

United States Department of the Interior
Bureau of Land Management
Coeur d'Alene District, Idaho

DECISION RECORD

Project Name: Cougar Bay Easement Acquisition

BLM Office: Coeur d'Alene Field Office, Idaho

Case File No.: IDI-37194

NEPA Register No.: BLM-ID-C010-2012-0003-EA

Project Location: Kootenai County

Contact: Kurt Pindel, Natural Resource Specialist-Recreation

Decision: It is my decision to receive the donation of land interests in the following parcels of land for public recreational values including hiking, wildlife viewing and access to Lake Coeur d'Alene.

Boise Meridian, Kootenai County, State of Idaho

T. 50 N., R. 4 W.,

sec. 21, SE1/4 SE1/4 (0.48 acres)

sec. 22, NW1/4 SW1/4SW1/4 (0.57 acres).

The properties being acquired are adjacent to Bureau of Land Management (BLM) administered public lands in the Lake Coeur d'Alene Special Recreation Management Area identified as the John C. Pointner Memorial Wildlife Sanctuary. Funding is not required for the acquisition of the easement, this parcel is being donated by the landowner.

The BLM, Coeur d'Alene Field Office, completed the Cougar Bay Easement Acquisition Environmental Assessment (EA) in March 2012. This acquisition will proceed as described and analyzed for the Proposed Action alternative in the EA, which is incorporated by reference, with closing of the acquisition conditioned upon the terms and conditions as noted below.

Authority: The authority for this decision is contained in the Federal Land Policy and Management Act of 1976 (FLPMA, 43 USC 1715), as amended. FLPMA Section 205(a) provides authority for the Secretary of the Interior to acquire lands or interests therein by purchase, exchange, donation, or eminent domain, and Section 205(b) further requires an acquisition be consistent with the mission of the department and with applicable land use plans.

Terms and Conditions: The acquisition of the easement will be via donation from the private landowner, DBH Properties, LLLP. Prior to closing, the landowner will be required to remove existing improvements deemed unacceptable by either the BLM or the Solicitor.

At closing of this easement donation, DBH Properties, LLLP will provide the United States with a properly executed and recorded Warranty Deed for the above-described properties, free from unacceptable encumbrances to be determined by the Solicitor for the Department of Interior. The Warranty Deed(s) will be accompanied by a Policy(s) of Title Insurance on the form approved by the U.S. Attorney General. The Policy(s) of Title Insurance must show that title to the property(s) is vested in "the United States of America, and its assigns."

Compliance and Monitoring: A follow-up property inspection will be completed by the BLM prior to title closing to ensure that all non-conforming improvements, trash, debris, etc. have been removed from the properties. All other monitoring will be performed in accordance with applicable law and BLM policy, including the FLPMA and approved land use plans. .

The trail across private property will be standard BLM design of 2 ft bare ground and vegetation cleared on 2 feet on each side of the trail. The BLM will sign the easement trail to inform the public that they are accessing BLM lands through private lands, and to please stay on the designated trail. BLM will monitor and plant areas vulnerable to weed invasion with native and/or desirable non-native species (EA, page.3).

BLM Land Use Plan Conformance: The Proposed Action has been reviewed and found to be in conformance with the Coeur d'Alene Resource Management Plan (RMP), approved June 2007 (EA, page 1). It is consistent with the decisions to manage the Coeur d'Alene Lake Special Recreation Management Area for land and water-based leisure activities and personal enrichment within accessible natural forested lakeshore settings (RMP Objective RC-1.2, page 47), and to expand working relationships where possible for joint resource management activities (Action RC-1.2.8, page 49).

NEPA Compliance: The Coeur d'Alene Field Office conducted scoping in 2011, and issued the Cougar Bay Easement Acquisition EA for public comment on March 9, 2012. In addition to the Proposed Action alternative, the EA analyzed a No Action alternative in which the BLM would not acquire the easement in the described properties. The properties would remain in private ownership, and there would be trespass issues from adjacent Nature Conservancy lands across the private lands to BLM lands. As discussed in the EA (page 3), an alternative considered was the creation of a floating walkway around the private lands to access BLM lands. This alternative was not brought forward for analysis due to environmental concerns, construction, maintenance and cost concerns. Based on my review of the EA and consideration of comments received, I determined that the proposed acquisition would not result in any significant impacts to the human environment. The EA and Finding of No Significant Impact (FONSI) is available upon request to the Coeur d'Alene Field Office, and will be available with this Decision Record from the Idaho BLM public internet site at <http://www.blm.gov/id/st/en/info/nepa.html> throughout an administrative appeal period for this decision.

Rationale for the Decision: My decision to acquire the easement as described has been made for the following reasons:

1. **Public Interest Determination:** The public interest will be well served by this acquisition, as the receipt of the donation will:
 - a. allow the future public access to over 200 acres of public lands with outstanding views of Lake Coeur d'Alene.
 - b. allow for joint management of public land in association with adjacent Nature Conservancy lands at Cougar Bay.
 - c. involve no significant adverse impacts on the human environment.
2. **Public Involvement:** Scoping for the proposed easement acquisition was completed in 2011 as part of planning for future construction of a trail in the adjacent lands referred to as the John C. Pointner Memorial Wildlife Sanctuary. Coordination included a public meeting and

If a petition for stay is submitted with the notice of appeal, a copy of the notice of appeal and petition for a stay must also be submitted to each party named in this decision from which the appeal is taken, and with 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 Regional Solicitor at Department of the Interior, Boise Field Solicitor's Office, University Plaza, 960 Broadway Ave, Suite 400, Boise, ID 83706, no later than 15 days after filing the document with the Authorized Officer and/or IBLA.