 and 169. Although the powerline is located within an existing buried fiber optic telephone line ROW (AZA-22632) and is surrounded by other encumbrances (i.e., New River Road), it will have no impact on these other authorized uses.

Alternatives: The only alternative being considered is the “NO ACTION” alternative. Under this alternative, no authorization would be granted and the ROW application would be rejected.

Alternatives Considered But Removed from Detailed Analysis: As the majority of the powerline is located on surrounding state land and the line (located on the state land) will remain above ground, no further analysis was considered with regard to having the applicant bury it. The portion of the powerline that resides on public land (a total of three poles) does not make up the main viewshed. The area is already visually disturbed.

ENVIRONMENTAL IMPACTS

<u>Critical Elements</u>	<u>Affected</u>		<u>Critical Elements</u>	<u>Affected</u>	
	Yes	No		Yes	No
Air Quality	x		Threatened & Endangered		
Area of Critical or Environmental Concern (ACECs)		x	(T&E Species)		x
Cultural Resources		x	Wastes, Hazardous		x
Farmland, Prime/Unique		x	Water Quality		x
Floodplains		x	Wetlands/Riparian		x
Nat. Amer. Rel. Concerns		x	Wild & Scenic Rivers		x
Environmental Justice		x	Wilderness		x
Standard for Rangeland		x	Invasive/Non-Native		x
Health			Plants (Weeds)		

APS has provided BLM with a Cultural Resource Inventory, Biological Resources, and Native Plant Evaluation and Stumpage Calculation reports, which were completed on the entire project area. Specifically, 1.6 acres of BLM land was surveyed and examined at a Class III level of intensity (BLM Cultural Resource Use Permit No. AZ-000423). These inventory and reports, including

relevant maps and diagrams, were provided to BLM resource specialists within Phoenix District Office Work Requests. Clearances were given by all specialist and all necessary comments and/or stipulations have been incorporated into this EA.

Cumulative Impacts: There would be no adverse cumulative impacts as a result of implementing the proposed action. This powerline is already present on BLM and the surrounding Maricopa County and Arizona State Trust lands. Rebuilding of the existing powerline would occur completely within the proposed ROW, where disturbance has already occurred. Therefore, selection of the “NO ACTION” alternative would have the same effects (negligible) as the “PROPOSED ACTION”.

Description of Impacts:

- ❖ *Proposed Action:* Any environmental damage would be minimal as there are already encumbrances in the area, including a buried telephone line (AZA-22632). Additionally, the proposed action runs along an existing road (New River Road). The applicant would utilize the existing road to access the powerline and stay within the boundary of the ROW to remove, install, and provide maintenance to the powerline. During construction, placement of equipment and materials would ensure unhindered access of other residents.

One residual impact that will remain is the visual impact. However, the powerline is already in existence therefore it will not create any additional impact. No additional mitigation is necessary to eliminate the visual impact, as the disturbance is already present from the existing road and surrounding encumbrances.

Air quality is another element that may be impacted from the proposed action however; the impact to air quality would be minor and would only occur during the rebuilding of the powerline. Airborne pollutant concentrations (mainly dust) should meet all Arizona and Federal ambient air quality standards through construction and once completed.

Per EnviroSystems’ cultural resources report, of the two previously recorded cultural sites, only AZ T: 4:359 (ASM), a multi-component site (historic and prehistoric in nature), was located. There was no record of recommendation of eligibility for the National Register associated with it. EnviroSystems attempted to relocate the site but was unsuccessful and thus no eligibility recommendation was made in their report.

- ❖ *No-Action Alternative:* Rejection of the application would not cause any environmental impacts. The area would remain in its pre-existing condition, on the Black Canyon Trail. Should the outdated power line’s operation be compromised, it will have an effect on public safety.

Description of Mitigation Measures and Residual Impacts:

- 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 part 2800.
- 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 provided in paragraph (4)(d) or 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 granted herein may be reviewed at any time deemed necessary by the authorized officer.
- d. Failure of the holder to comply with applicable law or any provision of this right-of-way grant shall constitute grounds for suspension or termination thereof.
- e. 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.
- f. The holder shall comply with all Federal, State, and local regulations whether or not specifically mentioned within this grant.
- g. The holder shall construct, operate, and maintain the facilities, improvements, and structures within this right-of-way in strict conformity with the plan of development which was approved and made part of this grant. Any relocation, additional construction, or use that is not in accord with the approved plan of development, shall not be initiated without the prior written approval of the authorized officer. A copy of the complete right-of-way grant, including all stipulations and approved plan of development, shall be made available on the right-of-way area during construction, operation, and termination to the authorized officer. Noncompliance with the above will be grounds for an immediate temporary suspension of activities if it constitutes a threat to public health and safety or the environment.
- h. The holder shall designate a representative who shall have the authority to act upon and to implement instructions from the authorized officer. The holder's representative shall be available for communication with the authorized officer within a reasonable time when construction or other surface disturbing activities are underway.
- i. The holder shall survey and clearly mark the centerline and/or exterior limits of the right-of-way.
- j. The right-of-way will be brush-hogged to prevent unnecessary disturbance. Only those areas where it is an issue of safety and there is an absolute need, for purposes of construction or other regulations, may warrant the use of topsoil removal by blading or scalping. This right-of-way clearing shall be limited to the limits of the right-of-way. Suitable topsoil material removed in conjunction with clearing and stripping shall be conserved in stockpiles within the right-of-way.
- k. Holder shall remove only the minimum amount of vegetation necessary for the construction of structures and facilities. Topsoil shall be conserved during excavation and reused as cover on disturbed areas to facilitate regrowth of vegetation.
- l. Prior to fill construction, the existing surface shall be sloped to avoid sharp banks and allow equipment operations. No fills shall be made with frozen or water saturated soils. Construction equipment shall be routed evenly over the entire width of the fill to obtain a thorough compaction.

- m. Construction holes left open over night shall be covered. Covers shall be secured in place and shall be strong enough to prevent livestock or wildlife from falling through and into a hole.
- n. All design, material, and construction, operation, maintenance, and termination practices shall be in accordance with safe and proven engineering practices.
- o. Holder shall limit excavation to the areas of construction. No borrow areas for fill material will be permitted on the site. All off-site borrow areas must be approved in writing by the authorized officer in advance of excavation. All waste material resulting from construction or use of the site by holder shall be removed from the site. All waste disposal sites on public land must be approved in writing by the authorized officer in advance of use.
- p. Fences, gates, and brace panels shall be reconstructed to appropriate Bureau standards and/or specifications as determined by the authorized officer.
- q. The holder shall inform the authorized officer within 48 hours of any accidents on federal lands that require reporting to the Department of Transportation as required by 49 CFR Part 195.
- r. 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 authorized officer. Holder shall 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.
- s. 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 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 such use.
- t. The holder shall protect all survey monuments found within the right-of-way. 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 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 authorized officer and the respective installing authority if known. Where General Land Office or Bureau of Land Management right-of-way 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 authorized officer. 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.

- u. The holder of this right-of-way grant 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.
- v. 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.
- w. During construction, drilling and other activities covering trenches and slope ends to prevent animals from becoming trapped.
- x. Any exceptions to these requirements must have prior written approval from the authorized officer. Please be advised that due to limits on the available time of qualified personnel, the unpredictability of wildlife, and future weather conditions, request for exceptions to impending wildlife stipulations will only be considered in the event of extraordinary and unavoidable occurrences over which the company has little or no control. Additionally, construction of the road needs to be started in a time frame which would allow for reasonably normal completion prior to the beginning date of wildlife protection stipulations.
- y. The holder shall re-contour the disturbed area and obliterate all earthwork by removing embankments, backfilling excavations, and grading to re-establish the approximate original contours of the land in the right-of-way.
- z. The holder shall be responsible for weed control on disturbed areas within the limits of the right-of-way. The holder is responsible for consultation with the authorized officer and/or local authorities for acceptable weed control methods (within limits imposed in the grant stipulations).
- aa. Construction sites shall be maintained in a sanitary condition at all times; waste materials at those sites shall be disposed of promptly at an appropriate waste disposal site. "Waste" means all discarded matter including, but not limited to, human waste, trash, garbage, refuse, oil drums, petroleum products, ashes, and equipment.
- bb. A litter policing program shall be implemented by the holder, and approved of in writing by the authorized officer, which covers all roads and sites associated with the right-of-way.
- cc. The holder shall meet Federal, State, and local emission standards for air quality.

- dd. The holder shall conduct all activities associated with the construction, operation, and termination of the right-of-way within the authorized limits of the right-of-way.
- ee. Holder shall maintain the right-of-way in a safe, usable condition, as directed by the authorized officer. (A regular maintenance program shall include, but is not limited to, blading, ditching, culvert installation, and surfacing).
- ff. 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 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 or 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.
- gg. The holder shall comply with the construction practices and mitigating measures established by 33 CFR 323.4, which sets forth the parameters of the "nationwide permit" required by Section 404 of the Clean Water Act. If the proposed action exceeds the parameters of the nationwide permit, the holder shall obtain an individual permit from the appropriate office of the Army Corps of Engineers and provide the authorized officer with a copy of same. Failure to comply with this requirement shall be cause for suspension or termination of this right-of-way grant.
- hh. The holder of Right-of-Way No. AZA-35214 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 right-of-way (unless the release or threatened release is wholly unrelated to the right-of-way holder's activity on the right-of-way. This agreement applies without regard to whether a release is caused by the holder, its agent, or unrelated third parties.
- ii. Prior to termination of the right-of-way, the holder shall contact the authorized officer to arrange a pre-termination conference. This conference will be held to review the termination provisions of the grant.
- jj. The holder will utilize the existing road for access to the powerline.
- kk. In the event that the public land underlying the ROW encompassed in this permit or a portion thereof, is conveyed out of Federal ownership, and administration of the ROW or the land underlying the ROW is not being reserved to the United States (US) in the patent/deed and/or the ROW is not within a ROW corridor being reserved to the US in

the patent/deed, the US waives any right it has to administer the ROW, or portion thereof, within the conveyed land under Federal laws, statutes, and regulations, including the regulations at 43 CFR Part (2800)(2880), including any rights to have the holder apply to BLM for amendments, modifications, or assignments and for BLM to approve or recognize such amendments, modifications, or assignments. At the time of conveyance, the patentee/grantee, and their successors and assigns, shall succeed to the interests of the US in all matters relating to the ROW, or portion thereof, within the conveyed land and shall be subject to applicable State and local government laws, statutes, and ordinances. After conveyance, any disputes concerning compliance with the use and the terms and conditions of the ROW shall be considered a civil matter between the patentee/grantee and the ROW holder.

- ll. The holder shall take measures necessary to ensure airborne pollutant concentrations (mainly dust) meet all Arizona and Federal ambient air quality standards through construction and once completed.
- mm. Soil excavated from pole holes will be spread evenly in the vicinity of the poles and the surface surrounding the electric line route will be returned to its original pre-construction condition.
- nn. Compliance with all the National Electric Safety Code requirements and restrictions in addition to ACC and FERC regulations and OSHA standards.
- oo. The proponent shall avoid any and all impacts to any historic or cultural resources by ensuring the project's ground disturbing activities including staging areas, vehicles, and equipment are kept within the area surveyed by EnviroSystems. If impacts to the site AZ T: 4:359 (ASM) are expected, a cultural resources monitor shall be on site when in the area of the site to avoid impacting it.

Persons/Agencies Consulted:

- ❖ EnvironSystems Management, Inc. (Cultural Resource Inventory; Biological Resources Report; Native Plan Evaluation and Stumpage Calculation reports)
- ❖ BLM, HFO Resource Specialists (Chris McLaughlin, Archeologist; Cody Carter, Lead Wildlife Biologist; Jim Andersen, Lands Team Lead; Hillary Conner, Realty Specialist; Leah Baker, Planning & Environmental Coordinator)

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