

**UNITED STATES DEPARTMENT OF INTERIOR
BUREAU OF LAND MANAGEMENT
STATE OF IDAHO
TWIN FALLS DISTRICT
SHOSHONE FIELD OFFICE
400 West F Street
Shoshone, ID 83352
208-732-7200 / Fax: 208-732-7317**

CATEGORICAL EXCLUSION REVIEW AND DECISION
for CenturyTel of Gem State, Inc.

Project Name: CenturyTel Fiber Optic Cable
NEPA Number: ID 230 2009 CE 3792
Applicant: CenturyTel of Gem State, Inc.
Project/Case File Number (if appropriate): IDI-36494
Lead Preparer: Lisa Lyda
Date of Preparation: July, 2009

Project Description:

CenturyTel of Gem State, Inc. has applied to the BLM to bury fiber optic telephone cable within the US Hwy 26/State Hwy 93 right-of-way, ROW, starting at Richfield, Idaho and ending in Shoshone, Idaho to enhance telephone service. The proposed route will follow the existing highway ROW, which crosses BLM lands. The total length of the right-of-way would be approximately 16,401 feet in length and 10 feet wide.

Project Location:

The existing ROW grant begins about 2 miles east of Shoshone, Idaho and ends about 5 miles west of Richfield, Idaho. The ROW grant for 3.76 acres would affect the public land identified as follows:

Legal Description: T. 5S, R. 18E, B.M.
Sec.13: E2SE
Sec. 23 SENE, NESW, SWSW
Sec. 24 NENW
Sec. 27 SWNE, NESW
Sec. 33 SWSW, NWSE

T. 5S, R. 19E, B.M.
Sec. 5 SWSW
Sec. 7 E2E2
Sec. 8 NWNW
Sec. 18 W2NE, NENE, NESW, Lots 3,4
(portions of)

Plan Conformance:

This project is not specifically provided for in the Bennett Hills – Timmerman Hills Management Framework Plan (MFP, 1980). However, the use falls within the multiple uses concept and management goals outlined by the plan. ROW's are allowable on BLM managed lands per Title V of FLPMA and the BLM regulations at 43 CFR 2800, at the discretion of the Secretary of the Interior or their delegated officer.

Categorical Exclusion Reference:

The proposed action described above generally does not require the preparation of an environmental assessment (EA) or environmental impact statement (EIS), as it has been found to not individually or cumulatively have a significant effect on the human environment. The applicable Categorical Exclusion reference is 516 DM 11.9 E (12), which states, "*Grants of rights-of-way wholly within the boundaries of other compatibly developed rights-of-way.*"

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 516 DM 2, Appendix 2, apply.

I considered the following extraordinary circumstances and determined that none of them apply.

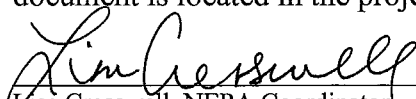
Extraordinary Circumstances		
1. Have significant impacts on public health or safety.		
Yes	No X	Rationale: The proposed action would not have significant impacts on public health and safety as the proposed action is to grant a fiber optic cable ROW within an authorized existing ROW to provide enhanced telephone service to nearby residents. Terms and conditions of the ROW grant, #F states: "The holder shall perform all operations in a good and workmanlike manner so as to ensure protection of the environment and the health and safety of the public." Stipulation #9 states: "The authorized officer may suspend or terminate in whole or in part this ROW grant which has been issued when, in his judgment, unforeseen conditions arise which result in the approved terms and conditions being inadequate to protect the public health and safety or to protect the environment." Stipulation #13 states: "The Holder shall keep the ROW clean by removal of any debris or waste resulting from construction and/or maintenance." Stipulation #14 states: "Holder shall maintain the ROW in a safe, usable condition, as directed by the authorized officer."
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.		

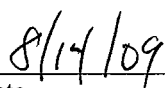
Yes	No X	Rationale: Minimal impacts are associated with the proposed action. A review of the soil survey data and other information provided by the National Resource Conservation Service (NRCS) shows that the project area does not contain prime farmland. A cultural resource inventory was conducted in June, 2009, with no cultural resources being identified within the ROW. Migratory birds in the area would not be impacted by the authorized use. There are no wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; and other ecologically significant or critical areas within the project area.
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: The proposed action does not have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources. The effects of buried fiber optic cables within an existing ROW are well understood. The existing ROW has been used for more than 60 years.
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.		
Yes	No X	Rationale: The proposed action would not have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks as there are no additional impacts associated with the proposed action, which requests a ROW authorization to bury a fiber optic cable within an existing ROW across public lands.
5. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.		
Yes	No X	Rationale: The proposed action is not connected to another action that would require further environmental analysis and it would not 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 proposed action does not have a direct relationship to other actions with individually insignificant but 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 either the bureau or office.		
Yes	No X	Rationale: There would be no effect on properties listed, or eligible for listing, on the National Register of Historic Places. A cultural resource inventory was conducted on June 18, 2009 (BLM Report #ID230-2009-14), which revealed no eligible properties listed, or eligible for listing within the project area.
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: A clearance for special status plants was completed on June 24, 2009. The proposed project area does not support any federally listed animal species or their designated critical habitat, and a special status animal clearance was completed on June 24, 2008. The proposed action would not 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. There are no additional impacts associated with the proposed action of issuing a ROW grant to allow a fiber optic cable to be buried on a portion of public lands immediately adjacent to a major public roadway.
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: Stipulations would be attached to the ROW authorization that specifies that all applicable Federal, State and local laws be adhered to. However, if a violation does occur the Authorized Officer has the authority to immediately suspend and/or revoke the authorization. There are no tribal laws in effect for the project area.
10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).		
Yes	No X	Rationale: The project would not disproportionately affect low income or minority populations because it would have no environmental effects outside of the 3.76 acre 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: The project area would be accessed via an existing highway and the highway would remain open to other uses, including Tribal access.
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: Stipulation #5 of the ROW grant states: "The holder shall be responsible for control of noxious weed species on disturbed areas within the limits of the permit. The holder is responsible for consultation with the authorized officer and/or local authorities for acceptable weed control methods." Should any state-listed noxious weeds be located in the ROW during the term of the grant, the Holder would be responsible for control utilizing methods that would not affect non-target plants.

Consultation and Preparation

The affected environment of the project area was described by an interdisciplinary team as documented in the Interdisciplinary Team Analysis Record Checklist (Checklist). A copy of this document is located in the project file.


 Lisa Cresswell, NEPA Coordinator


 Date

Approval and Decision

Based on my review of the project described above and field office staff recommendations, I have determined that the project is in conformance with the land use plan and is categorically excluded from further environmental analysis. It is my decision to approve the action as proposed. ROW, ID36494, will be issued to CenturyTel of Gem State, Inc. to receive a ROW grant on approximately 3.760 acres of public land, per Title V of the Federal Land Policy and Management Act of 1976 and the BLM regulations at 43 CFR 2800, as described in the proposed action.

This decision shall take effect immediately upon the date it is signed by the authorized officer 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*). 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 400 West F Street, Shoshone, Idaho, 83352. 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.

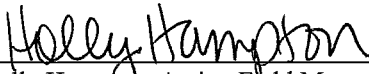
To file a petition for stay pursuant to 43 CFR Part 4.21(b), the petition for stay should accompany a notice of appeal and shall show sufficient justification based on the following standards:

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.

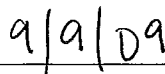
If a petition for stay is submitted with the notice of appeal, a copy of the notice of appeal and petition for stay must be served on each party named in the decision from which the appeal is taken, and with the IBLA at the same time it is filed with the authorized officer.

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 Field Solicitor, U.S. Department of the Interior, 960 Broadway Ave, Suite 400, Boise, Idaho, 83706, not later than 15 days after filing the document with the authorized officer and/or IBLA.

For more information you can contact Lisa Lyda, Natural Resource Specialist, at (208) 732-7272 or via email at Lisa_Lyda@blm.gov.



Holly Hampton, Acting Field Manager



Date