United States Department of the Interior
Bureau of Land Management

Categorical Exclusion Not Established By Statute
DOI-BLM-UT-C020-2016-0017-CX

October, 2015

EMERY COUNTY
MT. ELLEN/SOUTH SUMMIT RIDGE COMMUNICATION SITE
ROW UTU-72956

Location: **Garfield County, Utah**

Salt Lake Meridian, Utah
T. 31 S., R. 10 E.,
sec. 34, E1/2NE1/4NW1/4 and W1/2NW1/4NE1/4.

Applicant/Address: **Emery County**
P.O. Box 629
Castle Dale, UT 84513

Richfield Field Office
150 East 900 North
Richfield, Utah 84701
Phone: (435) 896-1500
Fax: (435) 896-1550

BLM

A. Background

BLM Office: Richfield Field Office

Lease/Serial/Case File No: UTU-72956

Proposed Action Title/Type: Mt. Ellen/South Summit Ridge Communication Site

Location of Proposed Action: Garfield County, Utah

Salt Lake Meridian, Utah
T. 31 S., R. 10 E.,
sec. 34, E1/2NE1/4NW1/4 and W1/2NW1/4NE1/4.

Description of Proposed Action: On January 25, 1995, right-of-way (ROW) grant UTU-72956 was issued to Triad Cellular and was later assigned to Emery County Sheriff's Office on August 16, 2007 to construct, operate, maintain, and terminate a communication site known as the Mt. Ellen/South Summit Ridge Communication site within the above-described public lands in Garfield County, Utah. The proposed action is to renew said authorization for the operation, maintenance, and termination of an existing communication site.

The ROW consists of a 100' x 100' site with a 12' x 12' concrete tower foundation with four solar array panels, a 300 watt electric wind generator, cellular, radio base station/repeater and contains 1.00 acres, more or less.

The access road to the site is separately authorized under UTU-82023.

Emery County states that the ROW is maintained in compliance with the terms and conditions of the grant, and requests renewal of this grant. The existing authorization expired on January 26, 2015. As the communication site is existing and no construction activity is expected beyond standard maintenance of the site. Emery County requests a 30 year authorization renewal.

If approved, the grant would be subject to review and would be eligible for renewal again in the future.

The BLM policy and multiple use program encourages that public lands be managed in a manner that will provide for human occupancy and use (SEE FLPMA Sec. 102 (7) and (8)). In accordance with FLPMA Sec. 501 (4), the Secretary, with respect to the public lands is authorized to grant, issue, or renew ROW over, upon, under, or through such lands for "systems for generation, transmission, and distribution of electric energy, except that the applicant shall also comply with all applicable requirements of the Federal Energy Regulatory Commission under the Federal Power Act, including part I thereof (41 Stat. 1063, 16 U.S.C. 791a-825r) [P.L. 102-486, 1992]". BLM will consider approval of the proposed renewal in a manner that avoids or reduces impact on other resources and activities.

In accordance with regulations at 43 CFR 2800, it is the objective of the Secretary of the Interior to grant rights-of-way to any qualified entity and to regulate, control, and direct the use of said rights-of-way on public lands so as to protect natural resources associated with the public land, adjacent private and other lands, prevent unnecessary and undue environmental damage to lands and resources, and coordinate to the fullest extent possible, all actions taken with State, local governments, interested individuals and appropriate quasi-public entities.

This ROW renewal would be issued subject to regulations under 43 CFR 2800, and the Standard Stipulations contained in "Exhibit A" which is attached to the communications use lease. These Standard Stipulations are currently and shall remain in full force and effect.

B. Land Use Plan Conformance

Land Use Plan Name: Richfield Field Office, Resource Management Plan

Date Approved/Amended: October 31, 2008

The proposed action is subject to the Richfield Field Office (RFO) Resource Management Plan (RMP), approved on October 31, 2008 and does not appear to conflict with any of the existing land use goals, objectives or decision in the RMP or significantly change or alter the way the affected public lands are presently managed. The proposed action, although not specifically addressed, is in conformance with the RMP because it is clearly consistent with the following RMP decision (Decision Record Page 31; and Goals and Objectives Table 18, Page 128), which states: "Provide effective public land management and to improve land use, productivity, and utility through the authorization of legitimate uses of public land by processing use authorizations such as rights-of-way, leases, permits, and state land selections in response to demonstrated public needs; and assist in orderly resource management through processing special land designations and rights-of-way corridor designations."

Since the proposed action is consistent with existing land use decisions and with Bureau policies, regulations, and decisions, it is considered to be in conformance with the existing RFO RMP.

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 11.9 E (9). This reference states, "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 the ROW is existing and no additional rights are to be conveyed beyond those granted by the original authorization. The proposed action has been reviewed, and none of the extraordinary circumstances described in 43 CFR Part 46.215 applies.

D: Signature

Authorizing Official: Wayne A. Wetzel Date: 30 Oct 2015

Wayne A. Wetzel
Field Office Manager

Contact Person

For additional information concerning this CX review, contact:
Michael B. Utley, Richfield Field Office (435) 896-1515

Attachments

-Categorical Exclusion Review Record Exclusion Review Record
-Extraordinary Circumstance to Categorical Exclusions/Exceptions to Categorical Exclusion Doc
-Map
-Decision Document

Categorical Exclusion Review Record Exclusion Review Record

Resource	Yes/No*	Assigned Specialist Signature	Date
Air Quality	No	Mark Dean	10/16/2015
Areas of Critical Environmental Concern	No	Myron Jeffs	10/15/15
Cultural Resources	No	Lauren Kingston	10/27/2015
Environmental Justice	No	Michael B. Utley	10/14/2015
Farm Lands (prime or unique)	No	Brant Hallows	10/15/15
Floodplains	No	Brant Hallows	10/15/15
Invasive Species/Noxious Weeds	No	Brant Hallows	10/15/15
Migratory Birds	No	Dave Cook	10/15/15
Native American Religious Concerns	No	Lauren Kingston	10/27/2015
Threatened, Endangered, or Candidate Plant Species	No	Dave Cook	10/15/15
Threatened, Endangered, or Candidate Animal Species	No	Dave Cook	10/15/15
Wastes (hazardous or solid)	No	John Reay	10/29/2015
Water Quality (drinking or ground)	No	Mark Dean	10/16/2015
Wetlands / Riparian Zones	No	Dave Cook	10/15/15
Wild and Scenic Rivers	No	Myron Jeffs	10/15/15
Wilderness	No	Myron Jeffs	10/15/15
Other:			

*Extraordinary Circumstances apply.

Environmental Coordinator _____ Date: 10/29/2015

Extraordinary Circumstance to Categorical Exclusions

Exceptions to Categorical Exclusion Documentation

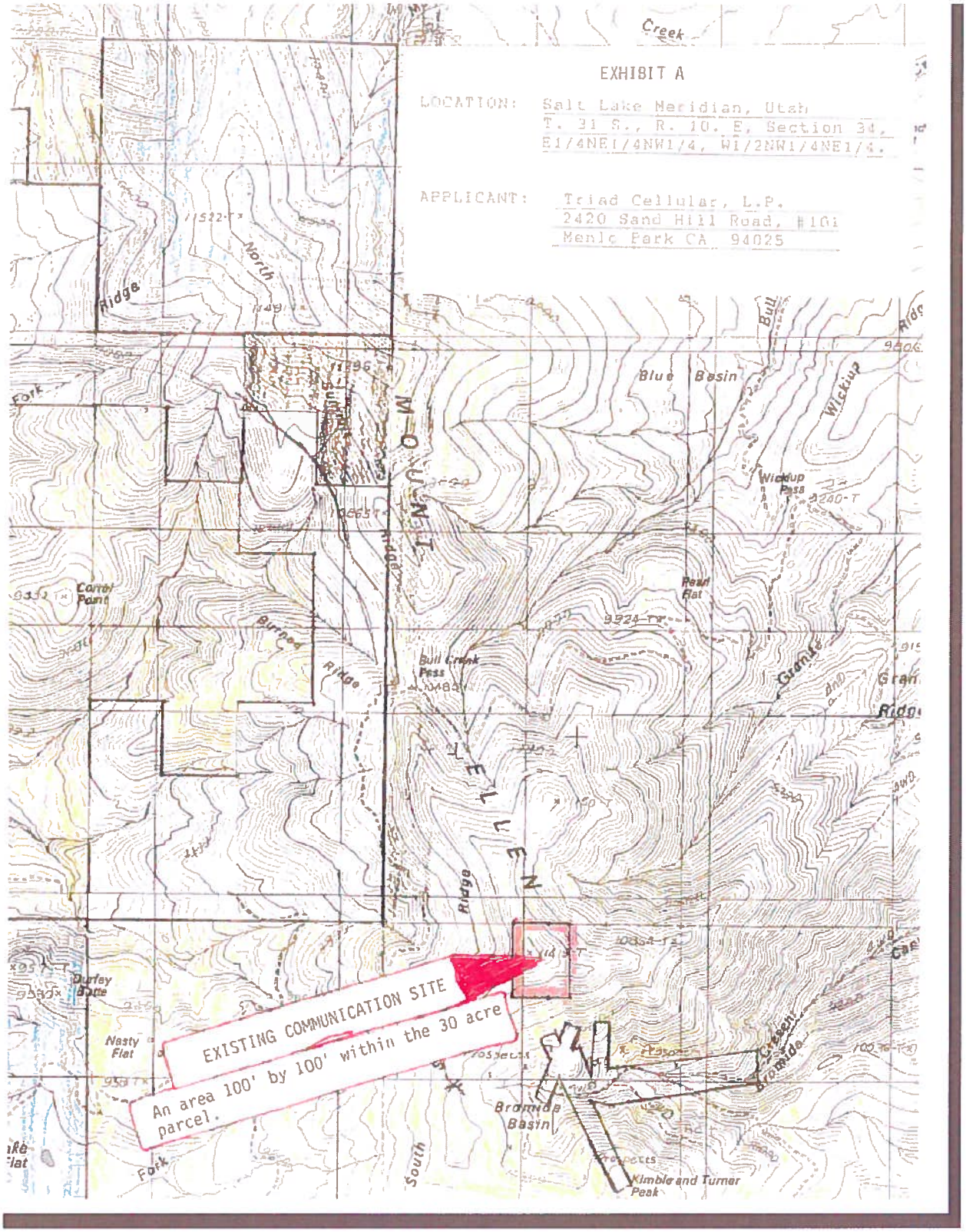
The action has been reviewed to determine if any of the extraordinary circumstances (43 CFR 46.215) apply. The project would:

Extraordinary Circumstances		
1. Have significant impacts on public health or safety.		
Yes	**No** **X**	**Rationale:** To keep impacts to a minimum and not impair public health or safety, the Applicant would obtain, maintain and abide by all relevant federal, state and local government requirements while maintaining the ROW.
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:** All construction and maintenance activities would be confined to within the described area. A Land Use Plan Conformance and Categorical Exclusion Review Record (LUPC&CERR) has been completed indicating none of the above concerns are present in the described area and that significant impacts are not expected (See LUPC&CERR).
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:** As described, the proposed action is categorically excluded under 11.9E (9). Categorically excluded actions generally have very predictable consequences well established as insignificant and, therefore, would not create environmental effects that would create controversy or involve unresolved conflicts concerning alternative uses of available resources (See LUPC&CERR).
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.		
Yes	**No** **X**	**Rationale:** Categorically excluded actions generally have very predictable consequences well established as insignificant. As stated above, this proposal is categorically excluded under 11.9E (9). No additional facilities or surface disturbances are requested.
5. Establish a precedent for future action or represent a decision in principal about future actions		

Extraordinary Circumstances		
with potentially significant environmental effects.		
Yes	**No** **X**	**Rationale:** As described, the proposed action is a 'stand alone" action and is not connected to another action that would require further environmental analysis; nor would it set a precedent for future actions that would normally require environmental analysis.
6. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.		
Yes	**No** **X**	**Rationale:** The proposal is specific to ROW UTU-72956, and would not have a direct relationship to other actions that would create cumulatively significant environmental effects.
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 proposed action is to issue ROW UTU-72956. Maintenance activities would be confined to the described area. An LUPC&CERR have been completed and indicate that significant impacts are not expected (See LUPC&CERR).
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:** Surveys were completed for the area and no T&EC species are present. No critical habitat is present in the area. See file for details.
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:** An appropriate review of tribal law and requirements imposed for the protection of the environment has occurred indicating that the law would not be violated (See LUPC&CERR). The Applicant would be required to maintain and abide by all relevant federal, state and local government permits throughout the term and reclamation of ROW UTU-72956.
10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).		
Yes	**No** **X**	**Rationale:** The proposal is issuance of ROW UTU-72956; specific to the Applicant's described activities. The described locations have been used for many years as the proposed use for identical purposes. The proposed action, therefore, is not anticipated to have a disproportionately high and adverse effect on low income or minority populations.

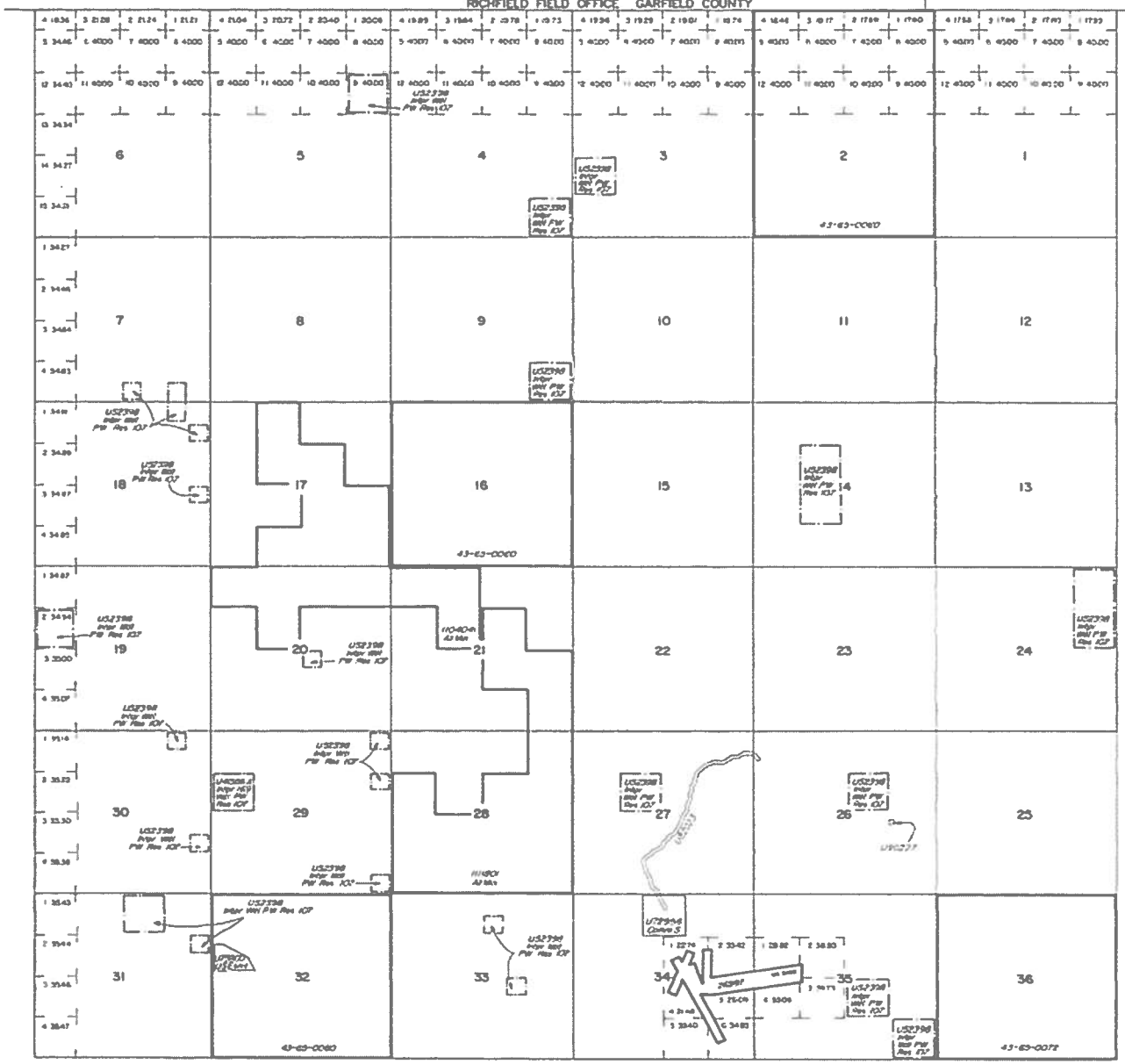
Extraordinary Circumstances		
11. Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007).		
Yes	**No** **X**	**Rationale:** No effect (See LUPC&CERR).
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:** This proposal would not be expected to 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. Vehicles and equipment will be cleaned prior to entering the proposed project area to minimize the introduction of noxious/invasive weed in other areas.

General Map **UTU-72956**



TOWNSHIP 31 SOUTH RANGE 10 EAST OF THE SALT LAKE MERIDIAN, UTAH

RICHFIELD FIELD OFFICE GARFIELD COUNTY



STATUS OF PUBLIC DOMAIN LAND AND MINERAL TITLES

INDEX TO SEGREGATED TRACTS				
RESURVEY	ORIGINAL SURVEY			
TRACT NO	T	N	SEC	SUBDIVISION

FOR ORDERS AFFECTING DISPOSAL OR USE OF UNIDENTIFIED LANDS WITHDRAWN FOR CLASSIFICATION, MINERALS, WATER AND/OR OTHER PUBLIC PURPOSES, REFER TO INDEX OF MISCELLANEOUS DOCUMENTS.

Lat 38°03'34"N
Long 110°44'57"W

SCALE in chains

CURRENT TO		
9-24-2015	PV TN	T 31 S
	MTP. CC	R 10 E

United States Department of the Interior
Bureau of Land Management

Decision Document
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October, 2015

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DECISION DOCUMENT
NOT ESTABLISHED BY STATUTE
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Decision

It is my decision to implement the action described in Categorical Exclusion **DOI-BLM-UT-C020-2016-0017-CX.**

Emery County will be issued a communication site ROW grant for a 30-year term with the right to renew, under the authority of Title V of the Federal Land Policy and Management Act. The action gives Emery County the right to operate and maintain an existing communication site known as the Mt. Ellen/South Summit Ridge Communication site within a specified (ROW) UTU-72956, located on public lands. The permanent ROW area, initially authorized in 1995 and subsequently amended, shall remain unchanged.

The ROW consists of a 100' x 100' site with a 12' x 12' concrete tower foundation with four solar array panels, a 300 watt electric wind generator, cellular, radio base station/repeater and contains 1.00 acres, more or less.

The current facility is in compliance with the terms and conditions of the right-of-way grant.

Since the proposed action is consistent with existing land use decisions and with Bureau policies, regulations, and decisions, it is considered to be in conformance with the existing Richfield Field Office Resource Management Plan.

Rationale for the Decision

I have reviewed the categorical exclusion documentation, including plan conformance, NEPA compliance, and potential extraordinary circumstances, and have determined that the action involves no significant impact to the human environment and no further analysis is required.

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9 E (9). This reference states, "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 the ROW is existing and no additional rights are to be conveyed beyond those granted by the original authorization. The proposed action has been reviewed, and none of the extraordinary circumstances described in 43 CFR Part 46.215 applies.

Administrative Review and Appeal

In accordance with 43 CFR 2804.1(a), this 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. If an appeal is taken, your notice of appeal must be filed with the Bureau of Land Management, Utah Field Office, 150 East 900 North, Richfield, Utah 84701, within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition pursuant to regulation 43 CFR 4.21 (58 FR 4939, January 19, 1993) for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay **must** also be submitted to each party named in this decision and to the Interior Board of Land Appeals (801 North Quincy St., Suite 300, Arlington, Virginia, 22203) and to the appropriate office of the Solicitor (Field Solicitor, U.S. Department of the Interior, 6201 Federal Building, 125 South State Street, Salt Lake City, Utah, 84138-1180 (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

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 immediate and irreparable harm if the stay is not granted, and
(4) Whether the public interest favors granting the stay.

Authorizing Official

Wayne A. Wetzel

Wayne A. Wetzel
Field Office Manager

30 Oct. 2015
Date