

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
FOUR RIVERS FIELD OFFICE

CATEGORICAL EXCLUSION REVIEW

CX No. DOI-BLM-ID-B010-2012-0029-CX

A. BACKGROUND

BLM Office: Four Rivers Field Office

Lease/Serial/Case File No.: IDI-20011

Proposed Action Title/Type: Idaho Power Aerial Marker Line Right-of-way

Location of Proposed Action: T. 3 N., R. 3 E., Section 5, Boise Meridian, Ada County, Idaho
(See attached Exhibit A)

Description of Proposed Action:

The Proposed Action is to grant a 30-year renewal of an existing 376 ft. long x 75 ft. wide (for a total of 0.7 acres) right-of-way (ROW) that would allow for the operation and maintenance of the following project components:

- A 376-foot portion of an overall 2,380-foot long aerial marker line.
- Existing vehicle access within the 75-foot wide ROW for operations and maintenance activities.

The Bureau of Land Management (BLM) is authorized under Title V of the Federal Land Management and Policy Act (FLPMA) of October 21, 1976: 43 CFR § 2802 to issue a FLPMA ROW grant. This grant will be subject to the terms and conditions found at 43 CFR § 2800, as well as those stipulations attached as Exhibit B, dated April 16, 2012.

B. LAND USE PLAN CONFORMANCE

Land Use Plan Name: Cascade Resource Management Plan

Date Approved / Amended: July, 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):

Lands and Realty Management under Section II of the RMP states the following:

“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. (Page 43)

C: COMPLIANCE WITH NEPA:

The proposed action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with **516 DM 11.9E (9)**.

Category Description:

“(9) Renewals and assignments of leases, permits, or rights-of-way where no additional rights are conveyed beyond those granted by the original authorizations. “

D: SIGNATURE

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.

Authorizing Official: */s/ Terry A. Humphrey*

Date: 5/23/2012

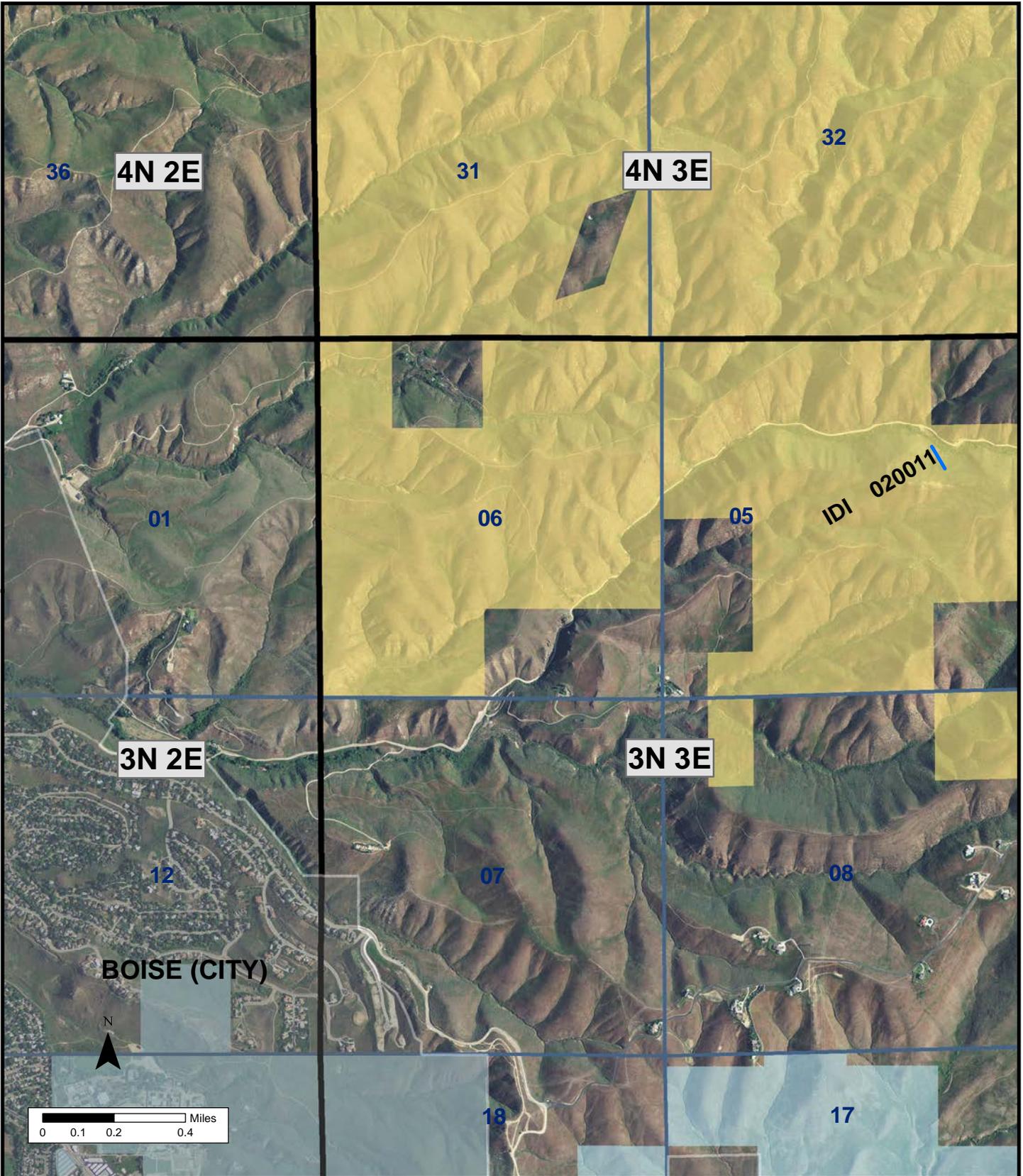
Terry A. Humphrey
Four Rivers Field Manager

Prepared By/Contact Person:

Jeremy Bluma
Realty Specialist
BLM - Boise District Office
3948 Development Avenue
Boise, Idaho 83705
(208) 384-3348
jbluma@blm.gov

EXHIBIT A

IDI-20011 Idaho Power ROW Renewal



U.S. Department of the Interior
 Bureau of Land Management, Idaho
 Boise District
 Map date: May 16, 2012



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. This map, if digital, 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.

...NameOfTheMxdSoYouCanSearchForIt.Later.mxd

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.