Categorical Exclusion Review

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

Idaho Fish and Game Road RoW Renewal

CE No.: DOI-BLM-ID-B010-2010-0003-CE Lease/Serial/Case File No.: IDI-15670

Purpose and Need for Action: Idaho Fish and Game has had a right-of-way (RoW) for a road since 1979. The right-of-way expired November 19, 2009. Idaho Fish and Game applied for a renewal on July 9, 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: Idaho Fish and Game has requested a renewal of the RoW that authorizes an access road to their property. The right-of-way would be 4,373 feet in length and 33 feet in width for a total of 3.31 acres Exhibit A). The use would be authorized for a term of 30 years subject to the Boise District standard right-of-way stipulations (Exhibit B).

Project Location: Sec 31, T5S, R5E; Sec1, T6S, R4E

Applicant: Idaho Fish and Game

Part I – Plan Conformance Review

This proposed Action is subject to the following land use plan: Morley Nelson Snake River Birds of Prey 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. Uses such as this may be considered under the RMP if they do not adversely affect 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 (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.

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 ☑	Specialist Signature/Date: Michael Borkoski ***10-16-2009***

Comments/Explanation: Based upon many right-of-ways 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: Michael Borkoski ***10-16-2009***
Comments/Explanation: There would be no significant impact to natural resources or unique geographic characteristics. The road is within the MNSRBOP NCA. Renewing this road will not affect raptors or their habitat.		
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: Michael Borkoski ***10-16-2009***
Comments/Explanation: 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: Michael Borkoski ***10-16-2009***
Comments/Explanation: Based upon the many RoWs 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: Michael Borkoski ***10-16-2009***
Comments/Explanation: 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: Michael Borkoski ***10-16-2009***
Comments/Explanation: The issuance of the RoW would not cause cumulatively significant environmental 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: Dean Shaw ***01-08-2010***
Comments/Explanation: 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: Mark Steiger ***08-29-2009*** Specialist Signature/Date for Wildlife: Jill Holderman ***10-20-2009*** Specialist Signature/Date for Aquatics:
Plants *Comments/Explanation*: A survey was conducted by a FRFO Botanist and it was determined that there would be no effects.		
Wildlife *Comments/Explanation*: A survey was conducted by a FRFO Biologist and it was determined that there would be no effects.		
Aquatics *Comments/Explanation*:		
9. Violate a Federal, State, local, or tribal law or requirement imposed for the protection of the environment.		
Yes ☐	No ☑	Specialist Signature/Date: Michael Borkoski ***10-16-2009***
Comments/Explanation: This action does 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: Michael Borkoski ***10-16-2009***
Comments/Explanation: 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: Michael Borkoski ***10-16-2009***
Comments/Explanation: 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: Michael Borkoski ***10-16-2009***
Comments/Explanation: The holder would be responsible for preventing weeds as a condition of the right-of-way grant (Exhibit B).		

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: /s/ Terry A. Humphrey Date: 4/14/2010

Name: Terry A. Humphrey
Title: Four Rivers Field Manager

Part III – Conclusion

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.

Mitigation Measures/Other Remarks:

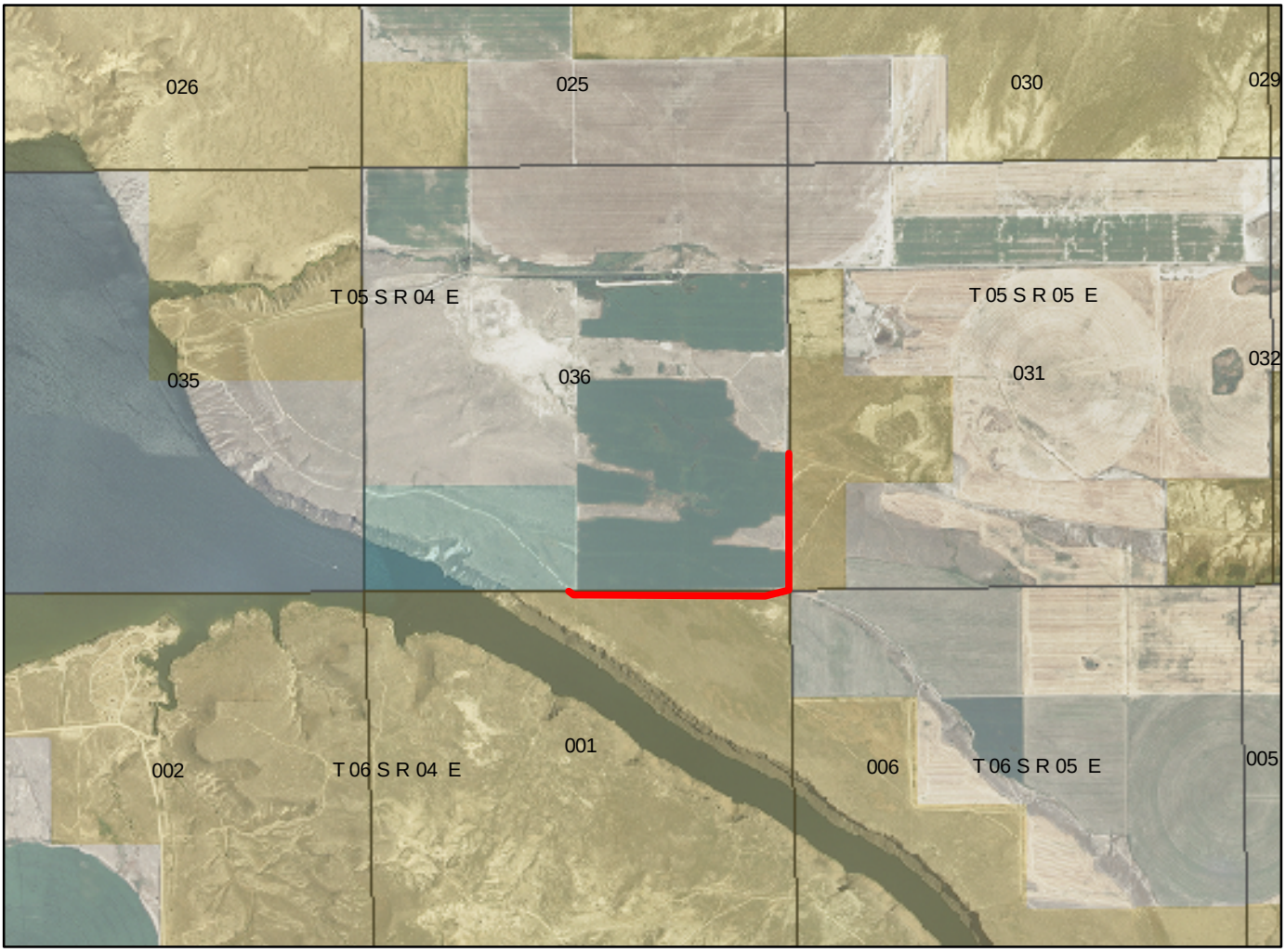
Remarks:

Authorizing Official: /s/ Terry A. Humphrey Date: 4/14/2010

Name: Terry A. Humphrey
Title: Four Rivers Field Manager

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-

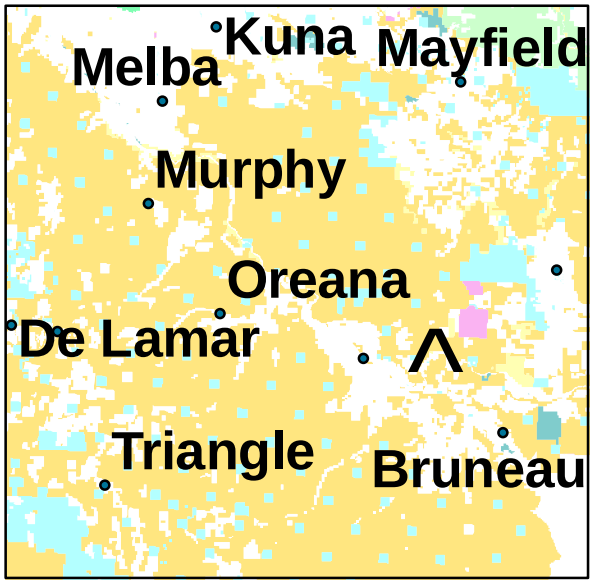
Exhibit A
IDI - 15670 Location Map



Miles

0 0.25 0.5 1

Vicinity Map



IDI-15670
Idaho Fish and Game Road RW
Sec 31, T5S, R5E
Sec 1, T6S, R4E
Length 4373 feet, Width 33 feet, 3.312 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.