

CATEGORICAL EXCLUSION

Project Name/ Applicant: PacifiCorp d/b/a Rocky Mountain Power Communications Use Lease Amendment

Project/Case File Number: IDI-3590

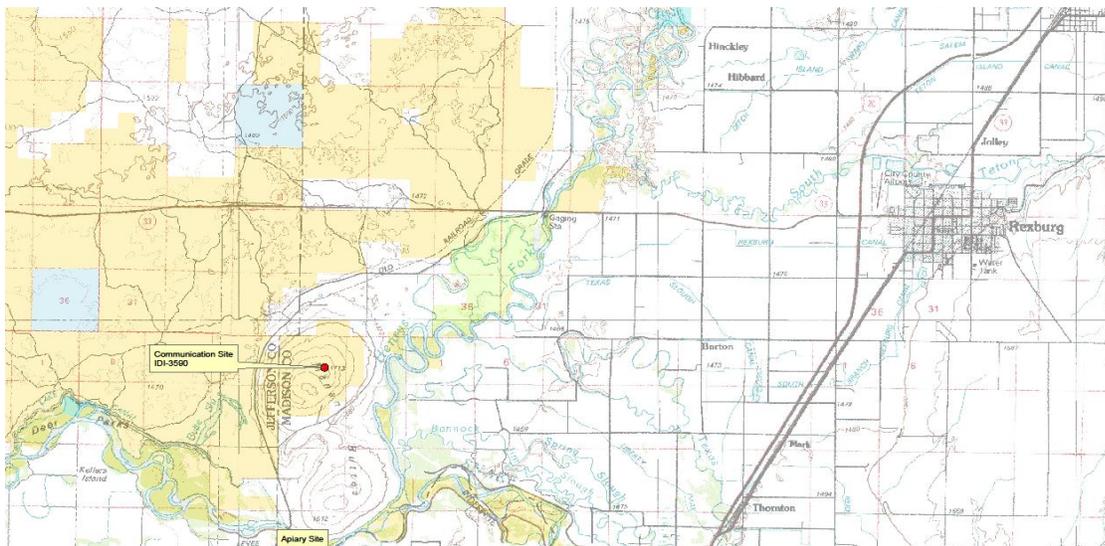
Project Lead: Becky Lazdauskas

CE Number: ID-I010-2014-0023-CX

Date of Preparation: May 30, 2014

PROPOSED ACTION:

On April 7, 2014, Brad Knoles, of Rocky Mountain Power, requested an amendment to their existing communication use lease, IDI-3590. The Communication Site is located on Menan Butte in Madison County, see Exhibit A, *Location Map*. The current authorization, including amendments, encumbers approximately 2.02 acres of public land in lot 13 of section 2 and lots 13 and 14 of section 3, T. 5 N., R. 38 E., B.M., Idaho.



The original ROW was issued September 8, 1971, and has been renewed several times. The current expiration date is September 7, 2016. The current lease, which was amended on November 13, 2009 and October 19, 2011, authorizes a fenced microwave site (50'x70'), an equipment building (18'x18'), an equipment building (12'x24') with an ice bridge connecting to a 20' steel tower, a 30' foot tower, two propane tanks (with concrete pads), an access driveway (10'x10') and a 12.5kV distribution line (3380' in length, 25' wide). On August 9, 2012, the lease amended once again to allow for the addition of a 35-foot wooden service pole to help support the existing above ground powerline.

This proposed amendment includes the following:

- Removal of the unused 20-foot tower
- Installation of a 100-foot, four-legged, self-supporting tower on concrete base

- Installation of three new antennas, two will include associated waveguide
- Relocation of the land mobile antennas and the 2-foot microwave dish from 30-foot tower to 100-foot tower
- Removal and disposal of the old antennas and 30-foot tower
- Removal of all of the retired equipment from old communication shelter
- Removal of the old communication shelter

All of the proposed demolition and construction would occur within the existing fenced site, Exhibit A-1, *Site Layout*. The *Site Layout* plan also shows the area where PacifiCorp is proposing to use as a staging area for equipment and vehicles during construction. The area has been used for parking and staging in the past.

PacifiCorp has also requested approval to remove approximately 100 yards of fill material from one of BLM's community pits, either Menan Butte Community Use Area, IDI-25738 or the Mud Lake Cinder Community Pit, IDI-22065. If fill material was used from a BLM pit, it would only be allowed on the project area within PacifiCorp's Communication Use Lease area.

PacifiCorp is in compliance with the terms and conditions of their existing lease and the Menan Butte Communication Site Plan dated August 25, 2005. Per the Plan, the other lease holders on Menan Butte were notified of the proposed amendment. The other users responded and no issues or concerns were raised.

The communication use lease amendment is being requested 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.

CONSULTATION AND COORDINATION:

A description of the proposed action was posted on April 9, 2014, to the online NEPA register. This is available to members of the public through the USFO webpage.

FINDING AND RECOMMENDATION:

The proposed action is categorically excluded as outlined in 516 DM 11.9, Appendix 5.4 E (13) and none of the extraordinary circumstances described in 516 DM 2, Appendix 2 apply. This exclusion states that amendments to existing rights-of-way such as upgrading of existing facilities which entails no additional disturbances outside the rights-of-way boundary may be excluded from further environmental review.

I recommend that the communication site lease, IDI-3590, be amended as follows:

- Removal of the unused 20-foot tower
- Installation of a 100-foot, four-legged, self-supporting tower on concrete base
- Installation of three new antennas, two will include associated waveguide
- Relocation of the land mobile antennas and the 2-foot microwave dish from 30-foot tower to 100-foot tower
- Removal and disposal of the old antennas and 30-foot tower
- Removal of all of the retired equipment from old communication shelter
- Removal of the old communication shelter

PacifiCorp would also be allowed to use approximately 100 yards of fill material out of BLM's Menan Butte Community Use Area, serial number IDI-25738 or the Mud Lake Cinder Community Pit, IDI-22065. The material would be used on BLM for this project only. Once the material is removed, PacifiCorp would be responsible for leaving the pit area clean and in an orderly manner, removing any public hazards that may have been created during the operation. There would be no charge for the use of this material.

The lease would be amended subject to the terms and conditions found at 43 CFR 2800, the lease, and the attached stipulations, Exhibit B. The expiration date would remain September 7, 2016. The amendment 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 be collected as required in 43 CFR 2806.10.

DECISION AND RATIONALE FOR THE DECISION:

It is my decision to amend communication use lease, IDI-3590, as described in the Proposed Action and Recommendation. The lease area encumbers approximately 2.02 acres. The amendment would be subject to the lease, regulations found at 43 CFR 2800, and Exhibit B. Rent would be collected as required in 43 CFR 2806.10. PacifiCorp would also be allowed to remove 100 yards of fill from the BLM's Menan Butte Community Use area without charge.

Issuance of the amendment 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 5.4 E (13). None of the exceptions found in 516 DM 2, Appendix 2 apply.

LAND USE PLAN CONFORMANCE:

The proposed action is in conformance with the Medicine Lodge Resource Management Plan (1985). The RMP Record of Decision allows authorizations as long as they do not conflict with other resource objective identified in the Plan.

APPEALS INFORMATION:

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

 /s/ Becky Lazdauskas
Becky Lazdauskas, Realty Specialist
Date: June 6, 2014

 /s/ Jeremy Casterson
Jeremy Casterson, Field Manager
Date: June 6, 2014

Extraordinary Circumstances Requiring Preparation of an EA or EIS
(43 Code of Federal Regulations (CFR) 46.215)

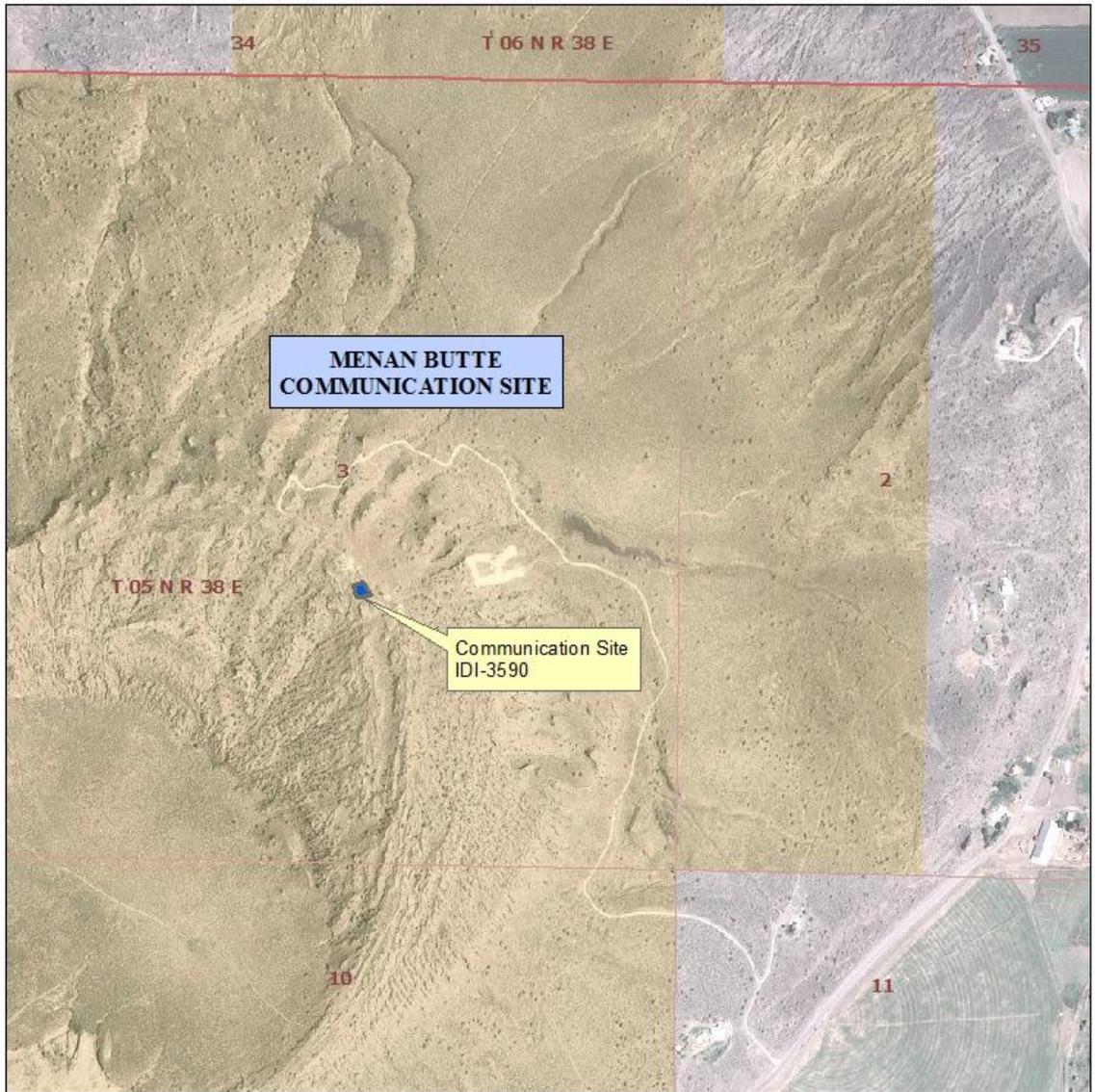
The action described in categorical exclusion # **DOI-BLM-ID-I010-2014-0023-CX (IDI-3590)** has been reviewed to determine that none of the extraordinary circumstances listed below pertain to the proposed action.

<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, or Research Natural Area (RNA), therefore, no impacts would occur. Although the project area is within the Menan Butte Area of Critical Environmental Concern (ACEC), the area is a designated communication site and the proposal is complies with the Menan Butte Communication Site Plan dated August 25, 200.</i> <i>-This project occurs within, or adjacent to, a previously disturbed area, it is not expected that it will have any significant impacts to migratory birds within the project area.</i> <i>- No known historic or cultural resources are located within the project area. This action is exempted under the State Protocol agreement between BLM and Idaho State Historic Preservation Offices (SHPO).</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. The existing ROW has been in place for 14 years, and no known highly controversial or potentially significant environmental effects have resulted and should not result from the issuing of a renewed ROW.</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</i>		X

<u>DM</u> #	<u>Extraordinary Circumstance</u>	<u>YES</u>	<u>NO</u>
	<i>the ROW in the same manner as other authorized ROW's.</i>		
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
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&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-3590 PacifiCorp dba Rocky Mnt Power Communication Use Lease Amendment

EXHIBIT A
T. 5 N., R. 38 E.,
lots 13 and 14 of Section 22
May 30, 2014



No warranty is made by the Bureau of Land Management for use of the data for purposes not intended by BLM.

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EXHIBIT B
ADDITIONAL TERMS AND CONDITIONS
PACIFICORP IDI-3590
May 30, 2014

1. The holder shall comply with the terms and conditions set forth in the Menan Butte Communication Site Plan dated August 25, 2005 (and subsequent updates to that plan).
2. All future construction, maintenance, and operation of this facility, as appropriate, shall conform to the latest edition of the Motorola R56 standards, or their equivalent, unless approved by the BLM Authorized Officer.
3. 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.
4. The holder shall prepare a fire prevention and suppression plan that shall be reviewed, modified and approved, as appropriate, by the authorized officer. The holder shall take into account such measures for prevention and suppression of fire on the right-of-way and other public land used or traversed by the holder in connection with operations of the right-of-way. Project personnel shall be instructed as to individual responsibility in implementation of the plan.
5. 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.
6. 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).
7. The holder of right-of-way No. ID-3590 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.
8. 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.
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.
11. 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.