

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Pocatello Field Office
Categorical Exclusion
Plan Maintenance Pocatello RMP (April 2012)
DOI-BLM-ID-I020-2014-0044-CX

Applicant: Pocatello Field Office

Project/Serial No: n/a

Project Lead: Terry Lee Smith

Proposed Action:

The action is to *further refine or document a previously approved decision* (43 CFR 1610.5-4) in the Pocatello RMP through plan maintenance. This action involves clarifying a portion of the **land tenure adjustment (LTA) Zone 3** language under **Action LR-5.2.1** (pg. ARMP-80, Pocatello RMP [April 2012]). LTA Zone 3 public lands are shown in Figure 9 of the Pocatello RMP (April 2012) and are located in the state of Idaho counties of Bannock, Caribou, Franklin, and Bear Lake.

The portion of the language being clarified/refined in the LTA Zone 3 description under this action states,

***Zone 3:** . . . lands are potentially suitable for disposal by exchange; however, disposal of land through sales and R&PP patents will be allowed.*

This language is edited to clarify public lands within LTA Zone 3 (Figure 9, Pocatello RMP (April 2012)) are available for disposal through sales and meet the Federal Land Policy Management Act (FLPMA) Section 203(a) criteria. The entire LTA Zone 3 text with the clarifying/edited language (highlighted) reads as follows:

Zone 3: public lands that are interspersed with state and private lands or are adjacent to National Forest boundaries. The priority emphasis for Zone 3 is to consolidate ownership, which will maximize public values, provide public access and improve efficiencies in public lands administration. Overall public land acreage will be maintained. Acquisition, primarily through exchange, will be done to add high resource value lands that improve the manageability of public lands; lower resource value and difficult-to-manage tracts will be disposed of. Disposal of land through R&PP patents will be allowed. Public lands, Figure 9, are available for disposal through sales and meet the criteria set forth under FLPMA Section 203(a). Approximately **141,000 acres** (23%) of public land will be identified in this zone.

Section 203(a) outlines disposal criteria for the sale of public lands of which one or more can be met. Criteria specific to this plan maintenance action for parcels identified in LTA Zone 3 include:

- are difficult and uneconomic to manage, or

- will serve important public objectives such as community expansion and economic development.

Consultation and Coordination:

Being a matter of plan maintenance, in which LTA Zone 3 language is being clarified and with no change taking place in the LTA decision(s) of the RMP, no steps were taken to specifically notify the public or the Tribes.

Land Use Plan (LUP) Conformance Statement:

Land Use Plan Name: Pocatello RMP (April 2012)

Date Approved/Amended: July 10, 2012

This plan maintenance action of clarifying language in LTA Zone 3 is in conformance with the applicable LUP because the refinement of the language remains consistent with the intentions¹ of a zoned land tenure adjustment program as identified in the following Goals, Objectives and Actions (GOA). The following GOAs unmistakably considered and addressed the specific FLPMA Section 203(a) sales criteria for Zone 3 parcels. Actions **LR-5.2.2** and **LR-5.2.3** clearly identify key components of Section 203(a) criteria to enable the disposal (sale) of public lands:

- improve management efficiency,
- consolidate public lands, and
- enable community expansion and economic development.

Goal: LR-5. Improve administrative management efficiency, natural resources management and protection, and public benefit.

Objective LR-5.1. Adjust and consolidate public land ownership patterns through land tenure adjustments.

Action LR-5.1.3. The following screening and criteria process will be considered for all land tenure adjustment proposals.

Action LR-5.1.7. Disposal of lands will be allowed under Sec 203 and 206 of FLPMA.

Objective LR-5.2. Maintain the overall public land base, acquire nonfederal lands or interest in nonfederal lands through exchange, purchase, easement or donation which enhance multiple-use, protect significant resource values and which improve the management and administration of the public lands.

Action LR-5.2.1. A land tenure adjustment program will be implemented based upon a four zone concept (Figure 9) where zones (areas that contain common issues or planned actions) and respective priorities are described below. Land tenure adjustments will be considered across FO and District boundaries.

¹ **Intention** – the thing that you plan to do or achieve: an aim or purpose, (<http://www.merriam-webster.com/dictionary/intention>), Accessed 11 June 2014.

Zone 3: . . . Zone 3 lands are potentially suitable for disposal by exchange; however, disposal of land through sales and R&PP patents will be allowed. . .¹

Action LR-5.2.2. Changes in the overall public lands acreage will be appropriate if land tenure adjustments meet one or more of the following criteria:²

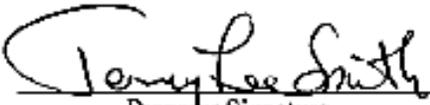
- Benefits the public;
- Improves public lands administration;

Action LR-5.2.3. Land tenure adjustments will consider the acquisition or disposal of lands based upon (but not limited to) the following factors:²

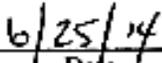
- Improve public land administration;
- Provide for local community needs;
- Parcels more suitable for administration by another agency; and
- Parcels which are isolated or difficult to administer.

Finding or Recommendation:

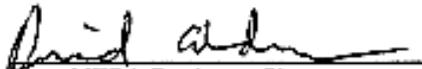
This plan maintenance action is categorically excluded as outlined in 516 DM 11.9, under **J. Other, (1) Maintaining land use plans in accordance with 43 CFR 1610.5-4.** None of the extraordinary circumstances described in 516 DM 2, Appendix 2 apply.



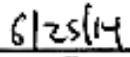
 Preparer Signature



 Date



 NEPA Reviewer Signature



 Date

² Only bullets specific to FLPMA Section 203(a) criteria are identified here. For a complete bullet list, refer to the Pocatello RMP (April 2012).

Decision and Rationale

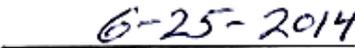
Categorical Exclusion Plan Maintenance Pocatello RMP (April 2012)

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I have reviewed and assessed this plan maintenance action and supporting documentation with regards to 516 DM 11.9, **J. Other, (1) Maintaining land use plans in accordance with 43 CFR 1610.5-4** and determined extraordinary circumstances do not exist that would require further NEPA analysis. Therefore, it is my decision to approve this plan maintenance action resulting in **Action LR-5.2.1**, land tenure adjustment Zone 3 description being clarified and further refined as follows:

Zone 3: public lands that are interspersed with state and private lands or are adjacent to National Forest boundaries. The priority emphasis for Zone 3 is to consolidate ownership, which will maximize public values, provide public access and improve efficiencies in public lands administration. Overall public land acreage will be maintained. Acquisition, primarily through exchange, will be done to add high resource value lands that improve the manageability of public lands; lower resource value and difficult-to-manage tracts will be disposed of. Disposal of land through R&PP patents will be allowed. Public lands, Figure 9, are available for disposal through sales and meet the criteria set forth under FLPMA Section 203(a). Approximately **141,000 acres** (23%) of public land will be identified in this zone.

 _____
Field Manager Signature

 _____
Date

Appeals Information:

See Attachment I – Information on Taking Appeals to the Interior Board of Land Appeals

Extraordinary Circumstances Review

The action described in categorical exclusion **DOI-BLM-ID-I020-2014-0044-CX** has been reviewed to determine if any of the extraordinary circumstances identified below apply, as listed in Departmental NEPA regulations (43 CFR 46.215). A rationale for why the circumstance does not apply is included.

1. Have significant impacts on public health or safety.

There would be no significant impacts to public health or safety because this action clarifies language regarding the sale of public lands in **land tenure adjustment Zone 3** as described in the Pocatello RMP (April 2012). This action further refines or documents a previously approved decision incorporated in the subject plan (*43 CFR 1610.5-4 Maintenance*) which does not constitute changing an existing decision. The subject text, “*disposal of lands through sales will be allowed*” is clarified and replaced with the following, “*Public lands, Figure 9, are available for disposal through sales and meet the criteria set forth under FLPMA Section 203(a).*”

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.

There would be no significant impacts to natural resources or unique geographical characteristics because this action clarifies language regarding the sale of public lands in **land tenure adjustment Zone 3**. This action further refines or documents a previously approved decision incorporated in the subject plan (*43 CFR 1610.5-4 Maintenance*) which does not constitute changing an existing decision. The subject text, “*disposal of lands through sales will be allowed*” is clarified and replaced with the following, “*Public lands, Figure 9, are available for disposal through sales and meet the criteria set forth under FLPMA Section 203(a).*”

3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102(2)(E)].

There would be no controversial environmental effects or unresolved conflicts because this action clarifies language regarding the sale of public lands in **land tenure adjustment Zone 3**. This action further refines or documents a previously approved decision incorporated in the subject plan (*43 CFR 1610.5-4 Maintenance*) which does not constitute changing an existing decision. The subject text, “*disposal of lands through sales will be allowed*” is clarified and replaced with the following, “*Public lands, Figure 9, are available for disposal through sales and meet the criteria set forth under FLPMA Section 203(a).*”

4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.

There would be no uncertain or potentially significant environmental effects or unknown environmental risks because this action clarifies language regarding the sale of public lands in **land tenure adjustment Zone 3**. This action further refines or documents a previously approved decision incorporated in the subject plan (*43 CFR 1610.5-4 Maintenance*) which does not constitute changing an existing decision. The subject text, “*disposal of lands through sales will be allowed*” is clarified and replaced with the following, “*Public lands, Figure 9, are available for disposal through sales and*

meet the criteria set forth under FLPMA Section 203(a)."

5. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.

There would be no precedent set because this action is plan maintenance to clarify language regarding the sale of public lands in **land tenure adjustment Zone 3**. This action further refines or documents a previously approved decision incorporated in the subject plan (**43 CFR 1610.5-4 Maintenance**) which does not constitute changing an existing decision. The subject text, "*disposal of lands through sales will be allowed*" is clarified and replaced with the following, "*Public lands, Figure 9, are available for disposal through sales and meet the criteria set forth under FLPMA Section 203(a).*"

6. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.

There is no direct relationship to other actions because this action is plan maintenance to clarify language regarding the sale of public lands in **land tenure adjustment Zone 3**. This action further refines or documents a previously approved decision incorporated in the subject plan (**43 CFR 1610.5-4 Maintenance**) which does not constitute changing an existing decision. The subject text, "*disposal of lands through sales will be allowed*" is clarified and replaced with the following, "*Public lands, Figure 9, are available for disposal through sales and meet the criteria set forth under FLPMA Section 203(a).*"

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.

There are no significant impacts on properties listed or eligible for listing on the National Register of Historic Places because this action is plan maintenance to clarify language regarding the sale of public lands in **land tenure adjustment Zone 3**. This action further refines or documents a previously approved decision incorporated in the subject plan (**43 CFR 1610.5-4 Maintenance**) which does not constitute changing an existing decision. The subject text, "*disposal of lands through sales will be allowed*" is clarified and replaced with the following, "*Public lands, Figure 9, are available for disposal through sales and meet the criteria set forth under FLPMA Section 203(a).*"

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.

There are no significant impacts on critical habitat or species listed or proposed to be listed on the List of Endangered or Threatened Species because this action is plan maintenance to clarify language regarding the sale of public lands in **land tenure adjustment Zone 3**. This action further refines or documents a previously approved decision incorporated in the subject plan (**43 CFR 1610.5-4 Maintenance**) which does not constitute changing an existing decision. The subject text, "*disposal of lands through sales will be allowed*" is clarified and replaced with the following, "*Public lands, Figure 9, are available for disposal through sales and meet the criteria set forth under FLPMA Section 203(a).*"

9. Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.

This action is plan maintenance to clarify language regarding the sale of public lands in **land tenure adjustment Zone 3** and does not violate federal law or State, local or tribal law or requirement. This action further refines or documents a previously approved decision incorporated in the subject plan (**43 CFR 1610.5-4 Maintenance**) which does not constitute changing an existing decision. The subject text, “*disposal of lands through sales will be allowed*” is clarified and replaced with the following, “*Public lands, Figure 9, are available for disposal through sales and meet the criteria set forth under FLPMA Section 203(a).*”

10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).

This action is plan maintenance to clarify language regarding the sale of public lands in **land tenure adjustment Zone 3** and would have no effect on low income or minority populations (Executive Order 12898). This action further refines or documents a previously approved decision incorporated in the subject plan (**43 CFR 1610.5-4 Maintenance**) which does not constitute changing an existing decision. The subject text, “*disposal of lands through sales will be allowed*” is clarified and replaced with the following, “*Public lands, Figure 9, are available for disposal through sales and meet the criteria set forth under FLPMA Section 203(a).*”

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).

This action is plan maintenance to clarify language regarding the sale of public lands in **land tenure adjustment Zone 3** and would have no effect limiting access to or ceremonial use of Indian sacred sites on Federal lands. This action further refines or documents a previously approved decision incorporated in the subject plan (**43 CFR 1610.5-4 Maintenance**) which does not constitute changing an existing decision. The subject text, “*disposal of lands through sales will be allowed*” is clarified and replaced with the following, “*Public lands, Figure 9, are available for disposal through sales and meet the criteria set forth under FLPMA Section 203(a).*”

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).

This action is plan maintenance to clarify language regarding the sale of public lands in **land tenure adjustment Zone 3** and would have no effect on the introduction, continued existence or spread of noxious weeds or non-native invasive species. This action further refines or documents a previously approved decision incorporated in the subject plan (**43 CFR 1610.5-4 Maintenance**) which does not constitute changing an existing decision. The subject text, “*disposal of lands through sales will be allowed*” is clarified and replaced with the following, “*Public lands, Figure 9, are available for disposal through sales and meet the criteria set forth under FLPMA Section 203(a).*”

**INFORMATION ON TAKING APPEALS TO
THE INTERIOR BOARD OF LAND APPEALS**

DO NOT APPEAL UNLESS:

1. This decision is adverse to you,
AND
2. You believe it is incorrect.

IF YOU APPEAL, THE FOLLOWING PROCEDURES MUST BE FOLLOWED.

1. NOTICE OF APPEAL

A person who wishes to appeal to the Interior Board of Land Appeals must file in the office of the officer who made the decision (not the Interior Board of Land Appeals) a notice that he wishes to appeal. A person served with the decision being appealed must transmit the Notice of Appeal in time for it to be filed in the office where it is required to be filed within 30 days after the date of service. If a decision is published in the FEDERAL REGISTER, a person not served with the decision must transmit a Notice of Appeal in time for it to be filed within 30 days after the date of publication (43 CFR 4.411 and 4.413).

2. WHERE TO FILE NOTICE OF APPEAL

TO:

Dept. of the Interior, BLM
Pocatello Field Office
4350 Cliffs Drive
Pocatello, ID 83204

AND a copy to:

Department of the Interior
Office of Hearings and Appeals
Interior Board of Land Appeals
801 N. Quincy Street
MS 300-QC
Arlington, Virginia 22203

WITH a copy to the Solicitor:

Department of Interior
Office of the Solicitor
University Plaza, Suite 400
960 Broadway Ave.
Boise, ID 83706

3. STATEMENT OF REASONS

Within 30 days after filing the Notice of Appeal, file a complete statement of the reasons why you are appealing. This must be filed with:

Department of the Interior
Office of Hearings and Appeals
Interior Board of Land Appeals
801 N. Quincy Street, MS 300-QC
Arlington, Virginia 22203

If you fully stated your reasons for appealing when filing the Notice of Appeal, no additional statement is necessary (43 CFR 4.412 and 4.413).

WITH a copy to the Solicitor:

Department of Interior
Office of the Solicitor
University Plaza, Suite 400
960 Broadway Ave.
Boise, ID 83706

AND a copy to:

Dept. of the Interior, BLM
Pocatello Field Office
4350 Cliffs Drive
Pocatello, ID 83204

4. ADVERSE PARTIES

Within 15 days after each document is filed, each adverse party named in the decision and the Regional Solicitor or Field Solicitor having jurisdiction over the State in which the appeal arose must be served with a copy of: (a) the Notice of Appeal, (b) the Statement of Reasons, and (c) any other documents filed (43 CFR 4.413).

5. PROOF OF SERVICE

Within 15 days after any document is served on an adverse party, file proof of that service with:

Department of the Interior
Office of Hearings and Appeals
Interior Board of Land Appeals
801 N. Quincy Street, MS 300-QC
Arlington, Virginia 22203

This may consist of a certified or registered mail "Return Receipt Card" signed by the adverse party (43 CFR 4.401(c)).

6. REQUEST FOR STAY

Except where program-specific regulations place this decision in full force and effect or provide for an automatic stay, the decision becomes effective upon the expiration of the time allowed for filing an appeal unless a petition for a stay is timely filed together with a Notice of Appeal (43 CFR 4.21). If you wish to file a petition for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Interior Board of Land Appeals, the petition for a stay must accompany your Notice of Appeal (43 CFR 4.21 or 43 CFR 2801.10 or 43 CFR 2881.10).

A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the Notice of Appeal and Petition for a Stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay - Except as otherwise provided by law or other pertinent regulations, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards: (1) the relative harm to the parties if the stay is granted or denied, (2) the likelihood of the appellant's success on the merits, (3) the likelihood of immediate and irreparable harm if the stay is not granted, and (4) whether the public interest favors granting the stay.

Unless these procedures are followed, your appeal will be subject to dismissal (43 CFR 4.402). Be certain that all communications are identified by serial number of the case being appealed.

NOTE: A document is not filed until it is actually received in the proper office (43 CFR 4.401(a)). See 43 CFR Part 4, Subpart B for general rules relating to procedures and practice involving appeals.
