

CATEGORICAL EXCLUSION

Project Name/Applicant: Bingham County Model Airplane Strip ROW

Project/Case File Number: IDI-37697

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

CE Number: DOI-BLM-ID-I010-2015-0002-CX

Date of Preparation: October 7, 2014

BACK GROUND AND PROPOSED ACTION:

On March 3, 2014, Bingham County, submitted an application (SF-299) requesting a right-of-way (ROW) authorization for a model airplane landing strip and access road. The holder previously held a ROW, serial number IDI-32581, for this same facility which expired in 2003. The holder did not renew and the case was closed. The ROW request is located in Bingham County and is described below:

Boise Meridian, Idaho

T. 1 S., R. 35 E.,
sec. 33, SESE.

The facility would consist of the landing strip, observation area, parking area which would be approximately 900 feet long by 250 feet wide (5.16 acres). The access road leading to the airfield area would be 100 feet long by 30 feet wide (.07 acres). The ROW would encumber approximately 5.23 acres of public land.

The facility would give the local model airplane group a place to operate that is free from obstruction and away from people. The nearest residence is approximately one mile from the site.

The proposed action is to issue a grant of right-of-way to Bingham County for a period of approximately 10 years, expiring on December 31, 2024. The issuance of the grant of right-of-way is 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. The authorization would allow for maintenance, operation and termination of the existing airplane landing strip and access road. Standard BLM terms and conditions will be included in the FLMPA grant.

CONSULTATION AND COORDINATION:

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.

LAND USE PLAN CONFORMANCE:

The Proposed Action is located in Bingham 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*

FINDING AND RECOMMENDATION:

The proposed action is categorically excluded as outlined in 516 DM 11.9 E (16), which states that "Acquisition of easements for an existing road or issuance of leases, permits, or rights-of-way for the use of existing facilities, improvements, or sites for the same or similar use" may be excluded from further analysis. 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-37697. I recommend that the ROW authorization IDI-37697 be granted for a period of 10 years, subject to the terms and conditions and the attached stipulations (see Exhibit B). Bingham County 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.

/S/Heather Schlenker, Realty Specialist
Date:10/24/2014

/S/Marissa Guenther, NEPA Reviewer
Date:10/24/2014

DECISION AND RATIONALE FOR THE DECISION:

It is my decision to grant right-of-way authorizations for IDI-37697, allowing for the operation, maintenance, termination of a model airplane landing strip and access road to Bingham County. The right-of-way encumbers approximately 5.23 acres. The grant would be issued for approximately 10 years, expiring on December 31, 2024, subject to the current terms and conditions found at 43 CFR 2800 and the attached stipulations (Exhibit B). Bingham County 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 (16), which states that “Acquisition of easements for an existing road or issuance of leases, permits, or rights-of-way for the use of existing facilities, improvements, or sites for the same or similar use” may be excluded from further analysis. None of the extraordinary circumstances described in 43 Code of Federal Regulations (CFR) 46.215 apply.

/S/Jeremy Casterson, Field Manager

Date: 10/27/2014

Extraordinary Circumstances Requiring Preparation of an EA or EIS

(516 DM 2, Appendix 2)

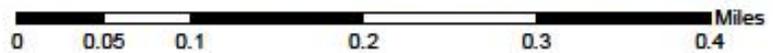
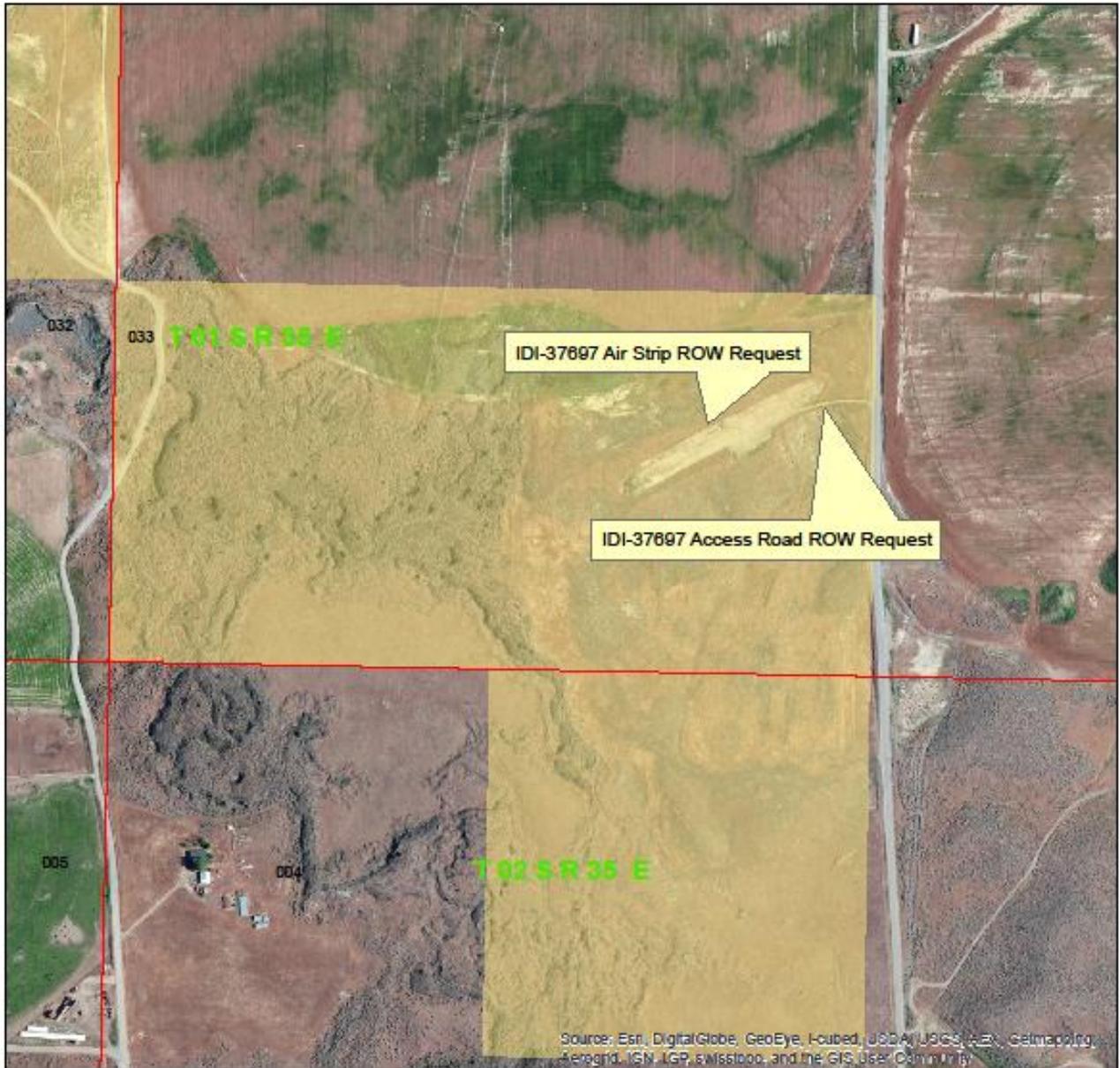
The action described in categorical exclusion # ID-I010-2015-0002-CX has been reviewed to determine that none of the extraordinary circumstances listed below pertain to the proposed action.

<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 on October 24, 2014 by BLM archaeologist. 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 would 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&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 would 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 would 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

Bingham County Model Airplane Strip ROW Request T.1 S., R 35 E. sec. 33.

Exhibit A
10/7/2014 HS



Legend

- Surface Management Agency**
- Bureau of Land Management
 - Private
 - State of Idaho
 - US Forest Service



Stipulations- Exhibit B

IDI-37697

Operation and Maintenance

1. The authorized officer may suspend or terminate in whole, or in part, any notice to proceed which has been issued when, in his judgment, unforeseen conditions arise which result in the approved terms and conditions being inadequate to protect the public health and safety or to protect the environment.
2. 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.
3. 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.
4. 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.
5. 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.
6. 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.
7. Holder shall remove only the minimum amount of vegetation necessary for the use and maintenance of the existing road.
8. The holder shall permit free and unrestricted public access to and upon the right-of-way for all lawful purposes except for those specific areas designated as restricted by the authorized officer to protect the public, wildlife, livestock, or facilities constructed within the right-of-way.

Weed Control

9. 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).
10. 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

11. 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

12. 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.
13. 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.

14. 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.