

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

Idaho Military Division Cinder Cone Communication Site RoW Renewal

CE No.: DOI-BLM-ID-B010-2009-0002-CE	Lease/Serial/Case File No.: IDI-15554
Purpose and Need for Action: Idaho Military Division has operated a communications site on Cinder Cone Butte since 1979. Their right-of-way expired October 15, 2009. Idaho Military Division applied for a renewal on June 2, 2009. BLM is authorized under Title V of the Federal Land Management and Policy Act (October 21, 1976; 43 CFR 2800) to authorize leases for this type of land use.	
Description of Proposed Action: Idaho Military Division has requested a renewal of the right-of-way for their communications site at Cinder Cone Butte (Exhibit A). The site is 200 feet by 100 feet for a total of 0.459 acres. The use would be authorized under a communications site lease for a term of 10 years. In addition the lease will be subject to the Boise District standard stipulations (Exhibit B) as well as LEPA stipulations (Exhibit C).	
Project Location: Sec 28, T2S, R4E	
Applicant (if any): Idaho Military Division	
Part I – Plan Conformance Review	
This proposed Action is subject to the following land use plan: MNSRBOP 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.	
Part II – NEPA Review	
<p>A. Categorical Exclusion Review: This proposed action qualifies as a categorical exclusion under 516 DM 11.9 E (9). Category description: Renewals and assignments of leases, permits, or rights-of-way where no additional rights are conveyed beyond those granted by the original authorizations.</p> <p>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.)</p>	
List of Exceptions	
1. Have significant impacts on public health or safety.	
Yes	No
Specialist Signature/Date: <i>Michael Berkoski 10-16-2009</i>	



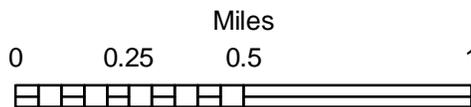
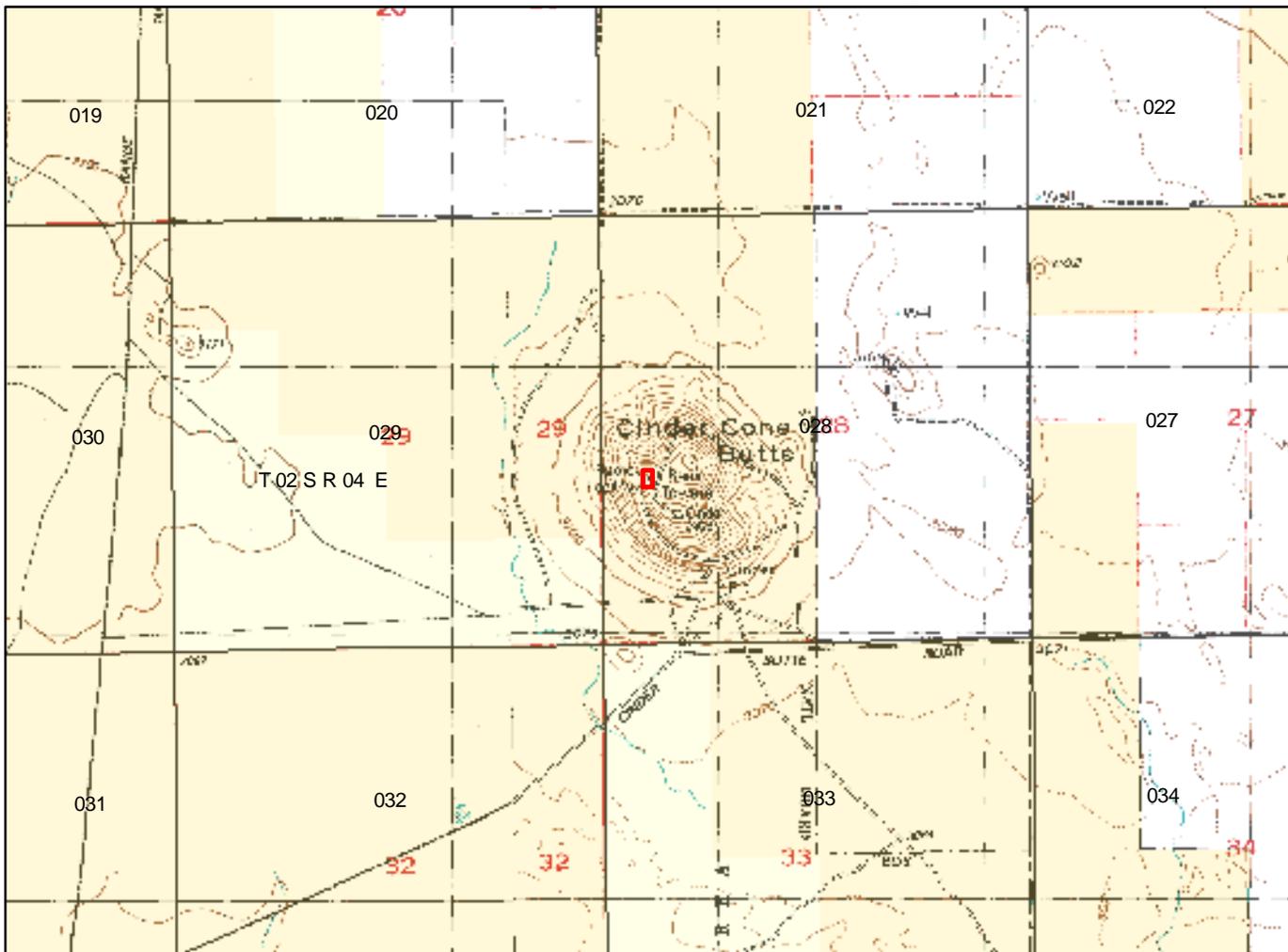
<i>Comments/Explanation:</i> Based upon many rights-of-way that we have granted for similar uses, we do not anticipate any significant impact to public health and safety.		
2. Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, 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	Specialist Signature/Date: <i>Michael Borkoski 10-16-2009</i>
<i>Comments/Explanation:</i> The right-of-way would be located in the Morely Nelson Snake River Birds of Prey NCA. Since the project would not affect the purpose for which the NCA was created 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	No	Specialist Signature/Date: <i>Michael Borkoski 10-16-2009</i>
<i>Comments/Explanation:</i> We issue numerous RoWs and leases 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	Specialist Signature/Date: <i>Michael Borkoski 10-16-2009</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	Specialist Signature/Date: <i>Michael Borkoski 10-16-2009</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	Specialist Signature/Date: <i>Michael Borkoski 10-16-2009</i>
<i>Comments/Explanation:</i> The improvements are already in place in a designated communications site. 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	Specialist Signature/Date: <i>Dean Shaw 10-13-2009</i>
<i>Comments/Explanation:</i> A clearance was obtained from the FRFO archeologist and no 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	Specialist Signature/Date for Plants: <i>Mark Steiger 08-29-2009</i> Specialist Signature/Date for Wildlife: <i>Jill Holderman 10-20-2008</i> Specialist Signature/Date for Aquatics:
Plants <i>Comments/Explanation:</i> A survey was conducted by a FRFO Botanist and it was determined that there would be no effects. Even though the maps show this area as being in the LEPA consideration zone this use is on the top of Cinder Cone Butte. There is no LEPA habitat on the top of this butte.		
Wildlife <i>Comments/Explanation:</i> A survey was conducted by a FRFO Biologist and it was determined that there would be no effects.		
Aquatics <i>Comments/Explanation:</i> There are no aquatics in the vicinity.		
9. Violate a Federal, State, local, or tribal law or requirement imposed for the protection of the environment.		

Yes	No	Specialist Signature/Date: <i>Michael Berkoski 10-16-2009</i>
<i>Comments/Explanation:</i> This action would not violate any known law or requirement.		
10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).		
Yes	No	Specialist Signature/Date: <i>Michael Berkoski 10-16-2009</i>
<i>Comments/Explanation:</i> There would be no disproportionate affect to these populations.		
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	Specialist Signature/Date: <i>Michael Berkoski 10-16-2009</i>
<i>Comments/Explanation:</i> Access for such use would not be limited.		
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	Specialist Signature/Date: <i>Michael Berkoski 10-16-2009</i>
<i>Comments/Explanation:</i> The holder would be responsible for preventing weeds as a condition of the right-of-way grant (Stipulation #9, Exhibit B).		
<p>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.</p> <p>Remarks:</p> <p>Authorizing Official: /s/ <i>Michael O'Donnell</i> Date: 11/19/09</p> <p>Name: Michael O'Donnell Title: Acting Four Rivers Field Manager</p>		
<p>Part III – Conclusion</p> <p>I have reviewed this plan conformance and NEPA compliance record and have determined that the proposed project is in conformance with the approved land use plan and that no further environmental analysis is required. It is my decision to pursue the issuance of a right-of-way grant, as described, with the stipulation(s) described above. A final decision will be issued with the RoW and administrative remedies will be identified at that time.</p> <p>Mitigation Measures/Other Remarks:</p> <p>Remarks:</p> <p>Authorizing Official: /s/ <i>Michael O'Donnell</i> Date: 11/19/09</p> <p>Name: Michael O'Donnell Title: Acting Four Rivers Field Manager</p>		

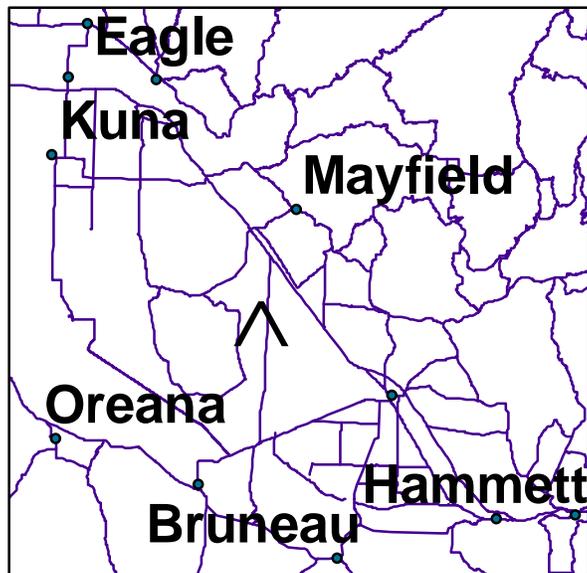
This map cannot be made Section 508 compliant. For help with its data or information, please contact the BLM Idaho State Office Webmaster at 208-373-4000.

Exhibit A

IDI - 15554 Location Map



Vicinity Map



IDI-15554
Idaho Military Division Cinder Cone
Butte Comm Site
Sec 28, T2S, R4E
Length 200 feet, Width 100 feet,
Approximately 0.459 acres

 *BLM*

 *Private*



"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."



STIPULATIONS

PART 1. GENERAL CONDITIONS:

1. This lease is for the construction and utilization of the structures and facilities described in the Communication Use Lease. Any additional construction will need to be approved by the Authorized Officer. Any additional uses will need to be reported in the Use Inventory Worksheets that are to be submitted by October 15 of every year.

PART 2. SITE DEVELOPMENT (NEW BUILDINGS AND TOWERS):

Part 2 A. Undeveloped Sites:

1. Buildings or equipment enclosures constructed on previously undeveloped sites shall be required to have a minimum of 120 square feet of floor space, and a minimum tower (or pole) height of 50 feet. The facilities owner shall be required to lease space to new applicants at reasonable rates, and new applicants shall be required to lease from the owner at reasonable rates until the facility is either full, or a minimum of 4 transmitters are in place.
2. Use of a combiner may be required by the lessee at his/her discretion, where 2 or more radios in the same band are in the facility.
3. Exception may be made to the first paragraph for facilities where law enforcement, and/or emergency communications radio systems are involved. No exception will be made if the owner is willing to secure an area for the use of such radios. Exception may also be made for applicants whose initial application exceeds the remaining capacity of the existing facilities.
4. In the event applicants cannot agree on lease rates, the owner and the applicant may jointly hire an appraiser and agree to abide by the appraisers decision. In the event the owner and the applicant cannot agree on an appraiser, they may each hire an appraiser and agree to the median appraised rate as the lease rate. If no agreement is reached at this point, the BLM may decide the lease rate, and bill the owner and the applicant each for 50% of the cost of establishing the lease rate.
5. Governmental agencies shall be required to build facilities in accordance with these requirements, but may not be required to lease space if specifically prohibited by law.

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Part 2 B. Developed Sites:

1. Sites with one or more existing communications facilities are considered developed sites.
2. Developed sites shall have no new construction where leasable space exists and where the current lease holder is willing to lease space at reasonable rates, or is required to lease at reasonable rates by stipulation in his/her lease.
3. New construction in developed sites shall be subject to all the requirements of 2A above with the following changes: Minimum floor space shall be 160 square feet, minimum tower (or pole) height shall be 80 feet, and the last paragraph of 2 A above shall be read as "The facilities owner shall be required to lease space to new applicants at reasonable rates, and new applicants shall be required to lease from the owner at reasonable rates until the facility is either full, or a minimum of 6 transmitters are in place".

Part 2 C. High Power Sites: (1,001 watts ERP and above).

1. Parts one through five of "Technical specifications" (referring to band pass cavities and isolators) does not apply in those applications where the equipment is not commercially manufactured.
2. Floor space requirements shall remain the same as 2A and 2B above, but radio numbers shall be reduced to 2 per 120 square feet, and 3 per 160 square feet.
3. Tower heights are changed to a minimum of 160 feet, and towers must be designed and constructed to be capable of adding an additional 80 feet (for a minimum total height capability of 240 feet).
4. High power users (1,000+ watts ERP) may add low power users (less than 1,000 watts) below the required height for the high power antenna. Low power users in the high power facility shall not have recourse against the high power user for interference problems from the high power user, except that recourse which may be available through the appropriate regulatory agency for improper and illegal operation of the high power station.
5. High power stations (5,000 watts ERP and below) may not be constructed within 1/4 airline mile of low power stations without obtaining the written approval of all low power users within a 1 mile radius of the proposed construction site.

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High power stations (5,001 watts ERP) and above may not be constructed within 1/2 airline mile of low power users without obtaining the written approval of all low power users within a 1 mile radius of the proposed construction site.

PART 3. TECHNICAL SPECIFICATIONS:

1. Transmitters shall have a band pass cavity that will provide:

30	-	50 Mhz:	20 db attenuation at 500 Khz
			(BP filter acceptable at these frequencies)
70	-	88 Mhz:	10 db attenuation at 1 Mhz
130	-	180 Mhz:	10 db attenuation at 350 Khz
400	-	520 Mhz:	5 db attenuation at 1 Khz
806	-	1296 Mhz:	5 db attenuation at 1 Mhz
2. Transmitters operating in the range of 130 to 1,296 Mhz shall also have a ferrite isolator with a minimum of 25 db rejection in the reverse direction. The isolator shall be installed between the transmitter and the cavity.
3. A band pass cavity in accordance with paragraph one above shall be placed in the feedline to receivers.
4. Notch type duplexers shall be preceded by the band pass cavity.
5. A low pass filter or a band pass cavity shall be between the isolator and the antenna feed line.
6. Jacketed Heliac type transmission is required external to buildings. Unjacketed transmission line of any type is prohibited external to closed metal cabinets.
7. To secure transmission line to towers, nylon tie wraps, insulated wire, or tape is recommended. Uninsulated metal ties of any kind shall not be used.
8. The BLM reserves the right to require the lessee to take such measures to eliminate interference to another user as may be necessary. This may include installation of additional cavities, isolators, and other equipment as needed between the interfering transmitter and associated antenna, and all other measures which may be required. The operation of this equipment shall not interfere with any prior radio or electronic apparatus user of this site within two airline miles of said site. The lessee shall at his own expense take all action necessary to prevent or eliminate such interference. If the lessee does not eliminate the interference within ten days after receipt of notice from the BLM, this lease may be terminated forthwith. The lessee shall

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cease operations under this permit temporarily if he interferes with the BLM radio or electronic operation in an emergency situation.

9. All radio-electronic type transmitting and receiving equipment shall be mounted in enclosed metal cabinets or standard racks with effective RF protective metal shielding covering the basic units including all receivers, transmitters, and power supplies.

10. Bureau personnel or other governmental agencies will be granted access into the building upon request to inspect the building and facilities for cleanliness, safety features, general appearance and compliance with the terms of the grant. Lease holders must be prepared for compliance check within 24 hours notice when interference problems are present, and within 5 working days for other compliance checks. Lease holders shall have at least one person in attendance during compliance checks.

11. Sites with Lookouts: Any new antenna, tower or structure shall be located and constructed to minimize impact on the Lookout's ability to see and report fires. Debilitative obstruction is not permissible.

12. No concentrated beam of energy shall be allowed to pass through a Lookout building or other commonly occupied building, nor shall it pass through another user's electronics facility or antenna system. Structures and antenna shall not be constructed or placed in such a manner as will block an existing concentrated beam of energy.

13. Buildings for which the lease is being issued or renewed shall be plainly identified in letters one inch or higher, on or near the door, on the outside, with the case file (lease) number assigned to this lease.

Antennas shall maintain the following minimum clearances from ground level with no less than 18' from the ground to the center of any microwave transmit dish:

Power Output	Clearances
.1 to 100 watts	10 feet
101 to 500 watts	15 feet
501 to 1000 watts	20 feet
1001 to 5000 watts	60 feet
5001 to 25,000 watts	80 feet
25,001 to 100,000 watts	100 feet

These requirements have been made as a result of previous problems, and the continued growth of the communications industry in Idaho. They are intended to benefit

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all radio users by protecting existing users, minimizing interference problems, and making allowance for increased demand for radio sites and radio service.

PART 4. STANDARD LEASE STIPULATIONS:

1. The lessee agrees to insure that subsequent users comply with the technical specifications as described in Part 3 above.
2. The lessee shall notify the authorized officer of any change of mailing address.
3. The United States retains the right to authorize use of the right-of-way for other compatible uses (including subsurface and air space).
4. Any cultural and/or paleontological resource (fossil(s) or historic or prehistoric site or object) discovered by the lessee, or any person working on his behalf, on public or Federal land shall be immediately reported to the authorized officer. Lessee 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 values. The lessee 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 lessee.
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(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.
7. 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.

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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.

Exhibit C Stipulations

To be used in all use authorizations at the earliest opportunity where appropriate.

Consideration Zone

- ▶ 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 use shall comply with all applicable Federal and State laws. Herbicides shall be used only in accordance with their registered uses within limitations imposed by the Secretary of the Interior. Prior to the use of the herbicides, the Holder shall obtain from the Authorized Officer, written approval of a Herbicide Use Proposal Plan showing the type and quantity of material to be used, pest(s) to be controlled, method of application, locations of storage and disposal of containers, and any other information deemed necessary by the Authorized Officer.

Applicator(s) shall hold a current applicator's license.

For areas and acres treated the Holder shall submit to the BLM no later than 14 days after application a completed "BLM-LSRD Pesticide Application Record Form."

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

The holder shall seed all disturbed areas, using an agreed upon method suitable for the location. Seeding shall be repeated if a satisfactory stand is not obtained as determined by the authorizing officer upon evaluation after the growing season. Goal is to establish a (40 – 60%, specify) perennial cover.

Seed shall be planted using a drill equipped with a depth regulator to ensure proper depth of planting where drilling is possible. The seed mixture shall be evenly and uniformly planted over the disturbed area (smaller/heavier seeds have a tendency to drop to the bottom of the drill and are planted first). The holder shall take appropriate measures to ensure this does not occur. Where drilling is not possible, seed shall be broadcast and the area shall be raked or chained to cover the seed. When broadcasting the seed, the pounds per acre noted below are to be doubled. The seeding will be repeated until a satisfactory stand is established as determined by the authorized officer. Evaluation of growth will not be made before completion of the growing season after seeding. The authorized officer is to be notified a minimum of days prior to seeding of the project. Goal is to establish a (40 – 60%, specify) perennial cover.

Seed Mixture

Species	Pounds/acre PLS
Vavilov	5 lbs/ac
Bannock Thickspike Wheatgrass	3 lbs/ac
Secar Snakeriver Wheatgrass	3 lbs/ac
Mountain Home Sandberg Bluegrass	.5 lb/ac
scarlet glovemallow	.2 lb/ac
Palmer's penstemon	.2 lb/ac

Pure Live Seed (PLS) formula: % of purity of seed mixture times % germination
of seed mixture = portion of seed mixture that is PLS.

The holder shall conduct all activities associated with the construction, operation, and termination of the right-of-way within the authorized limits of the right-of-way.

Prior to any ground disturbing activities, either pre or post construction, the holder shall contact the authorized officer.

All equipment shall be washed prior to entry to the construction site and anytime the equipment re-enters the site if it has been moved from the immediate location.

The holder shall not initiate any construction or other surface disturbing activities on the right-of-way without the prior written authorization of the authorized officer. Such authorization shall be a written notice to proceed issued by the authorized officer. Any notice to proceed shall authorize construction or use only as therein expressly stated and only for the particular location or use therein described.