

Categorical Exclusion Review
 U.S. DEPARTMENT OF THE INTERIOR
 BUREAU OF LAND MANAGEMENT
 Boise District Office
 Bruneau Field Office

Schiermeier Irrigation RoW Assignment

CE No.: ID-120-2009-CE-3851	Lease/Serial/Case File No.: IDI-15527
Purpose and Need for Action: The purpose of this action is to process an assignment and renewal of an existing irrigation system right-of-way that supports irrigated agriculture within the Bruneau Field Office. The irrigation system is needed to provide water to private property for continued agricultural use. The assignment and renewal are needed to maintain land use authorizations IAW FLPMA and 43 CFR.	
Description of Proposed Action: Renew for a twenty year period an authorization to use public lands for the transport of water through a 16" diameter irrigation pipe. The initial grant was issued in 1979 to James Mills (deceased) and the property irrigated by the authorization was purchased by Don Schiermeier. The pipeline runs underground for approximately 2176 feet; the right-of-way width is 10 feet. Public land encumbered by this action is approximately 0.5 acres +/-.	
Project Location: T. 6 S., R. 5 E., sec 8, SWSW; sec 17, NWNW	
Applicant (if any): Don Schiermeier	
Part I – Plan Conformance Review	
This proposed Action is subject to the following land use plan: Snake River Birds of Prey Resource Management Plan	
Date Plan Approved: September 2008	
The proposed action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decision(s): Objective 2.11 is to meet the needs of the public in a manner that minimizes impacts consistent with NCA legislative requirements. Renewal of the existing facility would minimize impacts as there would be no surface disturbance associated with removal of the line..	
Part II – NEPA Review	
<p>A. Categorical Exclusion Review: This proposed action qualifies as a categorical exclusion under 516 DM 11.9 E(9) Category description: Renewals and assignments of leases, permits, or rights-of-way where no additional rights are conveyed beyond those granted by the original authorization.</p> <p>B. Exceptions Review (Departmental List of Extraordinary Circumstances Review): Review the 12 exceptions which apply to individual actions within categorical exclusion. Environmental documents (EA or EIS) must be prepared for any actions involving these exceptions. The following Departmental List of Extraordinary Circumstances apply to individual actions. Departmental instructions mandate that environmental documents MUST BE PREPARED for actions which may: (Mark applicable answer for each item. If "yes", prepare an EA/EIS and append this form to it.)</p>	
List of Exceptions	
1. Have significant impacts on public health or safety.	
Yes	No <input checked="" type="checkbox"/>
Specialist Signature/Date: /s/ <i>Cecil Werven</i> 9/15/09	

<i>Comments/Explanation:</i> The renewal/assignment of an underground irrigation pipeline does not pose a threat or generate an impact on public health or safety. The water lines are not connected into any potable supply source.		
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; or ecologically significant or critical areas, or is not in compliance with the Fish and Wildlife Coordination Act.		
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Specialist Signature/Date: /s/ <i>Cecil Werven</i> 9/15/09
<i>Comments/Explanation:</i> The renewal/assignment of an underground irrigation pipeline would not have any impact on natural resources. The pipeline has been operating safely for the last 30 years with no reported impacts to natural resources, historic or cultural resources, parks, recreation, or refuge lands. The project is not within a wilderness area or affecting wetlands. The Snake River is not designated as wild or scenic. No national monuments were identified in the project area during the initial authorization and none have been created since in the project area that may be affected by the renewal of an underground irrigation line. Migratory birds do not have an impact risk from underground pipelines and the water removed from the Snake River is under jurisdiction of IDWR.		
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].		
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Specialist Signature/Date: /s/ <i>Cecil Werven</i> 9/15/09
<i>Comments/Explanation:</i> Assignments & Renewals are administrative actions in nature and have not been shown to be controversial in comparison to the initial granting action. No other claims or proposals have been submitted that would indicate a conflict in the use of the public lands in question.		
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.		
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Specialist Signature/Date: /s/ <i>Cecil Werven</i> 9/15/09
<i>Comments/Explanation:</i> Assignments & Renewals are administrative actions in nature and have not been shown to involve any highly uncertain and potentially significant environmental effects. The installation of underground irrigation pipeline to support agriculture has not been shown to create a unique or unknown environmental risk.		
5. Establish a precedent for future actions or represent a decision in principle about future actions with potentially significant environmental effects.		
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Specialist Signature/Date: /s/ <i>Cecil Werven</i> 9/15/09
<i>Comments/Explanation:</i> Assignments & Renewals are administrative actions in nature and have not been shown to result in precedent setting decisions. As an administrative action it does not represent a decision about future actions with potentially significant environmental effects.		
6. Have a direct relationship to other actions with individually insignificant, but cumulatively significant environmental effects.		
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Specialist Signature/Date: /s/ <i>Cecil Werven</i> 9/15/09
<i>Comments/Explanation:</i> Assignments & Renewals are administrative actions in nature and are not typically related to other actions with individually insignificant, but cumulatively significant environmental effects. The initial analysis of the project did not identify any significant environmental effect and the continuation of the authorization is not connected to any other action; therefore, would not be likely to contribute to any cumulative effect.		
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.		
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Specialist Signature/Date: /s/ <i>Cecil Werven</i> 9/15/09
<i>Comments/Explanation:</i> Assignments & Renewals are administrative actions in nature and any impact on properties listed or eligible for listing in the National Register of Historic Places would have been identified and mitigated in the original analysis of the project. Renewal of the project does not create any new potential for such an impact. A full cultural clearance was provided in support of the original NEPA documentation under EA ID-010-0-5.		
8. Have significant impacts on species listed or proposed to be listed on the List of Endangered or Threatened Species, or on designated Critical Habitat for these species.		

Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Specialist Signature/Date for Plants: /s/ <i>Cecil Werven</i> 9/15/09 Specialist Signature/Date for Wildlife: /s/ <i>Cecil Werven</i> 9/15/09 Specialist Signature/Date for Aquatics: /s/ <i>Cecil Werven</i> 9/15/09
Plants <i>Comments/Explanation:</i> No Threatened and Endangered (T&E) species were identified in support of EA ID-010-0-5.		
Wildlife <i>Comments/Explanation:</i> No T&E species or habitat loss were identified in support of EA ID-010-0-5.		
Aquatics <i>Comments/Explanation:</i> No impact to riparian areas were identified in support of EA ID-010-0-5.		
9. Violate a Federal, State, local, or tribal law or requirement imposed for the protection of the environment.		
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Specialist Signature/Date: /s/ <i>Cecil Werven</i> 9/15/09
<i>Comments/Explanation:</i> Assignments & Renewals are administrative actions in nature and are completed in accordance with current federal laws found in 43 CFR. The renewal is supported by adequate NEPA completed for the initial authorization.		
10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).		
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Specialist Signature/Date: /s/ <i>Cecil Werven</i> 9/15/09
<i>Comments/Explanation:</i> Assignments & Renewals are administrative actions in nature. The renewal does not affect one level of society any more than any other.		
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 <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Specialist Signature/Date: /s/ <i>Cecil Werven</i> 9/15/09
<i>Comments/Explanation:</i> Assignments & Renewals are administrative actions in nature and would not create any new access restriction to an Indian sacred site. The underground pipeline does not create a barrier of any form that may restrict access to Indian sacred 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).		
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Specialist Signature/Date: /s/ <i>Cecil Werven</i> 9/15/09
<i>Comments/Explanation:</i> Assignments & Renewals are administrative actions in nature and do not result in any surface disturbance that could contribute to the spread of noxious weeds. Renewal stipulations provide for the control of noxious weeds in the project area.		
I certify that none of the Departmental exceptions (Extraordinary Circumstances) listed in the above Part II (516 DM 2, Appendix 2) apply to this action; therefore, this categorical exclusion is appropriate for this situation. Remarks:		
Preparing Official: /s/ <i>Cecil Werven</i>		Date: 9/15/09
Name: Cecil Werven Title: Realty Specialist		

Part III – Decision

I have reviewed this plan conformance and NEPA compliance record and have determined that the proposed project is in conformance with the approved land use plan and that no further environmental analysis is required. It is my decision to implement the project, as described, with the mitigation measures either identified below or with the stipulation(s) described above. Program specific administrative remedy language will be included in the grant offer letter as part of the decision to offer the right-of-way.

Mitigation Measures/Other Remarks: Stipulations will be included as Exhibit B.

Remarks:

Authorizing Official: /s/ *Michael O'Donnell*

Date: 9/15/09

Name: Michael O'Donnell

Title: Acting Four Rivers Field Manager



Irr R/W IDI-15527

T. 6 S., R. 5 E., sec 8,17



- BLM
- Field Office Boundary
- Sections

N

Miles

Exhibit A
IDI-15527

No warranty is made by the Bureau of Land Management. The accuracy, reliability, or completeness of these data for individual use or aggregate use with other data is not guaranteed. The following (map) cannot be made Section 508 compliant. For help with its data or information, please contact the BLM Idaho State Office Webmaster at 208-373-4000.

Compiled: Nov 2009 BLM
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RIGHT-OF-WAY STIPULATIONS

1. The holder shall notify the authorized officer of any change of mailing address.
2. The United States retains the right to authorize use of the right-of-way for other compatible uses (including the subsurface and air space).
3. Any cultural and/or paleontological resource (fossil(s) or historic or prehistoric site or object) discovered by the holder, or any person working on his behalf, on public 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. 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.
4. Use of pesticides, herbicides, and rodenticides shall comply with the applicable Federal and State laws, and only in accordance with their registered uses.
5. The holder shall indemnify the United States against any liability for damage to life or property arising from the occupancy or use of public lands under this grant or permit.
6. The holder(s) shall comply with the Toxic Substances Control Act of 1976 as amended, 15 U.S.C. 2601 et seq. (1982) with regards to any toxic substances that are used, generated by or stored on the right-of-way or on facilities authorized under this right-of-way grant. (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, 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.
7. The holder 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, 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), or resulting from the activity of the right-of-way holder 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.

8. As directed by the Authorized Officer the Holder shall be responsible for control of noxious weed species that result or would result from the construction, use, or maintenance of their grant.

If herbicides are used the Holder shall comply with all applicable Federal and State laws and regulations. Herbicides shall be used only in accordance with their registered uses within the limitations imposed by the Secretary of the Interior. Prior to the use of herbicides, the Holder shall obtain from the authorized officer written approval of a Herbicide Use Proposal Plan showing the type and quantity of herbicide to be used, weed(s) to be controlled, method of application, and any other information deemed necessary by the authorized officer.

Applicator(s) shall hold a current State of Idaho applicator's license or be under the direct supervision of a licensed applicator.

For areas and acres treated the Holder shall submit to the BLM a completed "BLM Pesticide Application Record" form.

Other control methods include but are not limited to annual mowing.