

# NEPA COMPLIANCE RECORD

## Categorical Exclusion (CX)



Bureau of Land Management  
Safford Field Office  
Safford, AZ

### I. PROJECT INFORMATION

NEPA #: DOI-BLM-AZ-G010-2019-0036-CX	Serial/Case File No.: 46150, 46160, 40100, 40110,
Title: Johnny Creek (#46150), Bonita Creek (#46160), Smuggler Peak (#40100), and Zorilla (#40110) Allotments Grazing Preference Transfer	
Proposed Action/Type: Approval of Grazing Preference Transfers	
Proposed Action (Who, What, When, Where, How): A Section 3 grazing permit transfer of preference from Jeff Menges to Menges Ranches LLC.  Active Allotment, CYL: Yes, 10 year permit.  These Allotments are located in Graham and Greenlee Counties. Johnny Creek and Bonita Creek Allotments are approximately 10 miles northeast of Safford, AZ. Smuggler Peak and Zorilla Allotments are approximately 5 miles south of Clifton, AZ.  BLM sections included within each Allotment:  Johnny Creek: T5S R26E, Sections: 10, 11, 12, 13, 14, 15, 22, 23, 24, and 25. T5S R27E, Sections: 5, 6, 7, 8, 9, 10, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 26, 27, 28, 29, 30, and 34. This allotment consists of approximately 15,840 acres of BLM administered public land and 7,462 acres of private land.  Bonita Creek: T4S, R27E, Sections 25,26, 27, 33, 34, 35, and 36; T5S R27E, Sections: 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 13, 14, 23, 24, 25, 26, 34, 35, and 36; T6S R27E, Sections: 1, 2, 3, 10, 11, and 12; T7S 27 E Section: 1; T4S R28E, Section 31; T5S R28E, Sections: 6, 7, 18, 19, 20, 29, 30, 31, 32, and 33; T6S R28E Sections: 3, 4, 5, 6, 7, 8, 9, 10, 16, 17, 18, 19, 20, 21, 22, 27, 28, 28, 30, 31, and 32; and T7S R28E, Section 6. This allotment consists of approximately 24,237 acres of BLM administered public land, and 934 acres of private land.  Smuggler Peak: T5S R29E Sections: 11, 12, 13, 14, 15, 21, 22, 23, 24, 25, and 26; T5S R30E Sections: 7, 8, 17, 18, 19, 20, 21, 28, 29, 30, 32, and 33; and T6S R30E Sections: 3 and 4. This allotment consists of approximately 13,822 acres of BLM administered public land, 200 acres of Arizona State Land, and 23 acres of private land.  Zorilla: T6S R28E, Sections 1 and 12; T5S R29E Sections: 25, 29, 30, 31, 32, 33, 34, 35, and 36; T6S R29E, Sections: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, and 16; T5S R30E, Sections 19, 30, 31, and 32; and T6S R30E Sections: 4, 5, 6, 7, 8, 9, 16, 17, and 18. This allotment consists of approximately 14,771 acres of BLM administered public land, and 170 acres of private land.	



**Authorization Schedule Information:**

Allot #	Allot Name	Livestock	Livestock Kind	Begin	End	% PL	AUMS
46150	Johnny Creek	176	Cattle	3/1	2/28	70	1,478

Allot #	Allot Name	Livestock	Livestock Kind	Begin	End	% PL	AUMS
46160	Bonita Creek	287	Cattle	3/1	2/28	97	3,341

**Authorization Schedule Information:**

Allot #	Allot Name	Livestock	Livestock Kind	Begin	End	% PL	AUMS
40100	Smuggler Peak	103	Cattle	3/1	2/28	100	1236

**Authorization Schedule Information:**

Allot #	Allot Name	Livestock	Livestock Kind	Begin	End	% PL	AUMS
40110	Zorilla	197 3	Cattle Horse	3/1	2/28	98	2323 35

✓ Maps Attached

Applicant (if any): Menges Ranches LLC.

Applicable CX: (BLM NEPA Handbook H-1790-1 Appendices 3 or 4):  
516 DM 11, 11.9, D (1): Approval of transfers of grazing preference.

**II. PLAN CONFORMANCE REVIEW**

This proposed action is subject to the following land use plan: Safford District Resource Management Plan (RMP) and Record of Decision approved September 1992 and July 1994.

The proposed action has been reviewed and determined to be in conformance with this plan [43 CFR 1610.5, BLM MS 1601.04(C)(2)].

  
Project Lead

7/18/19  
Date



III. RESOURCE PROGRAM CONSULTATION & COORDINATION

III (A). CX Applicability/ Exception Review

Date Internal Scoping Initiated: 7/18/2019		Date Internal Scoping Closed:		
Applies? Yes No	NAME	EXTRAORDINARY CIRCUMSTANCE (EXCEPTION)	SIGNATURE*	DATE
*Signature indicates that I have reviewed the project to determine the applicability of an extraordinary circumstance.				
If any of the following extraordinary circumstances are applicable to the action being considered, either an EA or EIS must be prepared for the action. Brackets [#] refers to corresponding BLM NEPA Handbook H-1790-1 Appendix 5 Categorical Exclusions: Extraordinary Circumstances (per 516 DM 2, Appendix 2.)				
<input type="checkbox"/> <input checked="" type="checkbox"/>	[AFM]	§45.215(a) Have significant impacts on public health or safety.	<i>A. J. R.</i>	7/29/19
<input type="checkbox"/> <input checked="" type="checkbox"/>	Amanda Eavenson	§45.215(b) Have significant effects on such unique geographic characteristics as prime farmlands; sole or principal drinking water aquifers; wetlands (EO 11990); or floodplains (EO 11988).	<i>Amanda E.</i>	7/18/19
<input type="checkbox"/> <input checked="" type="checkbox"/>	Zackary Kelley	§45.215(b) Have significant effects on such natural resources and unique geographic characteristics as park, recreation or refuge lands; national natural landmarks; national monuments; wilderness areas; wild or scenic rivers; or other ecologically significant or critical areas.	<i>Zack Kelley</i>	7/18/19
<input type="checkbox"/> <input checked="" type="checkbox"/>	Dan McGrew	§45.215(b) Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places, or on such unique geographic characteristics as historic or cultural resources. §45.215(i) Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment. §45.215(k) 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 (EO 13007).	<i>Dan McGrew</i>	7/18/19
<input type="checkbox"/> <input checked="" type="checkbox"/>	Mark McCabe	§45.215(h) Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant effects on designated Critical Habitat for these species. §45.215(b) Have significant impacts on migratory birds; or other ecologically significant or critical areas.	<i>M. McCabe</i>	7-18-19
<input type="checkbox"/> <input checked="" type="checkbox"/>	Emily Burke	§45.215(i) 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 EO 13112).	<i>Emily Burke</i>	7/18/19
<input type="checkbox"/> <input checked="" type="checkbox"/>	[AFM]	§45.215(c) Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [42 USC 4332(2)(E)].	<i>A. J. R.</i>	7/29/19
<input type="checkbox"/> <input checked="" type="checkbox"/>	[Project Lead]	§45.215(d) Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks	<i>Jim &amp; Monte</i>	7/18/19
<input type="checkbox"/> <input checked="" type="checkbox"/>	[AFM]	§45.215(e) Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.	<i>A. J. R.</i>	7/29/19
<input type="checkbox"/> <input checked="" type="checkbox"/>	[Project Lead]	§45.215(f) Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.	<i>A. J. R.</i>	7/29/19
<input type="checkbox"/> <input checked="" type="checkbox"/>	Derek Eysenbach	§45.215(j) Have a disproportionately high and adverse effect on low income or minority populations (EO 12898).	<i>Derek Eysenbach</i>	7/27/19



III (B). Critical Resources Review

Critical Resource	Specialist	Affected, but less than Significant		Comments		Signature	Date
		Yes	No	Yes	No		
1. NRHP/Cultural	D. McGrew		X		X	<i>Dawn McGrew</i>	7/18/19
2. TES Species	M. McCabe		X		X	<i>M. McCabe</i>	7-18-19
3. Floodplains/Wetlands	E. Eavenson		X		X	<i>E. Eavenson</i>	7/18/19
4. Invasive Species	E. Burke		X		X	<i>E. Burke</i>	7/18/19

Comments/Attachments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

IV. FINAL REVIEW

This proposed action qualifies as a categorical exclusion under the National Environmental Policy Act in accordance with 516 DM 11.9 D(1): Rangeland Management-Approval of transfers of grazing preference.

This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. It has been reviewed to determine if any of the exceptions described in 516 DM 2, Appendix 2, apply.

The action does not have significant adverse effects on public health and safety nor does the action adversely affect such unique geographic characteristics as historic or cultural resources, parks, recreation, or refuge lands, wilderness areas, wild or scenic rivers, sole or principal drinking water aquifers, prime farmlands, wetlands, floodplains, or ecologically significant or critical areas, including those listed on the Department's National Register of Natural Landmarks. The action does not have highly controversial environmental effects nor have highly uncertain environmental effects or involve unique or unknown environmental risk nor does it adversely affect a species listed or proposed to be listed on the list of endangered or threatened species. It does not establish a precedent for future action or represent a decision in principle about a future consideration with significant environmental effects or related to other actions with individually insignificant but cumulatively significant environmental effects. The proposed action does not adversely affect properties listed or eligible for listing in the National Register of Historic Places or threaten to violate a Federal, State, local or tribal law or requirements imposed for the protection of the environment or which require compliance with Executive Order 11988 (Floodplain Management), Executive Order 11990 (Protection of Wetlands) or the Fish and Wildlife Coordination Act.

Mitigation Measures/Stipulations:

None



NEPA Coordinator: [Signature] Date: 7/24/2019

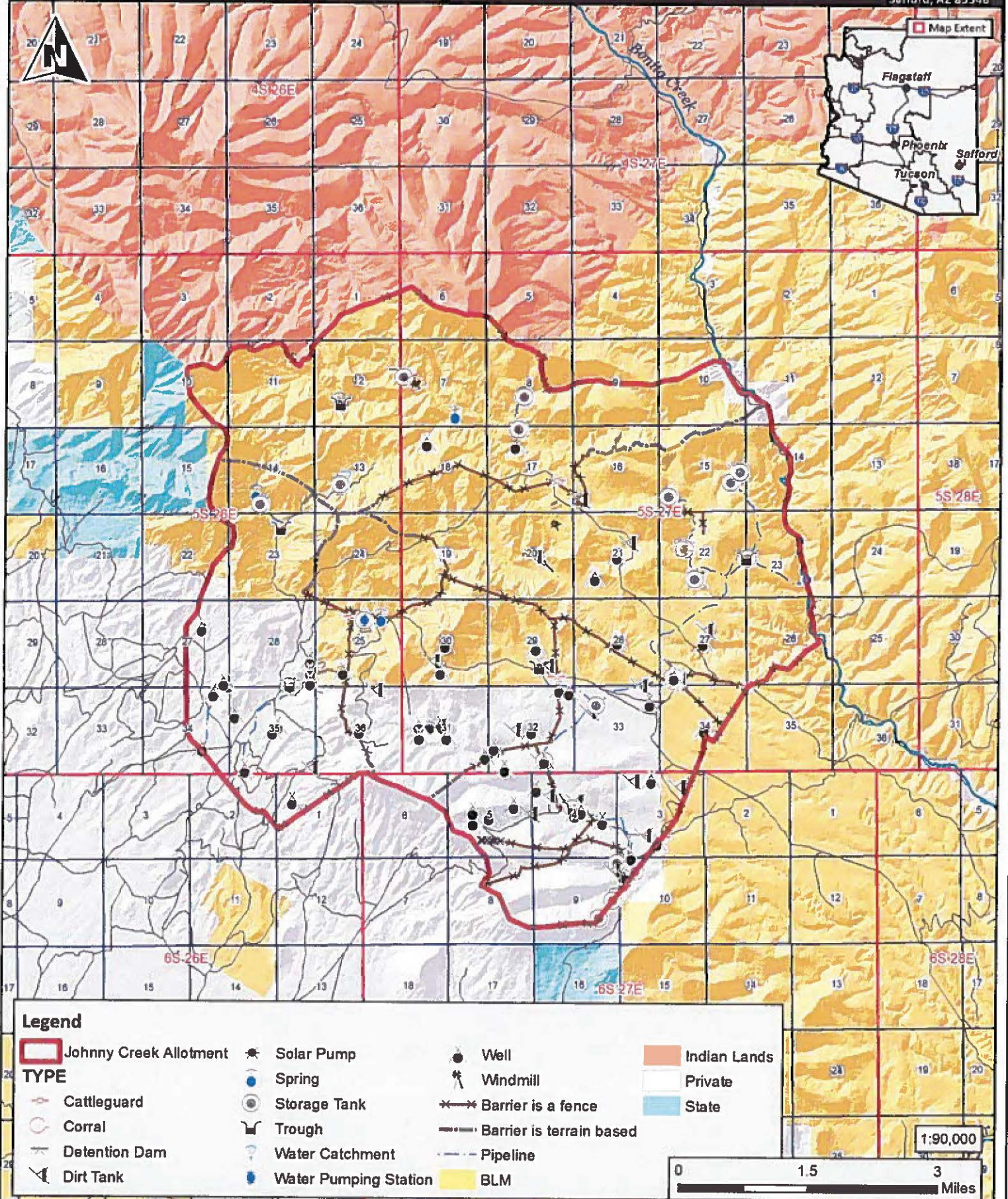
Assistant Field Manager: [Signature] Date: 7/29/19  
Recommended

**V. DECISION**

I have reviewed this plan conformance and NEPA compliance record and have determined that the proposed action does not conflict with major land use plans and will not have any significant impacts on environmental resources. Therefore, it does not represent an exception, and is categorically excluded from further environmental review. It is my decision to implement the project, as described, with the incorporation of the mitigation measures specified in Section IV above.

Authorized Official: [Signature] Date: 7/30/19  
for Scott C. Cooke  
Field Manager

# Johnny Creek Allotment

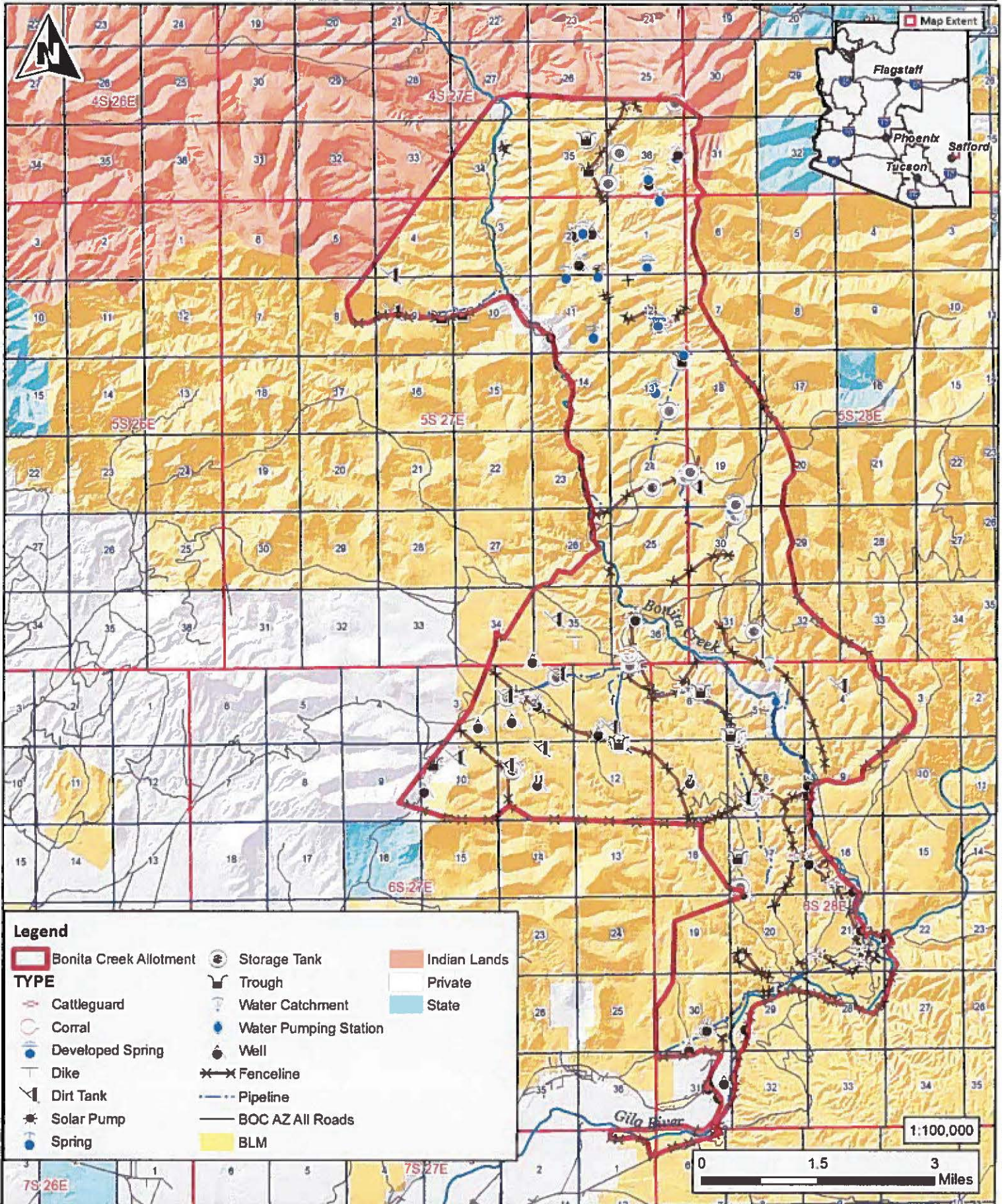


## Legend

- |                        |                       |                          |              |
|------------------------|-----------------------|--------------------------|--------------|
| Johnny Creek Allotment | Solar Pump            | Well                     | Indian Lands |
| <b>TYPE</b>            | Spring                | Windmill                 | Private      |
| Cattleguard            | Storage Tank          | Barrier is a fence       | State        |
| Corral                 | Trough                | Barrier is terrain based |              |
| Detention Dam          | Water Catchment       | Pipeline                 |              |
| Dirt Tank              | Water Pumping Station | BLM                      |              |

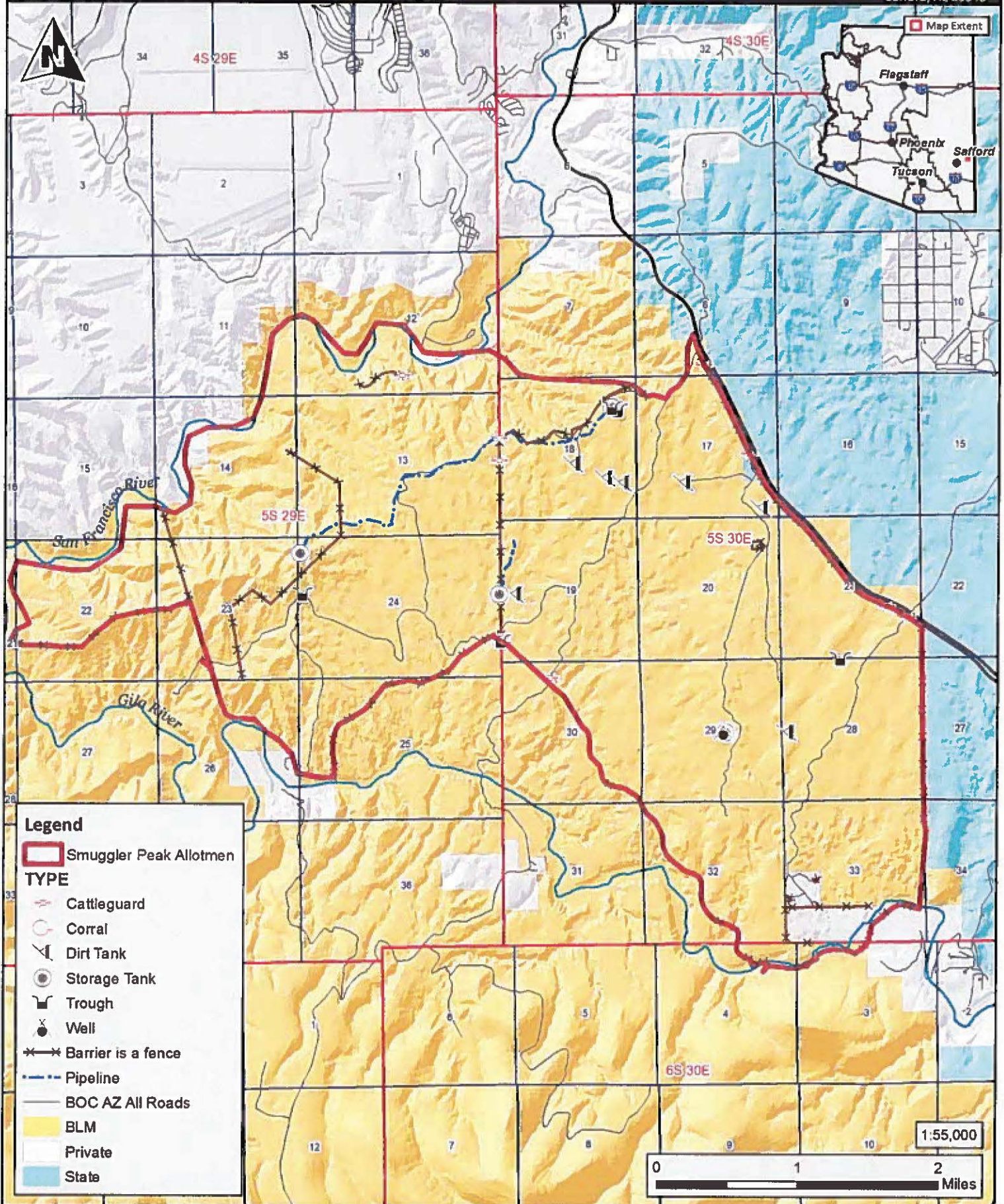
While every effort has been made to ensure the accuracy of this information, the BLM makes no warranty, expressed or implied, as to the accuracy and expressly disclaims liability for accuracy thereof.

# Bonita Creek Allotment



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# Smuggler Peak Allotment



### Legend

Smuggler Peak Allotment

### TYPE

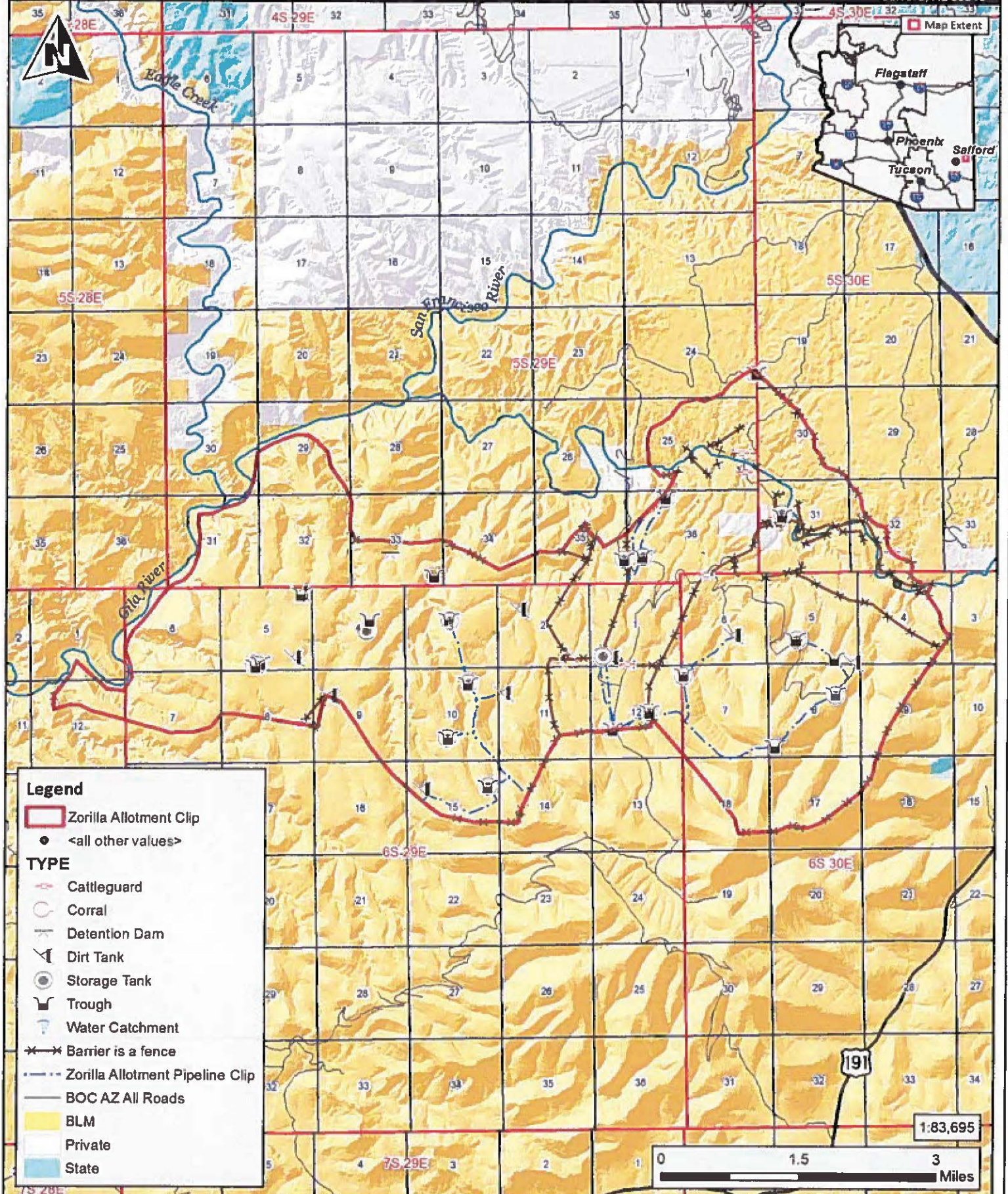
- Cattleguard
- Corral
- Dirt Tank
- Storage Tank
- Trough
- Well
- Barrier is a fence
- Pipeline
- BOC AZ All Roads
- BLM
- Private
- State

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# Zorilla Allotment



### Legend

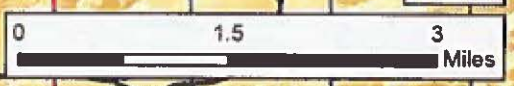
- Zorilla Allotment Clip
- <all other values>

### TYPE

- Cattleguard
- Corral
- Detention Dam
- Dirt Tank
- Storage Tank
- Trough
- Water Catchment
- Barrier is a fence
- Zorilla Allotment Pipeline Clip
- BOC AZ All Roads
- BLM
- Private
- State

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1:83,695



### 800.3 INITIATION OF THE SECTION 106 PROCESS.

**Project Name & Number:** Johnny Creek (46150) Bonita Creek (46160)  
Smugglers Peak (40100) and Zorilla (40110) Grazing Preference Transfer CX

(a) Establish undertaking. The agency official shall determine whether the proposed Federal action is an undertaking as defined in § 800.16(y) and, if so, whether it is a type of activity that has the potential to cause effects on historic properties.

(1) No potential to cause effects. If the undertaking is a type of activity that does not have the potential to cause effects on historic properties, assuming such historic properties were present, the agency official has no further obligations under section 106 or this part.

DLM Under taking has no potential to cause effects on historic properties.

### WAIVER OF CULTURAL RESOURCES INVENTORY

Although Class III Intensive field inventory of the Area of Potential Effect are performed for most land use actions, inventory is waived for the following reason(s) checked (Handbook H-8110, Bureau of Land Management, Arizona, June 1999):

         1. Previous natural ground disturbance has modified the surface so extensively that the likelihood of finding cultural properties is negligible.

         2. Human activity within the last 50 years has created a new surface to such an extent as to eradicate locatable traces of cultural properties.

         3. Existing Class II or equivalent inventory data are sufficient to indicate that the specific environmental situation did not support human occupation or use to a degree that would make further inventory information useful or meaningful

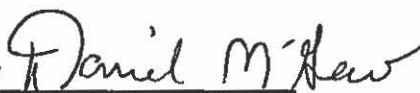
         4. Inventory at the Class III level has previously been performed, and records documenting the location, methods and results of the inventory are available. Such inventories must have been conducted according to current professionally acceptable standards.

         5. Natural environmental characteristics are unfavorable to presence of cultural properties (such as recent landslides or rock falls).

DLM 6. The nature of the proposed action is such that no impact can be expected on significant cultural resources.

         7. Conditions exist which could endanger the health or safety of personnel, such as the presence of hazardous materials, explosive ordinance, or unstable structures.

Comments:

Signed 

Daniel McGrew  
Cultural Resources Specialist  
Safford Field Office