

CATEGORICAL EXCLUSION

Project Name/ Applicant: Department of Energy - Idaho Operations Office Blue Dome
Telemetry Station Right-of-Way Renewal
Project/Case File Number: IDI-25414
Project Lead: Becky Lazdauskas
CE Number: ID-I010-2010-0061-CX
Date of Preparation: September 28, 2012

PROPOSED ACTION:

On May 7, 2010, Department of Energy - Idaho Operations Office (DOE-ID), submitted an application (SF-299) requesting a renewal of an existing right-of-way (ROW) authorization for a telemetry station. The telemetry station is located in section 26, T. 9 N., R. 30 E., Boise Meridian, Idaho, (Exhibit A).

The telemetry station ROW, BLM serial number IDI-25414, is located in Clark County and is referred to as the Blue Dome Telemetry Station.

The original ROW was issued September 26, 1988, and expired on September 25, 2008. The purpose of the telemetry station is to collect weather data with use of a weather radar station. The ROW encumbers 0.04 of an acre, more or less.

No additional rights would be granted beyond those of the original grant.

CONSULTATION AND COORDINATION:

A description of the proposed action was posted to the online NEPA register.

FINDING AND RECOMMENDATION:

The proposed action is categorically excluded as outlined in 516 DM 11.9, Appendix 5.4 E (9) and none of the extraordinary circumstances described in 516 DM 2, Appendix 2 apply. This exclusion states that renewing and assigning permits or rights-of-way where no additional rights are conveyed beyond those granted by the original authorizations may be excluded from further environmental review.

I recommend that the right-of-way authorization, IDI-25414, be renewed for approximately 30 years, expiring on December 31, 2039. The grant would be issued with the right to renew,

subject to current terms and conditions and the attached stipulations (Exhibit B). The right-of-way would be renewed under the authority of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761) and current Bureau regulations found at 43 CFR 2800. The applicant is exempt from rental in accordance with 43 CFR 2806.14(2).

DECISION AND RATIONALE FOR THE DECISION:

It is my decision to renew right-of-way IDI-25414, allowing the continued use of a telemetry station on public land to collect weather data. The right-of-way encumbers 0.04 of an acre, more or less. The grant would be issued for approximately 30 years, expiring on December 31, 2039, with the right to renew, subject to the current terms and conditions found at 43 CFR 2800 and the attached stipulations. The applicant is exempt from rental in accordance with 43 CFR 2806.14(2).

Issuance of the right-of-way would cause no significant environmental disturbance. The subject action qualifies as a Categorical Exclusion and meets the criteria contained in 516 DM 11.9, Appendix 5.4 E (9). None of the exceptions found in 516 DM 2, Appendix 2 apply.

LAND USE PLAN CONFORMANCE:

The proposed action is in conformance with the Little Lost – Birch Creek Management Framework Plan (1981).

APPEALS INFORMATION:

43 CFR 4.21 (58 FR 4939, January 19, 1993) or 43 CFR 2801.10

/s/ Becky Lazdauskas 11/6/2012
Becky Lazdauskas Date
Realty Specialist

/s/ Glen Guenther acting for 11/6/2012
Jeremy Casterson Date
Upper Snake Field Manager

Extraordinary Circumstances Requiring Preparation of an EA or EIS

(516 DM 2, Appendix 2)

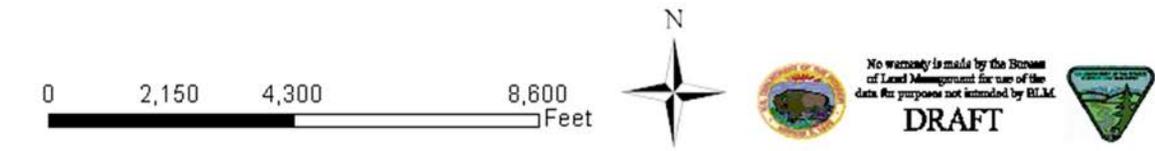
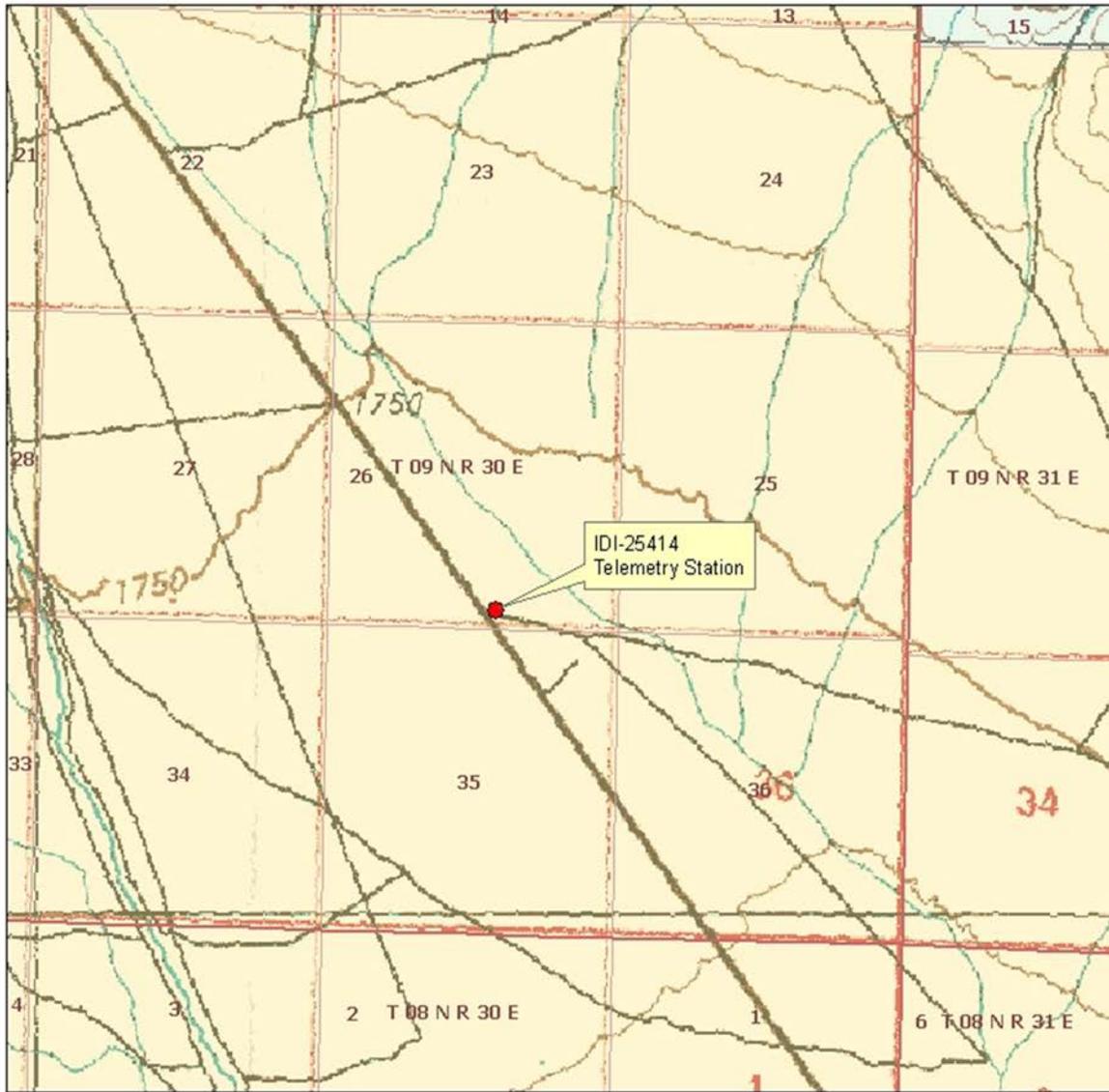
The action described in categorical exclusion # ID- I010-2010-0061-CX (IDI-25414) has been reviewed to determine that none of the extraordinary circumstances listed below pertain to the proposed action.

DM# Extraordinary Circumstance

- 2.1 Have significant impacts on public health or safety
- 2.2 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.
- 2.3 Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102(2)(E)].
- 2.4 Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.
- 2.5 Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.
- 2.6 Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.
- 2.7 Have significant impacts on properties listed or eligible for listing on the National Register of Historic Places as determined by either the bureau or office.
- 2.8 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.
- 2.9 Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.
- 2.10 Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).
- 2.11 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).
- 2.12 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).

**IDI-25414
DOE Telemetry Station
ROW Renewal**

**EXHIBIT A
T. 9 N., R. 30 E., Section 26
September 24, 2012**



Drawn 4/29/2009

Stipulations- Exhibit B

IDI-25414

1. The holder shall conduct all activities associated with the construction, operation, and termination of the right-of-way within the authorized limits of the right-of-way.
2. No 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 3 inches deep, the soil shall be deemed too wet to adequately support construction equipment.
3. Right-of-way shall be maintained in a sanitary condition at all times; waste materials at those sites 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, oil drums, petroleum products, ashes, and equipment.
4. The holder shall be responsible for weed control on disturbed areas within the limits of the right-of-way. The holder is responsible for consultation with the authorized officer and/or local authorities for acceptable weed control methods (within limits imposed in the grant stipulations).
5. The holder of right-of-way No. IDI-25414 agrees to indemnify the United States against any liability arising from the release of any hazardous substance 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 of 1976, 42 U.S.C. 6901 et seq.) on the right-of-way (unless the release or threatened release is wholly unrelated to the right-of-way holder's activity on the right-of-way.) This agreement applies without regard to whether a release is caused by the holder, its agent, or unrelated third parties.
6. There is reserved to the Authorized Officer, the right to grant additional rights-of-way or permits for compatible use on, over, under, or adjacent to the land involved in this grant.
7. The holders are responsible for the control of noxious weeds that result or would result from the construction or maintenance of their right-of-way.

Stipulations- Exhibit B

IDI-25414

8. 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.
9. Pursuant to 43 CFR 10.4(g), the holder of this authorization must immediately notify the authorized officer by telephone, with written confirmation, upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4(c) and (d), the holder must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the authorized officer. The BLM Authorized Officer will determine avoidance, protection or mitigation measures in consultation with the Holder, Idaho SHPO, and affected Tribes. Costs associated with the discovery, evaluation, protection or mitigation of the discovery shall be the responsibility of the holder.
10. Ninety (90) days prior to termination of the right-of-way, the holder shall contact the authorized officer to arrange a joint inspection of the right-of-way. This inspection will be held to agree to an acceptable termination (and rehabilitation) plan. This plan shall include, but is not limited to, removal of facilities, drainage structures, or surface material, recontouring, topsoiling, or seeding. The authorized officer must approve the plan in writing prior to the holder's commencement of any termination activities.