

CATEGORICAL EXCLUSION

Project Name/ Applicant: Brion Egan Right-of-Way Assignment

Project/Case File Number: IDI-32200

Project Lead: Becky Lazdauskas, Realty Specialist

CE Number: ID-I010-2013-0010-CX

Date of Preparation: January 17, 2013

PROPOSED ACTION:

On December 26, 2012, Brion Egan requested an assignment of the existing right-of-way, IDI-32200, located on public land in Clark County. The right-of-way (ROW) is currently held by Gary L. Egan, and will expire on June 30, 2027.

The original authorization, allowing for a buried 7.2kV powerline was originally issued to Gary L. Egan on June 30, 1997. The site encumbers approximately 2.07 acres in E1/2SE1/4 of section 19, Lot 4 and W1/2NE1/4, NE1/4SW1/4, T. 13 N., R. 33 E., B.M., Idaho (Exhibit A). Rent has been paid through December 31, 2022.

No additional rights would be granted beyond those of the original grant.

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

CONSULTATION AND COORDINATION:

A description of the proposed action was posted on 12/27/2012 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 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-32200 to Brion Egan, be approved as requested, subject to the original terms and conditions of the ROW dated June 30, 1997 (Exhibit B). The expiration date would remain June 30, 2027. 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-32200, to Brion Egan, allowing the use of public land for a buried 7.2kV powerline. The grant would expire on June 30, 2027 with the right to renew, subject to the current terms and conditions found at 43 CFR 2800 and the attached stipulations (Exhibit B). The ROW encumbers approximately 2.07 acres. 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 Medicine Lodge Resource Management Plan (1985). The RMP provides overall guidance for the management of natural resources and issuance of rights-of-ways on public lands. The processing of right-of-way applications is addressed in the RMP under the “Standard Operating Procedures” section (page 47).

APPEALS INFORMATION:

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

<u>/s/ Becky Lazdauskas</u>	<u>1-17-13</u>
Becky Lazdauskas	Date
Realty Specialist	

<u>/s/ Jeremy Casterson</u>	<u>1/17/13</u>
Jeremy Casterson	Date
Upper Snake Field Manager	

Extraordinary Circumstances Requiring Preparation of an EA or EIS

(516 DM 2, Appendix 2)

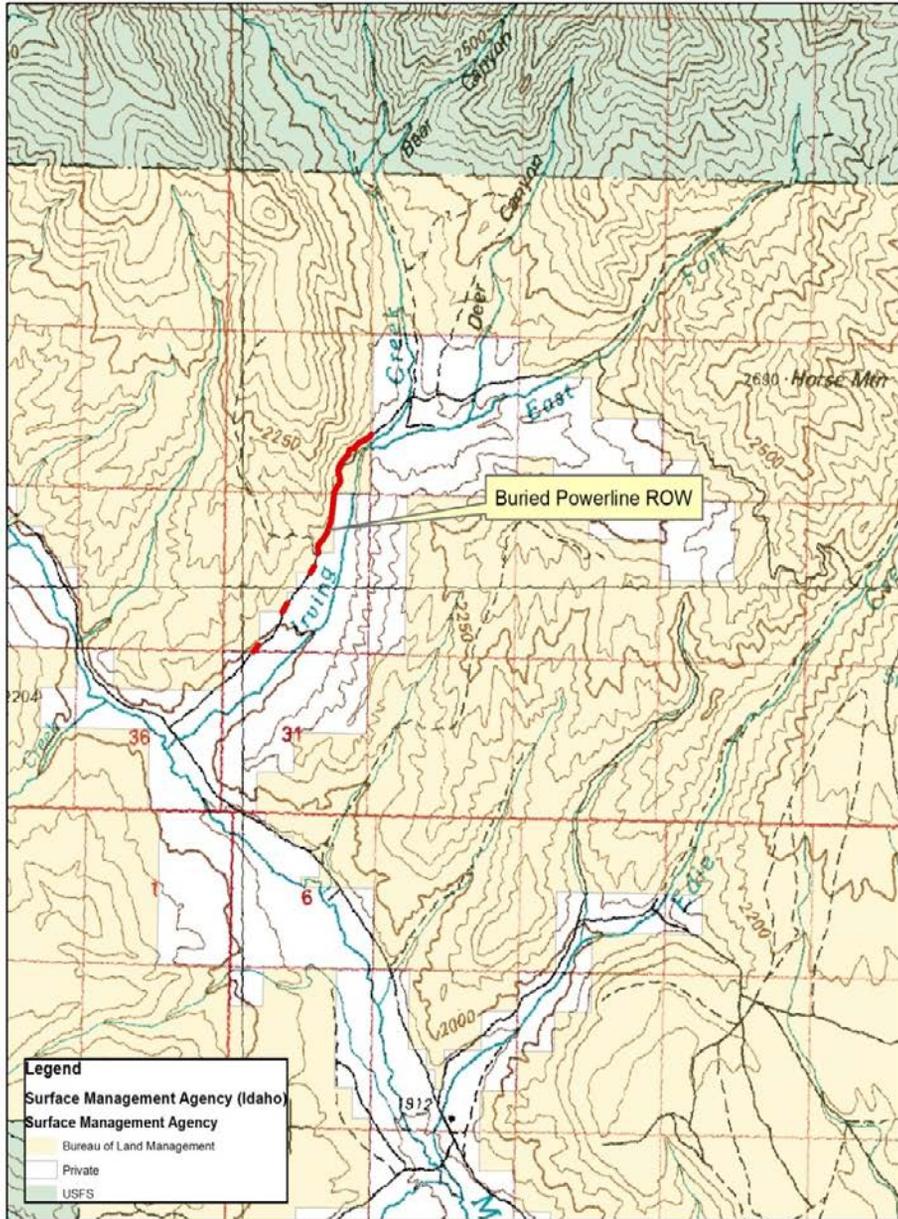
The action described in categorical exclusion # ID-I010-2013-0010-CX (IDI-32200) has been reviewed to determine that none of the extraordinary circumstances listed below pertain to the proposed action.

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).

**IDI-32200
Egan Buried Powerline
ROW Assignment**

Exhibit A
Sections 19 and 30
T. 13 N., R. 33 E., Boise Meridian, Idaho
January 17, 2013



No warranty is made by the Bureau of Land Management (BLM).
The accuracy, reliability, or completeness of these data
for individual use or aggregate use with other data
is not guaranteed. The following cannot be made Section 508
compliant. For help with this data or information, please
contact the BLM data State Office Webmaster at 208/373-6000.

EXHIBIT B

STIPULATIONS FOR IDI-32200

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. 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.
3. Holder shall remove only the minimum amount of vegetation necessary for the construction and maintenance of the facilities. Topsoil shall be conserved during excavation and reused as cover on disturbed areas to facilitate regrowth of vegetation.
4. Excess soil excavated for trenches shall be evenly spread within the right-of-way and in the immediate vicinity.
5. The holder shall recontour the disturbed area and obliterate all earthwork by removing embankments, backfilling excavations, and grading to re-establish the approximate original contours of the land in the right-of-way.
6. The holder shall seed all disturbed areas, using an agreed upon method suitable for the location. Seeding shall be repeated if a satisfactory stand is not obtained as determined by the authorizing officer
7. 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).
8. 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

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STIPULATIONS FOR IDI-32200

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 of the Survey of the Public Lands of 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.

9. The holder of right-of-way No. IDI-32200 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.
10. 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.
11. 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.
12. 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

EXHIBIT B

STIPULATIONS FOR IDI-32200

discovery and protect it for 30 days or until notified to proceed by the authorized officer.

13. 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.