

Categorical Exclusion Review
U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Boise District Office
Four Rivers Field Office
MacDonald Road RoW

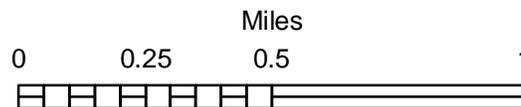
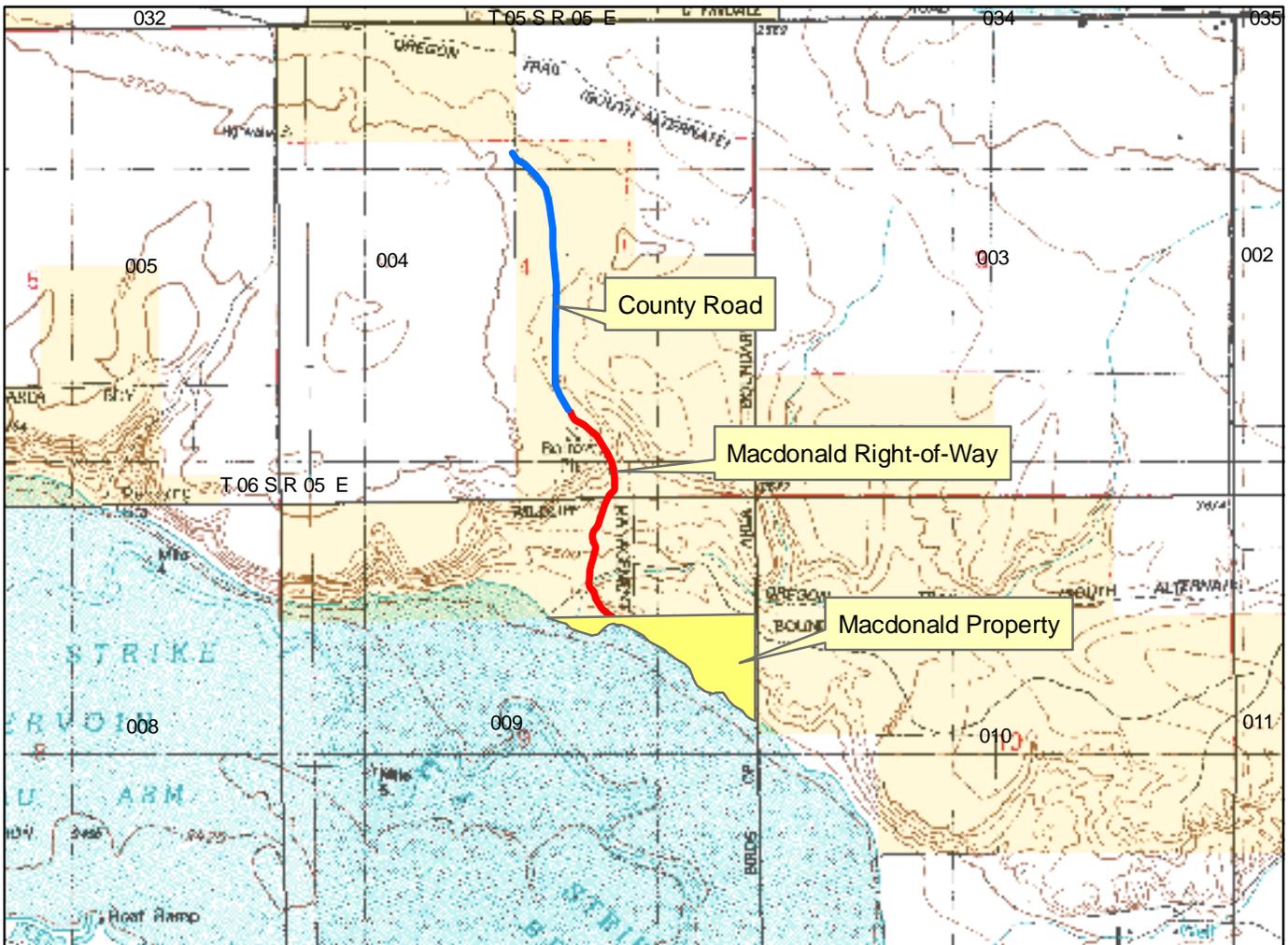
CE No.: ID-110-2009-CE-3714	Lease/Serial/Case File No.: IDI-36438
Purpose and Need for Action: Cameron and Jamie MacDonald want to build a house on their private land. The only access to their property is an existing road across BLM land. In order to get a building permit from the county they must secure legal access. As a result, they applied for a right-of-way on March 25, 2009. BLM is authorized under Title V of the Federal Land Management and Policy Act (October 21, 1976; 43 CFR 2800) to authorize rights-of-way for this type of land use.	
Description of Proposed Action: Cameron and Jamie MacDonald have requested a right-of-way to allow use and maintenance of an existing road. The right of way would be 2639 feet long by 20 feet wide for a total of 1.21 acres (Exhibit A). The right-of-way would not allow widening of the existing roadbed. The right-of-way would be subject to the Boise District standard right-of-way stipulations (Exhibit B). The term of the grant would be for 30 years.	
Project Location: Secs 4,9, T6S, R5E	
Applicant (if any): Cameron and Jamie MacDonald	
Part I – Plan Conformance Review	
This proposed Action is subject to the following land use plan: Snake River Birds of Prey (SRBOP) National Conservation Area (NCA) RMP Date Plan Approved: 2008	
The proposed action is in conformance with the applicable LUP even though it is not specifically provided for. Uses such as the one proposed are analyzed on a site specific basis and authorized under FLPMA guidance to provide for multiple use of the land as long as the use is not inconsistent with the purposes for which the NCA was created.	
Part II – NEPA Review	
A. Categorical Exclusion Review: This proposed action qualifies as a categorical exclusion under 516 DM 11.9 E (17). Category description: Grant of a short right-of-way for utility service or terminal access roads to an individual residence, outbuilding, or water well.	
B. Exceptions Review (Departmental List of Extraordinary Circumstances Review): Review the 12 exceptions which apply to individual actions within categorical exclusion. Environmental documents (EA or EIS) must be prepared for any actions involving these exceptions. The following Departmental List of Extraordinary Circumstances apply to individual actions. Departmental instructions mandate that environmental documents MUST BE PREPARED for actions which may: (Mark applicable answer for each item. If "yes", prepare an EA/EIS and append this form to it.)	
List of Exceptions	
1. Have significant impacts on public health or safety.	

Yes	No <input checked="" type="checkbox"/>	Specialist Signature/Date: <i>Michael Borkoski 8-24-2009</i>
<i>Comments/Explanation:</i> Based upon many right-of-ways that we have granted for similar uses, we do not anticipate any -significant impacts to public health or safety.		
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 <input checked="" type="checkbox"/>	Specialist Signature/Date: <i>Michael Borkoski 8-24-2009</i>
<i>Comments/Explanation:</i> The project would occur within the Morely Nelson Snake River Birds of Prey NCA. The road is already in place and would not be widened. The road is already used by the public for access to the reservoir. Only one house may eventually be built on the private property so there would be a negligible increase in use of the road. This action would not have a noticeable affect raptors or their habitat (the primary reasons for the establishment of the NCA) beyond current affects. The right-of-way also crosses the Oregon Trail. The State Historic Preservation Office (SHPO) was consulted and SHPO concurred with the FRFO archeologist that the undertaking would have no adverse affect on the trail. Overall, there would be no significant impact to natural resources or unique geographic 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: <i>Michael Borkoski 8-24-2009</i>
<i>Comments/Explanation:</i> We issue numerous rights-of-way and are not aware of any highly controversial environmental effects or conflicts that would occur from such use.		
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.		
Yes	No <input checked="" type="checkbox"/>	Specialist Signature/Date: <i>Michael Borkoski 8-24-2009</i>
<i>Comments/Explanation:</i> Based upon the many rights-of-way that we have granted for similar uses we do not anticipate significant environmental effects.		
5. Establish a precedent for future actions or represent a decision in principle about future actions with potentially significant environmental effects.		
Yes	No <input checked="" type="checkbox"/>	Specialist Signature/Date: <i>Michael Borkoski 8-24-2009</i>
<i>Comments/Explanation:</i> Authorizations of this type are a typical use of the public lands and do not set a precedent for future actions.		
6. Have a direct relationship to other actions with individually insignificant, but cumulatively significant environmental effects.		
Yes	No <input checked="" type="checkbox"/>	Specialist Signature/Date: <i>Michael Borkoski 8-24-2009</i>
<i>Comments/Explanation:</i> The road already exists and any maintenance would occur in an already disturbed area. The issuance of the right-of-way would not cause new or additional effects in the area.		
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 <input checked="" type="checkbox"/>	Specialist Signature/Date: <i>Dean Shaw 8-31-2009</i>
<i>Comments/Explanation:</i> A clearance was obtained from the FRFO archeologist. The right-of-way crosses the Oregon Trail. The State Historic Preservation Office (SHPO) was consulted and SHPO concurred with the FRFO archeologist that the undertaking would have no adverse affect on the trail. No other listed or eligible properties were identified.		
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 <input checked="" type="checkbox"/>	Specialist Signature/Date for Plants: <i>Mark Steiger 4-14-2009</i> Specialist Signature/Date for Wildlife: <i>Jill Holderman 4-14-2008</i>

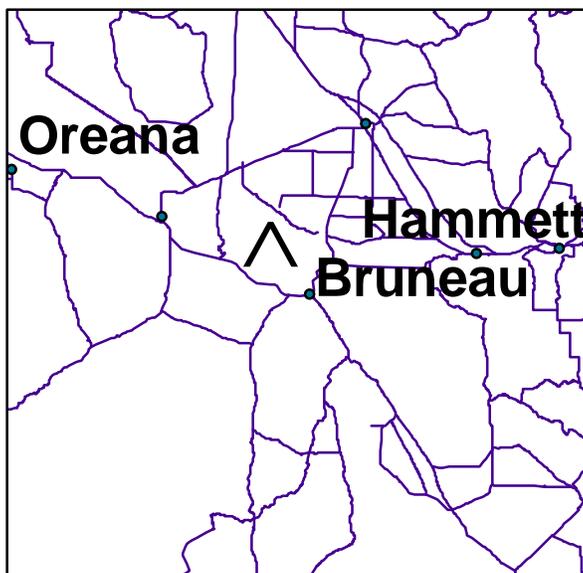
This map cannot be made Section 508 compliant. For help with its data or information, please contact the BLM Idaho State Office Webmaster at 208-373-4000.

Exhibit A

IDI - 36438 Location Map



Vicinity Map



IDI-36438
Macdonald Right-of-Way
Secs 4,9, T6S, R5E
Length 2639 feet, Width 20 feet
Approximately 1.21 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."



RIGHT-OF-WAY STIPULATIONS

1. The holder shall notify the authorized officer of any change of mailing address.
2. The Holder shall file proof-of-construction within 90 days of completion of construction but no later than 1 year from the date of the grant, whichever is sooner.
3. The United States retains the right to authorize use of the right-of-way for other compatible uses (including the subsurface and air space).
4. Any cultural and/or paleontological resource (fossil(s) or historic or prehistoric site or object) discovered by the holder, or any person working on his behalf, on public land shall be immediately reported to the authorized officer. Holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the authorized officer. The holder 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 holder.
5. Use of pesticides, herbicides, and rodenticides shall comply with the applicable Federal and State laws, and only in accordance with their registered uses.
6. The holder shall indemnify the United States against any liability for damage to life or property arising from the occupancy or use of public lands under this grant or permit.
7. The holder(s) shall comply with the Toxic Substances Control Act of 1976 as amended, 15 U.S.C. 2601 *et seq.* (1982) with regards to any toxic substances that are used, generated by or stored on the right-of-way or on facilities authorized under this right-of-way grant. (See 40 CFR Part 702-799 and especially, provisions on polychlorinated biphenyls, 40 CFR 761.1-761.193.) Additionally, any release of toxic substances (leaks, spills, etc.) in excess of the reportable quantity established by 40 CFR Part 117 shall be reported as required by the Comprehensive Environmental Response, Compensation, and Liability Act, section 102b. A copy of any report required or requested by any Federal agency or State government as a result of a reportable release or spill of any toxic substances shall be furnished to the authorized officer concurrent with the filing of the reports to the involved Federal agency or State government.
8. 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, 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 holder's activity on the right-of-way), or resulting from the activity of the right-of-way holder on the right-of-way. This agreement applies without

regard to whether a release is caused by the holder, its agent, or unrelated third parties.

9. 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.