

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

**Decision Record
Categorical Exclusion Not Established By Statute
DOI-BLM-UT-W020-2015-0010-CX**

March 2015

Rodney Carter Buried Utility Line

Location: SLM, T. 23 S., R. 19 W.,
section 16, SW $\frac{1}{4}$ NW $\frac{1}{4}$,
section 17, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$

Applicant/Address: Carter Cattle Family Partnership
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DECISION RECORD
Catagorical Exclusion
DOI-BLM-UT-W020-2015-0010-CX
Rodney Carter Buried Utility Line

Decision Statement:

Based on a review of Categorical Exclusion (CX) DOI-BLM-W020-2015-0010 and field office staff recommendations, I have determined that the action is in conformance with the Warm Springs Resource Management Plan and is categorically excluded from further environmental analysis. It is my decision to approve the proposed right-of-way grant with the Special Stipulations contained in Attachment A to this document.

This CX 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 516 DM 2 apply.



Authorized Officer

11 March 2015
Date

Attachment:
Attachment A – Stipulations

Attachment A Special Stipulations

Rodney Carter Buried Utility Line
ROW Grant UTU-91052
March 9, 2015

1. The Holder shall conduct all activities associated with the construction, operation, maintenance, and termination of the project within the authorized limits of the described right-of-way area, unless otherwise approved in writing by the Authorized Officer.
2. No construction or routine maintenance activities shall be performed during periods when the soil is too wet to adequately support construction equipment. If such equipment creates ruts in excess of four inches deep, the soil shall be deemed too wet to adequately support construction equipment.
3. Prior to entering BLM land, all construction equipment and vehicles will be cleaned of soils, seeds, vegetative matter, or other debris that could contain or hold noxious seeds. The Holder shall clean all vehicles and equipment using a pressure washer at the nearest commercial washing facility prior to entering the work site on public lands. If a noxious weed infestation occurs, the Holder will be responsible for control measures as directed by the Authorized Officer.
4. 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 Interior issued pursuant thereto.
5. The Holder shall be responsible to acquire any additional permits or authorizations required by other Federal, State, and local agencies.
6. If any sensitive species are discovered during construction or maintenance activities, all activities that may affect this resource will cease and notification will be made to the Authorized Officer.
7. The Holder shall observe all Federal, State, and local laws and regulations applicable to the premises and shall keep the premises in a neat, orderly, and sanitary condition.
8. The right-of-way shall be kept free of trash, litter, discarded materials, and debris which are generated as a result of the Holder's activities. The right-of-way site shall be maintained in a sanitary condition at all times; waste materials shall be disposed of promptly at an appropriate waste disposal site. "Waste" means all discarded matter including, but not limited to, human waste, trash, garbage, refuse, pipe, oil, oil drums, grease, petroleum products, ashes, concrete, construction materials, and equipment.
9. The Holder will not perform maintenance on vehicles on public land, unless it is an emergency, in which case, containment material must be put under the vehicle.

10. The Holder shall locate, handle, and store gas, diesel fuel, oil, lubricants, and other petroleum products in such a manner as to prevent them from entering into and contaminating soils on the public land.
11. This right-of-way grant is issued subject to all valid existing rights including other authorized rights-of-way that may be located adjacent to or which may be affected by the construction, operation, and termination of this subject right-of-way. Any existing facilities which may be damaged during operation, maintenance, or termination of this right-of-way will be repaired or restored to the same condition as existed prior to the damage. Any costs for such damage or repair shall be the total responsibility of the Holder. The Holder must also coordinate the proposed project with adjacent non-federal landowners.
12. Standard fire prevention stipulations would apply. During construction or maintenance, the Holder would notify the BLM of any fires and would comply with all rules and regulations administered by the BLM concerning the use, prevention, and suppression of fires on federal lands. In the event of a fire, the Holder or its contractors would initiate fire suppression actions in the work area. Suppression would continue until the fire is out or until the crews are relieved by an authorized representative of the BLM.

In the event of a fire, personal safety will be the first priority of the Holder or its contractors. The Holder or its contractors will:

- a. Operate all internal and external combustion engines on federally managed lands per 36 CFR 261.52, which requires all such engines to be equipped with a qualified spark arrester that is maintained and not modified.
 - b. Initiate fire suppression actions in the work area to prevent fire spread to or on federally administered lands.
 - c. Carry shovels, water, and fire extinguishers that are rated at a minimum as ABC - 10 pound on all equipment and vehicles. If a fire spreads beyond the suppression capability of workers with these tools, all will cease fire suppression action and leave the area immediately via pre-identified escape routes.
 - d. When welding, grinding, cutting or conducting other similar, spark-producing work, choose an area large enough to contain the sparks that is naturally free of all flammable vegetation or remove the flammable vegetation in a manner compliant with the permitted activity. If adequate clearance cannot be made, wet an area large enough to contain all sparks prior to the activity and periodically throughout the activity to reduce the risk of wildfire ignition. Regardless of clearance, maintain readiness to respond to an ignition at all times.
 - e. Notify the Richfield Interagency Fire Center (435) 896-8404 (or 911) immediately of the location and status of any escaped fire. Construction personnel will be trained in basic fire control procedures.
13. Any cultural and/or paleontological resource (historic or prehistoric site or 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. 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.

14. The Holder(s) shall comply with all applicable Federal laws and regulations existing or hereafter enacted or promulgated. In any event, the Holder(s) 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.
15. When the authorized use is no longer needed, and prior to abandonment of the facilities, the Holder or authorized representative will meet the Authorized Officer to arrange a joint inspection of the right-of-way. The inspection will be held to agree on an acceptable abandonment and rehabilitation plan. The Authorized Officer must approve the plan in writing prior to the Holder commencing any abandonment and/or rehabilitation activities.