

# ASDO NEPA DOCUMENT ROUTING SHEET

NEPA Document Number: DOI-BLM-AZ-A010-2010-0003-CX

Project Title: Garkane Energy Power Line Right-of-Way, AZA-24248

Project Lead: Linda Barwick

Date that any scoping meeting was conducted:

Date that concurrent, electronic distribution for review was initiated: January 4, 2010

Deadline for receipt of responses: February 3, 2010

ID Team/Required Reviewers will be determined at scoping meeting or as a default the following:

Gloria Benson, Tribal Liaison  
Diana Hawks, Recreation/Wilderness/VRM  
Laurie Ford, Lands/Realty/Minerals  
Kitti Jensen, Wildlife/T&E Wildlife  
John Herron, Cultural  
Lee Hughes, Special Status Plants/Weed Coordinator  
Ray Klein, GCPNM Supervisory Ranger  
Linda Price, S&G  
Whit Bunting, Range/Vegetation  
Richard Spotts, Environmental Coordinator  
Ron Wadsworth, Supervisory Law Enforcement  
Lorraine Christian, Field Manager

Required Recipients of electronic distribution E-mails only (not reminders):

Andi Rogers (E-mail address: [arogers@azgfd.gov](mailto:arogers@azgfd.gov) )

Sarah Reif (E-mail address: [sreif@azgfd.gov](mailto:sreif@azgfd.gov) )

LeAnn Skrzynski (E-mail address: [lskrzynski@kaibabpaiute-nsn.gov](mailto:lskrzynski@kaibabpaiute-nsn.gov) )

(Ms. Rogers and Ms. Reif are Arizona Game and Fish Department (AGFD) habitat specialists. Ms. Skrzynski is Environmental Program Director for the Kaibab Paiute Tribe (KPT). They may review and/or forward on ASDO NEPA documents to other employees. If a Project Lead receives comments from any AGFD employee on their draft NEPA document, they should include them in the complete set/administrative record and share them with Kitti Jensen as the ASDO Wildlife Team Lead. Ms. Jensen will then recommend how these comments should be addressed. If a Project Lead receives comments from any KPT employee, they should include them in the complete set/administrative record and share them with Gloria Benson as the ASDO Tribal Liaison. Ms. Benson will then recommend how these comments should be addressed.)

Discretionary Reviewers:

*(insert names and titles of any additional reviewers recommended by Project Lead, Manager(s), Environmental Coordinator, or from scoping meetings)*

**DOI-BLM-AZ-A010-2010-0003-CX**

**A. Background**

BLM Office: Arizona Strip Field Office

Lease/Serial/Case File No.: AZA-24248

Proposed Action Title/Type: Garkane Energy Power Line Right-of-Way Renewal

Location of Proposed Action: GSRM. T. 40 N., R. 7 W., sec. 3, lot 1, S2NE, NWSE; T. 41 N., R. 7 W., sec. 26, SESW, N2SE, SWSE; and sec. 35, E2NW, N2SW, SWSW, containing 7.150 acres, more or less (see Attachment 1).

Description of Proposed Action: As provided by 43 CFR 2807.22, Garkane Energy has requested renewal of their power line right-of-way (ROW) AZA-24248 extending from Colorado City to the Point-of-Rock communication site to meet public demands for electrical service. The ROW is 20 feet wide and approximately 15,574 feet long on BLM administered land. No new structures or additions are proposed and no hazardous materials would be used or transported within the ROW. The ROW would be renewed for 30 years and would include the terms and conditions shown in Attachment 2. The current ROW grant expires March 3, 2010.

**B. Land Use Plan Conformance**

Land Use Plan Name: Arizona Strip Field Office Resource Management Plan

Approved/Amended: January 29, 2008

The proposed action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decision(s): Decision MA-LR-06 states in part that individual land use authorizations (ROWS, permits, leases, and easements) will be evaluated on a case-by-case basis in accordance with other RMP provisions and NEPA compliance. In addition, the proposed action does not conflict with other decisions in the LUP.

**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 11.9, Appendix 4, **E(9)** which provides for, "Renewals and assignments of leases, permits or rights-of-way where no additional rights are conveyed beyond those granted by the original authorizations."

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 apply (see Attachment 3).

**D. Signature**

Authorizing Official: \_\_\_\_\_ Date: \_\_\_\_\_  
Lorraine M. Christian, Field Manager

**Contact Person**

For additional information concerning this CX review, contact Linda Barwick, Land Law Examiner, AZ Strip Field Office, 345 E. Riverside, St. George, UT 84790, (435)688-3287.

### Attachment 3

<b>EXTRAORDINARY CIRCUMSTANCES REVIEW AND CHECKLIST</b>		
<p><b>IMPORTANT:</b> Appropriate staff should review the circumstances listed below, and comment for concurrence. Rationale supporting the concurrence should be included where appropriate.</p>		
<b>EXTRAORDINARY CIRCUMSTANCES</b>	<b>YES/NO &amp; RATIONALE (If Appropriate)</b>	<b>STAFF</b>
Does the proposed action...		
1. Have significant impacts on public health and safety?	NO	LBarwick
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?	NO	DHawks/ KJensen/ LHughes
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)]?	NO	LFord
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks?	NO	LFord
5. Establish a precedent for future action, or represent a decision in principle about future actions, with potentially significant environmental effects?	NO	LFord
6. Have a direct relationship to other actions with individually insignificant, but cumulatively significant, environmental effects?	NO	LFord
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?	NO	JHerron
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?	NO	LHughes/ KJensen
9. Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment?	NO	GBenson
10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898)?	NO	LFord
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)?	NO	GBenson
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)?	NO	WBunting

# DECISION MEMORANDUM

**DOI-BLM-AZ-A010-2010-0003-CX**  
**Garkane Energy Power Line Right-of-Way Renewal**  
U.S. Department of the Interior  
Bureau of Land Management  
Arizona Strip Field Office

## Approval and Decision

Based on a review of the project described in the attached Categorical Exclusion documentation and field office staff recommendations, I have determined that the project is in conformance with the Arizona Strip Field Office Resource Management Plan (approved 2008), and will not cause appreciable damage or disturbance to the public lands or their resources, and is categorically excluded from further environmental analysis. It is my decision to approve the action as proposed with the terms and conditions identified in Attachment 2 of the CX.

## Administrative Review or Appeal Opportunities

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and the attached Form 1842-1. If an appeal is taken, your notice of appeal must be filed at the Arizona Strip Field Office, 345 East Riverside Drive, St. George, Utah 84790, within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

In accordance with 43 CFR 2801.10(b) this decision remains in effect pending appeal unless a stay is granted. If you wish to file a petition pursuant to regulations at 43 CFR 2801.10 for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the Department of the Interior, Office of the Field Solicitor, Sandra Day O'Connor U.S. Court House #404, 401 West Washington Street SPC44, Phoenix, AZ 85003-2151 (see 43 CFR 4.413) at the same time the original documents are filed in this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

### Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied,
2. The likelihood of the appellant's success on the merits,
3. The likelihood of immediate and irreparable harm if the stay is not granted, and
4. Whether the public interest favors granting the stay.

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Lorraine M. Christian, Field Manager

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Date

Attachment: Form 1842-1

## Attachment 2

### Terms and Conditions

#### Garkane Power Line Right-of-Way Renewal AZA-24248

1. The holder of this right-of-way grant or the holder's successor in interest will 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.
2. The right-of-way herein granted shall be subject to the express covenant that it will be modified, adapted, or discontinued if found by the Secretary to be necessary, without liability or expense to the United States, so as not to conflict with the use and occupancy of the land for any authorized works which may be hereafter constructed thereon under the authority of the United States.
3. There is potential for the spread of noxious and invasive weeds from equipment contaminated with weed seed and/or biomass. To reduce this potential, the authorized officer shall require the following measures be taken: a) The holder will thoroughly power wash and remove all vegetative material and soil before transporting equipment to the work site to help minimize the threat of spreading noxious and invasive weeds. This includes trucks, trailers, and all other machinery. b) The holder will be responsible for the eradication of noxious weeds within the right-of-way area throughout the term of the right-of-way. c) The holder will be responsible for consultation with the authorized officer and local authorities for implementing acceptable weed treatment methods. Any use of chemical treatments will be made using only chemicals approved in the *Final Vegetation Treatments Using Herbicides on Bureau of Land Management Lands in 17 Western States Programmatic Environmental Impact Statement* (June 2007b), by a state certified applicator who will abide by all safety and application guidelines as listed on the product label and Material Safety Data Sheet (MSDS). d) Any reclamation efforts requiring seeding will be done with certified, weed free seed, using a seed mix approved by the authorized officer.
4. Use of herbicides will comply with the applicable Federal and state laws. Herbicides will be used only in accordance with their registered uses and within limitations imposed by the Secretary of the Interior. Prior to the use of herbicides, the holder will obtain from the authorized officer written approval of a plan showing the type and quantity of material to be used, weed(s) to be controlled, method of application, location of storage and mixing areas, method of cleansing and disposing of containers, and any other information deemed necessary by the authorized officer. Emergency use of herbicides will be approved in writing by the authorized officer prior to such use.
5. Any surface or sub-surface archaeological, historical, or paleontological remains not covered in the Cultural Resource Project Record discovered during preparation or actual work shall be left intact; all work in the area will stop immediately and the authorized officer (435-688-3323) will be notified. Commencement of work will be allowed upon clearance by the authorized officer in consultation with the archaeologist.
6. If in connection with this work, any human remains, funerary objects, sacred objects or objects of cultural patrimony as defined in the Native American Graves Protection and Repatriation Act (P. L. 101-601; 104 Stat. 3048; 25 U.S.C. 3001) are discovered, the holder will stop operations in the immediate area of the discovery, protect the remains and objects, and immediately notify the authorized officer. The holder shall continue to protect the immediate area of the discovery until notified by the authorized officer that operations may resume.
7. All construction, operation, maintenance, and vehicular traffic will be confined to the authorized limits of the right-of-way or designated access routes, roads, or trails unless otherwise authorized in

writing by the authorized officer. No road construction (blading) is authorized. Equipment will be promptly removed when work is finished.

8. In order to provide screening by natural vegetation, no trees will be removed without prior approval of the authorized officer.
9. To prevent livestock from straying and/or mixing, work crews and other personnel associated with the power line will keep gates closed when travelling access roads.
10. Construction sites will be maintained in a sanitary condition at all times; waste material at those sites will 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. "Waste" also includes the creation of micro-trash such as bottle caps, pull tabs, broken glass, cigarette butts, small plastic, food materials, lead bullets, bullet casings, etc.. Food materials can attract foraging California condors and coyotes, which can prey on condors. Lead poisoning from ammunition is the greatest threat to California condor recovery. No micro-trash will be left at construction sites and trash receptacles used at construction sites will be wildlife proof.
11. Where California condors visit a worksite while activities are underway, the on-site supervisor must notify the BLM wildlife team lead at (435)688-3239. Heavy machinery must not be operated within .5 mile of active California condor nests during the nesting season (February 1 – November 30), or as long as the nest is viable. Information regarding active condor nests can be obtained from the BLM's Wildlife Team Lead (435)688-3239. Project workers and supervisors will be instructed to avoid interaction with condors. Project activities will be modified, relocated, or delayed if those activities have adverse effects on condors. Operations will cease until the bird leaves on its own or until techniques are employed by permitted personnel that results in the individual condor leaving the area.
12. No hazing or harassment of wildlife is permitted.
13. At no time will vehicle or equipment fluids (including motor oil and lubricants) be dumped on public lands. All accidental spills must be reported to the authorized officer and be cleaned up immediately, using best available practices and requirements of the law, and disposed of in an authorized disposal site. All spills of federally or state listed hazardous materials which exceed the reportable quantities will be promptly reported to the appropriate state agency and the authorized officer.
14. Unless otherwise agreed to by the authorized officer in writing, power lines will be constructed/maintained in accordance with standards outlined in "*Suggested Practices for Raptor Protection on Power Lines: The State of the Art in 1996*" by the Avian Power Line Interaction Committee (APLIC), Edison Electric Institute and the Raptor Research Foundation, 1996 in Washington, D.C. The holder will assume the burden and expense of proving that pole designs not shown in the above publication are "eagle safe". Such proof shall be provided by a raptor expert approved by the authorized officer.
15. The holder will use nonspecular conductors upon replacement/modification.
16. In the event that the public land underlying the right-of-way encompassed in this grant, or a portion thereof, is conveyed out of Federal ownership and administration of the right-of-way or the land underlying the right-of-way is not being reserved to the United States in the patent/deed and/or the right-of-way is not within a right-of-way corridor being reserved to the United States in the patent/deed, the United States shall waive any right it has to administer the right-of-way, or portion thereof, within the conveyed land under Federal laws, statutes, and regulations, including the regulations at Title 43 Code of Federal Regulations part 2800, including any rights to have the holder apply to the Bureau of Land Management for amendments, modifications, or assignments and for the Bureau of Land Management to approve or recognize such amendments, modifications, or

assignments. At the time of conveyance, the patentee/grantee, and their successors and assigns, will succeed to the interests of the United States in all matters relating to the right-of-way, or portion thereof, within the conveyed land and will 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 right-of-way shall be considered a civil matter between the patentee/grantee and the right-of-way holder.

17. Six months prior to termination of the right-of-way, the holder will contact the authorized officer to arrange a joint inspection of the right-of-way. This inspection will be held to agree to an acceptable termination (and rehabilitation) plan. This plan shall include but will not be limited to, removal of facilities, drainage structures, or surface material; recontouring, topsoiling, or seeding; and bonding. The authorized officer must approve the plan in writing prior to the holder's commencement of any termination activities.