

**United States Department of the Interior
Bureau of Land Management**

**Categorical Exclusion Not Established By Statute
DOI-BLM-UT-C010-2015-0006-CX
November 2014**

**Summit Irrigation Stock Co.
Right-of-way Renewal**

Location: **Iron County, Utah**
T. 35 S., R. 09 W., SLM
sec. 06, Lot 2;

Applicant/Address: Summit Irrigation Stock Co.
237 East Main Street
Summit, Utah 84772-0015

BUREAU OF LAND MANAGEMENT
Cedar City Field Office
176 East DL Sargent Drive
Cedar City, UT 84721
Telephone (435) 865-3000



CATEGORICAL EXCLUSION DOCUMENTATION

A. Background

BLM Office:	Cedar City Field Office (LLUTC01000)
Lease/Serial/Case File No.:	UTU-54545
Proposed Action Title/Type:	Right-of-way – Renewal
Location of Proposed Action:	Summit Canyon, Iron County, Utah

Description of Proposed Action:

On October 21, 2014 David Hulet, President of Summit Irrigation Stock Company, submitted a right-of-way (ROW) application to renew Summit Irrigation Stock Company existing concrete water sluice and pipeline ROW. The ROW is located on Bureau of Land Management (BLM) public lands in Summit Canyon near Summit, Utah. The ROW authorizes two facilities: a 253' x 150' fenced in concrete water sluice and a 677' x 20' water pipeline; encompassing 1.18 acres of BLM public lands. The ROW has and would continue to be used for irrigation purposes. This ROW was granted in 1985 for a 30 year term. Summit Irrigation Stock Company would like to renew their ROW for another 30-year term. No change/disturbance is proposed at this time.

B. Land Use Plan Conformance

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.

C. Compliance with NEPA

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with:

- 516 DM Chapter 11.9.E (9) which reads: "Renewals and assignments of leases, permits, or ROW where no additional rights are conveyed beyond those granted by the original authorization."

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 Part 46.215 apply.

I considered the attached terms and conditions when making my decision, and they should be made a part of the grant.

D. Signature

Authorizing Official: Elizabeth R. Burghard Date: 11/14/14
Elizabeth R. Burghard
Field Manager

Contact:

For additional information concerning this CX please contact:

Michelle Campeau
Realty Specialist
Cedar City Field Office
176 East DL Sargent Drive
Cedar City, UT 84721
(435) 865-3047

Categorical Exclusion Review Record

Resource	Yes/No*	Assigned Specialist Signature	Date
Air Quality	No	<i>Craig L. Egerton</i>	11/07/14
Areas of Critical Environmental Concern	No	Dave Jacobson	11-4-2014
Cultural Resources	No	Jamie Palmer	11/7/2014
Environmental Justice	No	Michelle Campeau	11/04/2014
Farm Lands (prime or unique)	No	<i>Craig L. Egerton</i>	11/07/14
Floodplains	No	<i>Craig L. Egerton</i>	11/07/14
Invasive Species/Noxious Weeds	No	<i>Craig L. Egerton</i>	11/07/14
Migratory Birds	No	Sheri Whitfield	11/10/14
Native American Religious Concerns	No	Jamie Palmer	11/7/2014
Threatened, Endangered, or Candidate Species	No	Sheri Whitfield	11/10/14
Wastes (hazardous or solid)	No	Randy Peterson	11/07/14
Water Quality (drinking or ground)	No	<i>Craig L. Egerton</i>	11/07/14
Wetlands / Riparian Zones	No	Adam Stephens	11/5/14
Wild and Scenic Rivers	No	Dave Jacobson	11-4-2014
Wilderness	No	Dave Jacobson	11-4-2014
Other:			

* A "yes" means that extraordinary circumstances *do* apply and this action would not be eligible for a CX. If you write "yes" here we will do an environmental assessment.

Program Lead *Michelle Campeau*

Date: 11/10/14

Environmental Coordinator *Craig L. Egerton*

Date: 11/10/14

Extraordinary Circumstance to Categorical Exclusions

Exceptions to Categorical Exclusion Documentation

The action has been reviewed to determine if any of the extraordinary circumstances (43 CFR 46.215) apply. The project would:

Extraordinary Circumstances		
1. Have significant impacts on public health or safety.		
Yes	No X	Rationale: Renewing this existing right-of-way would not impact public health and safety because no new disturbance is proposed at this location. The ROW holder will be subject to all local, state, and federal laws and regulations for health and safety.
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.		
Yes	No X	Rationale: The proposed action would not affect any of the above cited resources because the right-of-ways have existed since 1985 and no new disturbance is proposed.
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102 (2) (E)].		
Yes	No X	Rationale: The proposed action would create no additional impacts to the environment beyond those already present. It is not highly controversial nor does it involve any unresolved conflicts.
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.		
Yes	No X	Rationale: The proposed action has no known environmental risks that would have uncertain and potentially significant environmental effects because the proposed action is to renew an existing right-of-way with no new disturbance proposed.
5. Establish a precedent for future action or represent a decision in principal about future actions with potentially significant environmental effects.		
Yes	No X	Rationale: The proposed action would not set a precedent for future action or represent a decision in principal about future actions with potentially significant environmental effects. All future actions will be considered independently.
6. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.		
Yes	No X	Rationale: This proposal has been considered in relation to environmental effects of other actions and has been determined to have no cumulatively significant effects.

Extraordinary Circumstances

7. Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by the bureau.

Yes	No X	Rationale: The existing right-of-way has been in existence since 1985. Furthermore the ground surface has been disturbed so the possibility of finding intact cultural resources is negligible. The terms and conditions of the grant also provide protection if unknown sites are discovered.
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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.

Yes	No X	Rationale: No new disturbance or physical changes are proposed on the ground. If new disturbance or physical changes are anticipated to occur on the ground during the 30 years term a Utah prairie dog survey would be required prior to these activities.
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9. Violate a Federal law, or a State, local or tribal law or requirement imposed for the protection of the environment.

Yes	No X	Rationale: The proposed authorization would be in conformance with all known environmental laws or requirements under the proposed terms and conditions.
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10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).

Yes	No X	Rationale: Title VI of the Civil Rights Act and Executive Order 12898 (“Environmental Justice”) require federal agencies to identify and address “disproportionately high and adverse human health or environmental effects of its programs, policies and activities on minority populations and low-income populations.” In accordance with CEQ Environmental Justice Guidelines, minority populations should be identified and effects to them analyzed, if either of the following two conditions apply: (1) of those likely to be affected by the Proposed Action, 50 percent or more would be part of the minority population, and (2) within the project area, the minority population percentage is greater than the minority population percentage outside the project area or in the general population. Neither of these conditions applies to the project area for this effort. Therefore, implementation and potential environmental consequences of the action considered would not disproportionately affect any specific group of people (including any racial, ethnic, or socioeconomic group).
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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).

Yes	No X	Rationale: The proposed action would not limit access to any known sites nor affect the physical integrity of such.
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Extraordinary Circumstances

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).

Yes	No X	Rationale: The proposed action would not contribute to the introduction, continued existence, or spread of noxious weeds and non-native invasive plants. The authorization would include current terms and conditions for the control of noxious weeds.
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EXHIBIT – A

**SUMMIT IRRIGATION STOCK CO.
UTU-54545**

LEGAL DESCRIPTION

Meridian	Township	Range	Section	Subdivision	Acres
SLM	T. 35 S.	R. 09 W.	06	Lot 4;	

Acres: 1.18

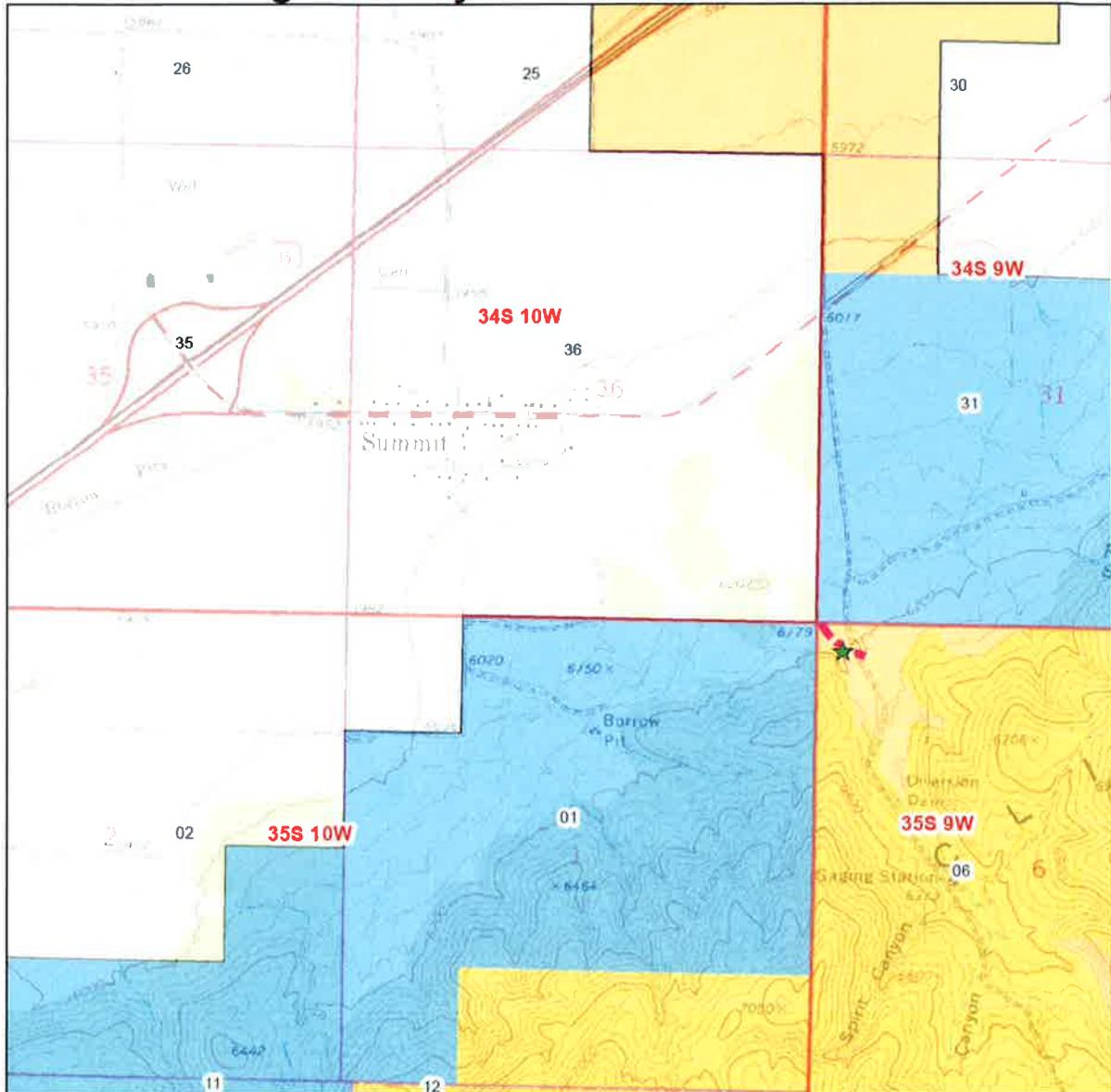
EXHIBIT – B
STIPULATIONS

EXHIBIT – C

MAP



**Summit Irrigation Stock Co.
Right-of-way Renewal UTU-54545**



Legend

- ★ ConcreteSluice_UTU54545
- WaterPipeline_UTU54545
- Bureau of Land Management (BLM)
- Indian Reservation (IR)
- Private
- State Wildlife Reserve/Management Area
- US Forest Service (USFS)
- State

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This map was created by:
Michelle Campeau on
November 04, 2014

