

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

**Categorical Exclusion Not Established By Statute
DOI-BLM-UT-CO30-2016-0009-CX**

February 2016

SITLA Easement Acquisition

Location: Lambs Knoll

Salt Lake Meridian
T. 40S, R. 11W.,
Sec. 17, NE¼NE¼,

Applicant/Address:

St. George Field Office
345 E. Riverside Drive
St. George, UT 84790
435-688-3200
435-688-3252



**CATEGORICAL EXCLUSION DOCUMENTATION FORMAT WHEN USING
CATEGORICAL EXCLUSIONS NOT ESTABLISHED BY STATUTE**

A. Background

BLM Office: St. George Field Office **Lease/Serial/Case File No:** UTU- 91405

Proposed Action Title/Type: Easement Acquisition

Location of Proposed Action: Lambs Knoll

Salt Lake Meridian
T. 40 S, R. 11 W.,
Sec. 17, NE1/4NE1/4.

Description of Proposed Action:

The BLM is proposing to acquire an easement from the State of Utah, School & Institutional Trust Lands Administration (SITLA) for the purpose of securing legal access to the popular recreation area known as Lambs Knoll. With SITLA approval, BLM has been accessing this area via a road that crosses SITLA land. SITLA is planning to sell the land which provides access to Lambs Knoll. In order to secure legal access to the adjacent BLM property, BLM would acquire a perpetual easement across the SITLA managed land. The road would be relocated approximately 50' to the east of its current location to run along the section line. BLM would reclaim the existing road concurrently with the construction of the new road. BLM is currently planning a new trailhead on the adjacent BLM land and access to the new trailhead would be via this road. The road is critical to the continued management of the recreational resources on the adjacent BLM managed land.

B. Land Use Plan Conformance

Land Use Plan Name: St George Field Office RMP **Date Approved/Amended:** March 1999

The proposed action is in conformance with the LUP, even though it is not specifically provided for, because it is clearly consistent with the following LUP decision(s) (objectives, terms, and conditions):

LD-11 States: *"Where needed to provide public access to important use areas on public lands or to link significant public tracts isolated by state or private lands, BLM will seek to obtain easements for roads or other access. Easements will be acquired only with the landowner's consent."*

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, Chapter 2, Appendix 1, 5.4

E. (16): "Acquisition of easements for an existing road or issuance of leases, permits, or rights-of-way for the use of existing facilities, improvements, or sites for the same or similar purposes."

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 applies.

I considered:

- Public health or safety
- Natural resources and unique geographic characteristics such as historic or cultural resources; parks, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands; national monuments; migratory birds; and other ecologically significant or critical areas.
- Unresolved conflicts concerning alternative uses of available resources
- Unique or unknown environmental risks
- Precedent for future actions
- Relationship to other actions with individually insignificant but cumulatively significant environmental effects.
- Properties listed or eligible for listing on the National Register of Historic Places as determined by either the bureau or office.
- 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.
- Federal, state, local or tribal law
- Low income or minority populations
- Access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners and potential effect of the physical integrity of such sacred sites.
- Introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area

And determined that none of the above "Extraordinary Circumstances" would be negatively affected by the Proposed Action.

D: Signature

Authorizing Official: _____


Brian Tritle

Date: _____

3/10/16

Field Office Manager

Contact Person

For additional information concerning this CX review, contact Teresa Burke (435) 688-3326

Categorical Exclusion Review Record

Resource	Yes/No*	Assigned Specialist Signature	Date
Air Quality	No	D. Corry	2/9/16
Areas of Critical Environmental Concern	No	J. Kellam	3/7/16
Cultural Resources	No	L. Hunsaker	2/29/16
Environmental Justice	No	D. Kiel	2/29/16
Farm Lands (prime or unique)	No	D. Corry	2/9/16
Floodplains	No	D. Corry	2/9/16
Invasive Species/Noxious Weeds	No	R. Reese	2/8/16
Migratory Birds	No	R. Douglas	2/9/16
Native American Religious Concerns	No	L. Hunsaker	2/29/16
Threatened, Endangered, or Candidate Species	No	R. Douglas/J. Kellam	2/9/15
Wastes (hazardous or solid)	No	D. Kiel	2/29/16
Water Quality (drinking or ground)	No	D. Corry	2/9/16
Wetlands / Riparian Zones	No	D. Corry	2/9/16
Wild and Scenic Rivers	No	K. Voyles	2/29/16
Wilderness	No	K. Voyles	2/29/16
Geology	No	K. Voyles	2/29/16
Lands	No	T. Burke	2/11/16

*Extraordinary Circumstances apply.

Environmental Coordinator



Date: 3/7/16

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: The project would not have significant impacts on public health and safety because the right-of-way is already in place and no impacts on public health and safety have been reported or discovered.
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 acquisition of an easement that is already in place is a managerial action and will not have any impacts on natural resources or unique geographic characteristics.
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: There are no known Controversial environmental effects related to this proposal
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.		
Yes	No X	Rationale: The environmental effects of this project are predictable and well established as insignificant
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: This action is not connected to another action that would require further environmental analysis or would 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.		

Extraordinary Circumstances

Yes	No X	Rationale: This project is not related to any other actions.
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 acquisition of the easement will not impact cultural resources. Cultural resource inventories will be conducted in conjunction with the development of the trailhead on BLM land and an EA will be written to analyze those impacts. The relocation of the road will be addressed in the EA for the trailhead.
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: Acquisition of an easement will not affect Threatened or Endangered species or their habitat.
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 project would not violate laws/ordinances such as the Migratory Bird Treaty Act, Fish and Wildlife Coordination Act, county ordinances, and state statutes.
10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).		
Yes	No X	Rationale: There are no low income or minority populations present within or near the project area.
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: Consultations are conducted with the Paiute Indian Tribe of Utah and its respective Bands under the protocols established through a Memorandum of Understanding, signed with BLM in 1999. The proposed action would not limit access to, or ceremonial use of sacred sites, nor would it adversely impact the integrity of any known sites.
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).		

**CATEGORICAL EXCLUSION
NOT ESTABLISHED BY STATUTE
DECISION DOCUMENT**

Decision

It is my decision to implement the action described in Categorical Exclusion DOI-BLM-UT- CO30-2016-0009-CX.

Decision Rationale

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

Administrative Remedies

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.

This decision shall take effect immediately upon the date it is signed by the Authorized Officer, Brian Tritle, and shall remain in effect while any appeal is pending unless the Interior Board of Land Appeals (IBLA) issues a stay (43 CFR 2801.10(b)). Any appeal of this decision must follow the procedures set forth in 43 CFR Part 4. Within 30 days of the decision, a notice of appeal must be filed in the office of the Authorized Officer at St. George Field Office, 345 East Riverside Drive, St. George, UT 84790. 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.

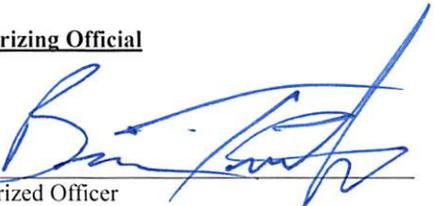
If you wish to file a petition for stay pursuant to 43 CFR Part 4.21(b), the petition for stay should accompany your notice of appeal and shall show sufficient justification based on the following standards:

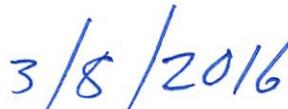
- (1) The relative harm to the parties if the stay is granted or denied,
- (2) The likelihood of the appellant's success on the merits,
- (3) The likelihood of irreparable harm to the appellant or resources if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

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.

Authorizing Official


Authorized Officer


Date