

**UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Twin Falls District
Shoshone Field Office
400 West F Street
Shoshone, Idaho 83352**

**CATEGORICAL EXCLUSION REVIEW SHEET
NEPA No. DOI-BLM-ID-T030-2014-0039-CX**

A. Background

The Bureau of Land Management (BLM), Shoshone Field Office has received a right-of-way application from the Idaho Department of Water Resources (IDWR) requesting a right-of-way grant for an access road and monitoring well in Gooding County, Idaho. The access road and monitoring well currently exist on public lands and no changes to these developments are proposed as part of the requested ROW grant. The total length of the requested access road right-of-way is approximately 2,937 feet and 20 feet wide. Currently approximately 1,184 feet of the access road is paved and the remaining 1,753 feet has a dirt surface. Access to the monitoring well is via an eight inch diameter steel protective pipe that rises approximately 18 inches above a cement pad that is about 3 square feet. The requested term of the right-of-way is 20 years; access to the well will be needed year round but only on a quarterly basis.

B. Consideration of Extraordinary Circumstances

This Categorical Exclusion Review Sheet documents the review of the proposed action to determine if any of the extraordinary circumstances described in 516 DM 2, Appendix 2 apply. If any of the extraordinary circumstances apply to the proposed action, then an EA or EIS must be prepared. Any evidence or concerns that one or more of the exceptions may apply must be brought to the attention of the manager who is authorized to approve the proposed action.

1. The proposed action would not have any significant impacts on public health or safety.

The operation and maintenance of the existing monitoring well and access road would not have any significant impacts on public health and safety. The right-of-way grant will contain terms, conditions, and stipulations that will require the holder to comply with Federal and State standards for public health and safety, environmental protection, operation, and maintenance. The BLM authorized officer has the ability to suspend or terminate, in whole or in part, the right-of-way grant if unforeseen conditions arise which result in the approved terms and conditions being inadequate to protect the public health and safety or the environment.

2. The proposed action would not 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 are no natural resources and unique geographic characteristics such as historic or cultural resources; park, recreation, refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; national monuments; or other ecologically significant or critical areas that would be significantly impacted by the proposed action.

A cultural resource review was conducted for the project area on March 20, 2013. Based on the information from the review it was determined with concurrence from the State Historical Preservation Office (SHPO) that no eligible cultural resources would be affected by the proposed action.

A wildlife review of the proposal identified the right-of-way would be located within habitat known or suspected to support one or more life cycle functions of five migratory bird species that are identified as species of concern. The review also identified the area provides habitat needs for three migratory bird species identified as BLM sensitive species. The issuance of the right-of-way would not result in discernable long term impacts to migratory birds. Additionally, stipulations will be included in the authorization to reduce the potential for impacts by limiting activities during critical nesting periods. (Please refer to wildlife report for additional information.)

3. The proposed action would not have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].

The proposed action is allowable by the Monument Resource Management Plan. This plan established the land use allocation and goals for the affected public land; as such, there are no unresolved conflicts regarding other uses of the available resources.

A letter was sent to interested parties on April 30, 2013 informing them of the proposal and no responses were received.

4. The proposed action would not have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.

The proposed action does not involve highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks. The uses have been occurring in the project area without resulting in highly uncertain and potentially significant environmental effects or unique or unknown environmental risks. Monitoring wells and access roads have been constructed and operated on public lands and have not resulted in any impacts that have been found to be highly uncertain, potentially significant, unique, or have unknown risks.

5. The proposed action would not establish a precedent for future actions or represent a decision in principle about future actions with potentially significant environmental effects.

The proposed action does not establish a precedent for future action or represent a decision in principal about future actions with potentially significant environmental effects. The proposed action is not connected to another action that would require further environmental analysis and it would not set a precedent for future actions that would normally require environmental analysis. The decision to grant a right-of-way to operate and maintain a monitoring well and access road on public lands as described would only allow that action to occur. Any proposed future projects must be evaluated on their own merits and effects.

6. The proposed action would not have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.

The proposed action does not have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects. The granted right-of-way would authorize the operation and maintenance of a monitoring well and access road. Authorizing the right-of-way grant does not have a direct relationship with other actions.

7. The proposed action would not 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.

A cultural resource review was conducted for the project area on March 20, 2013. Based on the information from the review it was determined with concurrence from the State Historical Preservation Office (SHPO) that no eligible cultural resources would be affected by the proposed action.

8. The proposed action would not 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.

No listed or candidate wildlife species are expected to occupy or utilize habitat in the proposed project area.

No special status plant species or their habitats exists within the proposed project area.

9. The proposed action would not violate a Federal law, or a State, local or tribal law or requirement imposed for the protection of the environment.

The BLM issues right-of-way grants in accordance with Title V of the Federal Land Policy and Management Act of 1976 and the BLM regulations at 43 CFR 2800. Under these regulations the proposed right-of-way grant would specify that all applicable Federal, State and local laws be adhered to. The BLM has the ability to suspend and/or terminate the right-of-way if a Federal, State or local laws is violated. There are no tribal laws in effect for the project area.

10. The proposed action would not have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).

There have been no known impacts to minority or low income populations as a result of granting other similar rights-of-way and impacts are not expected to occur as a result of the authorizing the proposed right of way.

11. The proposed action would not 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).

Authorizing the proposed right-of-way grant will not change access to the public lands within the area.

12. The proposed action would not 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).

A site visit was completed on July 1, 2014 to document the presence of special status species and/or noxious weeds. Rush skeleton-weed, a noxious weed, was observed within the proposed right-of-way location. Rush skeleton-weed and other noxious weeds are known to occur within the general area adjacent to the proposed right-of-way. The right-of-way would contain stipulations that would 1) require the holder to be responsible for weed control on the disturbed areas within the limits of the right-of-way and 2) ensure that the undercarriages of equipment and/or vehicles used in the operation and maintenance of the right-of-way be free of all soil and plant material prior to operating on public lands and prior to leaving the right-of-way area. These stipulations will reduce the establishment of new invasive, non-native species and reduce the spread of existing species to new areas.

C. Consultation and Preparation

Resource review of potential impacts of the proposed action was completed by the following:

Kasey Prestwich, Realty Specialist/Project Lead
Clare Josaitis, Rangeland Management Specialist
Gary Wright, Wildlife Biologist
Lisa Cresswell, Archeologist/Shoshone Field Office NEPA Coordinator