**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**

**Blaine Co. Sheriff's Department Communication Use Lease Renewal proposal**

**Project Name:** Blaine Co. Sheriff's Department Communication Use Lease Renewal
**NEPA Number:** ID 230 2009 CE 3589
**Applicant:** Blaine County Sheriff's Department
**Project/Case File Number:** IDI-14380
**Lead Preparer:** Tara Hagen
**Date of Preparation:** January 2009

## Project Description:

The Blaine County Sheriff's Department (Sheriff) has applied to the Bureau of Land Management, Shoshone Field Office (BLM) to renew a Communications Use Lease (Lease) for the continued operation and maintenance of a constructed communications facility located on public land in Blaine County, Idaho known as the Bell Mountain Communications Site. The original Lease was issued on July 17, 1978 for a period of 10 years. The Lease has since been renewed twice each time for 10-year periods. The first was on August 9, 1988 and the second on November 16, 1998. This renewal would again be issued for 10 years with the option for additional renewal.

## Project Location:

The Bell Mountain Communications Site is located east of the City of Bellevue on the top of Bell Mountain in Sharp's Canyon. The proposed Lease renewal affects approximately 0.075 acres of public land identified as follows:

T. 1N, R. 20E, B.M. (portion of)
Sec. 7: NWSENESE

## Plan Conformance:

The project location falls within the Big Wood Analysis Unit of the Sun Valley Management Framework Plan (MFP, 1981). Communication uses are not specifically provided for within the MFP; however, the Big Wood Analysis Unit, Lands, Decision Number 2 (p. BW-2) states:

Allow rights-of-way for utility and transportation purposes (both public and private), provided the uses comply with all requirements of this plan. Right-of-way applications will be examined on a case-by-case basis to determine routes, impacts, and mitigating measures.

**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 Chapter 11, Section 11.9, E (9): "Renewals and assignments of leases, permits or rights-of-way where no additional rights are conveyed beyond those granted by the original authorizations."

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 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** | **Rationale:** The proposed action would not have significant impacts on public health and safety as it does not include any new construction or surface disturbing activities. The renewed ROW grant would include terms, conditions and stipulations, which provide for the health and safety of the public in the ROW area. The Holder, Blaine County Sherriff's Department, would be responsible for complying with all terms, conditions, and stipulations. Section III Responsibilities of the Lessee, part C states: "The Lessee must comply with applicable Federal, State, county, and municipal laws, regulations and standards for public health and safety, environmental protection, siting, construction, operation, and maintenance in exercising the rights granted by this lease." |
| | X | |
| 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** | **Rationale:** The proposed action would not have significant impacts as it does not include any new construction or surface disturbing activities. A Cultural Resource Clearance Worksheet was completed on June 19, 1978 for the original project and did not result in identifying any cultural resources as being affected. The proposed action would not change the affects to migratory birds beyond the current level. There are no park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands; floodplains; national monuments; or other ecologically significant or critical areas within the project area. |
| | X | |

| 3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102 (2) (E)]. | | |
|---|---|---|
| **Yes** | **No** | **Rationale:** The proposed action does not have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses |
| | X | of available resources. The BLM Shoshone Field Office issues Leases in accordance with Title V of the Federal Land Policy and Management Act of 1976 and the BLM regulations at 43 CFR 2800. Under these regulations authorizations may be reviewed at any time deemed necessary by the authorized officer. The proposed Lease renewal would be issued for a term of 10 years, and would be subject to periodic compliance inspections. |

| 4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks. | | |
|---|---|---|
| **Yes** | **No** | **Rationale:** The proposed action would not have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental |
| | X | risks. The effects to the environment from renewing a Lease for existing communications facilities are well understood. Implementing this activity would not result in any further surface disturbance. |

| 5. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects. | | |
|---|---|---|
| **Yes** | **No** | **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 |
| | X | 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** | **Rationale:** The proposed action does not have a direct relationship to other actions with individually insignificant but cumulatively significant environmental |
| | X | 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** | **Rationale:** There would be no effect on properties listed, or eligible for listing, on the National Register of Historic Places. A Cultural Resource Clearance |
| | X | Worksheet was completed on June 19, 1978 for the original project. The Cultural Resource Clearance did not reveal any 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** | **Rationale:** There are no known populations of special status plants within the project area. Since the area has a history of past disturbance and no new |
| | X | construction or surface disturbing activities would occur with the proposed action, it is unlikely that there will be any change in the vegetation or wildlife use within the affected area beyond the current condition. |

| 9. Violate a Federal law, or a State, local or tribal law or requirement imposed for the protection of the environment. | | |
|---|---|---|
| **Yes** | **No** | **Rationale:** Section III Responsibilities of the Lessee, part C states: "The Lessee must comply with applicable Federal, State, county, and municipal laws, |
| | X | regulations and standards for public health and safety, environmental protection, siting, construction, operation, and maintenance in exercising the rights granted by this lease." 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** | **Rationale:** The project would not disproportionately affect low income or minority populations because it would have not environmental effects outside of |
| | X | the 0.075 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** | **Rationale:** The project area would be accessed via existing county and public roads. The roads would remain open to other uses, including Tribal access. |
| | X | |

| 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** | **Rationale:** It is unlikely that the proposed project would result in the spread of noxious weeds or non-native invasive species beyond the current level. Should |
| | X | any state-listed noxious weeds be located in the leased area during the term of the Lease, the Holder would be responsible for control. Section III Responsibilities of the Lessee, part E states: "The Lessee has an affirmative duty to protect from damage the land, property, and interests of the United States." This includes controlling the spread of noxious weeds or non-native invasive species. |

**Land Use Plan Conformance and Categorical Exclusion Review Record:**

| Resource | Assigned Specialist | Initials | Date |
|---|---|---|---|
| Air Quality | Tara Hagen | TH | 1/23/09 |
| Areas of Critical Environmental Concern | Tara Hagen | TH | 1/23/09 |
| Cultural Resources | Lisa Cresswell | LC | 3/3/09 |
| Environmental Justice | Tara Hagen | TH | 1/23/09 |
| Farm Lands (prime or unique) | Tara Hagen | TH | 1/23/09 |
| Floodplains | Tara Hagen | TH | 1/23/09 |
| Invasive, Non-native Species | Joanna Tjaden | JPT | 1/26/09 |
| Native American Religious Concerns | Lisa Cresswell | LC | 3/3/09 |
| Threatened, Endangered, or Candidate Plant Species | Joanna Tjaden | JPT | 1/26/09 |
| Threatened, Endangered, or Candidate Animal Species | Bonnie Claridge | BC | 2/3/09 |

| Resource | Assigned Specialist | Initials | Date |
|---|---|---|---|
| Wastes (hazardous or solid) | Tim Fuller | TF | 2/4/09 |
| Water Quality (drinking or ground) | Lisa Lyda | LL | 2/24/09 |
| Wetlands / Riparian Zones | Tara Hagen | TH | 01/23/09 |
| Wild and Scenic Rivers | Dave Freiberg | DF | 02/24/09 |
| Wilderness | Dave Freiberg | DF | 02/24/09 |

Lisa Cresswell, NEPA Coordinator

3/3/09
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. I have decided to approve the action as proposed. Lease, IDI14380, will be renewed allowing the Sheriff's Department to continue to operate, and maintain a constructed communications facility on approximately 0.075 acres of public land located at the Bell Mountain communications site, 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 IBLA, 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 Tara Hagen, Realty Specialist, at (208) 732-7205 or via email at Tara_Hagen@blm.gov.

Lori A. Armstrong, Field Manager

4 Mar 09
Date

Attachments

1. Map

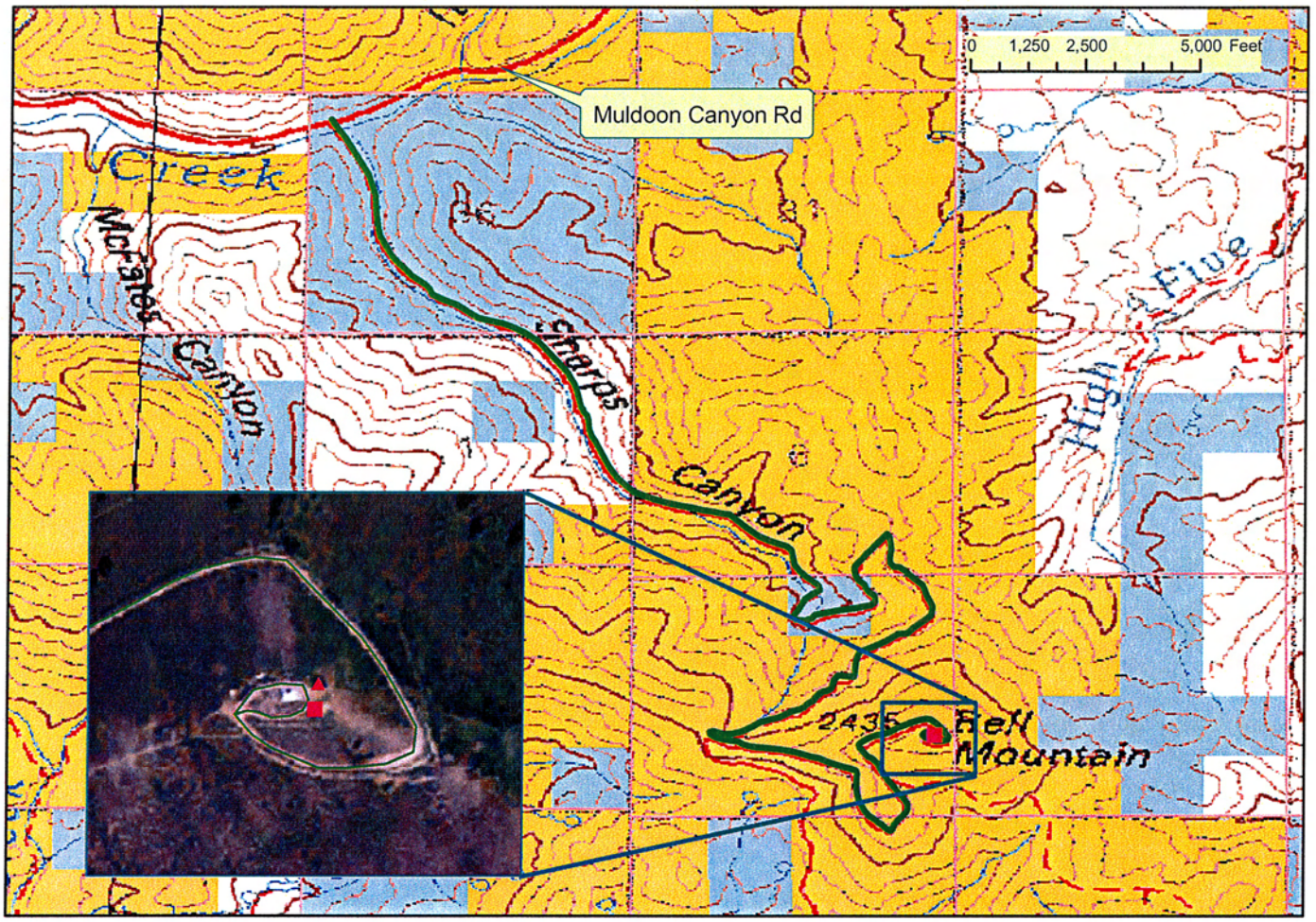
# IDI14380 - Blaine County Sheriff

ID 230 2009 CE 3589
Blaine Co. Sheriff Renewal
Final (March 2009)

Attachment A

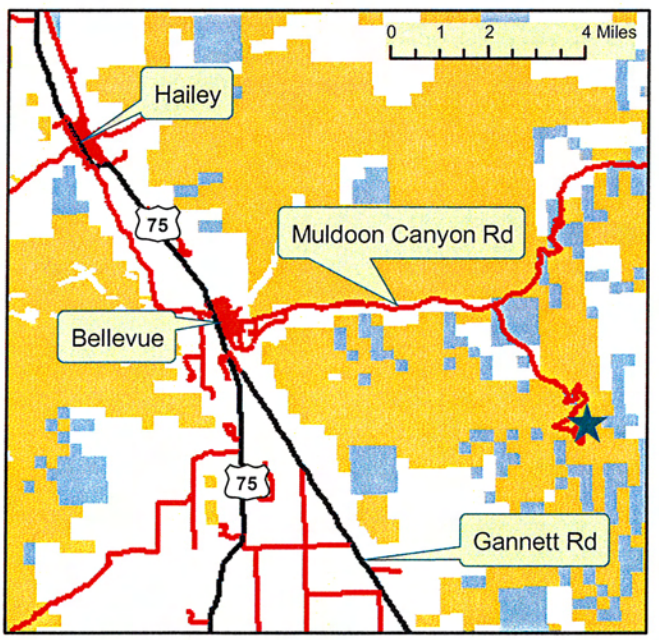
T. 1N, R. 20E, B.M.
Sec. 7, NWSENESE
(portion of)

Bell Mountain
Communication Use Lease




TH 7/31/06

- Primary Road
- Light Duty Road
- Bureau of Land Management
- Private
- State
- Bell Mnt. Access Road
- IDI14380 Tower
- IDI14380 Equipment Bldg.



**U.S.Department of Interior**
**Bureau of Land Management**
**State of Idaho**
**Twin Falls District**
**Shoshone Field Office**