

**UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT**

Twin Falls District  
Burley Field Office  
15 East 200 South  
Burley, ID 83318

**Categorical Exclusion Documentation Format When Using Categorical Exclusions Not  
Established by Statute**

**NEPA No. DOI-BLM-ID-T020-2010-0012-CX**

**A. Background**

BLM Office: Burley Field Office. Case File No.: IDI-036676

Proposed Action Title: Oakley Highway District Buckhorn Bus Turn Around

Location of Proposed Action:

Boise Meridian, Cassia County  
T. 12 S., R. 20 E.,  
sec. 24, NW $\frac{1}{4}$ NW $\frac{1}{4}$ .

The area described contains 0.22 acres.

Description of Proposed Action: The Oakley Highway District has applied to maintain a short segment of an existing road across public lands. This road serves as access to the Buckhorn Ranch area and a bus turn around and is 50 feet wide by 189 feet in length, affecting approximately 0.22 acres of public lands. The Buckhorn road that is located on private property is 5 miles in length.

**B. Land Use Plan Conformance**

Land Use Plan Name: Cassia Resource Management Plan Approved: January 24, 1985.

The proposed action is in conformance with the applicable LUP because it is specifically provided for in the following LUP: The public lands will be managed under the principles of multiple use and sustained yield as required by FLPMA. Any valid use, occupancy, and development of the public lands, including but not limited to those requiring rights-of-way, leases and licenses will be considered, subject to applicable environmental review procedures, unless specifically excluded in the plan. In some areas, however, environmental values, hazards or manageability considerations may require limitations on either the type or intensity of use, or both. Those limitations are identified in the plan's land use allocations and management objectives for specific areas within the public lands. BLM will include stipulations and special conditions as necessary in leases, licenses and permits to ensure the protection and preservation of resources. (Pg. 3 Allowable Uses Cassia Resource Management Plan 1985).

### **C. Compliance with NEPA:**

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with DOI-BLM-ID-T020-2010-0012-CX 516 DM Appendix 4, BLM Categorical Exclusions E (12). This states “Grants of right-of-way wholly within the boundaries of other compatibly developed rights-of-way.”

This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The proposed action has been reviewed, and none of the extraordinary circumstances described in 43 CFR 46.215 apply. Consideration of Extraordinary Circumstances: (See attached CATEGORICAL EXCLUSION REVIEW SHEET).

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). Special Status Plant Inventory worksheet was conducted and approved February 8, 2010 and reviewed March 13, 2014. Dominant vegetation at this site includes Wyoming big sagebrush, gray rabbit brush, broom snakeweed, crested wheatgrass and Samberg’s bluegrass. This review concluded that no sensitive plants or their habitats have been located or are known to occur in this vicinity.

### **D. Signature**

Authorizing Official: /s/Michael C. Courtney Date: 4/11/2014

Name: Michael C. Courtney

Title: Burley Field Manager

### **Contact Person**

For additional information concerning this CX review, contact Jennifer Sonner, Realty Specialist, (208) 677-6640 or email [jsonner@blm.gov](mailto:jsonner@blm.gov).

### **E. Enclosures**

Exhibit “A” – ROW Map (1 p)

Exhibit “B” – ROW Stipulations (3 pp)

### **F. Attachment:**

1- CATEGORICAL EXCLUSION REVIEW SHEET (3 pp)

**Note:** A separate decision document must be prepared for the action covered by the CX.



## **Exhibit B**

### **TERMS, CONDITIONS, AND STIPULATIONS** Oakley Highway District Buckhorn Bus Turn Around Road ROW IDI-036676

1. The Holder, by accepting this right-of-way grant, agrees and consents to comply with and be bound by the following terms and conditions:
  - a. All Federal and State laws applicable to the authorized use and such additional Federal and State laws along with the implementing regulations that may be enacted and issued during the term of the grant.
  - b. That in operation, maintenance, and termination of the authorized use, there shall be no discrimination against any employee or applicant for employment because of race, creed, color, sex, age, disability, religion or national origin and all subcontracts shall include an identical provision.
  - c. When requested by the Authorized Officer, the Holder shall make his equipment already at the site with operators, temporarily available for fighting fires in the vicinity of the project. Payment for such services will be made at rates determined by the Authorized Officer.
2. The Authorized Officer may suspend or terminate in whole or in part this right-of-way grant 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.
3. The Holder shall not initiate any surface disturbing activities, beyond normal maintenance activities, on the right-of-way without the prior written authorization of the Authorized Officer.
4. Any cultural and/or paleontological resource (historic or prehistoric site 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. The 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.
5. Holder shall comply with the applicable Federal and State Laws and regulations concerning the use of pesticides (i.e. insecticides, herbicides, fungicides, rodenticide, and other similar substances) in all activities/operations under this grant. A chemical shall not be used if the Secretary of Interior has prohibited its use. Only BLM approved herbicides will be used.

The list of chemicals is periodically updated and can be obtained from the Twin Falls District Office.

Pesticides shall be used only in accordance with their registered uses and within other limitations if the Secretary has imposed limitations. Pesticides shall not be permanently stored on public lands authorized for use under this grant. Applicator(s) shall hold a current applicator's license.

6. As directed by the Authorized Officer the Holder shall be responsible for control of noxious weed species within the limits of the right-of-way that result or would result from the improvements authorized under this grant.
7. The Holder is responsible to ensure that the undercarriages of equipment and/or vehicles used for maintenance be free of all soil and plant material prior to entering and exiting the project area to reduce the establishment of new invasive, non-native species or the spread of existing species to new areas.
8. 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 Bureau cadastral surveyor to restore the disturbed monument and references using surveying procedures found in the Manual of Surveying Instructions for the Survey of the Public Lands of 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.
9. The Holder of this right-of-way grant or the Holder's successor in interest shall comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) and the regulations of the Secretary of the Interior issued pursuant thereto.
10. All design, material, operation, and maintenance practices shall be in accordance with safe and proven engineering practices.
11. The Holder shall comply with all applicable federal laws and regulations existing or hereafter enacted or promulgated. In any event, the Holder shall comply with the Toxic Substances Control Act of 1976, as amended (15 U.S.C. 2601, et seq.) with regard to any toxic substances that are used, generated by or stored on the permit area or on facilities authorized under this permit. (See 40 CFR, Part 702-799 and especially, provisions on polychlorinated biphenyls, 40 CFR 761.1-761.193). Additionally, any release of toxic

substances (leaks, spills, etc.) in excess of the reportable quantity established by 40 CFR, Part 117 shall be reported as required by the Comprehensive Environmental Response Compensation and Liability Act of 1980, Section 102b. A copy of any report required or requested by any Federal agency or State government as a result of a reportable release or spill of any toxic substances shall be furnished to the Authorized Officer concurrent with the filing of the reports to the involved Federal agency or State government.

12. The Holder agrees to indemnify the United States against any liability arising from the release of any hazardous substances 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, 42 U.S. C. 6901 et seq.) on the permit area (unless the release or threatened release is wholly unrelated to the right-of-way Holder's activity on the right-of-way).
13. Prior to termination or assignment of the right-of-way or a portion of the right-of-way, the Holder shall contact the Authorized Officer.
14. The Holder shall indemnify the United States against any liability for damage to life or property arising from the occupancy or use of the public lands under this grant associated with the authorized maintenance activities of the Holder.
15. No routine maintenance activities shall be performed during periods when the soil is too wet to adequately support maintenance equipment. If such equipment creates ruts in excess of 4-inches deep, the soil shall be deemed too wet to adequately support maintenance equipment.
16. The Holder shall conduct all maintenance activities in a manner that will minimize disturbance to vegetation, drainage channels, and stream banks. The Holder shall take resource conservation and protection measures on the right-of-way as the Authorized Officer deems reasonably necessary. Areas disturbed during maintenance outside of the existing road and shoulder shall be reseeded with a seed mixture and rate of success to be determined by the Authorized Officer.
17. The Holder shall keep the right-of-way clean by removal of any debris or waste associated with maintenance activities.
18. No signs or advertising devices shall be placed on the premises or on adjacent public lands, except those posted by or at the direction of the Authorized Officer.
19. All terms, conditions, and/or stipulations of associated permits will be adhered to.