

**DECISION RECORD**  
**Environmental Assessment**  
**DOI-BLM-ID-B010-2012-0027-EA**  
**Weiser-Galloway Right-of-Way and Geologic Investigation**

It is my decision to offer a right-of-way, IDI-37322, to Bureau of Reclamation (BOR), United States Department of the Interior, for drill pad sites and associated access roads for a geologic site investigation and analysis. This authorization will allow BOR to use, improve, and maintain the existing access roads and construct new service roads to access the boring sites proposed in DOI-BLM-ID-B010-2012 0027-EA. The grant shall be issued subject to the applicable regulations found at 43 CFR 2800, as well as those right-of-way stipulations attached as Exhibit B, dated May 17, 2012. This grant will be issued for a period of one year. The right-of-way would be approximately 1.8 miles long by 14 feet wide for the access roads and each of the 7 drill pad sites are specified as described on the attached Exhibit C, dated May 17, 2012, across the following described public lands:

Boise Meridian, Idaho  
T. 11 N., R. 4 W.,  
Section 25: SWSW;  
Section 26: SE.  
(As shown on the attached Exhibit A)

The access road is approximately 3.05 acres and the drill sites are approximately .31 acres for a total of 3.36 acres.

**Authorities:** The authority for this decision is contained under Title V of the Federal Land Policy and Management Act (FLPMA) of 1979.

**Terms / Conditions / Stipulations:** See the attached Exhibit B, dated May 17, 2012.

**PLAN CONFORMANCE AND CONSISTENCY:**

The proposed action and alternatives have been reviewed and found to be in conformance with one or more of the following BLM Land Use Plans and the associated decision(s):

This proposed action is subject to the Cascade Resource Management Plan which was approved July 1, 1988. The proposed action is in conformance with the LUP, even though it is not specifically provided for, because it is clearly consistent with the following LUP decision(s) (objectives, terms, and conditions):

Rights-of-way, under Title V of FLPMA, will be considered in the Cascade Resource Area except where specifically identified in the RMP for avoidance. (Resource Management Guidelines, page 43.)

The subject area is not identified for avoidance.

**Alternatives Considered:** Two alternatives were considered in order to meet the Purpose and Need for this project. The first was a No Action alternative wherein no Right-of-way would be issued and no geologic site investigation would be completed. Second was the Proposed Action which was to issue a right-of-way to the BOR and authorize geologic site investigation as is described in section 2.2 of the EA. There were no issues or resource concerns present that would have required any other alternatives be analyzed.



## RIGHT-OF-WAY STIPULATIONS

1. Holder must provide proof of access across private lands prior to commencing work on public lands under this authorization.
2. Rehabilitation per the following: standard early seral grass mix – of broadcast 8 (PLS) pounds/acre of *Poa secunda* (Sandberg blue grass), and squirreltail (*Elymus elymoides*). Broadcast on a prepared, weed-free seed bed using salvaged topsoil from scraped pads. Seeding should take place in October. For larger areas >1 acre add early seral shrub species i.e. rabbitbrush to add structure in a relatively short time frame.
3. Holder must have a valid authorization or waiver from the Idaho Department of Water Resources (IDWR) for use of water from the Weiser River.
4. Holder will adhere to the Clean Water Act of 1972, (33 U.S.C. § 1251 et seq), as amended 1977. Water pumped from the Weiser River for use as circulating fluid will not be pumped back into the river.
5. The holder will closely monitor erosion during boring, and will use silt fences or straw bales as necessary to control erosion during the boring process.
6. There will be no interference with or jeopardizing the overhead powerline or structures. For any drilling in the vicinity of the powerline, the hold must first contact Idaho Power, Heath Schab at (208) 642-6553.
7. A sign shall be placed near the area where the hose will cross the Weiser River National Recreation Trail to avoid mishaps with users of the Trail.
8. Holder shall take all precautions necessary to prevent wildfires due to drilling activities on public lands.
9. There shall be no off-road or overland travel.
10. This authorization is subject to all applicable regulations found at 43 CFR 2800 and to future regulations to be promulgated by the Secretary pursuant to the provisions of the Act of October 21, 1976, P.L. 94-579 (90 Stat. 2743).
11. The holder shall notify the authorized officer of any change of mailing address.
12. The United States retains the right to authorize use of the right-of-way for other compatible uses (including the subsurface and air space).

13. Any cultural and/or paleontological resource (fossil(s) or historic or prehistoric site or object) discovered by the holder, or any person working on his behalf, on public land shall be immediately reported to the authorized officer. Holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the authorized officer. The holder will be responsible for the cost of evaluation, and any decision as to proper mitigation measures will be made by the authorized officer after consulting with the holder.
14. Use of pesticides, herbicides and rodenticides shall comply with the applicable Federal and State laws, and only in accordance with their registered uses.
15. The holder shall indemnify the United States against any liability for damage to life or property arising from the occupancy or use of public lands under this grant or permit.
16. The holder(s) shall comply with the Toxic Substances Control Act of 1976 as amended, 15 U.S.C. 2601 et seq. (1982) with regards to any toxic substances that are used, generated by or stored on the right-of-way or on facilities authorized under this right-of-way grant. (See 40 CFR Part 702-799 and especially, provisions on polychlorinated biphenyls, 40 CFR 761.1-761.193.) Additionally, any release of toxic substances (leaks, spills, etc.) in excess of the reportable quantity established by 40 CFR Part 117 shall be reported as required by the Comprehensive Environmental Response, Compensation, and Liability Act, section 102b. A copy of any report required or requested by any Federal agency or State government as a result of a reportable release or spill of any toxic substances shall be furnished to the authorized officer concurrent with the filing of the reports to the involved Federal agency or State government.
17. The holder agrees to indemnify the United States against any liability arising from the release of any hazardous substance or hazardous waste (as these terms are defined in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. 9601, et seq. or the Resource Conservation and Recovery Act, 42 U.S.C. 6901, et seq.) on the right-of-way (unless the release or threatened release is wholly unrelated to the right-of-way holder's activity on the right-of-way), or resulting from the activity of the right-of-way holder on the right-of-way. This agreement applies without regard to whether a release is caused by the holder, its agent, or unrelated third parties.
18. As directed by the Authorized Officer the Holder shall be responsible for control of noxious weed species that result or would result from the construction, use, or maintenance of their grant.

If herbicides are used the Holder shall comply with all applicable Federal and State laws and regulations. Herbicides shall be used only in accordance with their registered uses within the limitations imposed by the Secretary of the Interior. Prior to the use of herbicides, the Holder shall obtain from the authorized officer written approval of a Herbicide Use Proposal Plan showing the type and quantity of herbicide to be used,

weed(s) to be controlled, method of application, and any other information deemed necessary by the authorized officer.

Applicator(s) shall hold a current State of Idaho applicator's license or be under the direct supervision of a licensed applicator.

For areas and acres treated the Holder shall submit to the BLM a completed "BLM Pesticide Application Record" form.

Other control methods include but are not limited to annual mowing.

11. In the event the reserved lands are required for hydroelectric development purposes, any structures or improvements placed thereon found to interfere with such development shall be removed or relocated as necessary to eliminate such interference at no cost to the United States or its permittees or licencees.