

**UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
Twin Falls District  
Shoshone Field Office  
400 West F Street  
Shoshone, Idaho 83352**

**CATEGORICAL EXCLUSION REVIEW SHEET**

**NEPA No. DOI-BLM-ID-T030-2013-0009-CX**

**A. Project Description**

The Shoshone Field Office of the Bureau of Land Management (BLM) has received a right-of-way application from Howard Morris to renew and amend an existing right-of-way on public lands within Gooding County, Idaho. The right-of-way grant identified under IDI-17216 was initially issued on June 11, 1982 to the Sage Land and Cattle Company for a term of 30 years. The right-of-way was subsequently assigned several times; the most recent assignment was to Howard Morris on February 13, 2007. The right-of-way grant authorizes the operation and maintenance of an irrigation pipeline on public lands within a corridor that has variable widths (10 to 15 feet), is 2,690 feet long, and contains approximately 0.81 acres. In 1999, prior to the right-of-way grant being assigned to Howard Morris, a portion of the pipeline was replaced and re-located. The current area being used for the irrigation pipeline is approximately 430 feet longer than identified in the original authorization and a portion of the pipeline is located outside the original right-of-way boundaries. Howard Morris has applied to renew the right-of-way grant for a term of 30 years and to amend the right-of-way grant to reflect the current location of the pipeline. The resulting dimensions of the renewed and amended right-of-way, as proposed, would be approximately 3,118 feet long, 15 feet wide, and contain approximately 1.07 acres.

**B. Consideration of Extraordinary Circumstances**

This Categorical Exclusion Review Sheet documents the review of the proposed action to determine if any of the extraordinary circumstances described in 516 DM 2, Appendix 2 apply. If any of the extraordinary circumstances apply to the proposed action, then an EA or EIS must be prepared. Any evidence or concerns that one or more of the exceptions may apply must be brought to the attention of the manager who is authorized to approve the proposed action.

1. The proposed action would not have any significant impacts on public health or safety.

The operation and maintenance of the water conveyance system would not have any significant impacts on public health and safety. The right-of-way would contain terms, conditions and stipulations that would require the right-of-way holder to comply with applicable Federal, State and County Standards. Additionally, the authorized officer has the ability to suspend or terminate in whole or in part the right-of-way grant if unforeseen conditions arise which result in the approved terms and conditions being inadequate to protect the public health and safety or to protect the environment.

2. The proposed action would not 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.

There are no natural resources and unique geographic characteristics; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; national monuments; or other ecologically significant or critical areas have been identified within the area impacted by the proposed action.

A cultural resource review and survey was conducted for the project area on August 30, 2012. The review revealed no previously recorded sites within the project area and no new sites were discovered during the field inventory. It was determined with concurrence from the State Historical Preservation Office (SHPO) that there would be no effect to National Register listed or eligible cultural resources.

A review of special status wildlife species was completed September 5, 2012 and included a review of migratory birds. The result of the review was a full clearance that identified the project would not adversely impact the identified special status species or their habitat. The special status wildlife species assessment is in the decision file and is available upon request.

The right-of-way area was surveyed on August 24, 2012 for potential habitat/occurrences of special status plants. No habitat or incidences of BLM special status plants were discovered. It was determined that granting the right-of-way would not impact any special status plant habitat. The special status plant species assessment is located in the decision record and is available upon request.

3. The proposed action would not have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].

The proposed action is in conformance with the Monument Resource Management Plan (RMP), approved in 1985. The RMP established the land use allocation and goals for the affected public land; as such, there are no unresolved conflict regarding other uses of these resources.

4. The proposed action would not have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.

The proposed action does not involve highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks. Through the review of biological and cultural surveys and discussions within interdisciplinary meetings no effects have been identified that may involve highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.

5. The proposed action would not establish a precedent for future actions or represent a decision in principle about future actions with potentially significant environmental effects.

The proposed action is not connected to another action that would require further environmental analysis and would not set a precedent for future actions that would normally require environmental analysis.

6. The proposed action would not have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.

The proposed action does not have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.

7. The proposed action would not 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.

A cultural resource review and survey was conducted for the project area on August 30, 2012. The review revealed no previously recorded sites within the project area and no new sites were discovered during the field inventory. It was determined with concurrence from the State Historical Preservation Office (SHPO) that there would be no effect to National Register listed or eligible cultural resources.

8. The proposed action would not 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.

A review of special status wildlife species was completed September 5, 2012 and included a review of migratory birds. The result of the review was a full clearance that identified the project would not adversely impact the identified special status species or their habitat. The special status wildlife species assessment is in the decision file and is available upon request.

The right-of-way area was surveyed on August 24, 2012 for potential habitat/occurrences of special status plants. No habitat or incidences of BLM special status plants were discovered. It was determined that granting the right-of-way would not impact any special status plant habitat. The special status plant species assessment is located in the decision record and is available upon request.

9. The proposed action would not violate a Federal law, or a State, local or tribal law or requirement imposed for the protection of the environment.

The BLM issues right-of-way grants accordance with Title V of the Federal Land Policy and Management Act of 1976 and the BLM regulations at 43 CFR 2800. Under these regulations the right-of-way grant would specify that all applicable Federal, State and local laws be adhered to. The BLM has the ability to suspend and/or terminate the right-of-way if a Federal, State or local laws is violated. There are no tribal laws in effect for the project area.

10. The proposed action would not have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).

The proposed action would not have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898). The effect would be the same as for the general population in the general area.

11. The proposed action would not limit access to ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly affect the physical integrity of such sacred sites (Executive Order 13007).

No restrictions on accessing this area would result from granting the proposed right-of-way.

12. The proposed action would not 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).

The right-of-way grant would contain stipulations that would require the right-of-way holder to be responsible for weed control within the limits of the right-of-way. Puncturevine (*Tribulus terrestris*), an Idaho State listed noxious weed, was found in proximity to the ROW during the field clearance. Occurrences in the ROW should be treated according to the permit stipulations.

### **C. Consultation and Preparation**

Resource surveys and review of the potential impacts of the proposed action was completed by the following:

Kasey Prestwich, Realty Specialist/Project Lead  
Gary Wright, Wildlife Biologist  
Lisa Cresswell, Archeologist/Shoshone Field Office NEPA Coordinator  
Danelle Nance, Natural Resource Specialist