

CATEGORICAL EXCLUSION
UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
CHALLIS FIELD OFFICE
Categorical Exclusion
Five E Group, Road Right-of-Way Assignment
DOI- BLM-ID-I030-2014-0003-CX

Project Name/Applicant: Five E Group, Road Right-of-Way Assignment

Project/Case File Number: IDI-20952

Project Lead: Joni Cain, Realty Specialist

Date of Preparation: November 22, 2013

BACKGROUND:

On April 17, 2013, Five E Group LLLP submitted an application requesting an assignment of right-of-way (ROW), IDI-20952. The ROW was renewed and issued to Bob Dreyer in 2006 with an expiration of December 31, 2036. This ROW affects lands located at T. 13 N., R. 23 E., section 13, portion of lot 1, and encumbers 1.59 acres of the Bureau of Land Management (BLM), Challis Field Office (Exhibit A).

PROPOSED ACTION:

To approve the assignment of this ROW to Five E Group, LLC with the current stipulations and expiration date. The ROW would continue to be subject to rental.

The following additional stipulations, along with the original stipulations, would be applied to the grant:

The holder shall permit free and unrestricted public access to and upon the right-of-way for all lawful purposes except for those specific areas designated as restricted by the authorized officer. NOTE: BLM managed public lands adjacent to the right-of-way and private property are closed to motorized use except on existing roads.

All maintenance activities, including resurfacing/graveling, blading or plowing will occur only within the already existing road prism.

CONSULTATION AND COORDINATION:

A summary description of the proposed project was made available to the public on the Idaho BLM's ePlanning website in November 2013, and the public was given the opportunity to provide comments or consult on the action.

FINDING AND RECOMMENDATION:

The proposed action is categorically excluded as outlined in 516 DM 11.9, E.9 states, "*Renewals and assignments of leases, permits, or rights-of-way where no additional rights*

are conveyed beyond those granted by the original authorizations” may be excluded from further environmental review, and none of the extraordinary circumstances described in 516 DM 2, Appendix 2 apply.

I recommend the ROW authorization, IDI-20952, be assigned to Five E Group LLP, subject to the current terms and conditions and the attached stipulations (Exhibit B). The right-of-way assignment 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 in 43 CFR 2800. The December 31, 2036 expiration date would remain the same. Rental would be required in accordance with 43 CFR 2806.20.

DECISION AND RATIONALE FOR THE DECISION:

It is my decision to authorize the assignment of ROW IDI-20952, allowing the use and maintenance of public land for an existing road. The ROW will be 2,310 feet in length, 30 feet wide and encumber approximately 1.59 acres. The grant would expire on December 31, 2036, with the right to renew, subject to the current terms and conditions found at 43 CFR 2800 and the attached stipulations (Exhibit B). The applicant would be responsible for rental as required in accordance with 43 CFR 2806.20.

The subject action qualifies as a Categorical Exclusion and meets the criteria contained in 516 DM 2, Appendix 4, E 9. None of the exceptions found in 516 DM 2, Appendix 2 apply.

LAND USE PLAN CONFORMANCE:

The proposed action is in conformance with the *Challis Resource Management Plan (1999)*. Specifically, the following goal is relevant to the proposed action: *Land Tenure and Access: Goal 3. “Consider public needs for use authorizations such as Rights-of-way, leases, permits and withdrawals”*

APPEALS INFORMATION:

43 CFR 4.21 (58 FR 4939, January 19, 1993) or 43 CFR 2801.10

Preparers Signature: /s/ Joni Cain

Date: 12/16/2013

Challis Field Manager Signature: /s/ Todd Kuck

Date: 12/19/2013

Extraordinary Circumstances Requiring Preparation of an EA or EIS

The action described in categorical exclusion **DOI-BLM-ID-I030-2013-0004-CX (IDI-20952)** has been reviewed by the ID Team to determine that none of the extraordinary circumstances listed below apply, as listed in the Departmental NEPA regulations (43 CFR 46.215).

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).

R 23 E

R 24 E

IDI-20952 Road ROW/Assignment

11

12

7

14

13

18

T 13 N

T 13 NR 23 E

T 13 NR 24 E

T 13 N

23

24

19

R 23 E

R 24 E

Legend

 IDI-20952 Road ROW

 BLM

 PRIVATE



November 2013

0 1,000 2,000 Feet



No warranty is made by the Bureau of Land Management (BLM). The accuracy, reliability, or completeness of these data for individual use or aggregate use with other data is not guaranteed.



EXHIBIT B
STIPULATIONS
IDI-20952

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). Control measures must be done in accordance with the Challis Field Office Integrated Field Office Weed Management Program. Coordination with the Challis Field Office Weed Specialist shall be completed **before** applying herbicides.
5. The holder of right-of-way No. IDI-20952 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.
6. 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.
7. 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.

8. 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.
9. 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.
10. The holder shall permit free and unrestricted public access to and upon the right-of-way for all lawful purposes except for those specific areas designated as restricted by the authorized officer. NOTE: BLM managed public lands adjacent to the right-of-way and private property are closed to motorized use except on existing roads.
11. All maintenance activities, including resurfacing/graveling, blading or plowing will occur only within the already existing road prism.