

**UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
IDAHO FALLS DISTRICT  
CHALLIS FIELD OFFICE  
Categorical Exclusion**

CE Number: DOI-BLM-ID-I030-2012-0009-CX

Title of Action: IDI-18299– Idaho Power Access Road Right-of-Way Renewal

Location: T. 16 N., R. 20 E., section 25, lot 6 (SE¼SE¼), Lemhi County, Boise Meridian.

Preparer: Joni Cain, Realty Specialist

Date of Preparation: June 2013

**BACKGROUND:**

The applicant has applied to renew a right-of-way grant authorized under the Federal Land Policy and Management Act (FLPMA) 1976, as amended. The right-of-way grant expired on February 9, 2012 and may be renewed subject to existing regulations. The grant was originally authorized on February 10, 1982 Idaho Power Company (IPC). The authorization is for an existing road, approximately 242 feet by 30 feet. The road right-of-way crosses public land located approximately one mile southeast of Ellis, Idaho in Lemhi County (Figure 1) and is used to access the existing Pahsimeroi Fish Hatchery. The application to renew the authorization and continue the use as presently occurring was made on July 22, 2011.

**DESCRIPTION OF PROPOSED ACTION:**

The proposed action is to renew the existing right-of-way authorization for the continued use of an existing road needed to access private land. The road is approximately 242 feet by 30 feet. Use would continue "as is" and no additional rights would be conveyed beyond those granted in the original authorization.

**CONSULTATION AND COORDINATION:**

A summary description of the proposed project was made available to the public on the Idaho BLM's ePlanning website in March 2012 and the public was given the opportunity to provide comments or consult on the action.

**FINDING:**

I have considered the environmental effects of the proposed action and find that it is a categorical exclusion as outlined in Departmental Manual 516 DM 11.9, E.(9) which states, "Renewals and assignments of leases, permits, or rights-of-way where no additional rights are conveyed beyond those granted by the original authorizations." This action does not qualify as an exception under 516 DM 2, Appendix 2. This proposed action is in conformance with the Final Challis Resource Management Plan and EIS 1999, page. 35, Land Tenure and Access" – Goal 3: Consider public needs for use authorizations, such as rights-of-way, leases, permits, and withdrawals. Rationale: Required by law, regulations, and policy

**DECISION and RATIONALE FOR THE DECISION:**

It is my decision to implement the proposed action as described above. The road right-of-way grant will be authorized to the applicant for continued use for a 30 year term with the stipulations outlined in the grant (Attachment B). No new disturbance to vegetation or soils will occur, no new structures will be authorized, and no additional rights will be conveyed beyond those granted by the original

authorization.

**LAND USE PLAN CONFORMANCE STATEMENT:**

I have determined that the proposed action is in conformance with the existing Challis Resource Management Plan and EIS, dated July 1999.

Preparer signature: /s/ Joni D. Cain

Date: 07/19/2013

Challis Field Manager signature: /s/ Todd Kuck

Date: 07/23/2013

**APPEALS INFORMATION:**

Refer to 43 Code of Federal Regulations (CFR), Part 4 for appeals information.

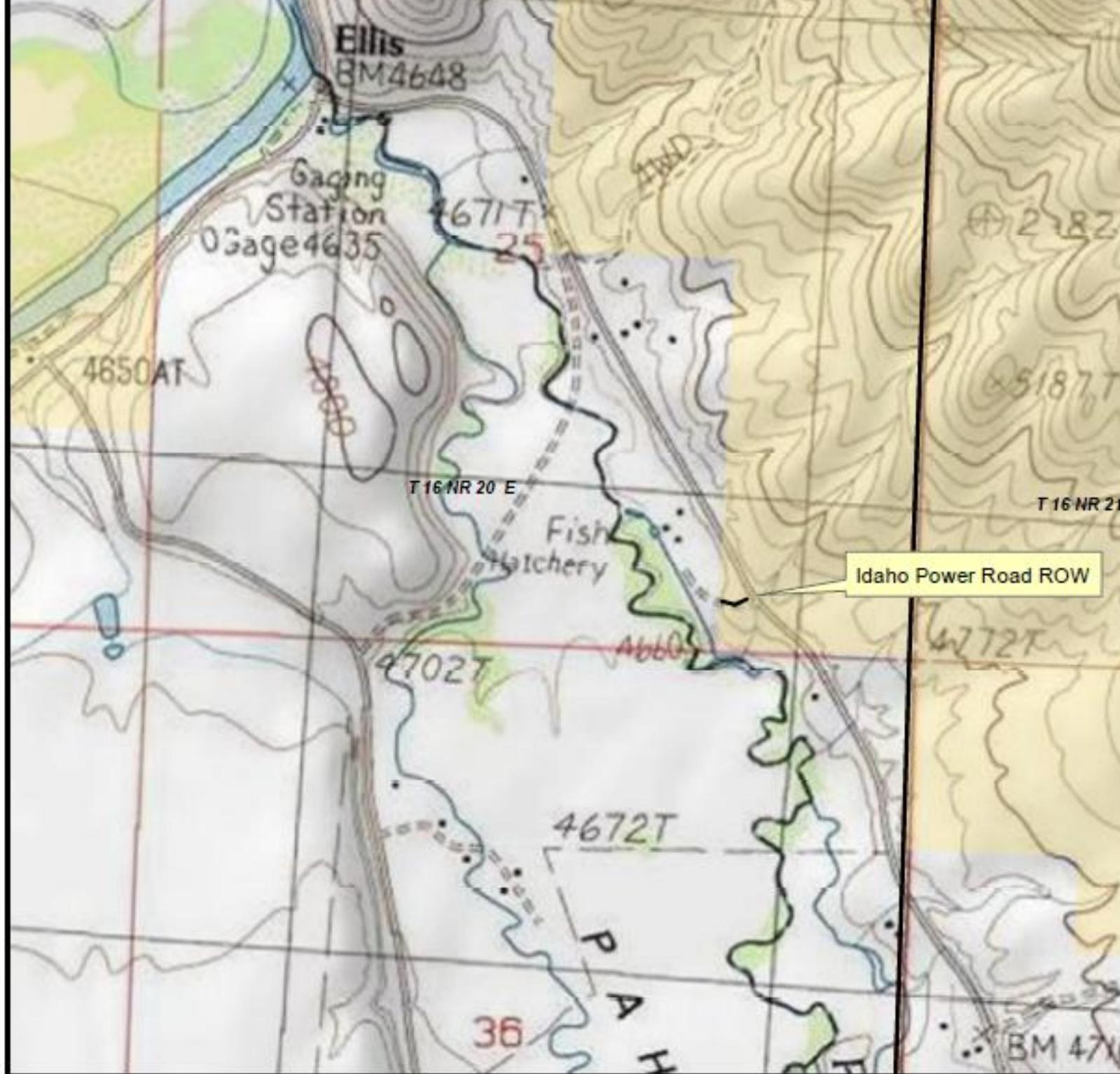
This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in this office (at the above address) within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition pursuant to regulations at 43 CFR 2801.10 or 43 CFR 2881.10 for a stay of the effectiveness of this decision 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 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 in 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 regulations, 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 appellant's 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.



This map depicts the location of the access road to the Pahsimeroi Fish Hatchery. The ROW is held by Idaho Power Co. and is located in the Pahsimeroi Valley in T. 16 N., R. 20 E., section 25, lot 6, BM, Lemhi County. The project is located in the vicinity of the Challis Field Office, BLM.

**Legend**  
**IDAHO SURFACE MGMT AGENCY**  
**OWNER\_TYPE**

- BLM
- OTHER
- PRIVATE
- STATE
- STATEFG
- STATEOTH
- STATEPR
- USFS

The sources of the data are from Idaho-BLM Corporate data and the USGS.  
 Datum: NAD 83, UTM Zone 12 N  
 No warranty is made by the Bureau of Land Management (BLM). The accuracy, reliability, or completeness of these data for individual use or aggregate use with other data is not guaranteed.



Map Created by  
 Gloria Jakovac 2/2012



Attachment A  
Extraordinary Circumstances Requiring Preparation of an EA or EIS

(516 DM 2, Appendix 2)

The action described in categorical exclusion (CX) # DOI-BLM-ID-I030-2012-0009-CX has been reviewed to determine that none of the extraordinary circumstances listed below pertain to the proposed action.

DM #                      Extraordinary Circumstance

- 2.1 Have significant impacts on public health or safety
- 2.2 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 cultural 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.
- 2.3 Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102(2)(E)].
- 2.4 Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.
- 2.5 Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.
- 2.6 Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.
- 2.7 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.
- 2.8 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.
- 2.9 Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.
- 2.10 Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).
- 2.11 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).
- 2.12 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).