

CATEGORICAL EXCLUSION DOCUMENTATION

CX No. DOI-BLM-ID-B010-2011-0062-CX

A. BACKGROUND

BLM Office: Four Rivers

Lease/Serial/Case File No.: IDI-36731

Proposed Action Title/Type: Idaho Water District 65 Communications Tower

Location of Proposed Action: T. 6 N., R. 3 W., sec. 10, NWSW

Approximately 9 miles east of Emmett, Gem County, Idaho

(See attached Exhibit A, dated September 20, 2011)

Description of Proposed Action: Idaho Water District No. 65 (The District) has applied to place a 50' steel tower anchored by guy wires on public land. The steel tower will have bird deterrent devices installed to discourage perching and the guy wires will be flagged to lessen the possibility of bird collision. A repeater mounted to the tower will send and receive data to the Districts' Supervisory Control and Data Acquisition System (SCADA) that monitors and controls water structures on the Payette River and the canals that draw water from the river. The construction time will be very short as pre-built structures will be utilized and merely installed at the site. The entire installation will exist on a single steel tower using a spire type antenna and one enclosure box mounted on the tower to house the required equipment. Power for the site will be acquired with a solar panel and no adjoining structures or power supply will be necessary at the location. Each leg of the tower will have an 8' grounding rod driven flush with the surface attached to a #6 copper wire. The station is intended to be low maintenance with a minimal number of visits required per season, possibly only one or two times per year. The tower will be placed at the same location where two telephone poles are located in trespass on the public lands. It is believed that these poles served a communication site at one time for Black Canyon Irrigation District or the Bureau of Reclamation. These poles need to be removed as they are no longer in use and are in very poor condition. The District will properly dispose of these poles if granted permission to install their tower. Access to the site will be provided by a single track trail (approximately 100' long) that currently exists connecting the proposed site to El Paso road and no deviation from this trail will be required. The lower portion of the tower will be covered with smooth metal to detour climbing of the tower by unauthorized persons.

B. LAND USE PLAN CONFORMANCE

Land Use Plan Name: 1988 Cascade Resource Management Plan

Date Approved or Amended: July 1, 1988

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): The Cascade Resource Management Plan of 1988, on page 38 under Resource Management Guidelines, Public Land Management, the plan states "Any valid use, occupancy, and development of the public lands, including, but not limited to those requiring rights-of-way, leases, and licenses will be considered, subject to applicable environmental review procedures, CX No. DOI-BLM-ID-B010-2011-0062-CX
Idaho Water District 65 Communications Tower

unless specifically excluded in the plan. The area applied for falls within the Long-billed Curlew Area of Critical Environmental Concern wherein rights-of-way were not excluded. Specifically, Management guideline 3 (page 37) specific to rights-of-way within the curlew area states that construction activities would not be allowed during the nesting and brood-rearing periods (March 15 – June 30).

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(16) Acquisition of easements for an existing road or issuance of leases, permits, or rights-of-way for the use of existing facilities, improvements, or sites for the same or similar purposes.

Category Description: *“Issuance of rights-of-way for the use of an existing facility”*

This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances that would introduce potential effects that may significantly affect the environment. The proposed action has been reviewed, and none of the extraordinary circumstances described in 516 DM6 apply.

The following list of Extraordinary Circumstances (516 DM 2, Appendix 2) were considered:

1. Have significant impacts on public health or safety.

Yes No

Comments/Explanation:

Communication sites are typical uses of the public lands and have no known significant impacts to public health or safety.

Specialist Signature/Date: /s/ Candi Aguirre, Realty Specialist 9/23/2011

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

Comments/Explanation:

The construction, operation and maintenance of this communication site will not 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.

Specialist Signature/Date: /s/ Candi Aguirre, Realty Specialist 9/21/2011

3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].

Yes No

Comments/Explanation: There is no controversy over the effect of this proposal. The effect of the construction, operation and maintenance of communication sites are known and understood and agreed upon in the scientific community. BLM has permitted hundreds of these projects over the past 20 years and understands there are no unresolved impacts. Although, communication site could be considered controversial in some instances, the scientific effects are not.

Specialist Signature/Date: /s/ Candi Aguirre, Realty Specialist 9/21/2011

4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.

Yes No

Comments/Explanation: The BLM has extensive experience in authorizing communication site uses and the potential impacts associated with these activities themselves are well known and generally negligible.

Specialist Signature/Date: /s/ Candi Aguirre, Realty Specialist 9/21/2011

5. Establish a precedent for future actions or represent a decision in principle about future actions with potentially significant environmental effects.

Yes No

Comments/Explanation: The issuance of the right-of-way grant for this communication site would not set a precedent or represent a decision in principle about future actions with potentially significant environmental effects. Any future proposal for use of the public land will be analyzed based on its own environmental impacts and according to laws, federal regulations, and BLM policy.

Specialist Signature/Date: /s/ Candi Aguirre, Realty Specialist 9/21/2011

6. Have a direct relationship to other actions with individually insignificant, but cumulatively significant environmental effects.

Yes No

Comments/Explanation: The issuance of the right-of-way to allow the use of the existing communication site would not cause appreciable new ground disturbance and would result in no impacts. By Definitions there would be no cumulative effects. The impacts associated with the communication site should be negligible or unnoticeable upon completion of the installation of the tower. The issuance of right-of-way would not add, in any noticeable way, to any impacts from other activities in the area administered by the BLM.

Specialist Signature/Date: /s/ Candi Aguirre, Realty Specialist 9/21/2011

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

Comments/Explanation: According to the Idaho Bureau of Land Management Archaeological and Historical Inventory Record, BLM Report Number 10-FRFO-29, the construction, use and maintenance of the proposed communication site will not impact cultural resources because no

cultural resources were located during the Class III Cultural Resource Survey and that no sites had been previously recorded in the area.

Specialist Signature/Date: /s/ Candi Aguirre, Realty Specialist 9/21/2011

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 No

Plants Specialist Signature/Date: /s/ Candi Aguirre, Realty Specialist 9/21/2011

Comments/Explanation: According to the Special Status Plant Species Clearance Worksheet prepared by Mark E. Steiger, BLM Botanist, the area was surveyed for the presence of Threatened and Endangered (T&E) and Bureau Special Status Plant species including the federally listed slickspot peppergrass. No T&E or Bureau plant species or their habitats were located during the course of the surveys. The new construction will occur in an area that has already been previously disturbed.

Wildlife Specialist Signature/Date: /s/ Candi Aguirre, Realty Specialist 9/28/2011

Comments/Explanation: According to the Special Status Wildlife Species Clearance Worksheet prepared by Christa Braun, the construction of the communication tower would disturb a minimal amount of vegetation (0.06 acre); therefore, the habitat for curlew nesting would not be sizably impacted. There are currently two poles at the site, as well as other powerline structures in the general vicinity. These structures have existed in the area for many years. It is not known how the behavior of nesting curlews would be affected by the proposed 50-foot tower, but it can be assumed that a structure appears as a threat to ground-nesting birds and may cause them to avoid the general area. A viewshed analysis done in Spatial Analyst (ArcGIS 9.3 extension) shows a visible sightline up to 1,800 feet from the proposed communication site. It is possible that a ground-nesting bird would avoid the tower up to that distance. This possible avoidance area would not be significant within the 42,924 acre ACEC (234 acres or 0.5% of the ACEC). Overall impacts to curlews would be minimal given that the disturbed area is only 0.06 acre which is a tiny fraction (0.000001) of the overall ACEC. Other possible impacts to nesting curlews that could occur if the tower is erected, would be increased predation due to raptor-perching on the tower and potential collisions with both guy-wires and the structure. If this project were to be carried out, the following conditions should be followed during and after construction of the tower:

*Construction should occur outside the curlew nesting period, March 15 to June 30 as described in the BLM's Cascade Resource Management Plan.

*Climb-proof materials should be used on the tower in place of a chain-link fence to minimize raptor-perching or accidental wildlife entrapments.

*Perch-deterrents should be attached to the tower. BLM will provide the specifications for the deterrents.

*The guy wires should be permanently marked along the full length of each wire to minimize bird collisions. The BLM will provide the specifications for the markers.

*Once the tower is constructed, maintenance visits should occur outside the nesting period listed above. Vehicles should stay on designated roads.

Comments/Explanation: There are no water bodies in or near the project area.

Aquatics Specialist Signature/Date: /s/ Candi Aguirre, Realty Specialist 9/21/2011

9. Violate a Federal, State, local, or tribal law or requirement imposed for the protection of the environment.

Yes No

Comments/Explanation: The communication site would be in compliance with all laws and requirements that pertain to environmental protection in the area.

Specialist Signature/Date: /s/ Candi Aguirre, Realty Specialist 9/21/2011

10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).

Yes No

Comments/Explanation: Low income and/or minority populations may live in the vicinity of the communication site but this use will not have an adverse effect on low income or minority populations.

Specialist Signature/Date: /s/ Candi Aguirre, Realty Specialist 9/21/2011

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

Comments/Explanation: The proposed communication site tower will not limit access to or ceremonial use of Indian sacred sites by Indian religious practitioners or affect the physical integrity of such sacred sites.

Specialist Signature/Date: /s/ Candi Aguirre, Realty Specialist 9/21/2011

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

Comments/Explanation: There are currently no known populations of noxious weeds located in the project area. Any noxious weeds encountered during or after project implementation would be treated, monitored, and retreated as necessary, consistent with established BLM procedures, to prevent infestations from establishing and spreading in the project area.

Specialist Signature/Date: /s/ Candi Aguirre, Realty Specialist 9/21/2011

D: SIGNATURE

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.

Authorizing Official: /s/ Terry A. Humphrey Date: 1/26/2012

(Signature)

Terry A. Humphrey
Field Manager
Four Rivers Field Office

Prepared By/Contact Person:

Candi Aguirre, Realty Specialist

COMMUNICATION SITE LEASE IDI-36731
STIPULATIONS

1. To prevent unnecessary disturbance to long-billed curlew in the area, construction or maintenance activities should not occur during the curlew nesting period of March 15 through June 30 of each year.
2. Chain link fences provide perches for raptors and may accidentally cause wildlife entrapments. Therefore, a chain link fence enclosure will not be allowed. Instead, climb-proof materials such as smooth metal may be installed on the lower portion of the tower to deter unauthorized persons from climbing the tower.
3. Predatory bird perch deterrents (aircraft wire stretched from top to bottom on all sides of the tower and horizontal perch deterrent on top of lattice structure [such as Bird-B-Gone Inverted Y Product] would be installed and maintained on the tower to prevent potential perches.
4. The guy wires should be permanently marked with 3.5" by 6" acrylic plastic flappers with florescent stickers (such as those manufactured by FireFly Diverters, LLC) along the full length of each wire to minimize bird collisions. The flappers should be installed at 30' intervals.
5. Vehicles accessing the site must stay on the existing roads.
6. The holders are responsible for the control of noxious weeds that result or would result from the construction or maintenance of their right-of-way.
7. Use of herbicides, pesticides, insecticides, rodenticides or similar substances shall comply with the applicable Federal and state laws and shall be used only in accordance with their registered uses and within limitations imposed by the Secretary of the Interior.
8. The holders(s) shall comply with all applicable Federal, State and local laws and regulations, existing or hereafter enacted or promulgated, with regard to any Hazardous Materials, as defined in this paragraph, that will be used, produced, transported or stored on or within the R/W or any of the R/W facilities, or used in the construction, operation, maintenance or termination of the R/W or any of its facilities. "Hazardous material" means any substance, pollutant or contaminant that is listed as hazardous under the CERCLA of 1980, as amended, 42 U.S.C. 9601 et seq., and its regulations. The definition of hazardous substances under CERCLA includes any "hazardous waste" as defined in the RCRA of 1976, as amended, 42 U.S.C. 6901 et seq. and its regulations. The term hazardous materials also include any nuclear or byproduct material as defined by the Atomic Energy Act of 1954, as amended, 42 U. S. C. 2011 et seq. The term does not

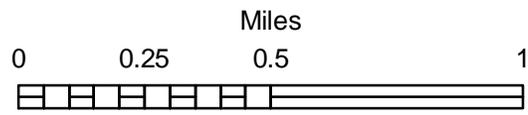
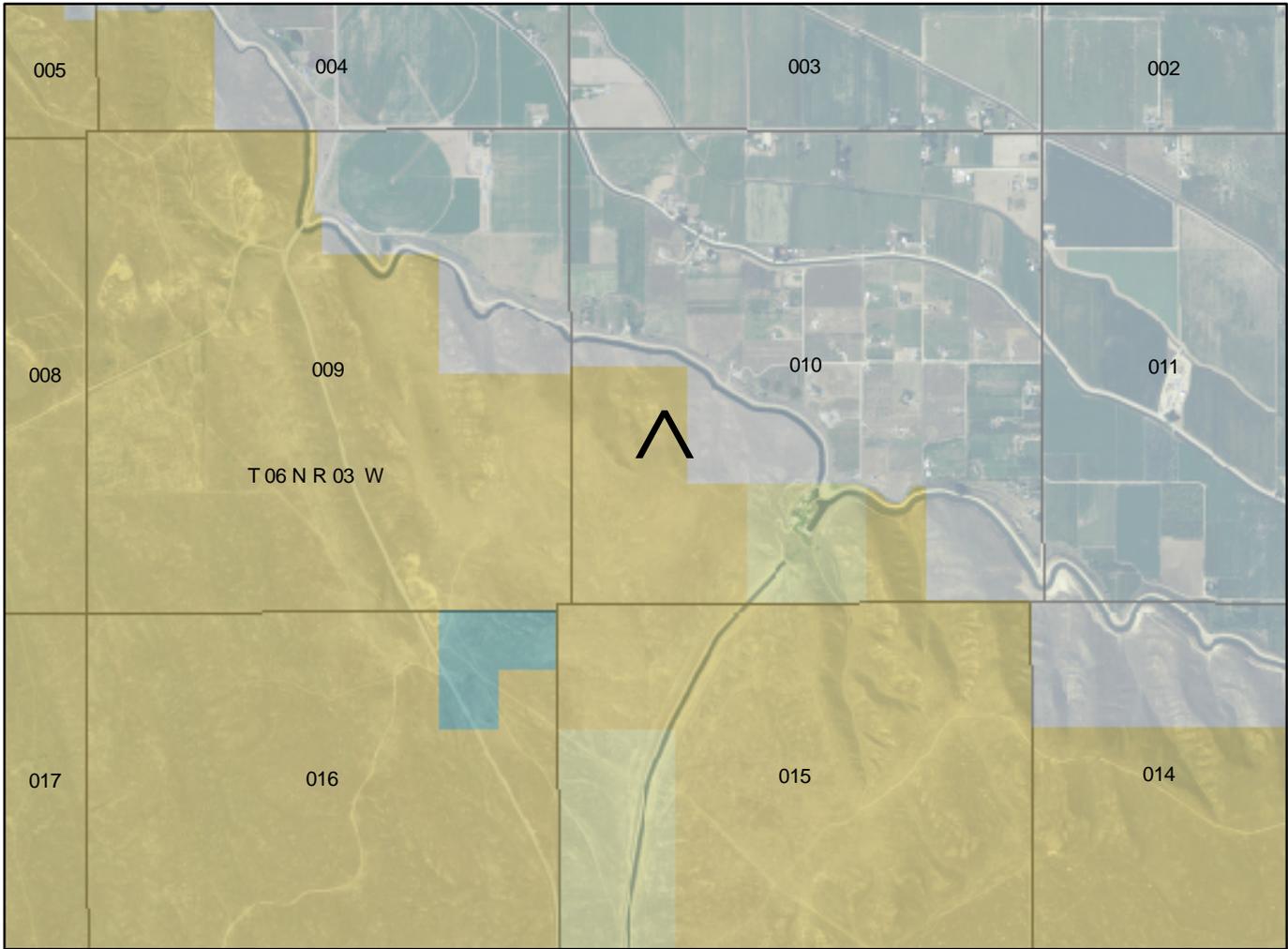
include petroleum, including crude oil or any fraction thereof that is not otherwise specifically listed or designated as a hazardous substance under CERCLA section 101(14), 42 U.S.C. 9601(14), nor does the term include natural gas.

9. The holder agrees to indemnify the United States against any liability arising from the release of any hazardous substance or hazardous waste (as these terms are defined in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. 9601, et seq. or the Resource Conservation and Recovery Act of 1976, 42 U.S.C. 6901 et seq.) on the right-of-way (unless the release or threatened release is wholly unrelated to the right-of-way holders's activity on the right-of-way.) This agreement applies without regard to whether a release is caused by the holders, its agent, or unrelated third parties.
10. Any cultural and/or paleontological resource (historic or prehistoric site or object) discovered by the holders, or any person working on his behalf, on public or Federal land shall be immediately reported to the authorized officer. Holders 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 by the authorized officer to determine appropriate actions to prevent the loss of significant cultural or scientific values. The holders will be responsible for the cost of evaluation and any decision as to proper mitigation measures will be made by the authorized officer after consulting with the holders. The United States retains the right to authorize use of the right-of-way for other compatible uses (including the subsurface and air space).
11. Ninety days prior to termination of the right-of-way, the holders shall 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 is not limited to, removal of facilities, drainage structures, or surface material, recontouring, topsoiling, or seeding. The authorized officer must approve the plan in writing prior to the holders's commencement of any termination activities.

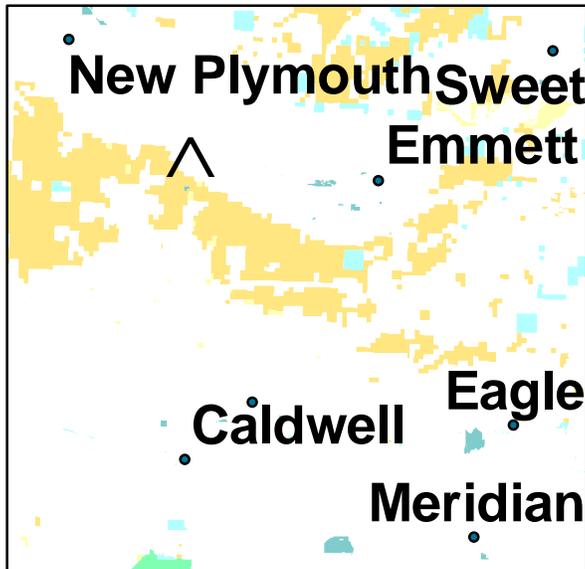
Exhibit A

Idaho Water District 65 Communications Site

IDI - 36731



Vicinity Map



IDI-36731
Idaho Water District 65
T6N, R3W, Sec 10
Approximately 0.06 acres



"No warranty is made by the Bureau of Land Management The accuracy, reliability, or completeness of these data for individual use or aggregate use with other data is not guaranteed."

