

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

Yavapai County 2920 Permit at Congress AZ (“Date Creek Pit”)
DOI-BLM-AZ-P010-2011-035-CX

A. Background

BLM Office: *Hassayampa Field Office (HFO)*

Lease/Serial/Case File No.: AZA-35605

Proposed Action Title/Type: Land Use Permit for Yavapai County

Location of Proposed Action: T. 10 N., R. 5 W., Sec. 30, NW $\frac{1}{4}$ NW $\frac{1}{4}$.

T. 10 N., R. 6W., Sec. 25, E $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$.

Description of Proposed Action: Yavapai County has requested, through a 2920 permit application, use of an area that they currently are authorized to use as free use permit for mineral materials (AZA-33069). Their intention is to use this disturbed site (+/- 26 acres) for an annual community (Congress area) cleanup where residents can bring larger items (appliances, tires, brush...) for disposal. The cleanup generally lasts for 2 - 3 weeks. See attached photos of the area authorized by AZA-33069. Included for review is a detailed description (“Plan”) that the County has provided.

B. Land Use Plan Conformance

Land Use Plan (LUP) Name: The Bradshaw - Harquahala Resource Management Plan. This proposed action has been reviewed for conformance with these plans (43 CFR 1610.5-3, BLM Manual 1601.04.C.2)

Date Approved/Amended: April 2010

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

X 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 Authorizations. 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 516 DM 2, Appendix 1, or 516 DM 11.5: *E. (19) “Issuance of short term (3 years or less) rights-of-way or land use authorizations for such uses as storage sites, apiary sites, and construction sites where the proposal includes rehabilitation to restore the land to its natural or original condition”.*

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 DM 2 or 516 DM 11.5 apply.

D: Signature

Authorizing Official: _____/s/_____

Date: _03/17/2011_____

Steve Cohn
Field Manager, HFO

Contact Person

For additional information concerning this CX review, contact:
Jim Andersen (623-580-5570) jim_andersen@blm.gov

BLM Categorical Exclusions: Extraordinary Circumstances¹
Attachment 1

The action has been reviewed to determine if any of the extraordinary circumstances (43 CFR 46.215) apply. The project would:		
1. Have significant impacts on public health or safety		
Yes	No	Rationale:
<input type="checkbox"/>	<input checked="" type="checkbox"/>	
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?		
Yes	No	Rationale:
<input type="checkbox"/>	<input checked="" type="checkbox"/>	
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)]?		
Yes	No	Rationale:
<input type="checkbox"/>	<input checked="" type="checkbox"/>	
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks?		
Yes	No	Rationale:
<input type="checkbox"/>	<input checked="" type="checkbox"/>	
5. Establish a precedent for future action, or represent a decision in principle about future actions, with potentially significant environmental effects?		
Yes	No	Rationale:
<input type="checkbox"/>	<input checked="" type="checkbox"/>	
6. Have a direct relationship to other actions with individually insignificant, but cumulatively significant, environmental effects?		
Yes	No	Rationale:
<input type="checkbox"/>	<input checked="" type="checkbox"/>	
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?		
Yes	No	Rationale:
<input type="checkbox"/>	<input type="checkbox"/>	

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

<input type="checkbox"/>	X	
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?		
Yes	No	Rationale:
<input type="checkbox"/>	X	
9. Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment?		
Yes	No	Rationale:
<input type="checkbox"/>	X	
10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898)?		
Yes	No	Rationale:
<input type="checkbox"/>	X	
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)?		
Yes	No	Rationale:
<input type="checkbox"/>	X	
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)?		
Yes	No	Rationale:
<input type="checkbox"/>	X	

Approval and Decision

Attachment 2

Compliance and assignment of responsibility: Jim Andersen

Monitoring and assignment of responsibility: Jim Andersen

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::** 03/17/2011

Jim Andersen

Project Lead

Reviewed by: _____/s/_____ **Date::** 03/16/2011

Leah Baker

Planning & Environmental Coordinator

Reviewed by: _____/s/_____ **Date:** 03/17/2011

Steve Cohn

Manager

Project Description:

Yavapai County has requested, through a 2920 permit application, use of an area that they currently are authorized to use as free use permit for mineral materials (AZA-33069). Their intention is to use this disturbed site (+/- 26 acres) for an annual community (Congress area) cleanup where residents can bring larger items (appliances, tires, brush....) for disposal. The cleanup generally lasts for 2 - 3 weeks. See attached photos of the area authorized by AZA-33069. Included for review is a detailed description ("Plan") that the County has provided.

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 Mitigating Measures.

Approved By: _____/s/_____ **Date:** _03/17/2011_____

Steve Cohn, Field Manager, HFO

MITIGATION MEASURES – AZA-35605

1. All applicable regulations in accordance with 43 CFR 2920.
2. Compliance with the “Yavapai County Solid Waste Use Plan for the Date Creek Pit” submitted with the Land Use Application and Permit (Form-2920-1) dated February 15, 2011.
3. The holder will notify the BLM Authorized Officer of a clean-up event 30 days prior to it beginning, and five (5) working days after its conclusion.
4. 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. The 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 the authorized officer 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 authorized officer after consulting with the holder.
5. The holder, Yavapai County, 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 permit request.
6. The holder shall comply with all State, Federal and local laws applicable to the authorized use regarding the storage and transportation of hazardous materials and solid waste, and such additional State, Federal and local laws, along with the impending regulations, that may be enacted and issued during the term of the permit.
7. The holder shall not use BLM managed land that is within, adjacent to, or outside the land use permit (LUP) area for the long-term storage of any materials, equipment, or vehicles during any operation, maintenance, and/or termination activities associated with the LUP.
8. 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 LUP.
9. The LUP reserves to the Secretary of the Interior, or lawful delegates, the right to grant additional right-of-way, leases, or easements on BLM land for compatible uses over, under, within or adjacent to the lands involved in this LUP.
10. The holder shall confine all vehicular traffic to the authorized limits of the LUP, unless otherwise authorized in writing by the Authorized Officer.
11. The holder agrees that the Authorized Officer may prescribe additional terms and conditions to the right-of-way grant as a result of the review conducted on any proposed construction/maintenance designs and plans.

12. No debris or refuse shall be disposed of either within the LUP or on any other federal land. Instead, the holder shall dispose of all debris and refuse at legal off-site locations.
13. The holder shall fully indemnify or hold harmless the United States for any liability, for damage, or claims arising in connection with the holder's use and occupancy of the right-of-way.
14. The holder 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.
15. The holder shall be responsible for weed control on disturbed areas within the limits of the LUP. The holder is responsible for consultation with the Authorized Officer and/or local authorities for acceptable weed control methods.