

**UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
Twin Falls District  
Shoshone Field Office  
400 West F Street  
Shoshone, Idaho 83352**

**CATEGORICAL EXCLUSION REVIEW SHEET**

**NEPA No. DOI-BLM-ID-T030-2011-0044-CX**

**A. Project Description**

BLM Office: Shoshone Field Office. Lease/Serial/Case File No.: IDI-17990

Proposed Action Title/Type: Struthers Road Right-of-Way Renewal

Location of Proposed Action: Boise Meridian, Camas County, Idaho; Township 2 South, Range 17 East, Section 10: A portion of the N $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ , Section 11: W $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ .

Description of Proposed Action: The Bureau of Land Management, Shoshone Field Office (BLM) has received an application from Robert Struthers to renew a right-of-way (IDI-17990) for an access road crossing both private and public lands in Camas County, Idaho near West Magic. The original right-of-way was issued on September 30, 1981 for a period of 30 years. The right-of-way includes an area 60 feet wide and approximately 2,772 feet in length. On September 16, 1983, 20 acres of public land, including the right-of-way, was sold to Don Farnes. However, the patent reserved the right for the BLM to administer the right-of-way, including the right to renew it.

**B. Consideration of Extraordinary Circumstances**

This Categorical Exclusion Review Sheet documents the review of the proposed action to determine if any of the extraordinary circumstances described in 516 DM 2, Appendix 2 apply. If any of the extraordinary circumstances apply to the proposed action, then an EA or EIS must be prepared. Any evidence or concerns that one or more of the exceptions may apply must be brought to the attention of the manager who is authorized to approve the proposed action.

1. The proposed action would not have any significant impacts on public health or safety.

The operation and maintenance of the access road would not have any significant impacts on public health and safety. The renewed right-of-way would contain terms, conditions and stipulations that would require Mr. Struthers to comply with Federal and State standards for public health and safety, environmental protection, operation, and maintenance of, or for, such use. The BLM authorized officer has the ability to suspend or terminate in whole or in part the right-of-way grant if 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.

2. The proposed action would not 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.

There are no natural resources and unique geographic characteristics such 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; national monuments; or other ecologically significant or critical areas that would be significantly impacted by the proposed action. A cultural resource survey was conducted for the project area on July 13, 2011 with determination that no cultural resources would be impacted by the proposed action. The access road is about 1.5 miles from Magic Reservoir; however, it's anticipated that the renewal of the right-of-way will not have additional impacts to migratory birds beyond that of the current level.

3. The proposed action would not have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].

The proposed action is not specifically provided for in the Bennett Hills / Timmerman Hills Magic Management Framework Plan (MFP; 1980); however, the use falls within the multiple uses concept and management goals outlined by the plan. The Bennett Hills / Timmerman Hills MFP established the land use allocation and goals for the affected public land; as such, there are no unresolved conflicts regarding other uses of these resources. In response to scoping for the renewal the BLM did receive a proposal from Don Farnes to re-route a portion of the right-of-way that crosses his private lands. Mr. Farnes proposed the re-route as he has subdivided the 20 acres since acquiring it in 1983; in which there are now additional routes available for use. The proposed re-routed portion of the right-of-way would need to be authorized through a non-exclusive access easement between Mr. Farnes and the United States, by and through the BLM. Upon execution of the easement then the BLM would relinquish that portion of the reserved right-of-way no longer needed. However, during the processing Mr. Farnes decided that he would continue to allow Mr. Struthers to utilize the existing reserved right-of-way instead of pursuing the re-route via an access easement. The BLM is not aware of any other conflict or controversy surrounding the use of the access road.

4. The proposed action would not have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.

The proposed action does not involve highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks. The use has been occurring in the project area since 1981 without involving highly uncertain and potentially significant environmental effects or unique or unknown environmental risks. Past access

roads constructed and operated on public lands have not shown any highly uncertain, potentially significant, or unique or unknown risks. The environmental process for the proposed action has not identified any effects that may involve highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks unique or unknown risks.

5. The proposed action would not establish a precedent for future actions or represent a decision in principle about future actions with potentially significant environmental effects.

The proposed action is not connected to another action that would require further environmental analysis and would not set a precedent for future actions that would normally require environmental analysis.

6. The proposed action would not have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.

The proposed action does not have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.

7. The proposed action would not 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.

A cultural resource survey was conducted for the project area on July 13, 2011 with determination that no cultural resources would be impacted by the proposed action.

8. 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.

A Special Status Plant Species Assessment was completed by Danelle Nance, BLM Natural Resource Specialist, on August 4, 2011, with a finding that special status species or their habitats do not exist within the project area. A Special Status Animal Species Assessment was completed by Bonnie Claridge, BLM Wildlife Biologist, on August 15, 2011. It was determined that this project would not adversely impact any special status, including endangered or threatened, animal species or their habitat.

9. The proposed action would not violate a Federal law, or a State, local or tribal law or requirement imposed for the protection of the environment.

The BLM issues right-of-way grants 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 the renewed right-of-way grant would specify that all applicable Federal, State and local laws be adhered to. The BLM has the ability to suspend and/or terminate the right-of-way if a Federal, State or local law is violated. There are no tribal laws in effect for the project area.

10. The proposed action would not have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).

The proposed action would not have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898). The effect would be the same as for the general population in the general area.

11. The proposed action would not 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).

The proposed action would not 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. The use has been occurring in the project area since 1981 without any conflicts arising.

12. The proposed action would not 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).

The right-of-way would contain stipulations that would require Mr. Struthers to be responsible for weed control on the disturbed areas within the limits of the right-of-way as well as responsible to ensure that the undercarriages of equipment and/or vehicles used in the operation and termination of the right-of-way be free of all soil and plant material prior to operating on public lands to reduce the establishment of new invasive, non-native species or the spread of existing species to new areas. All equipment and vehicles operating off of main roads would be required to be cleaned off prior to leaving the job site when the job site includes noxious weed populations. These stipulations/requirements would reduce the risk of introduction, continued existence, or spread of noxious and non-native, invasive species.

### C. Consultation and Preparation

| Name of Participant | Position Title                  | Comments Provided<br>(Initial One) |          | Date     |
|---------------------|---------------------------------|------------------------------------|----------|----------|
|                     |                                 | None                               | Attached |          |
| Tara Hagen          | Realty Specialist/Project Lead  | TH                                 |          | 10/20/11 |
| Tom Askew           | Physical Scientist              | TA                                 |          | 11/15/11 |
| Lisa Cresswell      | Archeologist/NEPA Coordinator   | LC                                 |          | 11/14/11 |
| David Freiberg      | Outdoor Recreation Planner      | DF                                 |          | 11/16/11 |
| John Garth          | Geologist                       | JSG                                |          | 11/15/11 |
| Clare Josaitis      | Rangeland Management Specialist | CEJ                                |          | 11/8/11  |
| John Kurtz          | Outdoor Recreation Planner      | JK                                 |          | 11/7/11  |
| Danelle Nance       | Natural Resource Specialist     | DN                                 |          | 11/16/11 |
| Joe Russell         | Fire Use Specialist             | JR                                 |          | 11/6/11  |