

**U.S. Department of the Interior
Bureau of Land Management**

**Finding of No Significant Impact and Decision Record
DOI-BLM-UT-C010-2015-0005-EA
December 2014**

Bureau of Land Management
Communication Site
Right-of-way Amendment

Location:
Gillies Hill
Beaver County, Utah

U.S. Department of the Interior
Bureau of Land Management
Cedar City Field Office
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**UNITED STATE
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
CEDAR CITY FIELD OFFICE**

FINDING OF NO SIGNIFICANT IMPACT

Based on the analysis of potential environmental impacts contained in the attached environmental assessment, and considering the significance criteria in 40 Code of Federal Regulations (CFR) 1508.27, I have determined that these actions will not have a significant effect on the human environment. An environmental impact statement is therefore not required.

Elizabeth R. Burghard 12/17/14
Elizabeth R. Burghard (Authorized Officer) Date
Field Manager
Cedar City Field Office

**UNITED STATE
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
CEDAR CITY FIELD OFFICE**

DECISION RECORD

Authorities

The authorities for this decision are contained in the Federal Land Policy and Management Act (FLPMA) of October 21, 1976 *as amended* and implementing regulations (90 Stat. 2743; 43 U.S.C. 1701, *et seq.*; 43 CFR 2800).

Compliance and Monitoring

Compliance and monitoring will take place after construction to assure terms and conditions of the lease are met. A routine compliance exam will be scheduled to be conducted 15 years after the issuance of the lease.

Terms / Conditions / Stipulations

This decision is contingent on meeting all stipulations requirements listed below; these are special stipulations for this project that are included into the standard communication use lease 2800-18 stipulations.

1. Notwithstanding paragraph I A the lease, the lease shall additionally terminate at any time there is no commercial tenant in the facility for a five-year continuous period of time. For the purposes of this paragraph, an amateur radio operator is not considered a commercial tenant. Prior to actually terminating the lease, the BLM authorized officer shall inform the holder of the potential termination at least 60 days in advance to provide the holder with an opportunity to obtain a tenant.
2. The holder will be responsible for controlling noxious weeds within the limits of the ROW area. Noxious weeds are defined as those which are listed by the Utah Commissioner of Agriculture under the Noxious Weed Act, and those declared noxious by the Iron County Weed Board. The holder will employ weed control methods approved in writing by the BLM authorized officer for acceptable weed control methods.
3. No off road travel, surface use or otherwise disruptive activity would be allowed from December 1 through May 15 within identified crucial winter mule deer and/or elk habitat. This notice may be waived, accepted, or modified by the BLM authorized officer if either the resource values change or the grantee/operator demonstrates that adverse impacts can be mitigated. The grantee/operator must request in writing an exception for construction, ground disturbance, or otherwise disruptive maintenance activities during this time frame. The request for an exception must include duration of activity (exact start and end dates when the action is needed) and specific activity (including number of people, equipment). The BLM authorized officer will review the request to determine current conditions and potential impacts to wintering deer/elk. If construction/activities are authorized, implementation would cease when snow depth is ≥ 6 " and/or temperatures are $\leq 10^{\circ}$ F.
4. In addition to the above stipulations this lease is subject to all the rights, terms and conditions of the original rights-of-way grants from UTU-0-24617.

Plan Conformance and Consistency

The proposed action is in conformance with the Cedar Beaver Garfield Antimony Resource Management Plan approved, June 10, 1986. It is specifically provided for in decision 3.1 (p.9) which provides that applications for use authorizations such as rights-of-way, leases, and permits be processed on a case-by-case basis.

Alternatives Considered

This environmental assessment focuses on the Proposed and No Action alternatives. Other alternatives were not considered because the issues identified during scoping did not indicate a need for additional alternatives beyond those contained in the proposed action. The no action alternative is considered and analyzed to provide a baseline for comparison of the impacts of the proposed action. The No Action alternative was not selected because the Bureau of Land Management (BLM) applicant would not be approved, the purpose and need would not be met and the No Action alternative is not supported by the analysis contained within the environmental assessment.

Decision

My decision is to select the Proposed Action alternative with mitigation measures in accordance with the National Environmental Policy Act of 1969 (NEPA) and the BLM regulations found at 43 Code of Federal Regulations (CFR) 2800. It is my decision to offer Beaver County a communication lease to construct, operate, and maintain a communication use lease per Title V of FLPMA and BLM regulations in 43 CFR 2800, as described in the environmental assessment (DOI-BLM-UT-C010-2015-0005-EA). This decision was made after careful consideration of the proposal, specialist input and the project record. The lease will be subject to the additional terms and conditions (stipulations) as described in this decision record.

Rationale for Decision

I selected the Proposed Action (with mitigation measures) for the following reason:
The Proposed Action meets the purpose and need and benefits socio-economics.

Protest/Appeal

The decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR Part 4. Public notification of this decision will be considered to have occurred on the date this decision was signed. Within 30 days of this decision, a notice of appeal must be filed in the office of the Authorized Officer at 176 East DL Sargent Drive, Cedar City, Utah 84721. If a statement of reasons for the appeal is not included with the notice, it must be filed with the Interior Board of Land Appeals, Office of Hearings and Appeals, U.S. Department of the Interior, 801 North Quincy St., Suite 300, Arlington, VA 22203 within 30 days after the notice of appeal is filed with the Authorized Officer.

If you wish to file a petition for stay pursuant to 43 CFR Part 4.21(b) or 43 CFR 2801.10(b) which reads "All BLM decisions under this part remain in effect pending appeal unless the Secretary of the Interior rules otherwise, or as noted in this part. You may petition for a stay of a BLM decision under this part with the Office of Hearings and Appeals, Department of the Interior. Unless otherwise noted in this part, BLM will take no action on your application while your appeal is pending". The petition for stay should accompany your notice of appeal and 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 irreparable harm to the appellant or resources if the stay is not granted, and
4. Whether the public interest favors granting the stay.

If a petition for stay is submitted with the notice of appeal, a copy of the notice of appeal and petition for stay must be served on each party named in the decision from which the appeal is taken, and with the IBLA at the same time it is filed with the Authorized Officer.

A copy of the notice of appeal, any statement of reasons and all pertinent documents must be served on each adverse party named in the decision from which the appeal is taken and on the Office of the Regional Solicitor, U.S. Department of the Interior, 6201 Federal Building, 125 South State Street, Salt Lake City, Utah 84138-1180, not later than 15 days after filing the document with the Authorized Officer and/or IBLA.

Acting For:

Elizabeth R. Burghard (Authorized Officer)
Field Manager
Cedar City Field Office

12/19/14
Date

Attachment:

Environmental Assessment (DOI-BLM-UT-C010-2015-0005-EA)