

## CATEGORICAL EXCLUSION

**Project Name/Applicant:** Idaho Department of Transportation

**Project/Case File Number:** IDI-37685

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

**CE Number:** DOI-BLM-ID-I010-2014-0016-CX

**Date of Preparation:** April 2, 2014

### BACK GROUND AND PROPOSED ACTION:

On February 12, 2014, Randy Drake, with the Idaho Department of Transportation (IDT), submitted an application (SF-299) requesting a right-of-way (ROW) authorization to construct a Sand Storage Facility on public land. The facility would be located in Butte County as described below:

Boise Meridian, Idaho

T. 2 N., R. 30 E.,  
sec. 16, NWNE.

The facility would consist of a 60' x 120' metal structure on a concrete foundation. A 28' x 24' concrete, brine storage and containment facility would house a 10,000 gallon tank. The facility would be fenced with barbed wire and power would be installed. Two, 40 foot wide, graveled access approaches would be installed. The ROW would encumber approximately 1.00 acre of public land.

The project area is located on Department of Energy lands, entirely within the boundary of ROW IDI-9785 and IDI-1160 which are also held by IDT. ROW IDI-9785 was granted in 1976 under the Federal-Aid Highway Act of August 27, 1958 (23 U.S.C., Secs. 107D, 317). ROW IDI-1160 was granted in 1951 under the Federal Highway Act of November 9, 1921 (60 Stat. 755; 42 U.S.C. sec 1801). The purpose of the facility would be to provide a convenient and reasonable location to store anti-icing materials to provide safer driving to the public in a shorter time.

The proposed action is to authorize a grant of right-of-way to the Idaho Department of Transportation for a period of approximately 30 years, expiring on December 31, 2043. The ROW would allow for construction, operation and maintenance of a Sand Storage Facility. 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.

### CONSULTATION AND COORDINATION:

On March 10, 2014, 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.

The Department of Energy was asked to comment on the project and stated that they had no concerns.

### **FINDING AND RECOMMENDATION:**

The proposed action is categorically excluded as outlined in 516 DM 11.9 E (12), for the grant of rights-of-way wholly within the boundaries of other compatibly developed rights-of-way. None of the extraordinary circumstances described in 43 Code of Federal Regulations (CFR) 46.215 apply.

The ROW application has been assigned case file number IDI-37685. I recommend that the ROW authorization IDI-37685 be granted for a period of 30 years, subject to the terms and conditions and the attached stipulations (see Exhibit B). The Idaho Department of Transportation 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-37685, allowing for the construction, operation and maintenance of a Sand Storage Facility by the Idaho Department of Transportation. The right-of-way encumbers approximately 1.00 acre. The grant would be issued for approximately 30 years, expiring on December 31, 2043, subject to the current terms and conditions found at 43 CFR 2800 and the attached stipulations (Exhibit B). The Idaho Department of Transportation 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 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 E (12), for the grant of rights-of-way wholly within the boundaries of other compatibly developed rights-of-way. None of the extraordinary circumstances described in 43 Code of Federal Regulations (CFR) 46.215 apply.

### **LAND USE PLAN CONFORMANCE:**

The Proposed Action is located in Butte County, Idaho, within the boundaries of the Upper Snake Field Office. The BLM's Big Desert Management Framework Plan (MFP), (BLM 1981) provides general guidelines for the protection and use of resources in this area. The Proposed Action is in conformance with the Big Desert MFP.

**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, Realty Specialist  
Date:4/2/2014*

*/s/Marissa Guenther, NEPA Reviewer  
Date:4/2/2014*

*/s/Jeremy Casterson, Field Manager  
Date:4/3/2014*

## Extraordinary Circumstances Requiring Preparation of an EA or EIS

(516 DM 2, Appendix 2)

The action described in categorical exclusion # ID-I010-2014-0016-CX has been reviewed to determine that none of the extraordinary circumstances listed below pertain to the proposed action.

<u>DM</u> #	<u>Extraordinary Circumstance</u>	<u>YES</u>	<u>NO</u>
1	Have significant impacts on public health or safety. <i>The proposed action will have no significant impacts on health or safety of the public.</i>		X
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. <i>-No wilderness, wilderness study areas and wild and scenic rivers are present near the project area. The ROW proposal would not impede opportunities for recreation. This project is not located within a riparian-wetland area, Area of Critical Environmental Concern (ACEC) or Research Natural Area (RNA), therefore, no impacts would occur.</i> <i>-This project occurs within, or adjacent to, a previously disturbed area, as long as stipulations found in the Animal Clearance Form are being met it is not expected that it will have any significant impacts to migratory birds within the project area.</i> <i>-A Class III inventory was conducted of the project area and no cultural resources were identified.</i>		X
3	Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102(2)(E)]. <i>Action will not have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources.</i>		X
4	Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks. <i>No known highly uncertain and potentially significant environmental effects or unique or unknown environmental risks are anticipated as a result of issuing a ROW.</i>		X
5	Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects. <i>The proposed action would not establish a precedent for future actions. Standard annual maintenance and monitoring practices would continue to be accomplished for the ROW in the same manner as other authorized ROW's.</i>		X
6	Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects. <i>The proposed action would not have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects. No cumulatively significant effects are anticipated.</i>		X

<u>DM</u> #	<u>Extraordinary Circumstance</u>	<u>YES</u>	<u>NO</u>
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. <i>As there are no known historic properties listed or eligible for listing on the NRHP located in the project area, the proposed action would have no significant impacts.</i>		X
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. <i>As there are no T&amp;E or Proposed species, or critical habitat present within the project area, no significant impacts to these species would be expected.</i>		X
9	Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment. <i>The proposed action does not violate any federal law or a State, local, or tribal law or requirement imposed for the protection of the environment. No cumulatively significant effects anticipated.</i>		X
10	Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898). <i>The proposed action would have no adverse effects on low income or minority populations.</i>		X
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). <i>There are no known sacred sites in the project area. The project will not limit access, and would have no known effects on traditional resource use of the area.</i>		X
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). <i>The applicant will be responsible to comply with standard terms and conditions for weeds which are included in the authorization. The proposed action is not anticipated to contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species.</i>		X

# IDI-37685 Idaho Department of Transportation Sand Storage Facility ROW Request

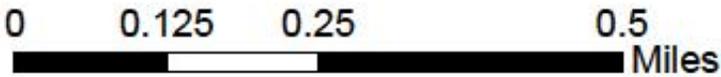


Exhibit A  
3-10-2014 HS



**Legend**

-  Proposed facility location
-  Preferred facility location
-  Proposed access ways



Idaho Department of Transportation  
300 North State Street  
Boise, Idaho 83724  
2025



## Stipulations- Exhibit B

**IDI-37685**

### **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.