

**UNITED STATES DEPARTMENT OF THE INTERIOR**  
BUREAU OF LAND MANAGEMENT  
UPPER SNAKE FIELD OFFICE  
Decision Record  
For the  
**Pass Creek Airstrip Right-of-Way IDI-37289**  
**Environmental Assessment DOI-BLM-ID-I010-2013-0011-EA**

**Introduction and Background**

On March 9, 2012, Pass Creek Ranch LLC (Ranch) filed a right-of-way application in accordance with Title V of the Federal Land Policy and Management Act of 1976 as amended (43 U.S.C. 1761) and the regulations found in 43 CFR 2800. The application, assigned BLM serial number IDI-37289, requests the right to construct, operate, and maintain an airstrip on public land in Butte County, Idaho. Currently, the owner of Ranch utilizes an existing 1,600 foot long airstrip on his private land for landing and take offs of his Beechcraft Baron airplane. The airstrip is used during the summer months, approximately 8-12 times per year, as weather permits. In the past, the previous landowner used the existing airstrip to land his aircraft, but he crashed his plane as a result of the airstrip not being long enough for the size of the aircraft. The Ranch is surrounded by federal land administered by BLM and the Forest Service

This Environmental Assessment (EA) analyzes the potential impacts of Pass Creek Ranch LLC's proposed airstrip right-of-way (ROW) on public land within the boundaries of the Bureau of Land Management's (BLM) Upper Snake Field Office (USFO). It is a site-specific analysis of potential impacts that could result from the implementation of the Proposed Action and the Alternatives.

The proposed landing strip location is approximately six miles east of Mackay, northeast of State Highway 93, near the mouth of Pass Creek in the Big Lost River Basin (Figures 1). The location is legally described as follows:

Lot 3 of Section 24, T. 7 N., R. 25 E., Boise Meridian, Idaho

The area is accessed from the Butte County Pass Creek Road. The junction of State Highway 93 and Pass Creek Ranch Road is about 7.4 miles southeast of Mackay. Pass Creek is the boundary between Custer County to the west and Butte County to the east.

The proposed action is to issue Pass Creek LLC a right-of-way allowing the use of public land for a take-off and landing strip. The Ranch proposes to construct, operate, and maintain a 1,200-foot long by 75-foot wide airstrip which would encumber 2.07 acres, more or less.

In July 2012, this project was brought before an Interdisciplinary Team (Team) consisting of BLM specialists. The Team identified the resources/resource uses to be considered in the EA which is captured in **Table 1. Resources Considered in the Impact Analysis**. The BLM Upper Snake Field Office posted the Proposed Action on the BLM e-Planning website on January 14, 2013. No comments were received regarding this project. In addition to the Proposed Action

(Alternative 1) and the No Action (Alternative 2), a third alternative was analyzed (Alternative 3). Alternative 3 analyzed the impacts of the project as described in Alternative 1; however the construction of a 3-strand wire fence around the outside perimeter of the ROW (2,475 feet) would not be considered or authorized. The Ranch would install a let-down gate along the boundary fence between the Ranch and BLM property to be utilized when landing and taking off from the airstrip.

**Decision**

It is my decision to implement Alternative 3 according to the map (Figure 1) and the terms and conditions outlined in Exhibit A. The ROW will authorize an area 1,200-foot long by 75-foot wide or 2.07 acres, more or less, for the construction, operation, maintenance, and rehabilitation of an airstrip on public land in Butte County. The grant will be issued for an approximate 30-year period, expiring on December 31, 2045. The grant is issued with the right to renew and subject to the current terms and conditions found at 43 CFR 2800. Advanced rental will be paid according to regulations found at 2806.10.

**Rationale**

Alternative 3 meets the purpose and need for this action. Alternative 3 does not allow the construction and maintenance of an outside perimeter fence around the airstrip. Implementation of this alternative does not include the added risk of wildlife colliding or becoming entangled with a new fence, there will not be additional hindrance or barriers to wildlife movement patterns, and lastly, there will not be additional hunting perches for raptors, thus alleviating the risk of increased predation on sage-grouse. Due to the lack of an additional movement barrier and collision risk to wildlife, including special status species, the impacts to those species would be less detrimental compared to Alternative 1.

I have determined that the proposed action is in conformance with the *Big Lost Management Framework Plan* USDOI-BLM, 1983, which provides general guidelines for the protection and use of resources in this area. While this action is not specifically addressed in the document, the plan does provide for the consideration of right-of-way applications.

Based on the analysis of potential environmental impacts contained in DOI-BLM-ID-I010-2013-0011-EA, I have determined that impacts are not expected to be significant and an environmental impact statement is not required.

\_\_\_\_\_/s/Deena Teel\_\_\_\_\_                      \_\_\_\_4/23/2015\_\_\_\_\_

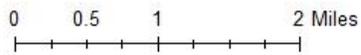
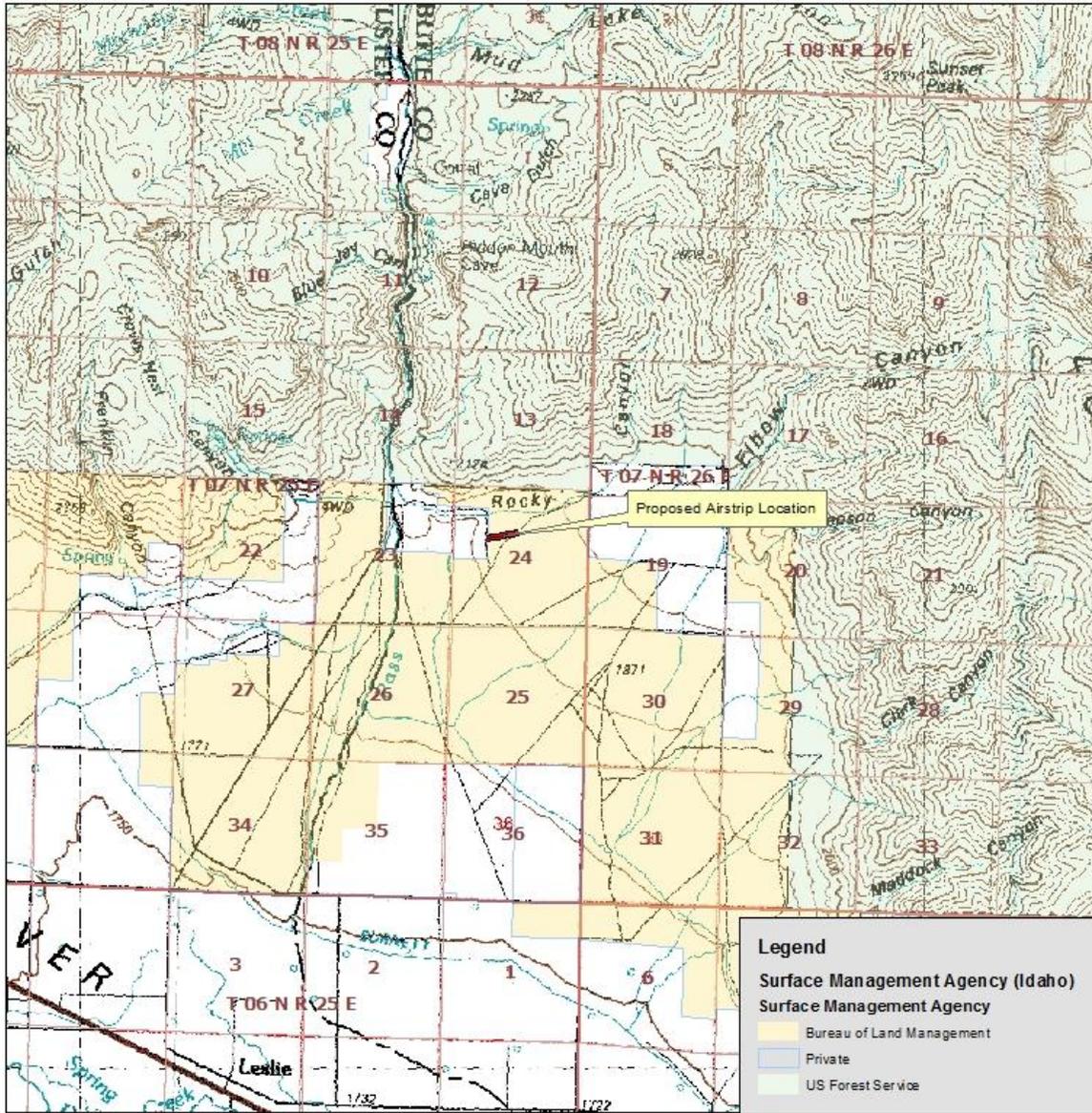
Acting for Upper Snake Field Manager                      Date

**Appeal Information:**

Appeal procedures may be found at 43 CFR 4.21 (58 FR 4939, January 19, 1993) or 43 CFR 2801.10.

# IDI-37289 Pass Creek Ranch LLC Airstrip ROW

**Figure 1**  
T. 7 N., R. 25, E.,  
Lot 3 of Section 24  
April 15, 2015



Information provided 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. The BLM does not warrant the accuracy or completeness of the information provided. For more details or information, please contact the BLM Idaho State Office Webmaster at 208-373-0000.



**EXHIBIT A**  
Stipulations  
IDI-37289  
April 15, 2015

1. In compliance with the Migratory Bird Treaty Act (MBTA), construction activities are not allowed during the migratory bird nesting season April 1 – June 30. The Authorized Officer may waive this restriction, with a notice in writing, only if a qualified biologist conducts a survey to determine the presence of nesting birds near the project location, and determines that construction activities would not impact migratory birds.
2. The construction of the airstrip shall be conducted outside of the sage-grouse nesting season (April 1 to June 30) to minimize the potential impacts to nesting birds.
3. Any cultural and/or paleontological resource (historic or prehistoric site or object, or fossil) discovered by the holder, or any persons working on his behalf on public or Federal land shall be immediately reported to the authorized officer. The holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the authorized officer. An evaluation of the discovery will be made by the authorized officer to determine appropriate actions to prevent the loss of significant cultural or scientific values. The holder will be responsible for the cost of evaluation and mitigation, and any decision as to proper avoidance, protection or mitigation measures will be made by the authorized officer after consulting with the holder and others under Section 106 of the National Historic Preservation Act.
4. Pursuant to 43 CFR 10.4(g), the holder of this authorization must immediately notify the authorized officer, by telephone, with written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4 (c) and (d), the holder must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the authorized officer. The BLM Authorized Officer will determine avoidance, protection or mitigation measures in consultation with the Holder, Idaho SHPO, and affected Tribes. Costs associated with the discovery, evaluation, protection or mitigation of the discovery shall be the responsibility of the holder.
5. The holder shall furnish and apply water or other means satisfactory to the authorized officer for dust control if necessary.
6. The holder shall remove only the minimum amount of vegetation necessary for the construction and maintenance of the airstrip.
7. All waste material resulting from construction or use of the site by the holder shall be removed from the site.
8. As directed by the Authorized Officer, the holder is required to ensure that the right-of-way is well-drained by water baring or other method of maintaining drainage. Should

erosion or damage occur, additional measures, as approved by the Authorized Officer, may be necessary to minimize damage to the ROW or surrounding public land.

9. The holder shall seed all disturbed areas, using an agreed upon seed mix and method suitable for the location. Seeding shall be repeated if a satisfactory stand is not obtained as determined by the authorizing officer.
10. The holder shall be responsible for weed control on disturbed areas within the limits of the right-of-way. The holder is responsible for consultation with the authorized officer and/or local authorities for acceptable weed control methods (within limits imposed in the grant stipulations).
11. During surface disturbing construction and maintenance activities, the holder shall ensure that all construction equipment and vehicles are cleaned of all vegetation (stems, leaves, seeds, and all other vegetative parts) prior to entering public lands in order to minimize the transport and spread of noxious weeds.
12. No equipment servicing, refueling, or storage of fuels or lubricants are allowed on the right-of-way.
13. The right-of-way shall be maintained in a sanitary condition at all times; waste materials at those sites shall be disposed of promptly at an appropriate waste disposal site. 'Waste' means all discarded matter including, but not limited to, human waste, trash, garbage, refuse, oil drums, petroleum products, ashes, and equipment.
14. There is reserved to the Authorized Officer, the right to grant additional rights-of-way or permits for compatible use on, over, under, or adjacent to the land involved in this grant.
15. The holder shall permit free and unrestricted public access to and upon the right-of-way.
16. The holder of right-of-way No. ID-37289 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 of 1976, 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.) This agreement applies without regard to whether a release is caused by the holder, its agent, or unrelated third parties.
17. The holder shall protect all survey monuments found within the right-of-way. Survey monuments include, but are not limited to, General Land Office and Bureau of Land Management Cadastral Survey Corners, reference corners, witness points, U.S. Coastal and Geodetic benchmarks and triangulation stations, military control monuments, and recognizable civil (both public and private) survey monuments. In the event of obliteration or disturbance of any of the above, the holder shall immediately report the incident, in writing, to the authorized officer and the respective installing authority if

known. Where General Land Office or Bureau of Land Management right-of-way monuments or references are obliterated during operations, the holder shall secure the services of a registered land surveyor or a Bureau cadastral surveyor to restore the disturbed monuments and references using surveying procedures found in the Manual of Surveying Instructions of the Survey of the Public Lands of the United States, latest edition. The holder shall record such survey in the appropriate county and send a copy to the authorized officer. If the Bureau cadastral surveyors or other Federal surveyors are used to restore the disturbed survey monument, the holder shall be responsible for the survey cost.

18. Ninety days prior to termination of the right-of-way, the holder shall contact the authorized officer to arrange a joint inspection of the right-of-way. This inspection will be held to agree to an acceptable termination (and rehabilitation) plan. This plan shall include, but is not limited to, removal of facilities, drainage structures, or surface material, recontouring, topsoiling, or seeding. The authorized officer must approve the plan in writing prior to the holder's commencement of any termination activities.