

CATEGORICAL EXCLUSION

Project Name/Applicant: Kenneth Campbell Underground Water Pipeline

Project/Case File Number: IDI-20091

Project Lead: Heather Schlenker, Realty Specialist /BLM Pocatello Field Office

CX Number: DOI-BLM-ID-I020-2014-0015-CX

Date of Preparation: April 9, 2014

BACK GROUND AND PROPOSED ACTION:

On January 29, 2014, Kenneth Campbell submitted an application (SF-299) to renew existing right-of-way IDI-20091 for an underground water pipeline. The pipeline is located in Power County, Idaho and is described as:

Boise Meridian, Idaho

T. 10 S., R. 33 E.,
sec. 31, NWSW.

Authorization IDI-20091 was originally issued on May 11, 1983 under the authority of Section under the authority of Public Law 94-579 (Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761), for a period of 30 years expiring on May 10, 2013.

The ROW is approximately 1505 feet in length, 25 feet in width, encumbering 0.92 acres of public land. The pipeline is used to transport water for domestic, stock water and irrigation purposes.

The proposed action is to offer a ROW authorization to renew IDI-20091 to Kenneth Campbell for a period of approximately 30 years, expiring on December 31, 2042, with the right to renew. The ROW action would require no on-the-ground disturbance or changes.

CONSULTATION AND COORDINATION:

On April 7, 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 Pocatello Field Office webpage. No comments were received and no issues/conflicts were identified for this project.

FINDING AND RECOMMENDATION:

The proposed actions are categorically excluded as outlined in 516 DM 11.9 E (9) for renewals and assignments of leases, permits, or rights-of-way where no additional rights are conveyed

beyond those granted by the original authorization may be excluded from further environmental review. None of the extraordinary circumstances described in 43 Code of Federal Regulations (CFR) 46.215 apply.

Standard stipulations currently used for rights-of-ways would be incorporated into the grant to bring this authorization to current standards.

I recommend that ROW authorization IDI-20091 be renewed and granted to Kenneth Campbell for a period of approximately 30 years, expiring on December 31, 2042, with the right to renew, subject to the terms and conditions of the current grant. The ROW action would require no on-the-ground disturbance or changes.

The ROW would be issued under the authority of under the authority of Public Law 94-579 (Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761), and the regulations found at 43 CFR 2800. Annual rental would be required in accordance with 43 CFR 2885.16.

DECISION AND RATIONALE FOR THE DECISION:

It is my decision to authorize ROW grant IDI-20091 to Kenneth Campbell for a period of approximately 30 years, expiring on December 31, 2042, with the right to renew, subject to the terms and conditions found at 43 CFR 2800 and the attached stipulations (Exhibit B). Annual rental would be required in accordance with 43 CFR 2885.16. The ROW would be authorized under the authority of Public Law 94-579 (Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761), and the regulations found at 43 CFR 2800.

No additional rights are being conveyed beyond those originally granted.

The subject action qualifies as a Categorical Exclusion and meets the criteria contained in 516 DM, 11.9 E (9). None of the extraordinary circumstances described in 43 Code of Federal Regulations (CFR) 46.215 apply.

LAND USE PLAN CONFORMANCE:

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 right-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.”

The proposed action is in an Open Area therefore, authorizations can be granted for all types of

Land Use Authorizations and Right-of-Ways.

APPEALS INFORMATION:

Right-of-way Decisions become effective upon approval by the authorized officer (43 CFR 2881.10(b)). Appeal procedures may be found at *43 CFR 4.21 (58 FR 4939, January 19, 1993)* or *43 CFR 2881.10*.

/s/Heather Schlenker, Preparer
Date: 4/9/2014

/s/Blaine Newman, NEPA Reviewer
Date: 4/9/2014

/s/David A. Pacioretty, Field Manager
Date: 4/10/2014

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-I010-2014-0015-CX (IDI-20091)** 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	<p>Have significant impacts on public health or safety. <i>The existing ROW has been in place since 1983. There will be no changes to the ROW. The proposed action will have no significant impacts on health or safety of the public.</i></p>		X
2	<p>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.</i> <i>This project is not located within an Area of Critical Environmental Concern (ACEC) or Research Natural Area (RNA). No new disturbance would be authorized; as a result, no significant impacts to riparian-wetland areas would occur.</i> <i>Although migratory birds are present within the project area, no new disturbance would be authorized; as a result, no significant impacts to migratory birds would be expected</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></p>		X
3	<p>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 since 1983, and no known highly controversial or potentially significant environmental effects have resulted and should not result from the issuing of a renewed ROW.</i></p>		X
4	<p>Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks. <i>The existing ROW has been in place since 1983, and no known highly uncertain and potentially significant environmental effects or unique or unknown environmental risks have resulted and should not result from the issuing of a renewed ROW.</i></p>		X

<u>DM</u> #	<u>Extraordinary Circumstance</u>	<u>YES</u>	<u>NO</u>
5	<p>Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.</p> <p><i>The proposed action would renew the existing pipeline. There would be no new ground disturbing activities as a result of the action. The proposed action would not establish a precedent for future actions. The ROW has been in existence since 1983. Standard terms and conditions would continue to be implemented for the pipeline in the same manner as other authorized pipelines. However, any new ground disturbing activities would be addressed and new NEPA would be required and effects evaluated.</i></p>		X
6	<p>Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.</p> <p><i>The proposed action would not have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects. The line has been in place since 1983 and no cumulatively significant effects are anticipated.</i></p>		X
7	<p>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.</p> <p><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></p>		X
8	<p>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.</p> <p><i>There are no T&E species or critical habitat present within the project area, no significant impacts to these species would be expected.</i></p> <p><i>The wolverine is proposed to be listed. The proposed project is located in an area that wolverine may travel through to access suitable habitat. The U.S. Fish & Wildlife Service determined that infrastructure development (buried pipeline) does not pose a threat to wolverine (US Department of Fish and Wildlife Service) Proposed Rule: Endangered and Threatened Wildlife and Plants; Threatened Status for the Distinct Population Segment of the North American Wolverine occurring in the Contiguous United States. Federal Register Vol.78, No.23. Monday, February4, 2013.</i></p>		X
9	<p>Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.</p> <p><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></p>		X
10	<p>Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).</p> <p><i>The existing pipeline ROW has been in place since 1983 and the proposed action would have no adverse effect on low income or minority populations.</i></p>		X
11	<p>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).</p>		X

<u>DM</u> #	<u>Extraordinary Circumstance</u>	<u>YES</u>	<u>NO</u>
	<i>There are no sacred sites known to occur in the project area. Furthermore, the project will not limit access to Indian sacred sites on Federal lands or impact traditional resource use in the area.</i>		
12	<p>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).</p> <p><i>The proposed action will have no on the ground changes to the already existing pipeline ROW. Standard terms and conditions for weeds are included in the authorization. The proposed action will not contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species.</i></p>		X

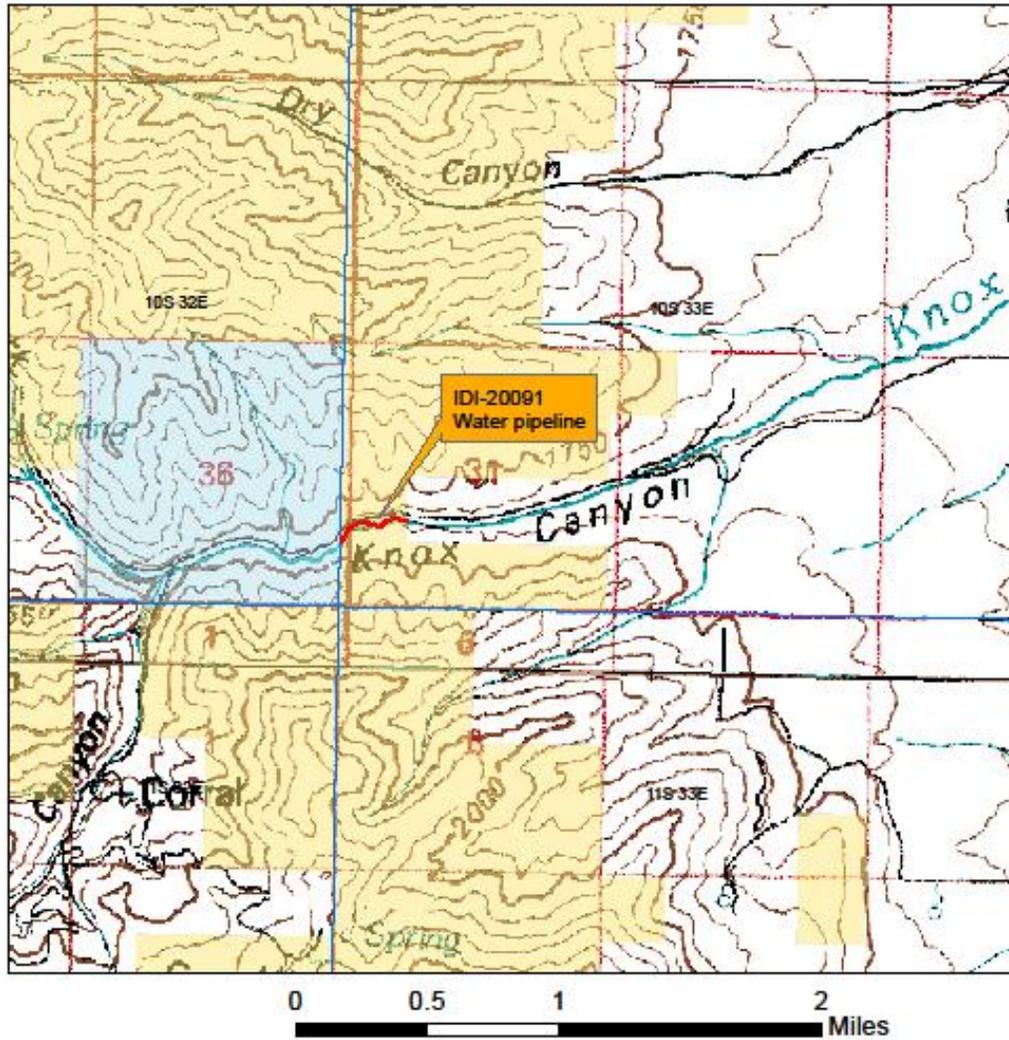


T. 10 S., R.33 E., sec.31
Power County/Knox Canyon

Exhibit A

3/18/2014 HS

Campbell/ IDI-20091 Water pipeline ROW Renewal



Legend

- Bureau of Land Management
- Private
- State of Idaho
- US Forest Service



THE BUREAU OF LAND MANAGEMENT
IS AN AGENCY OF THE U.S. DEPARTMENT OF THE INTERIOR
OFFICE OF LAND AND WATER ACQUISITION
PO BOX 25084 DENVER CO 80225



Stipulations- Exhibit B

IDI-20091

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.
8. During surface disturbing construction and maintenance activities, the holder shall

ensure that all construction equipment and vehicles are cleaned of all vegetation (stems, leaves, seeds, and all other vegetative parts) prior to entering public lands in order to minimize the transport and spread of noxious weeds. During surface disturbing construction and maintenance activities, the holder shall ensure that all construction equipment and vehicles are cleaned of all vegetation (stems, leaves, seeds, and all other vegetative parts) prior to leaving public lands in areas that are known by the authorized officer of the BLM to be infested with noxious weeds.

Cadastral

9. 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

10. 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.
11. 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.

12. The holder shall notify the Authorized Officer at least 90 days prior to any non-emergency activities that would cause surface disturbance in the right-of-way. The Authorized Officer will determine if a cultural resource inventory, treatment or mitigation is required for the activity. The holder will be responsible for the cost of inventory, avoidance, treatment or mitigation; including any maintenance-caused damage. The Authorized Officer will determine avoidance, treatment and mitigation measures that are necessary after consulting with the holder and under Section 106 of the National Historic Preservation Act.

Environmental Protection

13. The holder of 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.
14. 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 HazMat, as defined in this paragraph, that will be used, produced, transported or stored on or within the ROW or any of the ROW facilities, or used in the construction, operation, maintenance or termination of the ROW 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 includes 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.