

CATEGORICAL EXCLUSION

Project Name/Applicant: Idaho Department of Fish and Game Telemetry Stations

Project/Case File Number: IDI-37526/IDI-37546

Project Lead: Heather Schlenker, Realty Specialist /BLM Upper Snake Field Office

CE Number: DOI-BLM-ID-I010-2013-0033-CX

Date of Preparation: May 24, 2013

BACK GROUND AND PROPOSED ACTION:

On May 7, 2013, Brett High, with the Idaho Department of Fish and Game, submitted an application (SF-299) requesting a right-of-way (ROW) authorization for two temporary fixed-receiver radio telemetry stations to be installed on public land. The telemetry stations would be located in Madison County as described below:

Boise Meridian, Idaho

T. 5 N., R. 39 E.,
sec. 28, lot 15.

T. 3 N., R. 42 E.,
sec. 9, lot 11.

The proposed action is to issue two grants of right-of-way to the Idaho Department of Fish and Game for a period of approximately five years, expiring on December 21, 2017. The issuance of the rights-of-way would be authorized under Public Law 94-579 (Federal Land Policy and Management Act of October 21, 1976) (90 Stat. 2776; 43 U.S.C. 1761), and the current regulations found at 43 CFR 2800.

The stations would be installed to collect information on the movement patterns of salmonids in the South Fork Snake River near a large unscreened diversions by Heise. It will also study the entrainment of salmonids into irrigation canals.

The receiver stations would consist of a small solar panel, two antennas, and a lock box to hold the receiver and two 12 volt batteries. The solar panel and antennas would be mounted to a tree. The small lock box would be secured at the base of the tree with a chain and lock. The antennas lock box and chain would be painted camouflage to reduce visual impacts. The total aerial footprint would be less than 12 square feet (.0003 acres) for each station. The receivers would operate year round during the five year study period. Installation would require about four hours and would be initiated as soon as possible. Some removal of small limbs may be required to ensure adequate solar input to the solar panel.

CONSULTATION AND COORDINATION:

On May 13, 2013, this project was brought before an Interdisciplinary Team consisting of

Bureau of Land Management (BLM) specialists. A description of the proposed action was posted to the online NEPA register. This is available to members of the public through the Idaho Upper Snake Field Office webpage. No comments were received and no issues/conflicts were identified for this project.

FINDING AND RECOMMENDATION:

The proposed action is categorically excluded as outlined in 516 DM 2, Appendix (1) 1.6, and none of the extraordinary circumstances described in 516 DM 2, Appendix 2 apply. This exclusion states that nondestructive data collection, inventory, study, research, and monitoring activities that do not have any of the extraordinary circumstances described in 516 DM 2, Appendix 2 may be excluded from further environmental review.

The ROW applications have been assigned case file numbers IDI-37526 and IDI-37546. I recommend that the ROW authorizations IDI-37526 and IDI-37546 be granted for a period of five years, subject to the terms and conditions and the attached stipulations (see Exhibit B). The Idaho Department of Fish and Game is exempt from cost recovery and rental fees on these rights-of-way as described in 43 CFR 2804.14 and 2806.14.

The ROW is to be issued under the authority of Public Law 94-579 (Federal Land Policy and Management Act) and the regulations found at 43 CFR 2800.

DECISION AND RATIONALE FOR THE DECISION:

It is my decision to grant right-of-way authorizations for IDI-37526 and IDI-37546, allowing for the installation, operation and maintenance of two radio telemetry stations for data collection by the Idaho Department of Fish and Game. Each of the rights-of-way encumbers approximately 0.0003 acres. The grants would be issued for approximately five years, expiring on December 31, 2017, subject to the current terms and conditions found at 43 CFR 2800 and the attached stipulations (Exhibit B). The Idaho Department of Fish and Game is exempt from cost recovery and rental fees on these rights-of-way as described in 43 CFR 2804.14 and 2806.14.

Issuance of the rights-of-way would cause no significant environmental disturbance. The subject action qualifies as a Categorical Exclusion and meets the criteria contained in 516 DM 2, Appendix (1) 1.6. None of the exceptions found in 516 DM 2, Appendix 2 apply.

LAND USE PLAN CONFORMANCE:

The Proposed Action is located in Madison County, Idaho, within the boundaries of the Upper Snake Field Office. The BLM's Medicine Lodge Resource Management Plan (BLM 1985) provides general guidelines for the protection and use of resources in this area. The Proposed Action is in conformance with the BLM Upper Snake Field Medicine Lodge Resource Management Plan (RMP) and Record of Decision (ROD) (BLM 1985).

APPEALS INFORMATION:

Right-of-way Decisions become effective upon approval by the authorized officer (43 CFR 2801.10(b)). Appeal procedures may be found at *43 CFR 4.21 (58 FR 4939, January 19, 1993)* or *43 CFR 2801.10*.

/s/Heather Schlenker
Heather Schlenker
Realty Specialist

6/4/2013
Date

/s/Josh Gibbs (acting for)
Marissa Guenther
NEPA Reviewer

6/4/2013
Date

/s/Jeremy Casterson
Jeremy Casterson
Field Manager

6/4/2013
Date

Extraordinary Circumstances Requiring Preparation of an EA or EIS

(516 DM 2, Appendix 2)

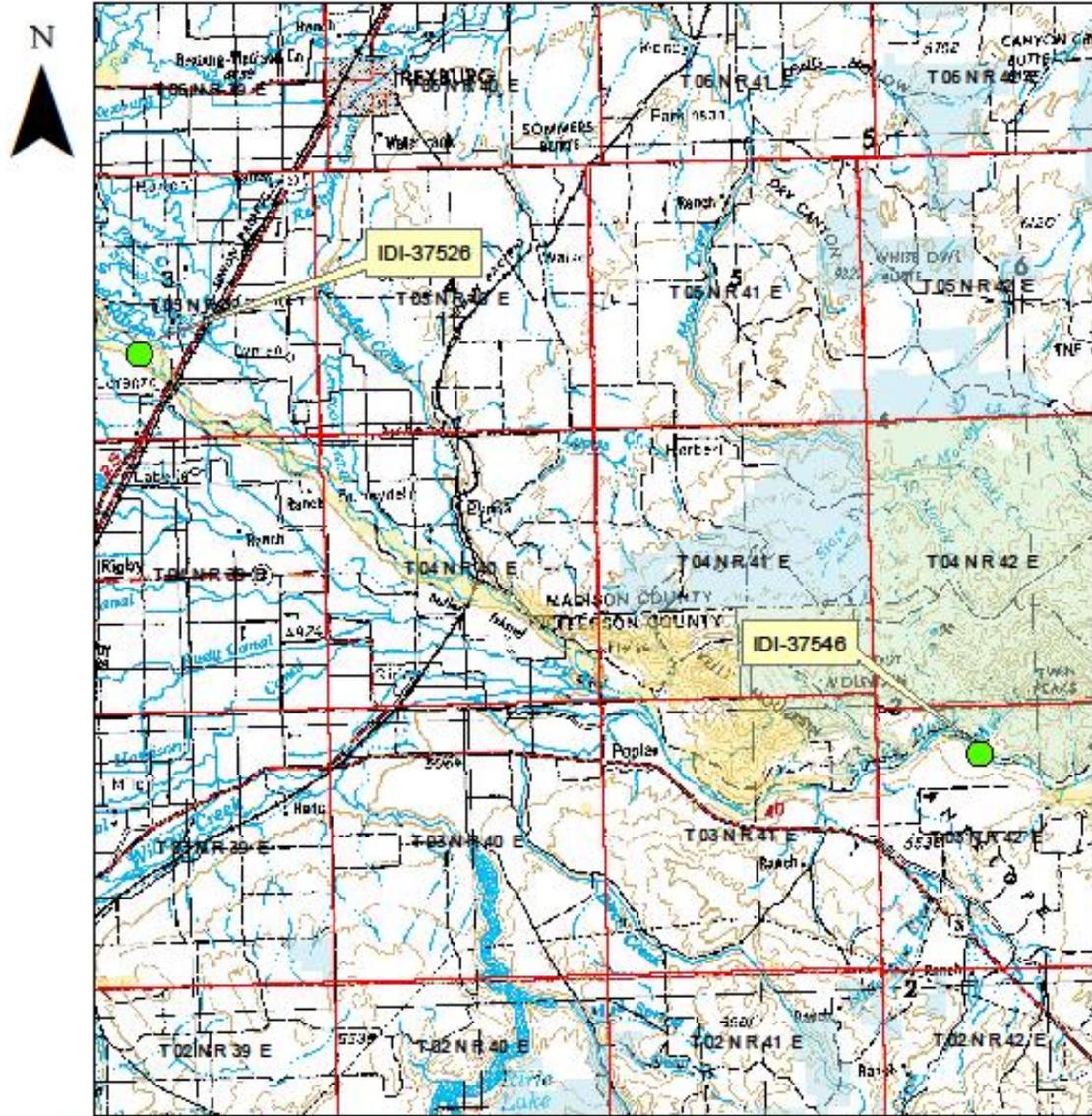
The action described in categorical exclusion # **DOI-BLM-ID-I010-2013-0033-CX (IDI-37526/IDI-37546)** has been reviewed to determine that none of the extraordinary circumstances listed below pertain to the proposed action.

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).

Idaho Department of Fish & Game Radio Telemetry Station ROW Request

Exhibit A
Area Map of ROW requests
5/28/2013 HS

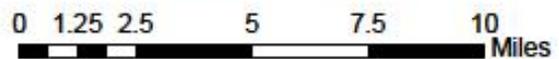


Legend

Surface Management Agency - Idaho

Surface Management

- Bureau of Land Management
- Private
- State of Idaho
- US Forest Service
- Requested telemetry locations

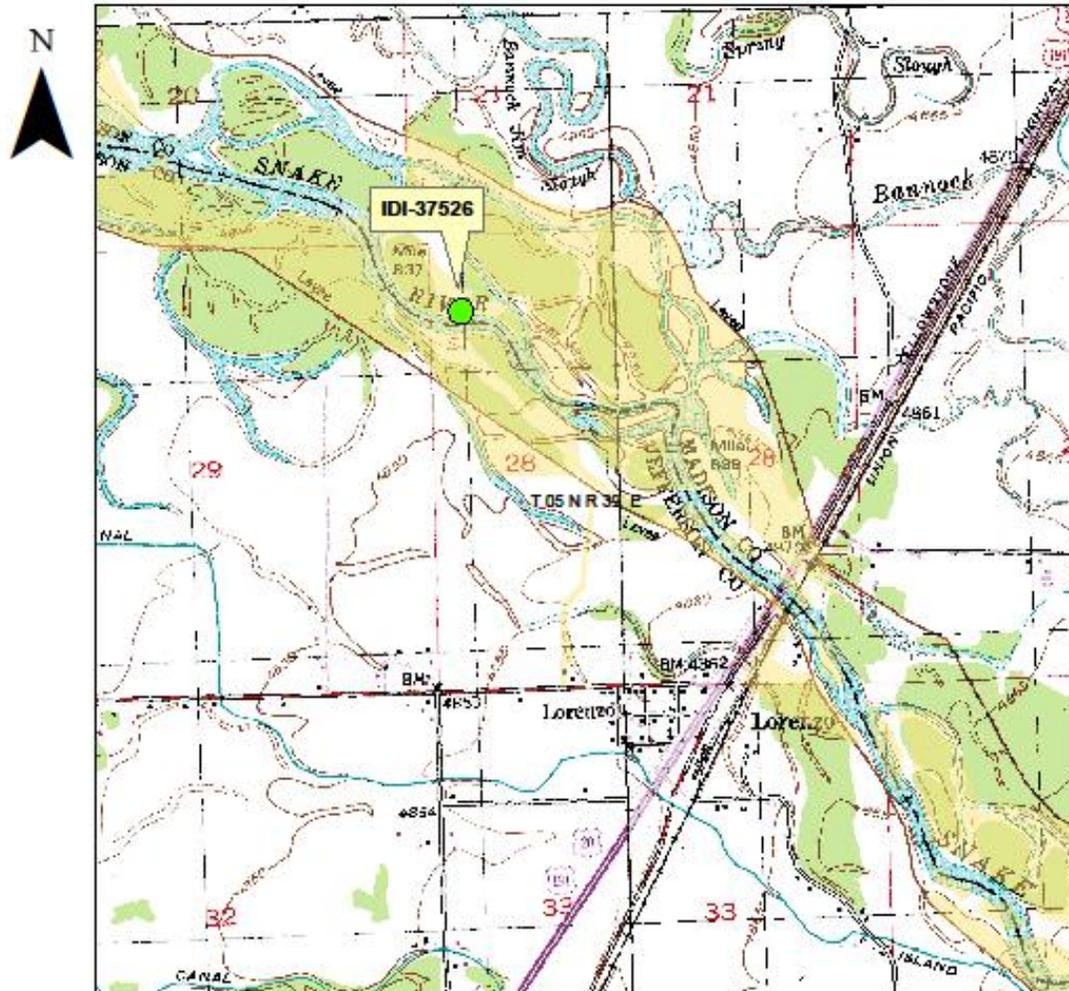


Idaho Department of Fish & Game
1000 S. State Street, Boise, ID 83724
208.333.4333
www.idfg.idaho.gov



Idaho Department of Fish & Game Radio Telemetry Station ROW Request

Exhibit A-1
Site Map for ROW request IDI-37526
5/28/2013 HS



Legend



Surface Management Agency - Idaho

Surface Management

- Bureau of Land Management
- Private
- State of Idaho
- US Forest Service
- Requested telemetry locations

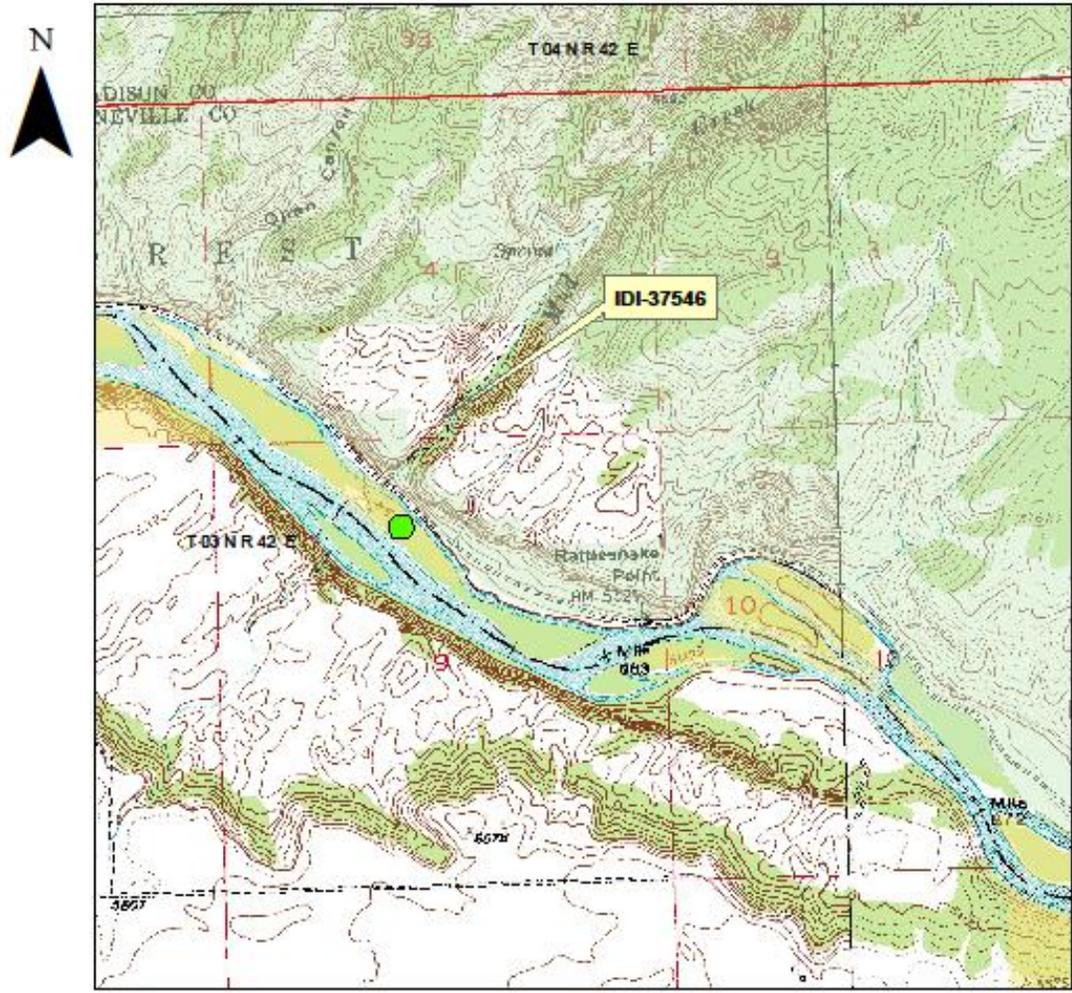


THE IDAHO DEPARTMENT OF FISH & GAME
1000 S. BRUNNEN DRIVE, BOISE, IDAHO 83726
PHONE: (208) 333-7300 FAX: (208) 333-7301
WWW.IDFG.ID.GOV



Idaho Department of Fish & Game Radio Telemetry Station ROW Request

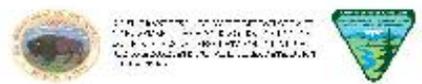
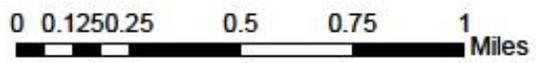
Exhibit A-2
Site Map for ROW request IDI-37546
5/28/2013 HS



Legend

Surface Management Agency - Idaho Surface Management

- Bureau of Land Management
- Private
- State of Idaho
- US Forest Service
- Requested telemetry locations



Stipulations- Exhibit B

IDI-37526/34546

Operation and Maintenance

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. No routine maintenance activities shall be performed during periods when the soil is too wet to adequately support construction equipment. If such equipment creates ruts in excess of 3 inches deep, the soil shall be deemed too wet to adequately support construction equipment.
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. 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.
5. 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 may 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.

Weed Control

6. The holder shall be responsible for weed control 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).
7. Use of all pesticides (including fungicides, herbicides, insecticides, etc.) shall comply with the applicable Federal and State laws. Pesticides shall be used only in accordance with their registered uses and within limitations imposed by the Secretary of the Interior. Prior to the use of pesticides, the holder shall obtain from the authorized officer written approval of a plan showing the type and quantity of material to be used, pest(s) to be controlled, method of application, location of storage and disposal of containers, and any other information deemed necessary by the authorized officer. Emergency use of pesticides shall be approved in writing by the authorized officer prior to such use.

Cadastral

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 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.

Cultural

9. 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.
10. 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. The BLM Authorized Officer will determine avoidance, protection or mitigation measures in consultation with the Holder, Idaho SHPO, and affected Tribes. Costs associated with the discovery, evaluation, protection or mitigation of the discovery shall be the responsibility of the holder.