

CATEGORICAL EXCLUSION

Project Name/ Applicant: Gordon and Marla Polatis Right-of-Way Assignment

Project/Case File Number: IDI-33343

Project Lead: Becky Lazdauskas, Realty Specialist

CE Number: ID-I010-2012-0077-CX

Date of Preparation: August 7, 2012

PROPOSED ACTION:

On June 28, 2012, Gordon and Marla Polatis requested an assignment of the existing right-of-way, IDI-33343, located on public land in Bingham County. The right-of-way is currently held by Ruth Polatis, and will expire on May 3, 2023.

The original authorization, allowing for an irrigation pivot wheel crossing was originally issued to Ruth Polatis on May 1, 2000. The site encumbers approximately 15.0 acres in W1/2NE1/4 of section 19, T. 3 S., R. 33 E., B.M., Idaho. Rent has been paid through December 31, 2012.

No additional rights would be granted beyond those of the original grant. This does not authorize the watering of public land, wheel crossing only.

The assignment may be processed under authority of Public Law 94-579 and current Bureau regulations found at 43 CFR 2800.

CONSULTATION AND COORDINATION:

The proposed project as described in the categorical exclusion was posted in the public room of the Upper Snake Field Office for a period of 30 days.

FINDING AND RECOMMENDATION:

The proposed action is categorically excluded as outlined in 516 DM 11.9, Appendix 5.4 E (9) and none of the extraordinary circumstances described in 516 DM 2, Appendix 2 apply. This exclusion states that renewing and assigning permits or rights-of-way where no additional rights are conveyed beyond those granted by the original authorizations may be excluded from further environmental review.

I recommend that the assignment of right-of-way, ID-33343 to Gordon and Marla Polatis, be approved as requested, subject to the right-of-way dated July 24, 2003 (Exhibit A). The expiration date would remain December 31, 2023. The right-of-way would be assigned 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. Rent would be required with 43 CFR 2806.31.

DECISION AND RATIONALE FOR THE DECISION:

It is my decision to assign right-of-way IDI-33343, to Gordon and Marla Polatis, allowing the use of public land for an irrigation pivot wheel crossing subject to the right-of-way dated July 24, 2003 which encumbers approximately 15.0 acres, more or less. The right-of-way will expire on May 3, 2023. The applicant will be responsible for rental in accordance with 43 CFR 2806.31.

Issuance of the right-of-way 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 5.4 E (9). None of the exceptions found in 516 DM 2, Appendix 2 apply.

LAND USE PLAN CONFORMANCE:

The proposed action is in conformance with the Big Desert Management Framework Plan (1981).

APPEALS INFORMATION:

43 CFR 4.21 (58 FR 4939, January 19, 1993) or 43 CFR 2801.10

<u>/s/ Becky Lazdauskas</u>	8/20/2012
Realty Specialist	Date
Becky Lazdauskas	

<u>/s/ Jeremy Casterson</u>	8/20/2012
Upper Snake Field Manager	Date
Jeremy Casterson	

Extraordinary Circumstances Requiring Preparation of an EA or EIS

(516 DM 2, Appendix 2)

The action described in categorical exclusion # ID- I010-2012-0077-CX (IDI-33343) has been reviewed to determine that none of the extraordinary circumstances listed below pertain to the proposed action.

DM# Extraordinary Circumstance

- 2.1 Have significant impacts on public health or safety
- 2.2 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; and other ecologically significant or critical areas.
- 2.3 Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102(2)(E)].
- 2.4 Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.
- 2.5 Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.
- 2.6 Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.
- 2.7 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.
- 2.8 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.
- 2.9 Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.
- 2.10 Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).
- 2.11 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).
- 2.12 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).

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
RIGHT-OF-WAY GRANT

Gordon and Marla Polatis
Right-of-Way Assignment
IDI-33343 August 7, 2012
Exhibit A

RENEWAL

SERIAL NUMBER IDI-33343

1. A right-of-way is hereby granted pursuant to Title V of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761).

2. Nature of Interest:

a. By this instrument, the holder:

RUTH POLATIS
P. O. BOX 669
BLACKFOOT, ID 83221

receives a right to construct, operate, maintain, and terminate an IRRIGATION PIVOT WHEEL CROSSING on public lands is described as follows:

T. 03 S., R. 33 E., B.M., Bingham County
SECTION 19: W $\frac{1}{2}$ NE $\frac{1}{4}$.

b. The right-of-way area granted herein will encumber 15.0 acres, more or less.

c. This instrument shall terminate on May 3, 2023, 20 years from its effective date unless, prior thereto, it is relinquished, abandoned, terminated, or modified pursuant to the terms and conditions of this instrument or of any applicable Federal law or regulation. (This right-of-way is being renewed, original grant issued May 3, 2000 for a term of three years).

d. At the discretion of the authorized officer this instrument may be renewed. If renewed, the right-of-way shall be subject to the regulations existing at the time of renewal and any other terms and conditions that the authorized officer deems necessary to protect the public interest.

- e. Notwithstanding the expiration of this instrument or any renewal thereof, early relinquishment, abandonment, or termination, the provisions of this instrument, to the extent applicable, shall continue in effect and shall be binding on the holder, its successors, or assigns, until they have fully satisfied the obligations and/or liabilities accruing herein before or on account of the expiration, or prior termination, of the grant.

3. Rental:

For and in consideration of the rights granted, the holder agrees to pay the Bureau of Land Management fair market value rental as determined by the authorized officer *unless specifically exempted from such payment by regulation*. Provided, however, that the rental may be adjusted by the authorized officer, whenever necessary, to reflect changes in the fair market rental value as determined by the application of sound business management principles, and so far as practicable and feasible, in accordance with comparable commercial practices.

4. Terms and Conditions:

- a. This grant is issued subject to the holder's compliance with all applicable regulations contained in Title 43 Code of Federal Regulations part 2800.
- b. Upon grant termination by the authorized officer, all improvements shall be removed from the public lands within 90 days, or otherwise disposed of as provided in paragraph (4)(d) or as directed by the authorized officer.
- c. Each grant issued pursuant to the authority of paragraph (1)(a) for a term of 20 years or more shall, at a minimum, be reviewed by the authorized officer at the end of the 5th year and at regular intervals thereafter not to exceed 10 years. Provided, however, that a right-of-way granted herein may be reviewed at any time deemed necessary by the authorized officer.
- d. The stipulations and/or maps set forth in Exhibit(s) "A", "B", "C" & "D", dated May 3, 2003, attached hereto, are incorporated into and made a part of this grant instrument as fully and effectively as if they were set forth herein in their entirety.
- e. Failure of the holder to comply with applicable law or any provision of this right-of-way grant shall constitute grounds for suspension or termination thereof.
- f. Holder shall perform all operations in a good and workmanlike manner so as to ensure protection of the environment and the health and safety of the public.

- g. The boundary between the public land authorized by this right-of-way and holder's private land shall be physically and continuously marked with fence posts or by other means acceptable to the authorized officer**
- h. The holder shall permit free and unrestricted public access to and upon the right-of-way for all lawful purposes except for those specific areas designated as restricted by the authorized officer to protect the public, wildlife, livestock, or facilities constructed within the right-of-way**
- i. 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).**
- j. This right-of-way does not authorize the cultivation of public land or the application of irrigation water on the public land. The holder shall implement measures to shut the water system off while the pivot is crossing public land.**
- k. The holder shall prevent any contamination of the public land authorized by this right-of-way including spillage or leakage of transmission fluids, gear oils, or other contaminants.**
- l. Ninety 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.**

IN WITNESS WHEREOF, The undersigned agrees to the terms and conditions of this right-of-way grant.

RUTH POLATIS

BUREAU OF LAND MANAGEMENT

Ruth W. Polatis

Skys Staff

(Signature of Holder)

(Signature of Authorized Officer)

for Carol McCoy Brown
Field Manager, Idaho Falls Field Office

(Title)

(Title)

July 24, 2003

7/24/03

(Date)

(Date)

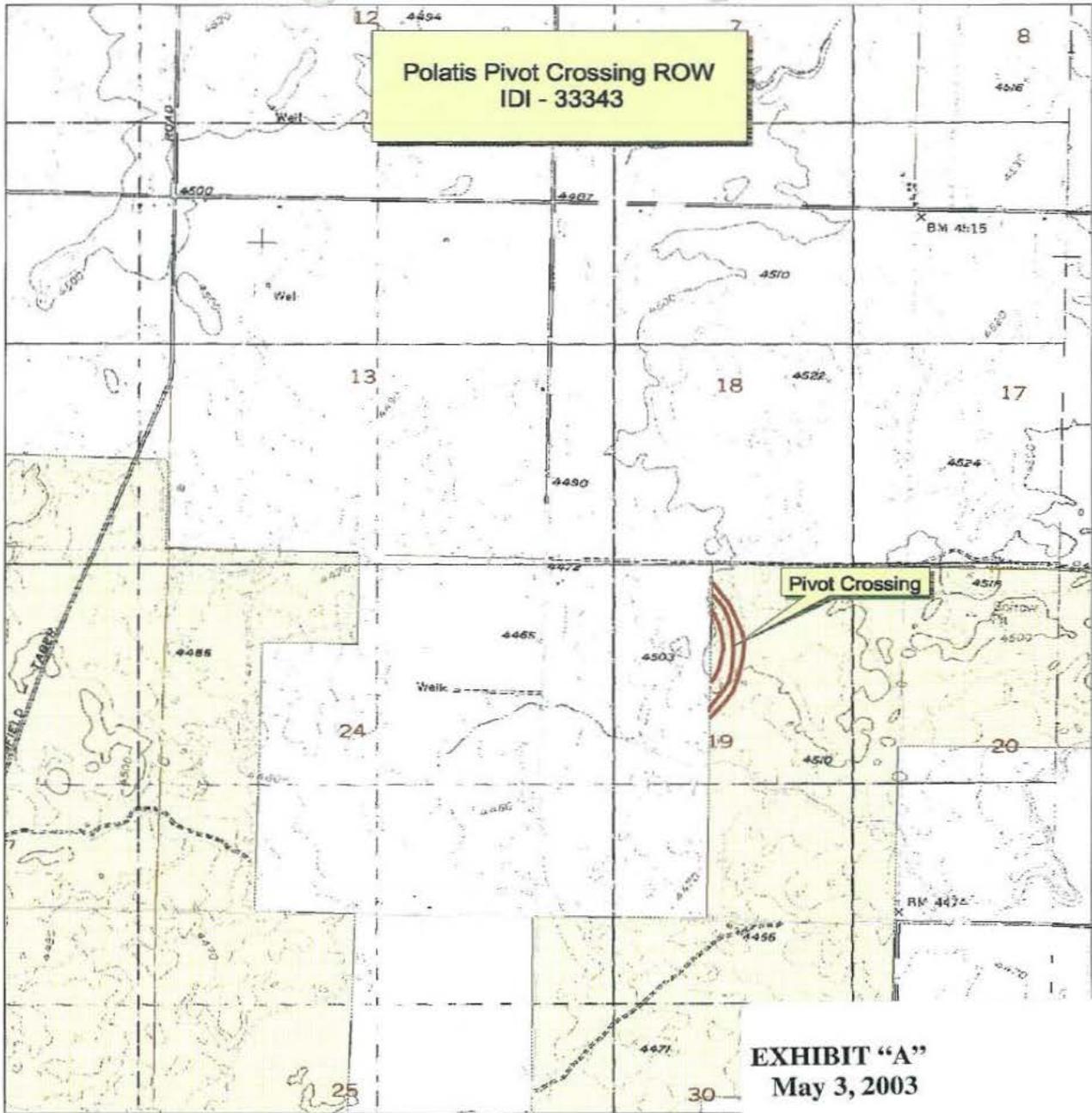


EXHIBIT "A"
May 3, 2003

T. 3 S., R. 33 E., Sec. 19, W1/2NE1/4.
 USGS 7.5' Quadrangle "Springfield NW"
 BLM Surface Management Map "BLACKFOOT"

1320 0 1320 2640 3960 5280 Feet



Scale 1:24000

DRAFT MAP
 No warranty is made by the Bureau of Land Management
 for use of this data for purposes not intended by BLM. No
 warranty is made for the accuracy and completeness of this data.
 Map created December 2001.



- Land Status**
- BIA
 - BLM
 - DOE
 - MIL
 - NPS
 - PRIVATE
 - STATE
 - USFS
 - USFWS
 - WATER

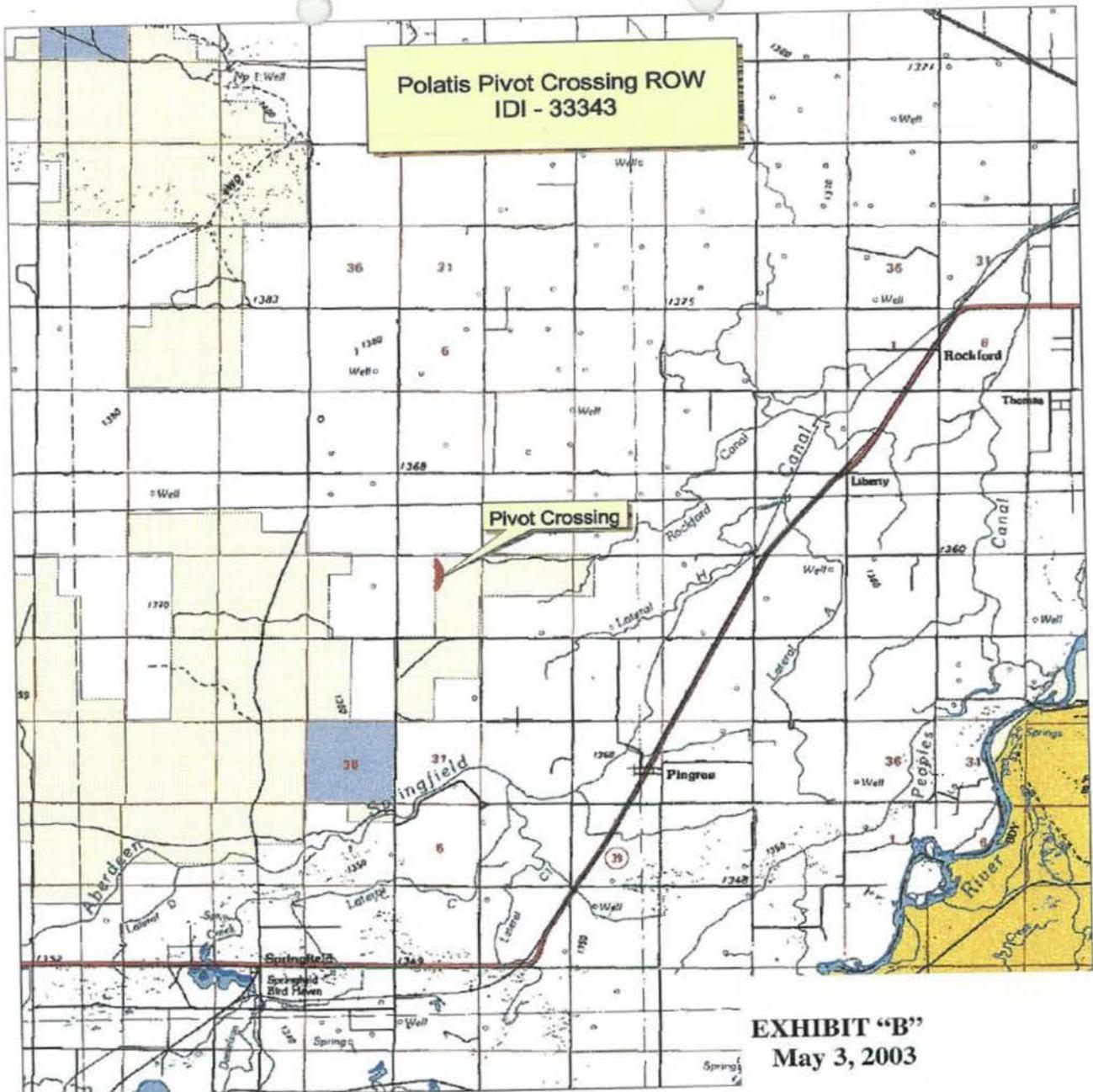


EXHIBIT "B"
May 3, 2003

T. 3 S., R. 33 E., Sec. 19, W1/2NE1/4.
 USGS 7.5' Quadrangle "Springfield NW"
 BLM Surface Management Map "BLACKFOOT"



Scale 1:100000



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 Map created December 2001.



Land Status

Light Green	BIA
Yellow	BLM
Light Blue	DOE
Light Purple	MIL
Light Orange	NPS
White	PRIVATE
Light Green	STATE
Light Blue	USFS
Light Purple	USFWS
Dark Blue	WATER

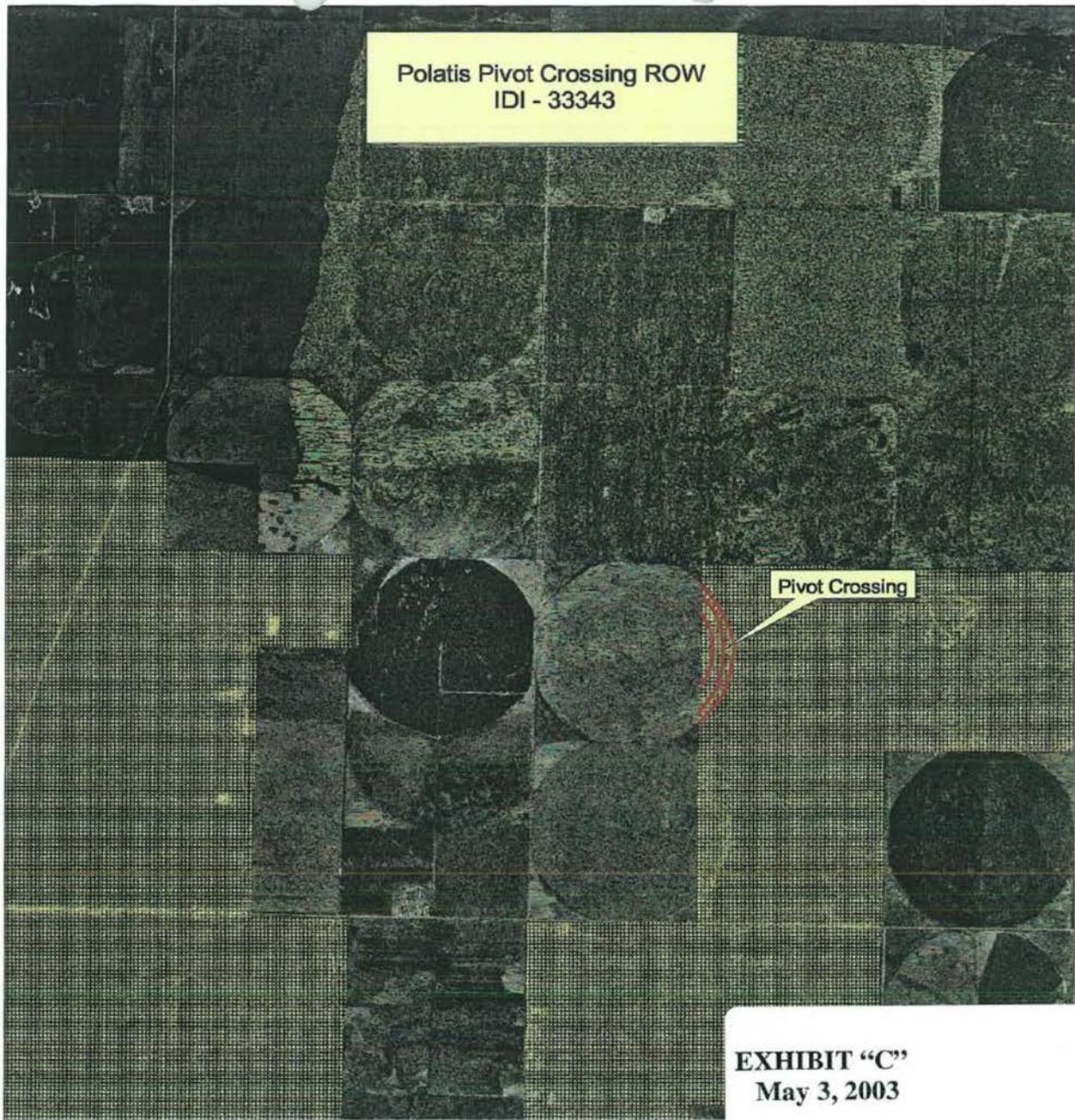
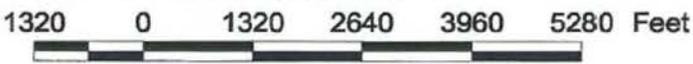


EXHIBIT "C"
 May 3, 2003

T. 3 S., R. 33 E., Sec. 19, W1/2NE1/4.
 USGS 7.5' Quadrangle "Springfield NW"
 BLM Surface Management Map "BLACKFOOT"



Scale 1:24000

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- Land Status**
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