

DECISION RECORD

Buffalo Hill Radio Facility Maintenance, Categorical Exclusion (CX), WY-070-CX12-199 Bureau of Land Management, Buffalo Field Office, Wyoming

DECISION. The BLM approves the Buffalo Hill Radio Facility Maintenance proposal detailed in the above CX, and in Buffalo Hill Rev5 Final Scope, July 23, 2012, both of which the BLM incorporates here by reference.

Compliance. This decision complies with the following:

- Federal Land Policy and Management Act of 1976 (FLPMA) (43 USC 1701); DOI Order 3310.
- National Environmental Policy Act of 1969 (NEPA) (42 USC 4321).
- Buffalo Resource Management Plan (RMP) 1985, Amendments 2001, 2003, 2011.
- Buffalo and Powder River Basin Final Environmental Impact Statements (FEISs), 1985, 2003.

BLM summarizes the details of the approval, below. The project consists of replacing and repairing the findings from the inspection of the Buffalo Hill Radio Facility. This includes grounding issues related to the site – see the Buffalo Hill Rev5 Final Scope, July 23, 2012, pp. 10.

Limitations. Work will comply with that noted in Buffalo Hill Rev5 Final Scope, July 23, 2012 and accomplished to the standards cited within.

THE FINDING OF NO SIGNIFICANT IMPACT (FONSI). Analysis of this proposal will have no significant impacts on the human environment, beyond those described in the Buffalo and PRB FEISs. There is no requirement for an environmental assessment (EA) since the Interior Department and Bureau of Land Management categorically excluded proposal such as this from an EIS or EA .

COMMENT OR NEW INFORMATION SUMMARY. BLM received the results of a periodic inspection, Radio Infrastructure Compliance Assessment Safety Heath Environment, on its radio transmission facility that warrant maintenance and upgrade of the facility. The facility is owned by the BLM and has co-use with a low power FM radio station. The surface property is owned by the State of Wyoming and managed by WY Department of Transportation. BLM's coordination with both entities is on-going.

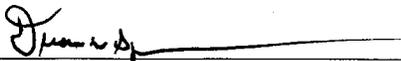
DECISION RATIONALE. BLM bases the decision authorizing the selected project on:

1. This CX is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. BLM reviewed proposal and none of the extraordinary circumstances described in 516 DM2 apply.
2. The PRB FEIS analyzed and predicted that development similar to this could have significant impacts to the region's Greater Sage-Grouse (GSG) population. The impact of this development cumulatively contributes to the potential for local extirpation. Yet its effect is acceptable here because it is outside of priority habitats; and the proposal is within the parameters of the PRB FEIS and ROD and current BLM and Wyoming GSG conservation strategies.
3. The proposal area clearly lacks wilderness characteristics as the State of Wyoming owns the surface.
4. The work at the site consists of maintenance and repair of existing structures to comply with the radio transmission inspection. The replacement of old, noncompliant facilities, and grounding will assure

appropriate facilities are in place in the same or virtually the same existing surface disturbance. The BLM's coordination with the land site owner and co-user, noted in the CX, is on-going.

5. The BLM will conduct operations to minimize adverse effects to surface and subsurface resources, prevent unnecessary surface disturbance, and conform to currently available technology and practice.

6. The selected alternative will help meet the nation's response to natural resource management, to emergency situations, and help stimulate local economies by maintaining workforce stability.

Field Manager: 

Date: 8/7/12

PUBLIC INVOLVEMENT AND APPEAL RIGHTS. The public involvement began with the Buffalo Field Office posting this Decision Record on the website and continues with the solicitation for contracts as noted in the Buffalo Hill Rev5 Final Scope, July 23, 2012, pp. 10.

An adversely affected party may appeal this decision to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations in 43 CFR Part 4, 43 CFR 4.410(c), and Form 1842-1 (a copy is at <http://web.blm.gov/blmforms/docs/forms/1842-001.pdf>). If an appeal is taken, your notice of appeal must be filed in this office, BLM Buffalo Field Office, 1425 Fort Street, Buffalo, WY 82834 within 30 days from the date of the signed Decision Record published on the BLM BFO's website. The appellant has the burden of showing that the decision appealed from is in error and service of notice of appeal on all parties.

If you wish to file a petition pursuant to regulation 43 CFR 4.1; 43 CFR 4.4 (Subpart E) for a stay of the effectiveness of this decision record during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision record and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal 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 appellants' success on the merits,
- (3) the likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) whether the public interest favors granting the stay.

If you appeal this decision your Statement of Reasons must be provided.