



United States Department of the Interior
 BUREAU OF LAND MANAGEMENT
 Shoshone Field Office
 400 West F Street
 Shoshone, Idaho 83352-5284
 (208) 732-7200



In Reply Refer To:
 2890 (IDT031) P
 IDI-28657

October 16, 2012

CERTIFIED MAIL: 7012 1010 0002 1576 5297
 RETURN RECEIPT REQUESTED

DECISION

Department of Energy, DOE-ID	:	
Michael Adams	:	Right-of-Way Grant
1955 Fremont Ave	:	IDI-28657
Idaho Falls, ID 83415	:	

Right-of-Way Grant IDI-28657 Renewed
Monitoring Fee Determined
Rental Determined

The Bureau of Land Management (BLM), Shoshone Field Office has conducted a review of an application from the Department of Energy (DOE) to renew a right-of-way authorizing the use of BLM-administered public lands for a seismic monitoring station near the Craters of the Moon National Monument Visitor Center in Idaho. The project area is on public land located in Butte County, Idaho and described as a portion of lot 2 of section 33 of Township 2 North, Range 24 East, Boise Meridian. The original right-of-way was issued on April 17, 1992 for a period of 20 years.

It has been determined that a categorical exclusion (CX) is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The CX (DOI-BLM-ID-T030-2012-0025-CX) describing the renewed right-of-way is available at the following website: <https://www.blm.gov/epl-front-office/eplanning/projectSummary.do?methodName=renderDefaultProjectSummary&projectId=29905> or at the Shoshone Field Office.

Based on my review of the project and field office staff recommendations, I have determined that the project is in conformance with the applicable land use plan and is categorically excluded from further environmental analysis. I have decided to approve the action as proposed. Enclosed is a copy of your renewed right-of-way grant, serial number IDI-28657. The right-of-way grant will have an effective date of April 17, 2012.

Right-of-way holders must pay a fee to BLM for the costs we will incur in monitoring the operation and maintenance of your authorized use. On May 16, 2012, the BLM Idaho State Director waived the collection of processing and monitoring fees associated with the renewal of the right-of-way.

Pursuant to the regulations at 43 CFR §2806.14 Federal governments are exempt from paying rent associated with right-of-way where revenue is not received from any portion of the improvements authorized under the grant.

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 (request) pursuant to regulation 43 CFR 2801.10 or 43 CFR 2881.10 for a stay (suspension) 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 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 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.

If you have any questions, please contact Tara Hagen, Realty Specialist, at (208) 732-7205 or via email at thagen@blm.gov.

/s/ Holly Hampton

Holly Hampton
Monument Manager

2 Enclosures:

1. Executed Renewed Right-of-Way Grant, IDI-28657 (8 pp)
2. Information on Taking Appeals to the Interior Board of Land Appeals (1p)

cc:

Craters of the Moon National
Monument & Preserve
Department of Energy
Idaho Department of Fish and Game
Butte County
Lava Lake Land & Livestock, LLC

Rusty Bowman
Brent Bowman
Rick Bowman