

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

DHS/CBP Rescue Beacon
DOI-BLM-AZ-P020-2011-019-CX

A. Background

BLM Office: *Lower Sonoran Field Office (LSFO)*

Lease/Serial/Case File No.: AZA-35657

Proposed Action Title/Type: Right-of-Way for DHS/CBP

Location of Proposed Action: T. 12 S., R. 4 W., Sec. 4, SW¹/₄SW¹/₄ SW¹/₄.

Description of Proposed Action: United States Department of Homeland Security, CBP Border Patrol (DHS/CBP) filed an application requesting a right-of-way grant for the placement of a rescue beacon on public land within the Lower Sonoran Field Office. The beacon would be placed at the above legal description and within El Paso Natural Gas (El Paso) right-of-way AZPHX-77457. The beacon system consists of a 30' mast topped with a strobe beacon. The system is powered by a solar panel. The entire system sits atop a 4' x 4' preformed concrete base. The DHS/CBP intends on inspecting the beacon daily.

B. Land Use Plan Conformance

Land Use Plan (LUP) Name: The Lower Gila South Resource Management Plan (as amended). 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: June 1988

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): Lower Gila South Resource Management Plan and Final Environmental Statement (June 1988), states on page 11: "Lower Gila Resource Area processes a variety of lands actions in the Lower Gila South RMP/EIS area – rights-of way, communication sites, easements, permits and unauthorized occupancy. All lands cases would continue to be evaluated on a case by case basis."

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. (12) "Grants of rights-of-way wholly within the boundaries of other compatibly developed rights-of-way"*.

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: _____

Date: _____

Emily Garber
Field Manager, LSFO

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 checked="" type="checkbox"/>	

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

<input type="checkbox"/>	<input checked="" type="checkbox"/>	
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"/>	<input checked="" type="checkbox"/>	
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"/>	<input checked="" type="checkbox"/>	
10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898)?		
Yes	No	Rationale:
<input type="checkbox"/>	<input checked="" type="checkbox"/>	
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"/>	<input checked="" type="checkbox"/>	
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"/>	<input checked="" type="checkbox"/>	

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: _____ **Date::** _____

Jim Andersen
Project Lead

Reviewed by: _____ **Date::** _____

Leah Baker
Planning & Environmental Coordinator

Reviewed by: _____ **Date:** _____

Emily Garber
Manager

Project Description:

United States Department of Homeland Security, CBP Border Patrol (DHS/CBP) filed an application requesting a right-of-way grant for the placement of a rescue beacon on public land within the Lower Sonoran Field Office. The beacon would be placed at the above legal description and within El Paso Natural Gas right-of-way AZPHX-77457. The beacon system consists of a 30' mast topped with a strobe beacon. The system is powered by a solar panel. The entire system sits atop a 4' x 4' preformed concrete base. The DHS/CBP intends on inspecting the beacon daily..

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: _____ **Date:** _____

Emily Garber, Field Manager, LSFO

MITIGATION MEASURES – AZA-35657

1. All applicable regulations in accordance with 43 CFR 2800.
2. 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.
3. Care should be taken by personnel when installing, monitoring and maintaining the beacon to avoid running over desert tortoises with vehicles or equipment.
4. If determined necessary by El Paso Natural Gas (EPNG), DHS/CBP will be required to move the beacon off the EPNG right-of-way during pipeline maintenance.
5. EPNG will not be held responsible (by the DHS/CBP) for any damage to the beacon if during a pipeline emergency or other unusual situation EPNG is required to immediately remove the beacon from the EPNG right-of- way to allow pipeline access.
6. The DHS/CBP will notify EPNG prior to the installation of the beacon so EPNG can be on site during installation. EPNG will then know the exact (installation) location, the vehicle/equipment used to transport it to the site, equipment used to install the beacon, etc. This will ensure the pipeline is not affected by the installation.