

CATEGORICAL EXCLUSION

Project Name/Applicant: Eastern Idaho Law Enforcement Firearms Range Association Road ROW Renewal and Amendment

Project/Case File Number: IDI-28979

Project Lead: Becky Lazdauskas, Realty Specialist

CE Number: DOI-BLM-ID-I010-2012-0056-CX

Date of Preparation: May 22, 2014

PROPOSED ACTION:

On May 1, 2012, Britt Ashby, on behalf of the Eastern Idaho Law Enforcement Firearms Range Association (Association), submitted an application (SF-299) requesting the renewal and amendment of a road right-of-way (ROW), IDI-28979. The authorization allows for the use and maintenance of an existing, graveled access road in Bonneville County. The road is located on public lands in the E $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ of section 10, T. 2 N., R. 36 E., B.M., Idaho (see Exhibit A). The grant was issued from April 27, 1992 through April 27, 2012.

The road provides the Association access into a parcel of private land used for a shooting range. The shooting range parcel was patented under patent number 11-97-0025 to the Association through the Recreation and Public Act of 1926 (44 Stat. 741) as revised in 1954 (68 Statute 173; 43 United States Code 869 et. seq.). The original ROW grant was issued for 300 feet in length with a width of 24 feet. The grant was issued for the portion of the existing road that left withdrawn lands and headed west onto public land. This was an oversight on BLM's part. Although the lands are withdrawn to the Idaho National Guard, the BLM maintains jurisdictional authority to issue other authorizations on those lands, as long as the uses are consistent and compatible with the Idaho National Guard uses. Major Stephen Arnett, from the Idaho National Guard, was consulted and the Guard does not have any issues with the road ROW. The road is currently gated and locked and both parties agree to this requirement. As BLM does not control the surface, other than issuing compatible uses, there is not a concern with the restricted access.

Therefore, the Association would like to amend the authorization to reflect the portion of the road on withdrawn lands located within W $\frac{1}{2}$ W $\frac{1}{2}$ of section 11, T. 2 N., R. 36 E., B.M., Idaho. This portion of the road is approximately 2,615 feet in length and 30 feet wide. A compliance exam was conducted on September 5, 2013, and the Association was in compliance with the terms and conditions of the original grant.

The ROW renewal and amendment is requested under the authority of the *Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761)* and current Bureau regulations found at 43 CFR 2800. Rental would not be required in accordance with 43 CFR 280614(2).

CONSULTATION AND COORDINATION:

A description of the proposed action was posted on May 17, 2012, to the online NEPA register. This is available to members of the public through the USFO webpage.

FINDING AND RECOMMENDATION:

The proposed action is categorically excluded as outlined in 516 DM 11.9, Appendix 4 E (16) and none of the extraordinary circumstances described in 43 Code of Federal Regulations (CFR) 46.215 apply. This exclusion states 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 may be excluded from further environmental review.

I recommend that the ROW authorization, IDI-28979, be renewed and amended allowing the operation and maintenance of an existing road within the E $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ of section 10 and the W $\frac{1}{2}$ W $\frac{1}{2}$ of section 11, T. 2 N., R. 36 E., B.M., Idaho, as depicted on Exhibit A, dated May 22, 2014. The road is approximately 2,915 feet in length with a ROW width of 30 feet, encumbering 2.01 acres more or less. The grant would be issued for an approximate 30-year period, retroactive to April 28, 2012, with the right to renew, subject to current terms and conditions and the attached stipulations (Exhibit B). The ROW renewal and amendment would be granted under the authority of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761) and current Bureau regulations found at 43 CFR 2800. The authorization would be exempt from rent in accordance with 43 CFR 2806.14(2).

DECISION AND RATIONALE FOR THE DECISION:

It is my decision to amend and renew ROW, ID-28979, allowing for the operation and maintenance of an existing road as described above and according to Exhibit A dated May 22, 2013. The ROW would be approximately 2,915 feet in length and 30 feet wide, encumbering 2.01 acres, more or less. The grant would be issued for an approximate 30-year period expiring on December 31, 2042. The grant would be issued with the right to renew, subject to the current terms and conditions found at 43 CFR 2800 and the attached stipulations (Exhibit B). The authorization is exempt from rent according to 43 CFR 2806.14(2).

Issuance of the right-of-way renewal and amendment would cause no significant environmental disturbance. The subject action qualifies as a Categorical Exclusion and meets the criteria contained in 516 DM 11.9, Appendix 4 E (16). None of the exceptions found in 43 Code of Federal Regulations (CFR) 46.215 apply.

LAND USE PLAN CONFORMANCE:

The proposed action is in conformance with the *Medicine Lodge Resource Management Plan (1985)*. The RMP ROD allows for utilities and transportation corridors.

APPEALS INFORMATION:

Appeal procedures may be found at 43 CFR 4.21 (58 FR 4939, January 19, 1993) or 43 CFR 2801.10.

/s/ Becky Lazdauskas

Becky Lazdauskas, Realty Specialist

Date: 5/28/2014

/s/ Marissa Guenther

Marissa Guenther, NEPA Reviewer

Date: 5/30/2014

/s/ Jeremy Casterson

Jeremy Casterson, Field Manager

Date: 6/3/2014

Extraordinary Circumstances Requiring Preparation of an EA or EIS

(516 DM 2, Appendix 2)

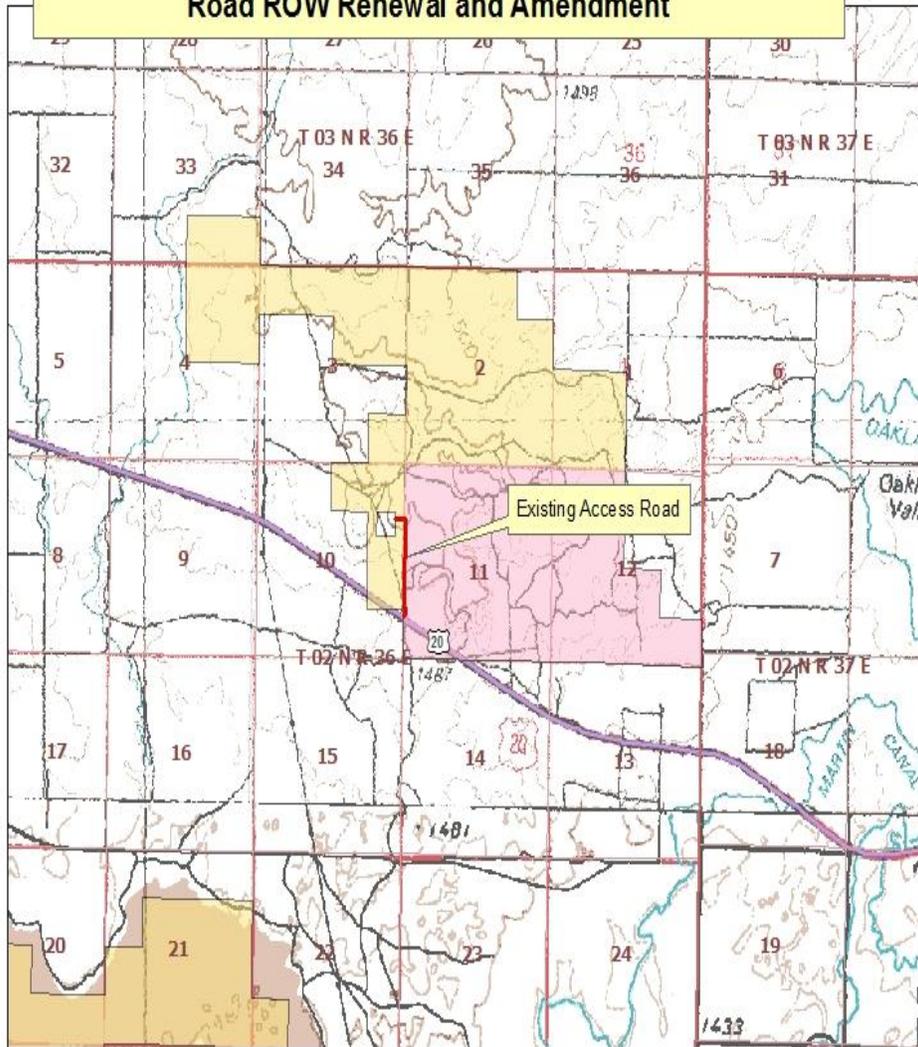
The action described in categorical exclusion **#DOI-BLM-ID-I010-2012-0056-CX (IDI-28979)** has been reviewed to determine that none of the extraordinary circumstances listed below pertain to the proposed action.

<u>DM</u> #	<u>Extraordinary Circumstance</u>
1	<p>Have significant impacts on public health or safety.</p> <p><i>The proposed action will have no significant impacts on health or safety of the public.</i></p>
2	<p>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; and other ecologically significant or critical areas.</p> <p><i>-No wilderness, wilderness study areas and wild and scenic rivers are present near the project area. The ROW proposal would not impede opportunities for recreation. This project is not located within a riparian-wetland area, Area of Critical Environmental Concern (ACEC) or Research Natural Area (RNA), therefore, no impacts would occur.</i></p> <p><i>-This project occurs within, or adjacent to, a previously disturbed area, as long as stipulations found in the Animal Clearance Form are being met it is not expected that it will have any significant impacts to migratory birds within the project area.</i></p> <p><i>-A Class III inventory was conducted of the project area and no cultural resources were identified.</i></p>
3	<p>Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102(2)(E)].</p> <p><i>Action will not have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources.</i></p>
4	<p>Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.</p> <p><i>No known highly uncertain and potentially significant environmental effects or unique or unknown environmental risks are anticipated as a result of issuing a ROW.</i></p>
5	<p>Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.</p> <p><i>The proposed action would not establish a precedent for future actions. Standard annual maintenance and monitoring practices would continue to be accomplished for the ROW in the same manner as other authorized ROW's.</i></p>
6	<p>Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.</p> <p><i>The proposed action would not have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects. No cumulatively significant effects are anticipated.</i></p>
7	<p>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.</p> <p><i>As there are no known historic properties listed or eligible for listing on the NRHP located in the</i></p>

<u>DM</u> #	<u>Extraordinary Circumstance</u>
	<i>project area, the proposed action would have no significant impacts.</i>
8	Have significant impacts on species listed or proposed to be listed on the List of Endangered or Threatened Species, or have significant impacts on designated critical habitat for these species. <i>As there are no T&E or Proposed species, or critical habitat present within the project area, no significant impacts to these species would be expected.</i>
9	Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment. <i>The proposed action does not violate any federal law or a State, local, or tribal law or requirement imposed for the protection of the environment. No cumulatively significant effects anticipated.</i>
10	Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898). <i>The proposed action would have no adverse effects on low income or minority populations.</i>
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). <i>There are no known sacred sites in the project area. The project will not limit access, and would have no known effects on traditional resource use of the area.</i>
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). <i>The applicant will be responsible to comply with standard terms and conditions for weeds which are included in the authorization. The proposed action is not anticipated to contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species.</i>

IDI-28979
Eastern Idaho Law Enforcement Firearms Range Association
Road ROW Renewal and Amendment

Exhibit A
Sections 10 and 11
T. 2 N., R. 36 E., B.M., Idaho
May 22, 2014



Legend

Surface Management Agency_ID_R_Drive

Surface Management

- Bureau of Land Management
- Military Reservations and Corps of Engineers
- Private



DRAFT MAP
 No warranty is made by the Bureau of
 Land Management for the accuracy or
 completeness of this data.



Exhibit B
Stipulations
IDI-28979

1. 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.
2. Holder shall remove only the minimum amount of vegetation necessary for the use and maintenance of the existing road.
3. Right-of-way shall be maintained in a sanitary condition at all times; waste materials at those sites shall be disposed of promptly at an appropriate waste disposal site. 'Waste' means all discarded matter including, but not limited to, human waste, trash, garbage, refuse, oil drums, petroleum products, ashes, and equipment.
4. The holder shall be responsible for weed control on disturbed areas within the limits of the right-of-way. The holder is responsible for consultation with the authorized officer and/or local authorities for acceptable weed control methods (within limits imposed in the grant stipulations).
5. Road shall be constructed and maintained to provide drainage and minimize erosion. Culverts shall be installed if necessary to maintain drainage.
6. As directed by the authorizing officer, the holder is required to ensure that the right-of-way is well-drained by water baring or other method of maintaining drainage. Should erosion or damage occur, additional measures, as approved by the Authorized Officer, may be necessary to minimize damage to the ROW or surrounding public lands.
7. The holder shall protect all survey monuments found within the right-of-way. Survey monuments include, but are not limited to, General Land Office and Bureau of Land Management Cadastral Survey Corners, reference corners, witness points, U.S. Coastal and Geodetic benchmarks and triangulation stations, military control monuments, and recognizable civil (both public and private) survey monuments. In the event of obliteration or disturbance of any of the above, the holder shall immediately report the incident, in writing, to the authorized officer and the respective installing authority if known. Where General Land Office or Bureau of Land Management right-of-way monuments or references are obliterated during operations, the holder shall secure the services of a registered land surveyor or a Bureau cadastral surveyor to restore the disturbed monuments and references using surveying procedures found in the Manual of Surveying Instructions for the Survey of the Public Lands in the United States, latest edition. The holder shall record such survey in the appropriate county and send a copy to the authorized officer. If the Bureau cadastral surveyors or other Federal surveyors are used to restore the disturbed survey monument, the holder shall be responsible for the survey cost.

8. The holder of right-of-way No. ID-28979 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 holder's activity 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. There is reserved to the Authorized Officer, the right to grant additional rights-of-way or permits for compatible use on, over, under, or adjacent to the land involved in this grant.
10. Any cultural and/or paleontological resource (historic or prehistoric site or object) discovered by the holder, or any person working on his behalf, on public or Federal 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. 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 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.
11. Pursuant to 43 CFR 10.4(g), the holder of this authorization must immediately notify the authorized officer by telephone, with written confirmation, upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4(c) and (d), the holder must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the authorized officer.
12. Ninety (90) days prior to termination of the right-of-way, the holder 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 holder's commencement of any termination activities.