



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 (IDT030) P  
 IDI-23532

October 11, 2012

CERTIFIED MAIL: 7012 1010 0002 1576 5273  
 RETURN RECEIPT REQUESTED

DECISION

Cox Communications	:	
Attn: Guy Cherp	:	Right-of-Way Grant
PO Box 537	:	IDI-23532
Ketchum, ID 83340	:	

Right-of-Way Grant IDI-23532 Renewed  
Monitoring Fee Determined  
Rental Determined

The Bureau of Land Management (BLM), Shoshone Field Office has conducted a review of an application from Cox Communication (Cox) to renew a right-of-way authorizing both overhead and underground telephone cables across public land in Blaine County, Idaho administered by the BLM identified as serial number IDI-23532. The BLM granted the original right-of-way on March 18, 1987, for a period of 25 years. Cox's renewal application requested the continued use of an area 10 feet wide and about 2.56 miles in length, with no new improvements or additional surface disturbance. The right-of-way includes telephone cables both north and south of Ketchum, Idaho.

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-T030-2012-0026-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=29906> 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-23532. The right-of-way grant will have an effective date of March 18, 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. These fees are categorized according to the number of work hours necessary to monitor the grant, and are not refundable. It has been determined that the appropriate Monitoring Category for this grant is Category 2, which involves a fee of \$403.00. The BLM received this fee on October 9, 2012.

Rent for use of public lands must be paid in advance of such use and prior to issuance of the right-of-way grant. Annual rent for 2012 has been estimated at \$171.12 based on the BLM linear rental schedule for rights-of-way. For non-individuals BLM's right-of-way regulations provide that non-refundable rent shall be paid for a minimum period of 10 years, unless the annual rent exceeds \$500 then an annual billing will be allowed. The regulations also allow all right-of-way holders an option to pay non-refundable rent for the entire term of the right-of-way. The rent is determined to be \$1,682.67 for 2012 through 2021. BLM has received your advance rental for this period. All subsequent rental billings will be due at the beginning of the calendar year starting January 2022.

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](mailto:thagen@blm.gov).

/s/ Holly Hampton Acting for

Codie Martin  
Acting Field Manager

2 Enclosures:

1. Executed Renewed Right-of-Way Grant, IDI-23532 (7 pp)
2. Information on Taking Appeals to the Interior Board of Land Appeals (1p)

cc:

Sawtooth National Forest-Ketchum Ranger Dist.  
Idaho Department of Fish & Game  
Idaho Department of Lands  
Idaho Department of Transportation

Blaine County Land Use Services  
Blaine County Recreation District  
City of Ketchum  
Ketchum Fire District

City of Sun Valley  
Sun Valley Water & Sewer District  
Karl Beznoska Trust  
Big Wood Golf Course LLC  
Blue Canyon Corporation  
Centurylink  
Stephanie Eisenbarth  
Elkhorn Property Owners  
Ali Fayed  
Flat Top Grazing Association  
David Goodman  
Dan Gorham  
Michael & Sandra Hartley Rev. Trust Hulen  
Meadows Water Company

Idaho Power Company  
Intermountain Gas Company  
Ketchum Residence Trust 1  
Denis Kowitz  
Lane Ranch Homeowners Association  
Lane Ranch Partnership  
Robert Parker  
Robert Smania  
Sun Valley Resorts  
Sun Valley Ski Education Foundation  
Syringa Networks LLC  
Western Land Group  
Wood River Land Trust  
Elaine Wynn