

10/20/2010

ASDO NEPA DOCUMENT ROUTING SHEET

NEPA Document Number: DOI-BLM-AZ-A010-2010-0022-CX

Project Title: Lower Hurricane Valley Water Well Permits AZA-35493 & AZA-35497

Project Lead: Laurie Ford

Date that any scoping meeting was conducted: N/A

Date that concurrent, electronic distribution for review was initiated: September 24, 2010

Deadline for receipt of responses: **October 8, 2010**

NOTE: A SHORTENED REVIEW TIME HAS BEEN REQUESTED TO ALLOW TIME TO MAKE ALTERNATIVE LIVESTOCK WATER ARRANGEMENTS IF, AFTER DRILLING, WATER IS NOT FOUND. [THIS REQUEST WAS APPROVED BY THE FIELD MANAGER ON 9/24/2010.]

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

- Gloria Benson, Tribal Liaison
- Jon Jasper, Recreation/Wilderness/VRM
- Laurie Ford, Lands/Realty/Minerals
- Scot Franklin, Wildlife/T&E Wildlife
- John Herron, Cultural
- Lee Hughes, Special Status Plants
- Ray Klein, GCPNM Supervisory Ranger
- Linda Price, S&G
- Whit Bunting, Range/Vegetation/Weeds
- Richard Spotts, Environmental Coordinator
- John Sims, Supervisory Law Enforcement
- Lorraine Christian, ASFO Field Manager

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

- Andi Rogers (E-mail address: arogers@azgfd.gov)
- Sarah Reif (E-mail address: sreif@azgfd.gov)
- LeAnn Skrzynski (E-mail address: 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 Native American Coordinator. Ms. Benson will then recommend how these comments should be addressed.)

Discretionary Reviewers:

None

Lower Hurricane Valley Water Well Permits

NEPA Document Number: DOI-BLM-AZ-A010-2010-0022-CX
Categorical Exclusion Documentation

A. Background

BLM Office: Arizona Strip Field Office

Case File No.: AZA-35493 & AZA-35497

Proposed Action Title/Type: Lower Hurricane Valley Water Well Permits

Location of Proposed Action: The proposed wells are located within the following described area and as shown on the attached map (Attachment 1):

Gila and Salt River Meridian, Arizona

AZA-35493	T. 39 N., R. 10 W., sec. 36, SE1/4NE1/4NE1/4 and SE1/4NW1/4NE1/4.	5.0 acres, more or less
AZA-35497	T. 37 N., R. 9 W., sec. 9, SE1/4SE1/4SE1/4.	2.5 acres, more or less

Description of Proposed Action:

Two land use applications have been submitted by grazing permittees to drill wells in the Lower Hurricane Valley within the Toquer Tank and Mainstreet Grazing Allotments. The drill sites for the Toquer Tank Allotment (AZA-35493) would be inside the Toquer Tank pond enclosure on the northwest side of the pond bank in T. 39 N., R. 10 W., sec. 36, SE1/4NW1/4NE1/4 and a location northeast of the pond in T. 39 N., R. 10 W., sec. 36, SE1/4NE1/4NE1/4. The drill site for the Mainstreet Allotment (AZA-35497) is located in T. 37 N., R. 9 W., sec. 9, SE1/4SE1/4SE1/4, on BLM land just north of a catchment located on state land. Sites would be accessed by a drill rig and support vehicles driving on existing dirt roads and then cross country a short distance (100-200 feet) to the drill sites. Drill sites have been flagged and inventoried for cultural resources and no cultural properties were present. Both locations are within Visual Resource Management Class III, where activities may attract attention, but should not dominate the view. See Attachment 4 for photos of the sites. If water is found, it may be pumped and hauled to troughs in other pastures until pipelines could be constructed. Additional National Environmental Policy Act environmental documentation would be required to evaluate impacts of any future development and/or pipeline construction. If no water is found, drill holes would be plugged and closed in accordance with State of Arizona, Department of Water Resources requirements.

Each permit would be subject to all provisions of 43 CFR 2920 including the terms and conditions identified in 43 CFR 2920.7 and special conditions listed in Attachment 2; and rental payments as provided by 43 CFR 2920.8. Permits would be issued for a term of three years.

B. Land Use Plan Conformance

Land Use Plan (LUP) Name: Arizona Strip Field Office Resource Management Plan

Date Approved: January 29, 2008

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

MA-LR-06 – Individual land use authorizations (ROWs, permits, leases, easements) will be evaluated on a case-by-case basis in accordance with other RMP provisions and NEPA compliance. New land use authorizations will be discouraged within avoidance areas (i.e., ACECs, lands supporting listed species, NHTs, riparian areas, and areas managed to maintain wilderness characteristics) and allowed in such areas only when no reasonable alternative exists and impacts to these sensitive resources can be mitigated. New ROWs will be routed away from high-density listed species' populations and cultural sites, and along the edges of avoidance areas. In addition, mitigation measures may include underground placement of linear ROWs along existing roads in the House Rock Valley area and special protection measures for archaeological resources (See Special Status Species and Cultural decisions).

The proposed drill locations are not within avoidance areas. 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, E(19), which provides for the 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 apply (Attachment 3).

I considered the short duration and low/minimum impacting nature of the proposal along with the additional special conditions identified in Attachment 2 which would not cause appreciable damage or disturbance to the public lands, their resources, or improvements in accordance with 43 CFR 2920.2-2.

D: Signature

Authorizing Official:

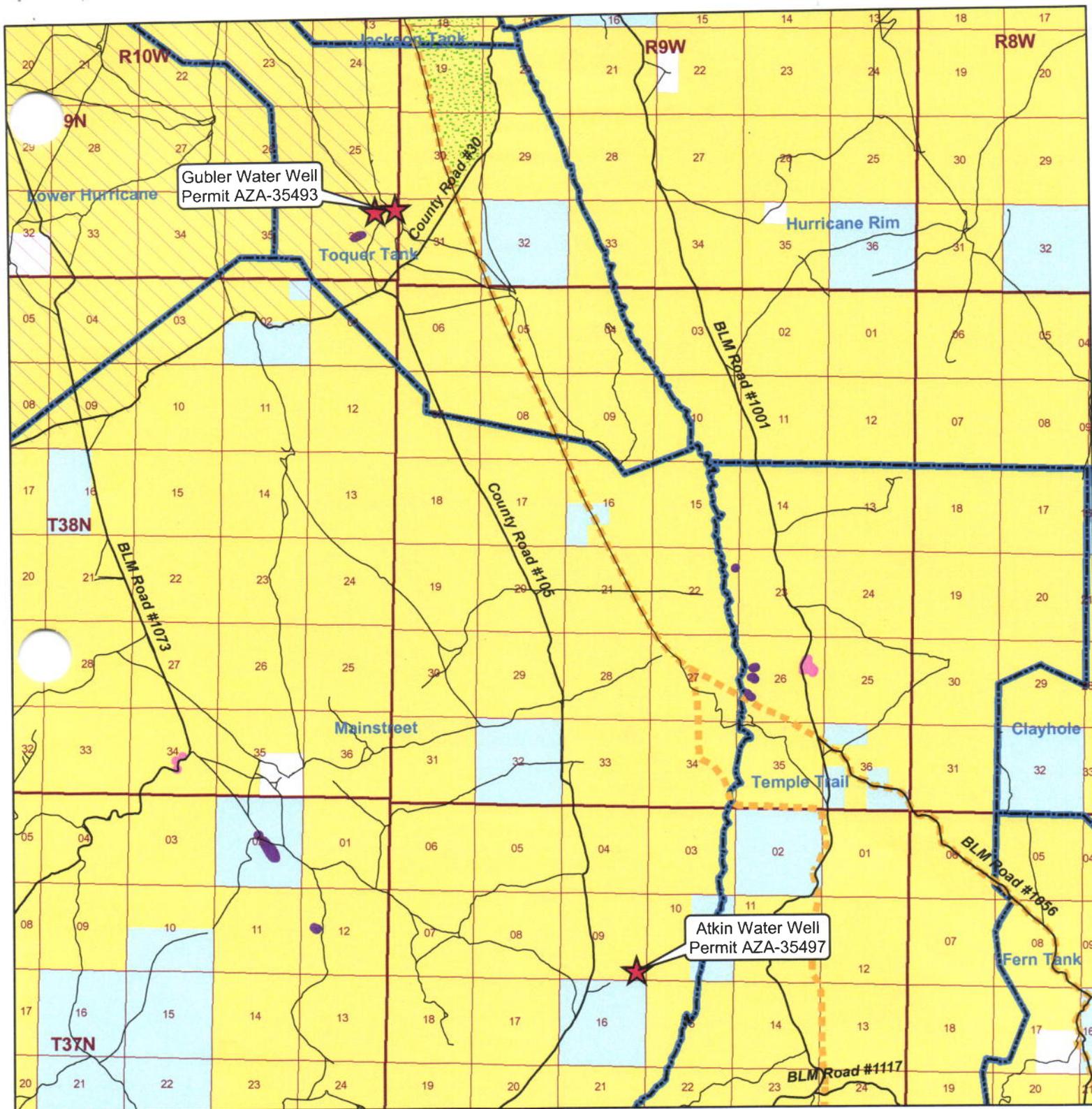

for Lorraine M. Christian, Field Manager

Date:

10/20/10

Contact Person

For additional information concerning this CX review, contact Laurie Ford, Team Lead, Lands and Geological Sciences, BLM, Arizona Strip Field Office, 345 East Riverside Drive, St. George, Utah 84790; phone (435) 688-3271.



0 0.5 1 2 3 Miles

United States Department of the Interior
Bureau of Land Management
Arizona Strip Field Office



Atkin/Gubler Water Well Permits AZA-35497 & AZA-35493

Map created on September 22, 2010

Attachment 1

Legend

- Unpaved Roads
- Special Status Plant Species
- Rare Plant Species
- Burrowing Owl Sightings
- Hurricane Cliffs WHA
- Historic Trails
- Motorized Speed Event Area
- Grazing Allotments
- Bureau of Land Management
- Private
- State

CAUTION: Land ownership data is derived from less accurate data than the 1:24000 scale base map. Therefore, land ownership may not be shown for parcels smaller than 40 acres, and land ownership lines may have plotting errors due to source data. No warranty is made by the Bureau of Land Management for the use of the data for purposes not intended by the BLM.

Attachment 2

Special Conditions

Lower Hurricane Valley Water Well Permits AZA-35493 & AZA-35497

1. Construction/maintenance sites would be maintained in a sanitary condition at all times; waste materials at those sites would 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. No micro-trash would be left at construction/maintenance sites and trash receptacles used at construction/maintenance sites would be wildlife proof.
2. At no time would vehicle or equipment fluids (including motor oil and lubricants) be dumped on public lands. All accidental spills would 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 would be promptly reported to the appropriate state agency and the authorized officer.
3. Any surface or sub-surface archaeological, historical, or paleontological remains not covered in the Cultural Resource Project Record discovered during use, new construction, or additions shall be left intact; all work in the area shall stop immediately and the authorized officer (435-688-3323) shall be notified immediately. Resumption of work shall be allowed upon clearance by the authorized officer in consultation with the archaeologist.
4. If in connection with use 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 would stop use in the immediate area of the discovery, protect the remains and objects, and immediately notify the authorized officer. The holder would continue to protect the immediate area of the discovery until notified by the authorized officer that operations may resume.
5. 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 would require the following measures be taken: a) The holder would 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 would be responsible for the eradication of noxious weeds within the permit area throughout the term of the permit. c) The holder would be responsible for consultation with the authorized officer and local authorities for implementing acceptable weed treatment methods. Any use of chemical treatments would 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 would abide by all safety and application guidelines as listed on the product label and Material Safety Data Sheet.

6. Use of herbicides would comply with the applicable Federal and state laws. Herbicides would 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 would 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 would be approved in writing by the authorized officer prior to such use.
7. Where California condors visit a worksite while activities are underway, the on-site supervisor would notify the BLM wildlife team lead at (435) 688-3200. Project workers and supervisors would be instructed to avoid interaction with condors. Project activities would be modified, relocated, or delayed if those activities have adverse effects on condors. Operations would cease until the bird leaves on its own or until techniques are employed by permitted personnel that result in the individual condor leaving the area. Heavy machinery must not be operated within 0.5 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 by the BLM's wildlife team lead (435) 688-3200.
8. Reclamation of all surface disturbances must be initiated immediately upon completion of activities, unless otherwise approved by the authorized officer. Reclamation of disturbed areas would, to the extent practicable, include removal of facilities or surface material, contouring disturbances to blend with the surrounding terrain, replacement of topsoil, and smoothing and blending the original surface colors to minimize impacts to visual resources. Drill holes would be plugged and closed in accordance with State of Arizona, Department of Water Resources requirements. Vehicle tracks would be obliterated by hand raking in the cross country portion of the access route.

Attachment 3

EXTRAORDINARY CIRCUMSTANCES REVIEW AND CHECKLIST		
<p>IMPORTANT: Appropriate staff should review the circumstances listed below, and comment for concurrence. Rationale supporting the concurrence should be included where appropriate.</p>		
EXTRAORDINARY CIRCUMSTANCES Does the proposed action...	YES/NO & RATIONALE (If Appropriate)	STAFF
1. Have significant impacts on public health and safety?	No	LFord
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	JJasper JHerron SFranklin
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	SFranklin LHughes
9. Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment?	No	SFranklin 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

Attachment 4

Photos

Lower Hurricane Valley Water Well Permits AZA-35493 & AZA-35497

Pond Bank – T. 39 N., R. 10 W., sec. 36, SE1/4NW1/4NE1/4



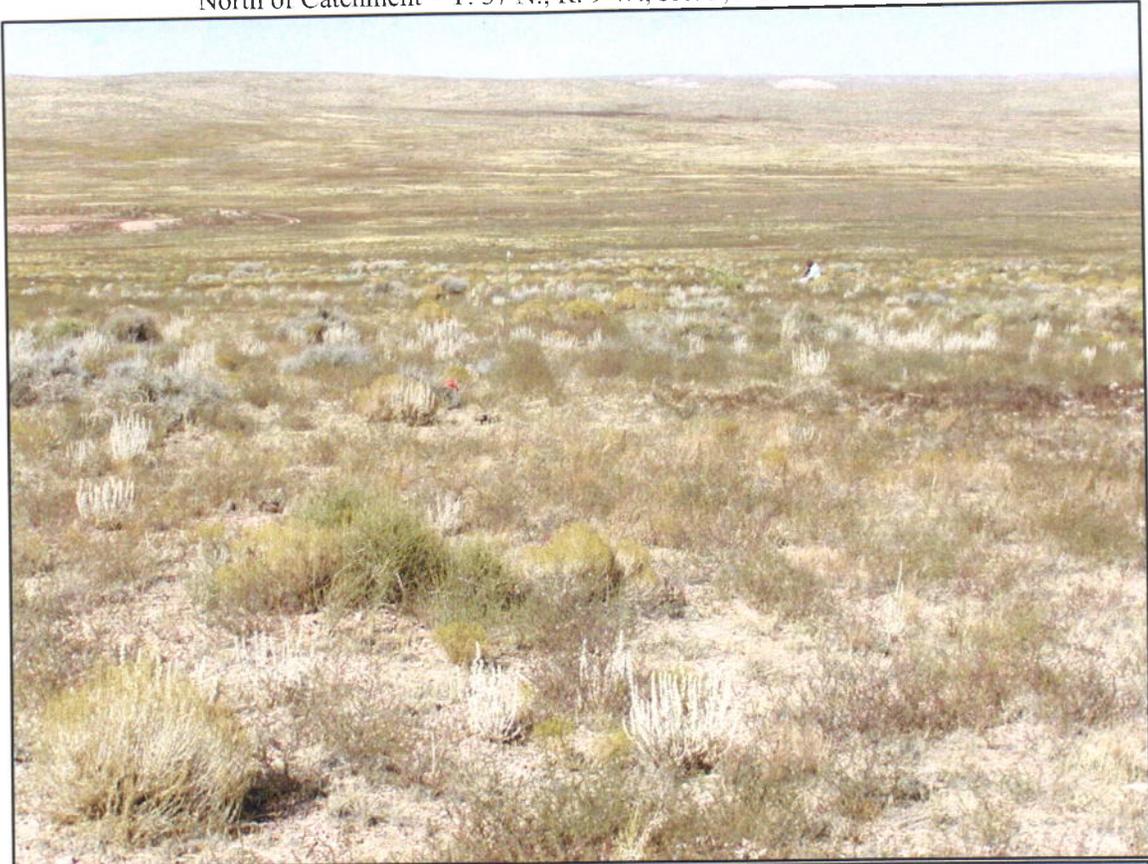
AZA-35493 – William Gubler Water Well Permit – 9/23/2010

Northeast of Pond – T. 39 N., R. 10 W., sec. 36, SE1/4NE1/4NE1/4



AZA-35493 – William Gubler Water Well Permit – 9/23/2010

North of Catchment – T. 37 N., R. 9 W., sec. 9, SE1/4SE1/4SE1/4



AZA-35497 – Rudger C. Atkin Inc. Water Well Permit – 9/23/2010

Decision Memorandum

Lower Hurricane Valley Water Well Permits AZA-35493 & AZA-35497
DOI-BLM-AZ-A010-2010-0022-CX

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 January 29, 2008) and is categorically excluded from further environmental analysis. It is my decision to approve the action as proposed with the special 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 enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in 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 2920.2-2(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 2920.2-2 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 regulations, 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.


Lorraine M. Christian, Field Manager

10/20/10
Date

Attachment: Form 1842-1

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

INFORMATION ON TAKING APPEALS TO THE INTERIOR BOARD OF LAND APPEALS

DO NOT APPEAL UNLESS

1. This decision is adverse to you,
AND
2. You believe it is incorrect

IF YOU APPEAL, THE FOLLOWING PROCEDURES MUST BE FOLLOWED

1. NOTICE OF APPEAL..... A person who wishes to appeal to the Interior Board of Land Appeals must file in the office of the officer who made the decision (not the Interior Board of Land Appeals) a notice that he wishes to appeal. A person served with the decision being appealed must transmit the *Notice of Appeal* in time for it to be filed in the office where it is required to be filed within 30 days after the date of service. If a decision is published in the FEDERAL REGISTER, a person not served with the decision must transmit a *Notice of Appeal* in time for it to be filed within 30 days after the date of publication (43 CFR 4.411 and 4.413).

2. WHERE TO FILE

NOTICE OF APPEAL..... Field Manager
Arizona Strip Field Office, Bureau of Land Management
345 East Riverside Dr., St. George, UT 84790

WITH COPY TO SOLICITOR... Office of the Field Solicitor
Sandra Day O'Connor US Courthouse, Suite 404
401 West Washington Street, SPC-44
Phoenix, Arizona 85003-2151

3. STATEMENT OF REASONS Within 30 days after filing the *Notice of Appeal*, file a complete statement of the reasons why you are appealing. This must be filed with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. If you fully stated your reasons for appealing when filing the *Notice of Appeal*, no additional statement is necessary (43 CFR 4.412 and 4.413).

WITH COPY TO SOLICITOR..... Office of the Field Solicitor
Sandra Day O'Connor US Courthouse, Suite 404
401 West Washington Street, SPC-44
Phoenix, Arizona 85003-2151

4. ADVERSE PARTIES..... Within 15 days after each document is filed, each adverse party named in the decision and the Regional Solicitor or Field Solicitor having jurisdiction over the State in which the appeal arose must be served with a copy of: (a) the *Notice of Appeal*, (b) the Statement of Reasons, and (c) any other documents filed (43 CFR 4.413).

5. PROOF OF SERVICE..... Within 15 days after any document is served on an adverse party, file proof of that service with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. This may consist of a certified or registered mail "Return Receipt Card" signed by the adverse party (43 CFR 4.401(c)).

6. REQUEST FOR STAY..... Except where program-specific regulations place this decision in full force and effect or provide for an automatic stay, the decision becomes effective upon the expiration of the time allowed for filing an appeal unless a petition for a stay is timely filed together with a *Notice of Appeal* (43 CFR 4.21). If you wish to file a petition for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Interior Board of Land Appeals, the petition for a stay must accompany your *Notice of Appeal* (43 CFR 4.21 or 43 CFR 2801.10 or 43 CFR 2881.10). 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 appropriate Office of the Solicitor (43 CFR 4.413) at the same time the original documents are filed with 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 regulations, 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.

Unless these procedures are followed, your appeal will be subject to dismissal (43 CFR 4.402). Be certain that **all** communications are identified by serial number of the case being appealed.

NOTE: A document is not filed until it is actually received in the proper office (43 CFR 4.401(a)). See 43 CFR Part 4, Subpart B for general rules relating to procedures and practice involving appeals.

43 CFR SUBPART 1821--GENERAL INFORMATION

Sec. 1821.10 Where are BLM offices located? (a) In addition to the Headquarters Office in Washington, D.C. and seven national level support and service centers, BLM operates 12 State Offices each having several subsidiary offices called Field Offices. The addresses of the State Offices can be found in the most recent edition of 43 CFR 1821.10. The State Office geographical areas of jurisdiction are as follows:

STATE OFFICES AND AREAS OF JURISDICTION:

Alaska State Office ----- Alaska
Arizona State Office ----- Arizona
California State Office ----- California
Colorado State Office ----- Colorado
Eastern States Office ----- Arkansas, Iowa, Louisiana, Minnesota, Missouri
and, all States east of the Mississippi River
Idaho State Office ----- Idaho
Montana State Office ----- Montana, North Dakota and South Dakota
Nevada State Office ----- Nevada
New Mexico State Office ---- New Mexico, Kansas, Oklahoma and Texas
Oregon State Office ----- Oregon and Washington
Utah State Office ----- Utah
Wyoming State Office ----- Wyoming and Nebraska

(b) A list of the names, addresses, and geographical areas of jurisdiction of all Field Offices of the Bureau of Land Management can be obtained at the above addresses or any office of the Bureau of Land Management, including the Washington Office, Bureau of Land Management, 1849 C Street, NW, Washington, DC 20240.

(Form 1842-1, September 2006)