



United States Department of the Interior
BUREAU OF LAND MANAGEMENT
Burley Field Office
15 East 200 South
Burley, Idaho 83318
(208) 677-6600



Decision Record

Agua Caliente Seismic Survey

NEPA No. DOI-BLM-ID-T020-2013-0003-CX

This notice constitutes my Decision to authorize the proposed action described in the Categorical Exclusion (CX) for the Agua Caliente Seismic Survey and their designated contractors, Optim Software and Data Solutions (Optim). My decision will allow Optim to conduct a seismic survey over approximately 1,100 acres of BLM administered land in the Raft River Valley. The survey will be conducted on a grid with vibroseis trucks that will travel predetermined lines that are on average 825 feet apart. The grid covers parts of Sections 12, 13, 14, 22, 23, and 26 in T. 15 S., R. 26 E., Boise Meridian and parts of Section 30 in T. 15 S., R. 27 E., Boise Meridian. The CX (p. 1) and the information accompanying the Notice of Intent to Conduct Geothermal Resource Exploration Operations contain more complete descriptions of the proposed action.

The proposed action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 2, Appendix 1, 11.9, B. Oil, Gas, and Geothermal Energy (6): *Approval of Notices of Intent to conduct geophysical exploration of oil, gas or geothermal, pursuant to 43 CFR 3150 or 3250, when no temporary or new road construction is proposed.* This CX is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment.

The CX (p.1) determines that the proposed action conforms to the Cassia Resource Management Plan (RMP). The proposed action also complies with the Migratory Bird Treaty Act, the Endangered Species Act, and the Federal Land Policy and Management Act.

Background

My decision authorizes the activities as outlined in the Notice of Intent to Conduct Geothermal Resource Operations and accompanying information submitted to this office and as outlined in the CX that was prepared (CX No. DOI-BLM-ID-T020-2013-0003-CX).

In making this decision, I have also considered the timing of this proposed action (three to five weeks in fall/winter of 2012) and the cultural resource, special status plant, and sensitive animal clearances provided by our archeologist and biologists. I have found that there is no potential for significant impacts if the terms and conditions of the Notice filed and the following stipulations are observed:

- 1) Avoid driving vehicles, ATV's, and vibroseis trucks overland in wet conditions to prevent excessive tracks/ruts on the surface.
- 2) Exploration should only occur from between July 15 and March 1 to avoid potential effects to BLM sensitive birds.
- 3) The undercarriage of all vehicles, ATV's, and vibroseis trucks will be washed clean of all soil and plant material prior to beginning work in the project area to minimize any potential transfer of noxious weed seeds or plants.
- 4) Should any future or inadvertent historic, cultural or paleontological property discoveries, or American Indian human remains, unassociated funerary objects, or grave goods be encountered during project implementation, project activities will immediately cease and the Burley Field Manager will be notified to coordinate further investigation.
- 5) All resource protection areas will be avoided by vehicles, ATV's, and vibroseis trucks.

This decision can be implemented immediately pursuant to 43 CFR Subpart 3200.5: "All BLM decisions or approvals under this part are immediately effective and remain in effect while appeals are pending unless a stay is granted in accordance with §4.21 (b) of this title."

Appeal Opportunities

My decision may be appealed to the Interior Board of Land Appeals (IBLA), Office of the Secretary, in accordance with the regulations contained in 43 CFR Part 4. Public notification of this decision will be considered to have occurred on November 21, 2012. Any appeal must be filed within 30 days of this decision. Any notice of appeal must be filed with the Burley Field Manager, 15 East 200 South, Burley Idaho 83318. If a statement of reasons for the appeal is not included with the notice, it must be filed with the IBLA, Office of Hearings and Appeals, U. S. Department of the Interior, 801 North Quincy St., Suite 300, Arlington, VA 22203 within 30 days after the notice of appeal is filed with the Burley Field Manager. Information on taking appeals and stays to the IBLA is included on the following pages of this Decision Record.

Approved:

/s/ Jim Tharp for
Michael C. Courtney
Field Manager
Burley Field Office

11/21/2012

Date

UNITED STATES DEPARTMENT OF THE INTERIOR
IDAHO BUREAU OF LAND MANAGEMENT

INFORMATION ON TAKING APPEALS AND STAYS TO THE BOARD OF LAND APPEALS

DO NOT APPEAL UNLESS

1. This decision is adverse to you,
AND
2. You believe it is incorrect

IF YOU APPEAL, THE PROCEDURES DESCRIBED BELOW MUST BE FOLLOWED OR YOUR APPEAL WILL BE SUBJECT TO DISMISSAL (SEE 43 CFR 4.402). BE CERTAIN THAT ALL COMMUNICATIONS ARE IDENTIFIED BY THE SERIAL NUMBER OF THE CASE BEING APPEALED.

1. *When to File...*
An Appeal (Notice of Appeal)
and
Request to Stay the Decision (Petition for Stay)
Your appeal of a BLM decision must be filed within 30 days of receipt of the decision. Your appeal may be accompanied by a statement describing the reasons for an appeal at this time. You also have the right to file a petition for stay (suspension) of the decision. Your petition for stay must accompany your notice of appeal (see standards for obtaining a stay under item 8).
2. *Where to File....*
An Appeal and Stay
Bureau of Land Management
Burley Field Office
15 East 20 South
Burley, ID 83318
3. *Where to send copies of the Appeal and Stay*
 - a. *Interior Board of Land Appeals (IBLA)*
Office of the Secretary
Board of Land Appeals
801 North Quincy Street, Suite 300
Arlington, VA 22203
 - b. *Office of the Solicitor*
Field Solicitor, U.S. Department of the Interior
960 Broadway Ave., Suite 400
Boise, Idaho 83706
 - c. *Parties Named in the Decision*
Copies of your appeal must be filed with each adverse party named in the decision.
4. *When to send copies of Appeal and Stay*
Copies of the appeal and petition for stay must be sent within 15 days to the offices/individuals listed under item 3 if not sent at the same time the appeal is filed with the office issuing the decision.

Note: A document is not filed until it is actually received in the proper office (43 CFR 4.401 (a)).

5. *When and Where to File Reasons for Appeal*
(Statement of Reasons)
Within 30 days after filing the Notice of Appeal, file a complete statement of the reasons explaining why you are appealing. This must be filed with the Interior Board of Land Appeals at the address shown in item 3(a). If you fully stated your reasons for appeal when filing the Notice of Appeal, no additional statement is necessary.

6. *When and Where to send copies of the Statement of Reasons (SOR)*

Within 15 days after filing the SOR documents with IBLA, the parties described in item 3 (b) and (c) must be served copies of the Statement of Reasons.

7. *When and where to send Proof of Service that the Office of the Solicitor and parties named in the Decision have been notified.*

Within 15 days after you send copies of the appeal and statement of reasons, you must file proof with the Interior Board of Land Appeals that the copies of both the appeal and Statement of Reasons have been served. Proof may consist of a Certified or Registered Mail "Return Receipt Card" signed by the receiving party (43 CFR 4.401 (c) (2)).

8. *Standards for Obtaining a Stay*

A petition for a stay of a decision pending appeal must demonstrate 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.*

Note: Except as provided by law or other pertinent regulation, a BLM decision on appeal to an Appeals Board will become effective on the day after the expiration of the appeal period (30 days after receipt of the decision) where no petition for a stay is filed, or 45 days after the expiration of the appeal period where a timely petition for a stay is filed, unless the Appeals Board grants the stay (43 CFR 4.21 (a) (2)).