

United States Department of the Interior
BUREAU OF LAND MANAGEMENT
Boise District Office
3948 Development Avenue
Boise, Idaho 83705

Categorical Exclusion Review

Mountain Home Highway District – Gravel Stockpile (LUP)

CE No.: DOI-BLM-ID-B011-2011-0012-CX	Lease/Serial/Case File No.: IDI-37029
Purpose and Need for Action: The Mountain Home Highway District (MHHD) has requested a permit to allow for the temporary use of 1 acre of public land to stockpile gravel. They submitted a land use application on April 5, 2011. The Bureau of Land Management (BLM) is authorized under Title V of the Federal Land Management and Policy Act (FLPMA) of October 21, 1976: 43 CFR § 2920 to issue permits for short-term use of federal land.	
Description of Proposed Action: MHHD has requested a permit to allow them to store gravel on public land for road construction/repair/maintenance from 2011-2014. The permit would be issued for 1 acre of public land adjacent to Simco Road as shown in Exhibit A (enclosed). The permit would be issued for a term of 3 years and would be subject to the applicable federal regulations found in 43 CFR § 2920, the special stipulations in Exhibit B (enclosed) and conditions on form 2920-1 (enclosed). MHHD would minimize environmental impacts by adhering to the aforementioned regulations, stipulations and conditions.	
Project Location: Approximately 15.5 miles south of Interstate 84 along Simco Road Elmore County, Idaho Township 3 South, Range 4 East, Section 34, NWSE & SWNE, Boise Meridian	
Applicant (if any): Mountain Home Highway District	

Part I – Plan Conformance Review

This proposed Action is subject to the following land use plan: Snake River Birds of Prey RMP

Date Plan Approved: February, 2008

The proposed action would be in conformance with the RMP (even though it is not specifically provided for) because it would be consistent with the objectives, terms, and conditions laid forth in the RMP.

The resource management plan states that land/realty uses such as this are analyzed on a site-specific basis to determine whether they are compatible with the NCA-enabling legislation which is intended to conserve, protect, and enhance NCA habitat.

In order to conform to the land use plan (NCA RMP pg. 2-16) surface disturbing activities need to be a minimum of ½ mile from occupied sensitive plant habitat. This project is located ¾ mile from occupied sensitive plant habitat. Sensitive species habitat impact and disturbance would be negligible due to the inert quality of a large gravel pile. Footprint size would be minimal and would be reclaimed upon expiration of the temporary land use permit. Reclamation and rehab requirements within the NCA RMP area include special stipulations to recover and/or replace the native vegetation within the 1 acre area with perennial vegetative cover. If this action is approved, there would be no major or long-term, adverse affects to the conservation, protection, and enhancement of raptor populations and habitat. Complete recovery of native habitat would be approximated to be within 1-2 growing seasons after expiration of land use permit.

Part II – NEPA Review

Categorical Exclusion Review: This proposed action qualifies as a categorical exclusion under 516 DM 11.9.E(19).

Category description: *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 proposals includes rehabilitation to restore the land to its natural or original condition.*

- A. Departmental List of Extraordinary Circumstances Review: Before any non-Energy Act CX is used, you must conduct sufficient review to determine if any of the following extraordinary circumstances apply (516 DM 2, Appendix 2). If any of the extraordinary circumstances are applicable to the action being considered, either an EA or an EIS must be prepared for the action. Part 516 of the Departmental Manual (516 DM 2, Appendix 2) states that extraordinary circumstances exist for individual actions within CXs which may:

List of Extraordinary Circumstances

1. Have significant impacts on public health or safety.

Yes No Specialist Signature/Date: /s/ Jeremy Bluma 6/30/2011

Comments/Explanation:

Vehicular access on and off of Simco Rd. (55 mph speed limit) poses a minor impact to public health or safety. Measures to mitigate this minor hazard are proposed by allowing adequate space for maneuvering within the stockpiling area for dump-trucks pulling trailers and by locating the stockpile at the proposed location to allow for maximum driver sight-distance when entering or exiting Simco Rd. Based upon many similar land use permits that BLM has granted for similar uses and the mitigating measures taken to avoid Simco Rd. traffic, there are no significant negative impacts to public health or safety anticipated by the approval of this action.

2. Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation, or refuge lands; wilderness 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; or ecologically significant or critical areas, or is not in compliance with the Fish and Wildlife Coordination Act.

Yes No Specialist Signature/Date: /s/ Jeremy Bluma 6/30/2011

<i>Comments/Explanation:</i> The site that is proposed exists within the Morely Nelson Snake River Birds of Prey NCA; however, the gravel would be stored in an already disturbed area along the side of Simco Rd. along a fence line near a cattle guard. The proposed site would be relatively small (1 acre) and would be consistent with the NCA objectives. It would be outside of the LEPA consideration zone, and would have no significant impact to natural resources or unique geographical characteristics.		
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].		
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Specialist Signature/Date: /s/ <i>Jeremy Bluma</i> 6/30/2011
<i>Comments/Explanation:</i> The impacts of stockpiling gravel are known and understood by the BLM and others. They have been no controversial environmental effects or conflicts that arise from such use.		
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.		
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Specialist Signature/Date: /s/ <i>Jeremy Bluma</i> 6/30/2011
<i>Comments/Explanation:</i> Based upon the numerous land use permits that BLM has granted for similar uses, BLM does not anticipate any significant environmental effects or unique environmental risks.		
5. Establish a precedent for future actions or represent a decision in principle about future actions with potentially significant environmental effects.		
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Specialist Signature/Date: /s/ <i>Jeremy Bluma</i> 6/30/2011
<i>Comments/Explanation:</i> An authorization of this type would be a typical use of public land and would be congruent with and promoted by the National Environmental Policy Act. Further, this application would be analyzed on its own merit and environmental factors/conditions according to laws and regulations. New precedent would not be set by the proposed action, because the action/use being proposed would be evaluated independently.		
6. Have a direct relationship to other actions with individually insignificant, but cumulatively significant environmental effects.		
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Specialist Signature/Date: /s/ <i>Jeremy Bluma</i> 6/30/2011
<i>Comments/Explanation:</i> The short, 3-year period, of stockpiling gravel in an already disturbed pull-off area along Simco Rd. would pose minor short-term, but not significant or long-term (direct or indirect) cumulative environmental impacts or effects with other uses within this area of the Birds of Prey NCA.		
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 <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Specialist Signature/Date: /s/ <i>Dean C. Shaw</i> 6/16/2011
<i>Cultural Comments/Explanation:</i> The site had previously been surveyed by D. Shaw in 2008 and resulted in the location of no cultural resources. D. Shaw determined in 2011 that the cultural class III survey previously performed was still adequate to assess the project impacts. This project fits the criteria set forth under exemption #24 as listed in the appendix C "Exempted Undertakings" listed in the State Protocol Agreement between the Idaho State Director, BLM and the Idaho State Historic Preservation Office (SHPO) regarding the manner in which the BLM would meet its responsibilities under the National Historic Preservation Act (NHPA) as provided for in the National Programmatic Agreement (NPA) that was signed in 1998. Shaw recommends that the Land Use Permit be issued as requested.		
8. Have significant impacts on species listed or proposed to be listed on the List of Endangered or Threatened Species, or on designated Critical Habitat for these species.		
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Specialist Signature/Date for Plants: /s/ <i>Amy J. Stillman</i> 5/26/2011 Specialist Signature/Date for Wildlife: /s/ <i>Jill Holderman</i> 6/27/2011 Specialist Signature/Date for Aquatics: /s/ <i>Allen Tarter</i> 6/30/2011

<i>Plants Comments/Explanation:</i> A. Stillman consulted with CDC database and FO maps and also performed a physical field examination of the proposed 1-acre permit area. Dominate species in the area were cataloged and recorded. No special status plant species or habitat was found in the proposed permit area during the survey performed on May 26, 2011. A CDC database consultation that A. Stillman performed on 7-13-2011 indicated that the nearest occupied sensitive plant habitat was ¾ mile from the proposed project area. A. Stillman recommends that the issuance of this permit would not result in the adverse impact of any special status plant species of habitat.		
<i>Wildlife Comments/Explanation:</i> J. Holderman originally conducted a field examination of the proposed permit site in December of 2008. Her examination and evaluation concluded that some special status species may occur in the permitted area but would not be adversely impacted by the minimal activity involved with a pile of gravel. J. Holderman re-visited the site on June 14, 2011 and concluded that allowing the 1-acre area to be used for stockpiling for 3 additional years would have no adverse impact to any special status species of wildlife.		
<i>Aquatics Comments/Explanation:</i> N/A		
9. Violate a Federal, State, local, or tribal law or requirement imposed for the protection of the environment.		
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Specialist Signature/Date: /s/ Jeremy Bluma 6/30/2011
<i>Comments/Explanation:</i> Known environmental laws or imposed environmental requirements would not be violated by the action as proposed.		
10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).		
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Specialist Signature/Date: /s/ Jeremy Bluma 6/30/2011
<i>Comments/Explanation:</i> There would be no low income or minority populations living in the proposed area. Low income or minority persons driving through the area along Simco Rd. would not be affected differently by the proposed activities than persons of non-minority or higher income status. The gravel that is proposed to be stockpiled at this location would be used to repave Simco Rd. which would benefit the public equally regardless of income level or minority status.		
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 <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Specialist Signature/Date: /s/ Dean C. Shaw 6/16/2011
<i>Comments/Explanation:</i> Simco Road is the existing paved road that provides access both to the north towards Interstate 84, and also south to Highway 67. These multiple directions provide multiple accesses without any new or adverse impact for any such ceremonial or Indian sacred site. No impacts to access or use of ceremonial or Indian sacred sites are anticipated by the proposed action of stockpiling gravel along Simco Rd.		
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 <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Specialist Signature/Date: /s/ Lonnie Huter 6/30/2011
<i>Comments/Explanation:</i> A permit, for such a proposed action would include stipulations that hold the applicant responsible for preventing/combating noxious and invasive weeds. An annual compliance inspection would be conducted by BLM personnel where any weed problem would be identified, documented and delegated to the permit holder for prompt remediation. In the event of noncompliance with noxious weed stipulations, the BLM would cancel permit, impose a fine, and remedy the weed situation using internal agency staff and equipment.		

I certify that none of the Departmental exceptions (Extraordinary Circumstances) listed in the above Part II (516 DM 2, Appendix 2) apply to this action; therefore, this categorical exclusion is appropriate for this situation.

Remarks:

Authorizing Official:

Terry A. Humphrey

Date: 9/1/2011

Name: Terry A. Humphrey

Title: Field Manager, Four Rivers Field Office and Morley Nelson Snake River Birds of Prey NCA

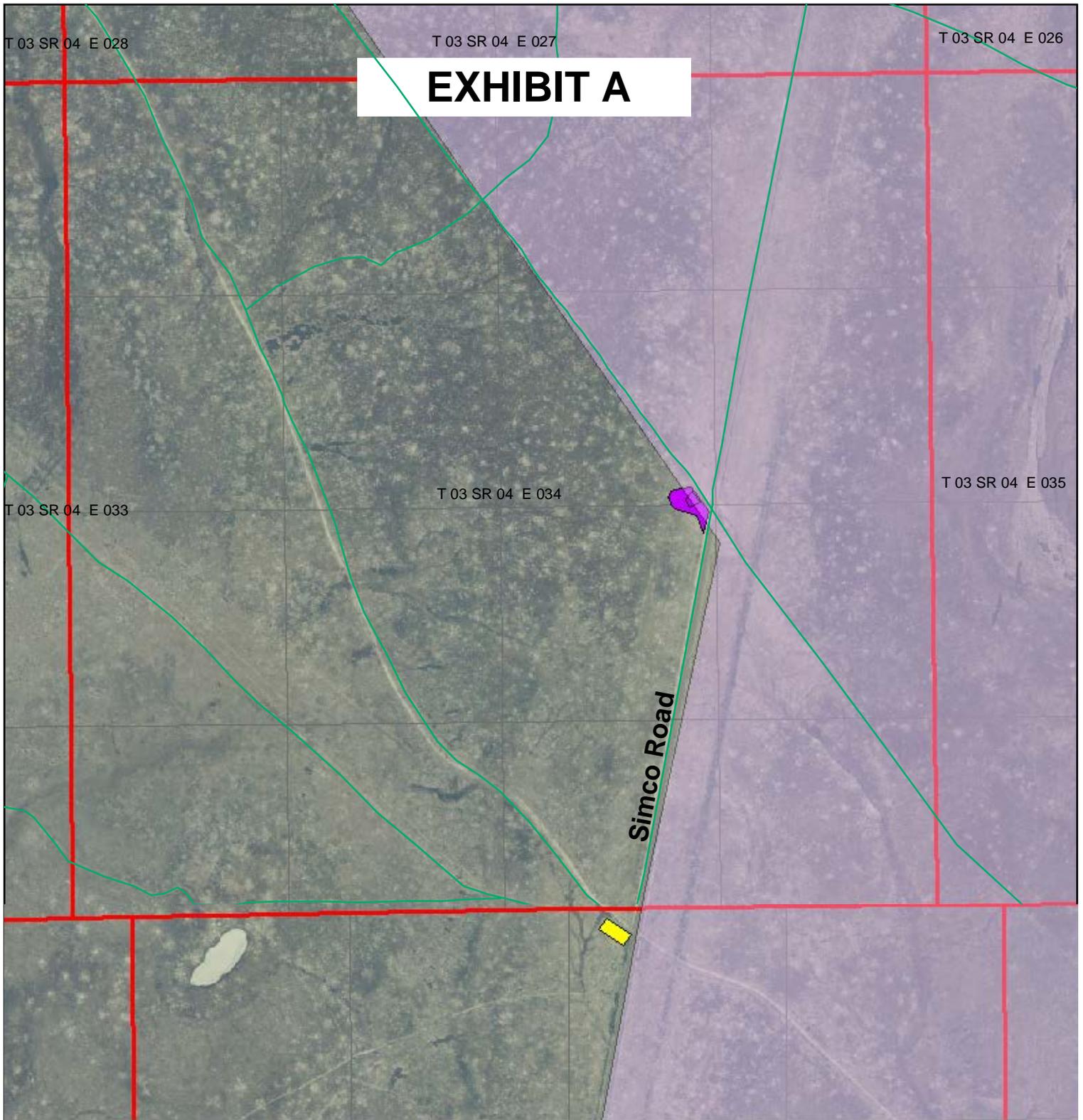


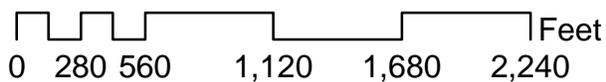
EXHIBIT A



**Mtn. Home Stockpile
Stockpile Site
Intended Location:
T. 4 S., R.4 E., Section 3, Lot 2**

**Actual Location:
T. 3 S., R. 4 E., Section 34, NWSE, SWNE**

N



Legend

-  Roads
-  LEPA_Consideration_Zone
-  Permitted Stockpile Location
-  Actual Stockpile Location
-  Township_Range_Section

SPECIAL STIPULATIONS

1. This permit shall be subject to cancellations upon failure by the permittee to observe any conditions or terms of the permit. The cancellations shall become effective on the tenth day following notice to the permittee of termination because of failure to observe such conditions. The notice provided by this condition shall be served by certified mail to the post office address of record. The mailing of such notice properly enclosed, addressed, stamped, and certified shall be considered service.
2. If this permit is cancelled by the United States prior to its expiration, a proportionate share of the rental fee will be applied against other obligations, if any, owed by the permittee to the United States. If such obligations do not exist, it will be returned to the permittee.
3. Unless otherwise authorized, the permittee shall be allowed sixty (60) days after the termination of this permit to remove all authorized and any unauthorized improvements placed on the premises by the permittee; and, if the permittee does not remove such improvements by the end of this 60-day period, they shall become the property of the United States.
4. Upon termination or cancellation of this permit, all rights of the permittee hereunder shall cease, and the permittee shall quietly and peaceably deliver to the United States possession of the premises.
5. Hunting by the public will not be restricted by the permittee.
6. No additional structures, appurtenances, or improvements shall be placed upon the land unless approved in writing by the Authorized Officer of the BLM, in advance of construction or placement.
7. The permittee hereby agrees to indemnify and hold harmless the United States, its successors and assigns, its officers, agents, and employees, from any and all damages which may result from the exercise of privileges granted by this permit or which may result from the exercise of any of the rights reserved herein.
8. The permittee will in all operations under this permit comply with the applicable state and Federal laws and regulations concerning the use of poisonous substances, including insecticides, herbicides, fungicides, rodenticides, and other similar substances. If the use of a poison is prohibited by the Secretary of the Interior, it shall not be used. If use of a poison is limited by the Secretary of the Interior, it shall be used only in accordance with that limitation.

9. Officials not to benefit – No member of or delegate of Congress or resident commissioner shall be admitted to any share or part of this permit or to any other benefit to arise therefrom. Nothing, however, herein contained shall be construed to extend to any incorporated company if the permit be for the general benefit of such corporation or company.
10. Successors in interest obligated – The provisions of this permit shall apply to and bind the assigns of the United States, and the heirs, executors, administrators, or assigns of the permittee.
11. If this Land Use Permit is cancelled or expires, the public land included in it shall be reclaimed and reseeded by the permittee to the satisfaction of the authorized BLM official within one year of the cancellation or expiration date.
12. As directed by the Authorized Officer the Holder shall be responsible for control of noxious weed species that result or would result from the construction, use, or maintenance of their grant.

If herbicides are used the Holder shall comply with all applicable Federal and State laws and regulations. Herbicides shall be used only in accordance with their registered uses within the limitations imposed by the Secretary of the Interior. Prior to the use of herbicides, the Holder shall obtain from the authorized officer written approval of a Herbicide Use Proposal Plan showing the type and quantity of herbicide to be used, weed(s) to be controlled, method of application, and any other information deemed necessary by the authorized officer.

Applicator(s) shall hold a current State of Idaho applicator's license or be under the direct supervision of a licensed applicator.

For areas and acres treated the Holder shall submit to the BLM a completed "BLM Pesticide Application Record" form.

Other control methods include but are not limited to annual mowing.

13. The permit is subject to an annual compliance.