

CATEGORICAL EXCLUSION

Project Name/Applicant: Bonneville County Heise Road ROW

Project/Case File Number: IDI-37481

Project Lead: Becky Lazdauskas, Realty Specialist

CE Number: DOI-BLM-ID-I010-2013-0012-CX

Date of Preparation: February 6, 2013

PROPOSED ACTION:

On January 22, 2013, Bonneville County submitted an application (SF-299) requesting a right-of-way (ROW) authorization for an existing road, referred to as the Heise County Road. The road is located on public lands within sections 8-11 and 15-16, T. 3 N., R. 41 E., B.M., Idaho (see Exhibit A). The road has been in existence for many years and the County currently claims the road through RS2477.

The proposed ROW for the existing road would be approximately 4 miles in length with a width of 66 feet, encumbering approximately 32 acres of public land. The road has a dirt bed with gravel and is approximately 18 feet wide. The 66 feet width would allow for maintenance of the road according to County specifications. Any rerouting or changes to the surface of the road would require additional environmental work and amendment to the grant.

The ROW is being 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 2806.

CONSULTATION AND COORDINATION:

A description of the proposed action was posted on January 31, 2013 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 516 DM 2, Appendix 2 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-37481, allowing the operation and maintenance of an existing road is granted for a 30 year period with the right to renew, subject to current terms and conditions and the attached stipulations (Exhibit B). The right-of-way 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.

DECISION AND RATIONALE FOR THE DECISION:

It is my decision to authorize ROW, ID-37481, allowing for the operation and maintenance of an existing road on public land in Bonneville County, referred to as the Heise Road. The ROW would be approximately 4 miles in length and 66 feet wide, encumbering 32 acres, more or less. The grant would be issued for a 30 year period 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.

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 4 E (16). 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 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*.

<u>/s/ Becky Lazdauskas</u> Becky Lazdauskas Realty Specialist	<u>2/13/2013</u> Date
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<u>/s/ Josh Gibbs</u> Josh Gibbs NEPA Reviewer	<u>2/13/2013</u> Date
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<u>/s/ Jeremy Casterson</u> Jeremy Casterson Field Manager	<u>2/14/2013</u> Date
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Extraordinary Circumstances Requiring Preparation of an EA or EIS

(516 DM 2, Appendix 2)

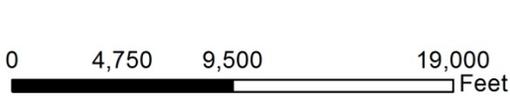
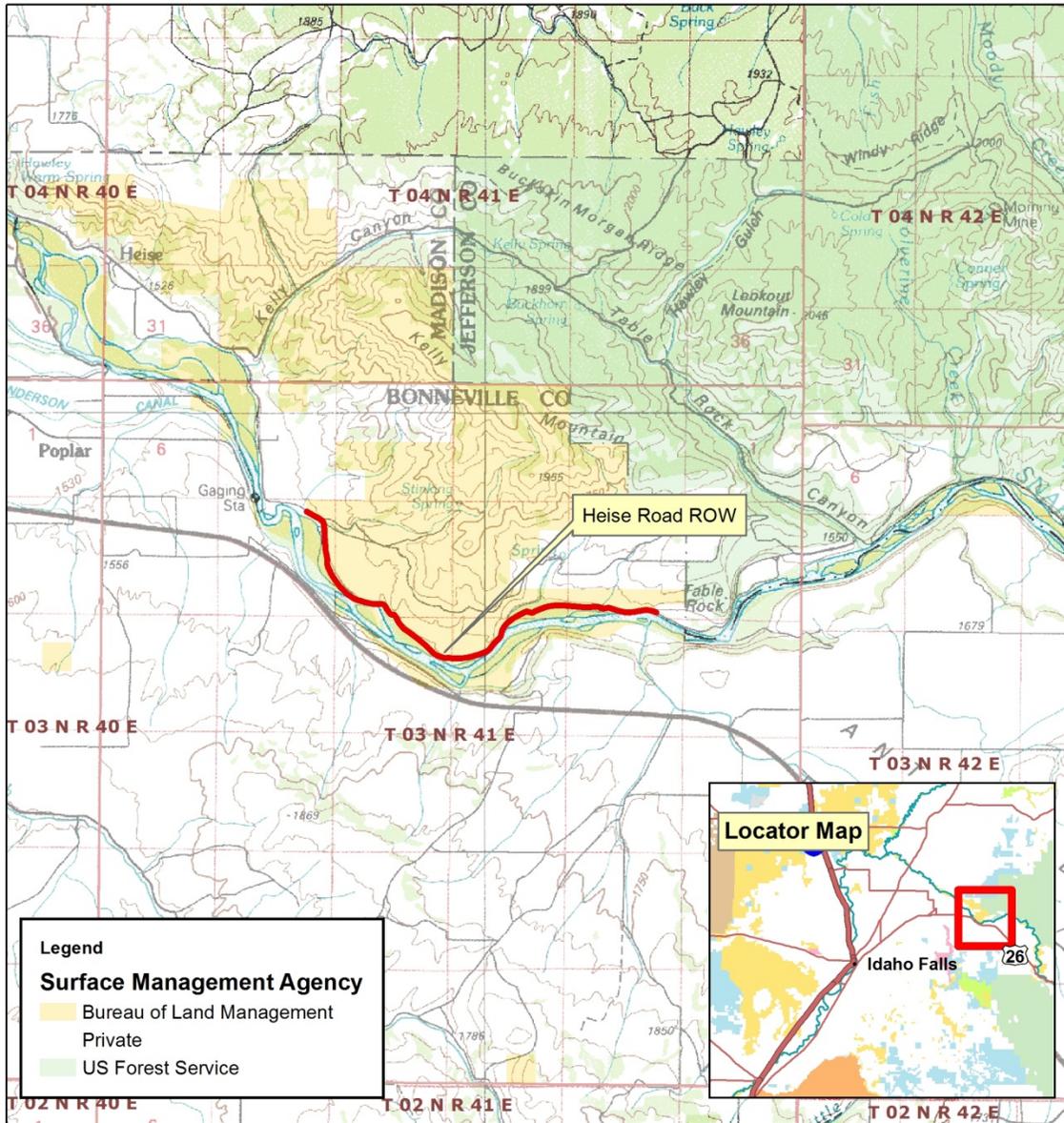
The action described in categorical exclusion **#DOI-BLM-ID-I010-2013-0012-CX (IDI-37481)** has been reviewed to determine that none of the extraordinary circumstances listed below pertain to the proposed action.

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-37481
Bonneville County
Heise Road ROW**

**EXHIBIT A
Secs. 8-11, 15-16, T. 3 N., R. 41 E.,
B.M., Idaho
February 6, 2013**



No warranty is made by the Bureau of Land Management for use of the data for purposes not intended by BLM.

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Exhibit B
Stipulations
IDI-37481

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. Where slope stabilization requires significant terrace or bench construction, the holder shall include engineering drawings for this work to be reviewed, and where appropriate, modified and approved by the authorizing officer.
6. Excavation and embankment quantities shall be balanced as nearly as design and construction considerations allow. Any waste and/or borrow needs shall be specifically identified by the holder.
7. Material encountered on the project and needed for select borrow, surfacing, riprap, or other special needs shall be conserved.
8. Holder shall limit excavation to the areas of construction. No borrow areas for fill material will be permitted on the site. All off-site borrow areas must be approved in writing by the authorized officer in advance of excavation. All waste material resulting from construction or use of the site by holder shall be removed from the site. All waste disposal sites on public land must be approved in writing by the authorized officer in advance of use.
9. All roads and parking areas shall be constructed to provide drainage and minimize erosion. Culverts shall be installed if necessary to maintain drainage.
10. The holder shall provide for the safety of the public entering the right-of-way. This includes, but is not limited to, barricades for open trenches, flagmen/women with communication systems for single-lane roads without intervisible turnouts, and attended gates for blasting operations.

11. 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.
12. No equipment servicing, refueling, or storage of fuels or lubricants would be allowed on the right-of-way and must be done at a location at least 100 feet from river or open water.
13. 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.
14. The holder of right-of-way No. ID-37481 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.
15. 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.
16. 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.

17. 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.
18. 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.