

**UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT**

Twin Falls District  
Burley Field Office  
15 East 200 South  
Burley, ID 83318

**Categorical Exclusion Documentation Format When Using Categorical Exclusions Not  
Established by Statute**

**NEPA No.: DOI-BLM-ID-T020-2014-0002-CX**

**A. Background**

BLM Office: **Burley Field Office**. Lease/Serial/Case File No.: **IDI-37591**

Proposed Action Title/Type: Jerry R. Robinson or Kelsie Robinson Pipeline ROW across public land to a water trough located on State Lands.

Location of Proposed Action: T. 12 S., R. 15 E., B.M., Twin Falls Co, ID, Sec. 17: NE¼NE¼ (also, see the map, Exhibit "A").

Description of Proposed Action: J.R. Robinson has applied for a right-of-way (ROW) to construct, operate, maintain and remove or abandon in place, a buried, 1½ inch diameter livestock water pipeline. The proposed line would provide water to a trough on State of Idaho grazing lands. The proposed line would be installed wholly within the disturbance of an existing primitive road (see the photos below) that is used for access in the Kunkel (#4007) grazing allotment. Installation would be accomplished using the cable/pipeline plow method which causes very little ground disturbance. It would be plowed in (buried) to a depth of 2½ feet. The proposed ROW would be 20 feet wide and 1584 feet (.3 miles) in length, affecting approximately 0.7 acres of public land.



This photo looks generally to the west. The proposed line would begin in the vicinity of the trough in the background and run east within the two-track disturbance shown.



This photo looks generally to the east and shows the proposed pipeline route (in red) entering state land.

### **B. Land Use Plan Conformance**

Land Use Plan Name: Twin Falls MFP. Date Approved/Amended: January 21, 1982.

\_\_\_\_\_ The Proposed Action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decision(s):

XX The Proposed Action is in conformance with the LUP, even though it is not specifically provided for, because it is clearly consistent with the following LUP decision(s) (objectives, terms, and conditions): The subject lands are managed in accordance with the Twin Falls Management Framework Plan (MFP) which was approved on January 21, 1982. The Twin Falls MFP makes no specific recommendations regarding the granting of ROW's for livestock water pipelines, nor does it preclude ROW's in this area. The proposal is therefore in conformance with the appropriate land use plan.

### **C. Compliance with NEPA:**

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9 E(16), which 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. Explain why the proposed action fits the category*". The Proposed Action fits this exclusion because it would be wholly within a historical disturbance used for access and would provide access for livestock water. In addition, it would not appreciably change the landscape or cause additional disturbance.

This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The Proposed Action has been reviewed, and none of the extraordinary circumstances described in 43 CFR 46.215 apply (see the attached CATEGORICAL EXCLUSION REVIEW SHEET).

The proposed small diameter pipeline would be plowed in (buried). The disturbed area would be seeded with crested wheatgrass seed mixture, and noxious weed control within the proposed ROW would be required of the ROW Holder.

#### **D. Signature**

Authorizing Official: \_\_\_\_\_ Date: \_\_\_\_\_

Name: Michael C. Courtney

Title: Field Office Manager

#### **Contact Person**

For additional information concerning this CX review, contact Jennifer Sonner, Realty Specialist, 208-677-6640, 15 E. 200 S., Burley, ID 83318, [jsonner@blm.gov](mailto:jsonner@blm.gov).

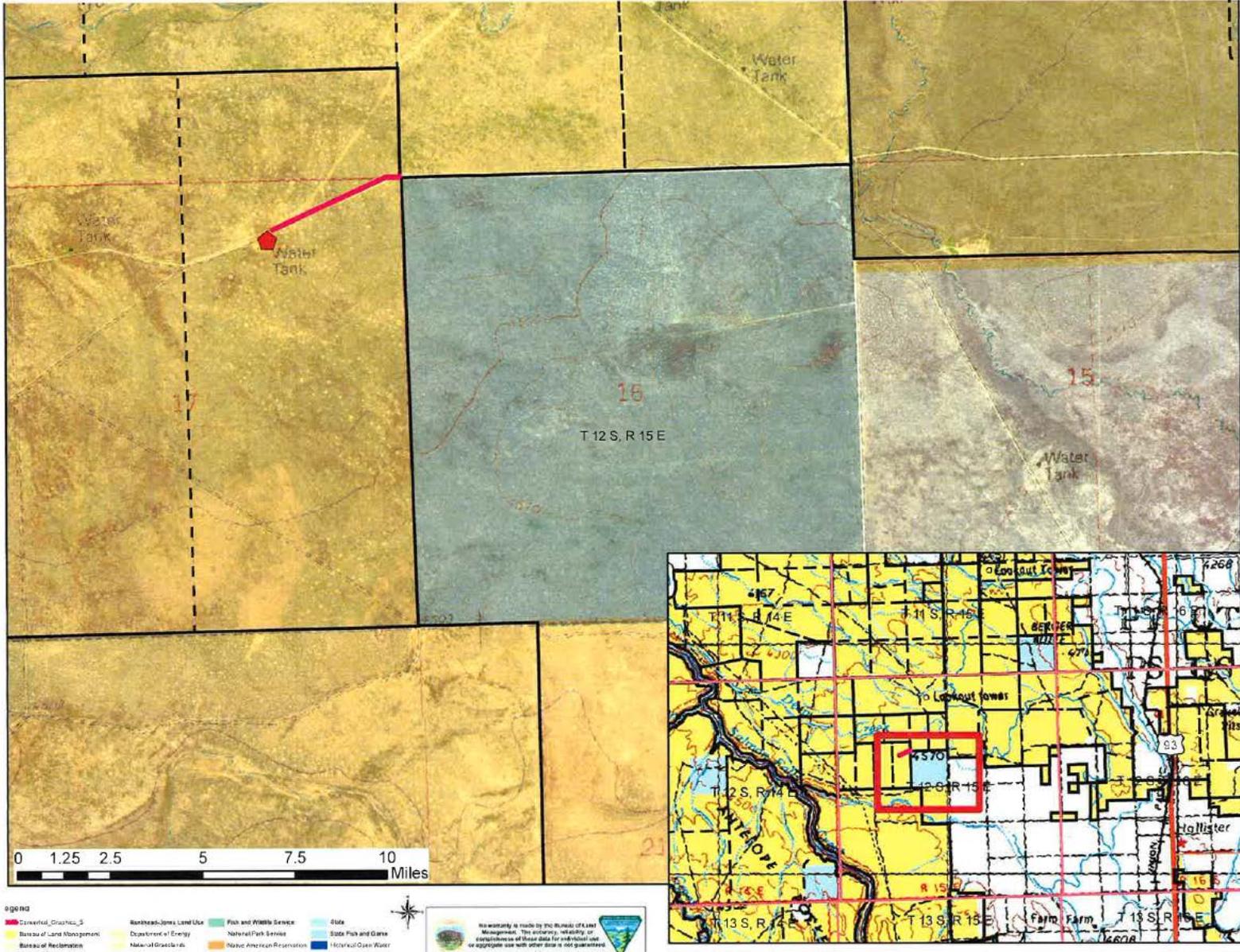
#### **E. Addendum**

Exhibit "A" – ROW Map

Exhibit "A-1" – Noxious Weed Inventory Map

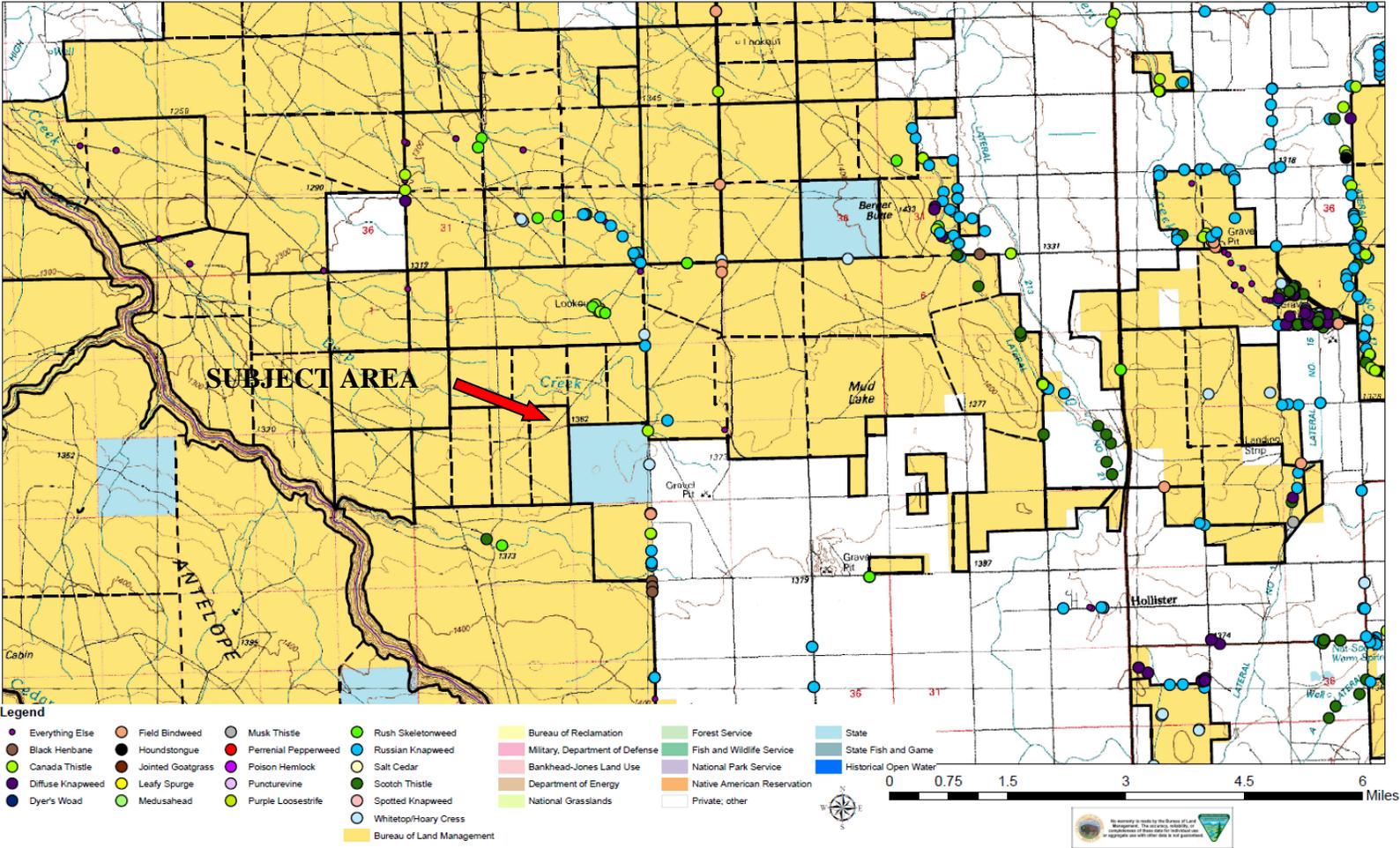
Exhibit "B" – ROW Stipulations

# EXHIBIT "A" ROW MAP



# EXHIBIT "A-1"

## NOXIOUS WEED INVENTORY MAP



# Exhibit “B”

## TERMS, CONDITIONS, AND STIPULATIONS Robinson Livestock Water Pipeline IDI-37591

1. The Holder, by accepting this right-of-way grant, agrees and consents to comply with and be bound by the following terms and conditions:
  - a. All Federal and State laws applicable to the authorized use and such additional Federal and State laws along with the implementing regulations that may be enacted and issued during the term of the grant.
  - b. That in operation, maintenance, and termination of the authorized use, there shall be no discrimination against any employee or applicant for employment because of race, creed, color, sex, age, disability, religion or national origin and all subcontracts shall include an identical provision.
  - c. When requested by the Authorized Officer, the Holder shall make his equipment already at the site with operators, temporarily available for fighting fires in the vicinity of the project. Payment for such services will be made at rates determined by the Authorized Officer.
2. The Authorized Officer may suspend or terminate in whole or in part this right-of-way grant which has been issued when, in his judgment, 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.
3. The Holder shall not initiate any surface disturbing activities, beyond normal maintenance activities, on the right-of-way without the prior written authorization of the Authorized Officer.
4. Any cultural and/or paleontological resource (historic or prehistoric site 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. The 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.
5. Holder shall comply with the applicable Federal and State Laws and regulations concerning the use of pesticides (i.e. insecticides, herbicides, fungicides, rodenticide, and other similar substances) in all activities/operations under this grant. A chemical shall not be used if the Secretary of Interior has prohibited its use. Only BLM approved herbicides will be used. The list of chemicals is periodically updated and can be obtained from the Twin Falls District Office.

Pesticides shall be used only in accordance with their registered uses and within other limitations if the Secretary has imposed limitations. Pesticides shall not be permanently stored on public lands authorized for use under this grant. Applicator(s) shall hold a current applicator's license.

6. As directed by the Authorized Officer the Holder shall be responsible for control of noxious weed species on disturbed areas within the limits of the right-of-way that result or would result from the improvements authorized under this grant.
7. The Holder is responsible to ensure that the undercarriages of equipment and/or vehicles used for maintenance be free of all soil and plant material prior to entering and exiting the project area to reduce the establishment of new invasive, non-native species or the spread of existing species to new areas.
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 Bureau cadastral surveyor to restore the disturbed monument and references using surveying procedures found in the Manual of Surveying Instructions for 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 this right-of-way grant or the Holder's successor in interest shall comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) and the regulations of the Secretary of the Interior issued pursuant thereto.
10. All design, material, operation, and maintenance practices shall be in accordance with safe and proven engineering practices.
11. The Holder shall comply with all applicable federal laws and regulations existing or hereafter enacted or promulgated. In any event, the Holder shall comply with the Toxic Substances Control Act of 1976, as amended (15 U.S.C. 2601, et seq.) with regard to any toxic substances that are used, generated by or stored on the permit area or on facilities authorized under this permit. (See 40 CFR, Part 702-799 and especially, provisions on polychlorinated biphenyls, 40 CFR 761.1-761.193). Additionally, any release of toxic substances (leaks, spills, etc.) in excess of the reportable quantity established by 40 CFR, Part 117 shall be reported as required by the Comprehensive Environmental Response Compensation and Liability Act of 1980, Section 102b. A copy of any report required or requested by any Federal agency or State government as a result of a reportable release or spill of any toxic substances shall be furnished to the Authorized Officer concurrent with the filing of the reports to the involved Federal agency or State government.

12. The Holder agrees to indemnify the United States against any liability arising from the release of any hazardous substances 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, 42 U.S. C. 6901 et seq.) on the permit area (unless the release or threatened release is wholly unrelated to the right-of-way Holder's activity on the right-of-way).
13. Prior to termination or assignment of the right-of-way or a portion of the right-of-way, the Holder shall contact the Authorized Officer.
14. The Holder shall indemnify the United States against any liability for damage to life or property arising from the occupancy or use of the public lands under this grant associated with the authorized maintenance activities of the Holder.
15. No routine maintenance activities shall be performed during periods when the soil is too wet to adequately support maintenance equipment. If such equipment creates ruts in excess of 4-inches deep, the soil shall be deemed too wet to adequately support maintenance equipment.
16. The Holder shall conduct all maintenance activities in a manner that will minimize disturbance to vegetation, drainage channels, and stream banks. The Holder shall take resource conservation and protection measures on the right-of-way as the Authorized Officer deems reasonably necessary. Areas disturbed during maintenance outside of the existing road and shoulder shall be reseeded with a seed mixture and rate of success to be determined by the Authorized Officer.
17. The Holder shall keep the right-of-way clean by removal of any debris or waste associated with maintenance activities.
18. No signs or advertising devices shall be placed on the premises or on adjacent public lands, except those posted by or at the direction of the Authorized Officer.
19. All terms, conditions, and/or stipulations of associated permits will be adhered to.
20. Construction activities are not to take place during the Migratory Bird Nesting Season from March 1 through July 15, or until occupied nests are no longer active. If construction activities need to take place during the migratory bird nesting season an exception request must be submitted to the BLM Authorized Officer in writing requesting a variance to the stipulation. Upon receiving this request, an onsite evaluation must be completed by the BLM resource specialist to determine if implementation of project activities will avoid causing harm to federally protected migratory birds.