

CATEGORICAL EXCLUSION

Project Name/Applicant: Idaho Public TV East Butte Communications Use Lease Amendment

Project/Case File Number: IDI-25503

Project Lead: Becky Lazdauskas, Realty Specialist

CE Number: DOI-BLM-ID-I010-2013-0026-CX

Date of Preparation: May 21, 2013

PROPOSED ACTION:

On March 8, 2013, Idaho Public Television Communications, requested an amendment to existing communication use lease, IDI-25503. The Communication Site is located on East Butte (Lot 1) in Bingham County, Idaho. The authorization encumbers approximately 0.1 acres of public land in the SE1/4NE1/4 of section 14, T. 2 N., R. 32 E., B.M., Idaho. This site is located on withdrawn public lands within the Idaho National Laboratory (INL) boundaries. See Exhibits A and A-1.

The original ROW/lease was issued September 29, 1988. The lease was renewed on August 10, 2009, and expires on December 31, 2028. The lease was amended on August 3, 2012 to reflect the current terms and conditions that were updated as part of the Memorandum of Understanding (MOU) between the Department of Energy, acting through its Idaho Operations Office (DOE-ID), and the BLM dated October 24, 2011. The current lease authorizes a television broadcasting and microwave site (approximately 0.1 acres), an equipment building (21'4"x39'4"), a 1,000 gallon diesel fuel tank, a generator/pad, and a 125' self-supporting steel tower with antenna (total height of 162'). KISU TV is broadcasted from this site.

Idaho Public TV has requested that their lease be amended to allow for a fiber optic cable that would be buried in the existing road between their building and the State of Idaho Public Safety's building located at lot 6 on East Butte (IDI-2975). Idaho Public TV has stated that the fiber optic cable is needed to maintain integrity between the two buildings individual grounding systems and to keep them isolated from each other electrically. The buried fiber optic would be approximately 600 feet in length, 20 feet wide, adding an additional 0.28 acres of public land on the lease.

A trench would be dug across the rocky hill top following the existing road bed. The cable would be placed in a duct and buried in the trench. The disturbed material would be put in the trench and the area would be graded and smoothed.

CONSULTATION AND COORDINATION:

This project was brought before a Bureau of Land Management Interdisciplinary Team on March 26, 2013. A description of the proposed action was posted to the online NEPA register. This is available to members of the public through the Upper Snake Field Office

(USFO) webpage. No comments were received and no issues/conflicts were identified for this project.

The proposed project is located on withdrawn public lands which are managed under a Memorandum of Understand (MOU) between Department of Energy (DOE), Idaho and the BLM. The DOE was contacted on April 9, 2013 regarding the amendment. Dan Shirley, from DOE, responded via email on May 2, 2013 and stated that DOE concurred with the lease amendment with attached DOE-ID Right-of-way Stipulations (per the MOU).

FINDING AND RECOMMENDATION:

The proposed action is categorically excluded as outlined in 516 DM 11.9, Appendix 4 E (12) and none of the extraordinary circumstances described in 516 DM 2, Appendix 2 apply. This exclusion states that grants of right-of-way wholly within the boundaries of other compatibly delved rights-of-way may be excluded from further environmental review.

I recommend that the right-of-way authorization, ID-25503, be amended as described subject to the attached stipulations (Exhibit B), the lease dated August 10, 2009 (Exhibit C), and the amendment decision dated August 3, 2012 (Exhibit D). The right-of-way would be amended 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.

DECISION AND RATIONALE FOR THE DECISION:

It is my decision to amend communication site lease IDI-25503, allowing for a buried fiber optic line, 600 feet in length and 20 feet wide or 0.28 acres more or less. The communication lease area would be amended to include a total of **0.38** acres. The authorization would keep the expiration date of December 31, 2028, and would be subject to the current terms and conditions found at 43 CFR 2800 the attached stipulations (Exhibit B), the lease dated August 10, 2009 (Exhibit C), and the amendment decision dated August 3, 2012 (Exhibit D).

Issuance of the communication use lease amendment 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 (12). None of the exceptions found in 516 DM 2, Appendix 2 apply.

LAND USE PLAN CONFORMANCE:

The proposed action is in conformance with Big Desert Framework Management Plan (1981). The Plan provides general guidelines for the protection and use of resources in this area. While this action is not specifically addressed in the document, the plan does provide for the consideration of right-of-way applications.

Extraordinary Circumstances Requiring Preparation of an EA or EIS

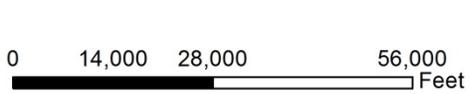
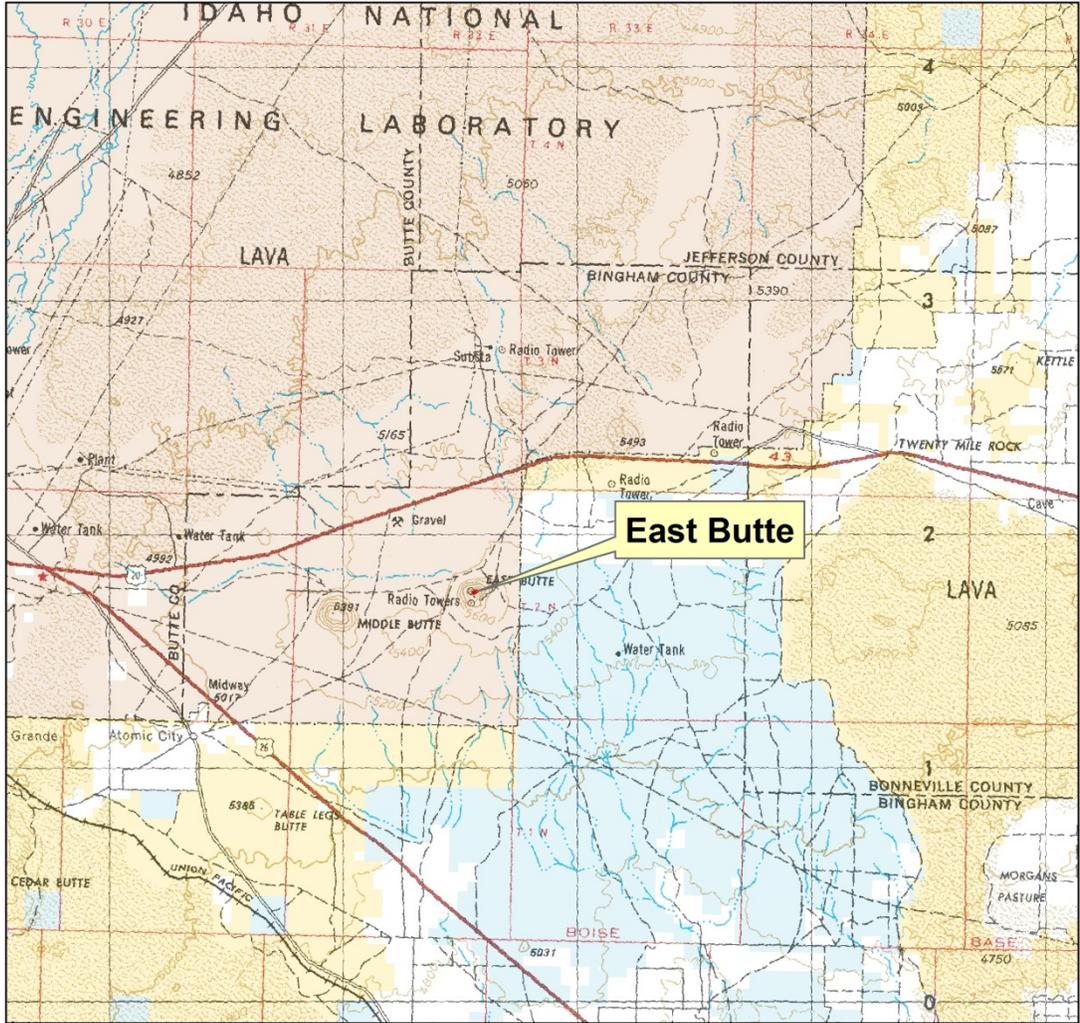
The action described in categorical exclusion **CE# DOI-BLM-ID-I010-2013-0026-CX (IDI-25503)** has been reviewed to determine if any of the following extraordinary circumstances listed below apply, as listed in the Departmental NEPA regulations (43 CFR 46.215).

Extraordinary Circumstance

1. Have significant impacts on public health or safety.
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.
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102(2)(E)].
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.
5. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.
6. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.
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.
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.
9. Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.
10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).
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).
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-25503
Idaho Public TV
Communication Use Lease Amendment

EXHIBIT A
General Vicinity Map
May 30, 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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**IDI-25503 Amendment
Idaho Public TV
Communication Use Lease**

**EXHIBIT A-1
SENE of section 14
T. 2 N., R. 32 E., B.M., Idaho
May 30, 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-25503

1. All design, material and construction, operation and maintenance, and termination practices shall be in accordance with safe and proven engineering practices.
2. The holder shall recontour disturbed areas, or designated sections of the right-of-way, by grading to restore the site to approximately the original contour of the ground as determined by the authorized officer.
3. **Within 45 days of completion, the holder will submit to the authorized officer, as-built drawings and a certification of construction verifying that the facility has been constructed (and tested) in accordance with the design, plans, specifications, and applicable laws and regulations.**
4. 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.
5. Excess excavated, unsuitable, or slide materials shall be disposed of as directed by the authorized officer.
6. The holder shall provide for the safety of the public and other users 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.
7. The holder shall recontour disturbed areas, or designated sections of the right-of-way, by grading to restore the site to approximately the original contour of the ground as determined by the authorized officer.
8. During conditions of extreme fire danger, operations shall be limited or suspended in specific areas, or additional measures may be required by the authorized officer.