

Categorical Exclusion Review

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

Garden Valley Translator District RoW Renewal

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| CE No.: ID-110-2009-CE-3814 | Lease/Serial/Case File No.: IDI-5958 |
| Purpose and Need for Action: Right-of-way IDI-5958 was originally granted on October 19, 1979 to the Garden Valley Translator District for a communication site and related improvements. The site provides television transmissions to the surrounding communities. There continues to be a need to provide these transmissions to the communities so the right-of-way needs to be renewed. | |
| Description of Proposed Action: This action is to renew communication site right-of-way grant IDI-5958 to the Garden Valley Translator District for the continued use and maintenance of their communication site, off-site antenna, access road and buried power line. The right-of-way shall be granted subject to the applicable regulations at 43 CFR 2800, the special communication site stipulations, and the Boise District standard right-of-way stipulations, including the right-of-way weed stipulation for twenty years. The right-of-way shall also be granted subject to the following special stipulations: <ol style="list-style-type: none">1. Lessee shall perform road cleanup including removal of bank slough, slides and fallen timber, shall replace material eroded from fill slopes and clean out drainage ditches and culverts. Banks shall not be undercut and established berms shall be maintained. Any material removed from slides or other sources shall be deposited in locations which will not erode into streams or rivers.2. Lessee shall perform preventive maintenance as needed to minimize weather damage to roads. This may include, but shall not be limited to, slide repairs, cross-ditching, blading to remove ruts or other surface irregularities which would interfere with normal runoff of water and cleaning of ditches and culverts.3. Lessee shall install minimum 18-inch corrugated metal pipes in any wet areas or significant drainages where culverts are required or when existing culverts are replaced. | |
| Project Location: T. 9 N., R. 4 E., Section 8; Lots 5 and 6; containing 4.267 acres. | |
| Applicant (if any): Garden Valley Translator District | |
| Team Lead/Prepared By: Effie Schultsmeier, Four Rivers Realty Specialist | |

Part I – Plan Conformance Review

This proposed Action is subject to the following land use plan: Cascade Resource Management Plan

Date Plan Approved: 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):

Rights-of-way, under Title V of FLPMA, will be considered in the Cascade Resource Area except where specifically identified in the RMP for avoidance.

The subject area is not identified for avoidance.

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): The following twelve exceptions which apply to individual actions within categorical exclusion have been reviewed. The proposal does not meet any of the exceptions; therefore, no environmental document (EA or EIS) must be prepared.

List of Exceptions

1. Have significant impacts on public health or safety.

Yes No Specialist Signature/Date: *Effie Schultsmeier 9/10/2009*

Comments/Explanation: There are always limited impacts on public health and safety with maintenance activities; however, these impacts are minimal and mitigated by adherence to proper maintenance techniques.

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: *Effie Schultsmeier 9/10/2009*

Comments/Explanation: The above listed resources do not occur within the subject area.

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: *Effie Schultsmeier 9/10/2009*

Comments/Explanation: Communication site rights-of-way are a typical use of the public lands.

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

Yes No Specialist Signature/Date: *Effie Schultsmeier 9/10/2009*

Comments/Explanation: There are no known uncertain or potentially significant environmental effects and this action does not involve unique or unknown environmental risks.

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: *Effie Schultsmeier 9/10/2009*

Comments/Explanation: Authorization of rights-of-way for communication sites and related improvements is a

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| typical use of the public lands. | | |
| 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: <i>Effie Schultsmeier 9/10/2009</i> |
| <i>Comments/Explanation:</i> This action is to renew the authorization for an existing communication site. It does not have a known direct relationship to other actions. | | |
| 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: <i>Dean Shaw 7/10/2009</i> |
| <i>Comments/Explanation:</i> In 1988 the site was surveyed for cultural and paleontological resources and no resources were discovered (see 88-C-32). Dean Shaw evaluated this renewal and considered the proposed impacts to cultural resources. He concluded that renewing this lease will not impact any cultural resources | | |
| 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: <i>Mark Steiger 7/10/2009</i> Specialist Signature/Date for Wildlife: <i>Helen Ulmschneider 7/31/2009</i> Specialist Signature/Date for Aquatics: <i>Allen Tarter 7/10/2009</i> |
| Plants <i>Comments/Explanation:</i> The area is not suitable habitat for any known BLM sensitive or Federally listed T&E plant species. Additionally, the project does not involve any additional disturbance to a previously disturbed site. As a consequence, sensitive plant species surveys are not required. | | |
| Wildlife <i>Comments/Explanation:</i> The project has been in existence since 1972. I see no conflict with sensitive wildlife species. The habitat is a ponderosa pine forest. The antennas are short (< 20-30 ft), shorter than the trees, and would not pose a risk to bats or migratory birds. | | |
| Aquatics <i>Comments/Explanation:</i> No concern or comments. | | |
| 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: <i>Effie Schultsmeier 9/10/2009</i> |
| <i>Comments/Explanation:</i> 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 <input type="checkbox"/> | No <input checked="" type="checkbox"/> | Specialist Signature/Date: <i>Effie Schultsmeier 9/10/2009</i> |
| <i>Comments/Explanation:</i> Low income and/or minority populations may live in the vicinity of this communication site and receive television service from it. The renewal of an existing right-of-way would not affect low income and/or minority populations any differently than other social and economic groups. | | |
| 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: <i>Effie Schultsmeier 9/10/2009</i> |
| <i>Comments/Explanation:</i> The subject communication site does not limit any access. Therefore, there is no impact. | | |
| 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: <i>Pat Kane 7/7/2009</i> |
| <i>Comments/Explanation:</i> No concern as long as standard right-of-way stipulation for weeds is included. | | |

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/ *Michael O'Donnell*

Date: *10/13/2009*

Name: Michael O'Donnell

Title: Acting Four Rivers Field Manager

Part III – Decision

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 implement the project, as described, with the mitigation measures either identified below or with the stipulation(s) described above.

Authorizing Official: /s/ *Michael O'Donnell*

Date: *10/13/2009*

Name: Michael O'Donnell

Title: Acting Four Rivers Field Manager