

**UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
POCATELLO FIELD OFFICE**

**Categorical Exclusion
BLM Hot Shot Facility Utilities
DOI-BLM-ID-I020-2014-0006-CX**

APPLICANT: United States of America / DOI-BLM

Project/Case File Number: IDI-37649 (Water), IDI-37650 (Power), IDI-37651 (Telephone/Telegraph), IDI-37652 (Nat. Gas), IDI-37653 (Cable T.V.), IDI-37654 (Roadway)

Project Lead: Danny Miller, Realty Specialist

Date of Preparation: December 11, 2013

PROPOSED ACTION:

The United States of America through the U.S. Department of Interior / Bureau of Land Management has been authorized to construct a new permanent facility to house the Snake River Hotshots. The Snake River Hotshots are a Type I Interagency Hotshot Crew dedicated to wildland fire suppression. The crew is stationed in Pocatello, Idaho. The new facility is being built on land, under Federal ownership which, is managed by the BLM. These Right-of-Ways (ROWs) are being sought in order to provide access (road) and utilities (water, power, telephone, natural gas, cable T.V.) to the new facility.

The Right-of-Ways sought would consist of an underground trench which would hold water pipeline, power supply line, telephone line, natural gas pipeline, and cable T.V. This underground trench right-of-way would be approximately 20 ft. wide and 1000 ft. long. The adjacent roadway used for access to the new facility would be 30 ft. wide and 1000 ft. long. The proposed action is to authorize these existing encroachments under the authority of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761).

The right-of-ways, if authorized will encumber approximately 1.4 acres of Federal Land legally described as:

Bannock County, Boise Meridian, Idaho

T. 7 S., R. 35 E.,
NE¼ of section 7

Standard stipulations currently used for rights-of-ways would be offered and incorporated into the grants.

CONSULTATION AND COORDINATION:

The Hot Shot Facility project was brought before an Interdisciplinary Team of BLM Specialists in the Pocatello Field Office, Idaho Falls District Office and Idaho State Office and thereafter,

reviewed and approved. An Environmental Assessment (EA) was produced in order to build the facility (DOI-BLM-ID-I020-2011-0041-EA) and was posted to the NEPA register. This project has also been reviewed and posted to the NEPA register, and is needed in order to supply the utilities to the new facility.

LAND USE PLAN CONFORMANCE:

The Pocatello Field Office Resource Management Plan (RMP) (April, 2012) approved on July 10, 2012 has been reviewed to determine if the proposed action conforms to the land use plan terms and conditions as required by 43 CFR 1610.5.

A. Land Use Plan (LUP) Conformance:

The proposed action is in conformance with the Pocatello Field Office Resource Management Plan area. This land is managed by the Pocatello Field Office. The controlling Land Use Plan for this public land is the Pocatello Resource Management Plan (RMP) (April, 2012) and was approved on July 10, 2012. The RMP states in part under **Action LR-6.1.6.** (pg. ARMP-84) that,

“For rights-of-ways (ROW’s) which include energy and non-energy related ROW’s and Land Use Authorizations (LUA’s), 590,000 acres will be managed as Open Areas; 21,900 acres will be managed as Avoidance Areas and 1,900 acres will be managed as Exclusion Areas these areas are defined as follows:”

“Open Areas – These are areas not identified as avoidance or exclusion areas and are open to ROWs and land use authorization proposals.”

These rights-of-ways, IDI-37649, IDI-37650, IDI-37651, IDI-37652, IDI-37653, and IDI-37654 are located in an Open Area therefore, authorizations can be issued for all these types of Land Use Authorizations and Leases.

RECOMMENDATION:

The proposed action is categorically excluded as outlined in 516 DM 11.9, Appendix 4 E(17) and none of the extraordinary circumstances described in 516 DM 2, Appendix 2 apply. This exclusion states that “Grant of a short right-of-ways for utility service or terminal access roads to an individual residence, outbuilding, or water well” may be excluded from further environmental review.

I recommend that these Rights-of-Way, IDI-37649, IDI-37650, IDI-37651, IDI-37652, IDI-37653, IDI-37654 be issued to The United States of America in perpetuity. The Right-of-Way 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 at 43 CFR 2800. Rent would not be required to be collected from grants to the United States however, grants to other entities will be as required as outlined in 43 CFR 2806.10.

DECISION AND RATIONALE FOR THE DECISION:

It is my decision to issue Right-of-Ways IDI-37649 (Water), IDI-37650 (Power), IDI-37651 (Telephone/Telegraph), IDI-37652 (Nat. Gas), IDI-37653 (Cable T.V.), and IDI-37654 (Roadway), allowing the Federal Land to be used for the purpose of constructing an underground water pipeline and trench, underground power supply line, underground telephone line, natural gas supply line, (20 ft. X 1000 ft.) and the access road (30 ft. X 1000 ft.) which would encumber approximately 1.4 acres in perpetuity.

Issuance of the Right-of-Way 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 (17). None of the exceptions found in 516 DM 2, Appendix 2 apply.

APPEALS INFORMATION:

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

 /s/ Danny Miller 12/12/2013
Danny Miller Date
Realty Specialist

 /s/ Blaine Newman 12/12/2013
Blaine Newman Date
NEPA Reviewer

 /s/ David A. Pacioretty 12/12/2013
David A. Pacioretty Date
Field Manager

Extraordinary Circumstances Requiring Preparation of an EA or EIS

The action described in categorical exclusion # ID- I020-2014-0006-CX has been reviewed to determine that none of the extraordinary circumstances listed below pertain to the proposed action.

	<u>Extraordinary Circumstance</u>
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).

Exhibit A - Stipulations

1. The Holders shall perform all operations in a good and workmanlike manner so as to ensure protection of the environment and the health and safety of the public.
2. The Holders shall conduct all activities associated with the operation, maintenance, and termination of the roads within the authorized limits of the Right-of-Way (ROW) and shall maintained the ROW in a sanitary condition at all times; waste materials 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.
3. Use of herbicides shall comply with the applicable Federal and state laws and shall be used only in accordance with their registered uses and within limitations imposed by the Secretary of the Interior.
4. The Holder(s) shall comply with all applicable Federal, State and local laws and regulations, existing or hereafter enacted or promulgated, with regard to any Hazardous Materials, as defined in this paragraph, that will be used, produced, transported or stored on or within the R/W or any of the R/W facilities, or used in the construction, operation, maintenance or termination of the R/W or any of its facilities. "Hazardous material" means any substance, pollutant or contaminant that is listed as hazardous under the CERCLA of 1980, as amended, 42 U.S.C. 9601 et seq., and its regulations. The definition of hazardous substances under CERCLA includes any "hazardous waste" as defined in the RCRA of 1976, as amended, 42 U.S.C. 6901 et seq. and its regulations. The term hazardous materials also include any nuclear or byproduct material as defined by the Atomic Energy Act of 1954, as amended, 42 U. S. C. 2011 et seq. The term does not include petroleum, including crude oil or any fraction thereof that is not otherwise specifically listed or designated as a hazardous substance under CERCLA section 101(14), 42 U.S.C. 9601(14), nor does the term include natural gas.
5. Use of pesticides 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.
6. The Holders 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.

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. The United States retains the right to authorize use of the Right-of-way for other compatible uses (including the subsurface and air space).

8. The holders 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 lease 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.