

**CATEGORICAL EXCLUSION**  
**UNITED STATES DEPARTMENT OF THE INTERIOR**  
**BUREAU OF LAND MANAGEMENT**  
**CHALLIS FIELD OFFICE**  
**Categorical Exclusion**  
*Big Lost LLC, Road Right-of-Way*  
**DOI- BLM-ID-I030-2013-0004-CX**

**Project Name/Applicant:** Big Lost LLC, Road Right-of-Way

**Project/Case File Number:** IDI-036670

**Project Lead:** Joni Cain, Realty Specialist

**Date of Preparation:** August 6, 2013

**BACKGROUND:**

On January 4, 2010, Big Lost LLC submitted an application to obtain a right-of-way (ROW) on an existing road crossing Bureau of Land Management (BLM) administered land in Custer County, Idaho. After consultation among the applicant, Lost River Highway District and Challis Field Office (CFO) staff, the application was resubmitted on June 20, 2013, with a revised project description and location in W<sup>1</sup>/<sub>2</sub>W<sup>1</sup>/<sub>2</sub>W<sup>1</sup>/<sub>2</sub>SE, Section 21, T. 8 N., R. 22 E., Boise Meridian, Idaho (Exhibit A). The revised proposal would limit the disturbance area to the existing road prism, rather than require disturbance of a section of road that is currently re-vegetated and is no longer authorized in the CFO Travel Management Plan (TMP).

**PROPOSED ACTION:**

The ROW would be approximately 2,200 feet in length, 30 feet wide, and encumber approximately 1.52 acres. The road would be utilized primarily to access private property and commercial fish hatchery facilities owned and operated by the applicant, The ROW would allow for road maintenance necessary for commercial traffic between the Lost River Highway District road and the private property boundary.

**CONSULTATION AND COORDINATION:**

A summary description of the proposed project was made available to the public on the Idaho BLM's ePlanning website in July 29, 2013, and the public was given the opportunity to provide comments or consult on the action.

**FINDING AND RECOMMENDATION:**

The proposed action is categorically excluded as outlined in 516 DM 11.9, E.16 and G.1, and none of the extraordinary circumstances described in 516 DM 2, Appendix 2 apply. E.16 states, "*Acquisition of easements for an existing road or issuance of leases, permits or rights-of-way for the use of existing facilities, improvements, or sites for the same or similar purposes.*" and G.1 states, "*Incorporation of eligible roads and trails in any transportation plan when no new construction or upgrading is needed.*" may be excluded

from further environmental review.

In order to allow for access to privately owned lands and provide the authorization to use and maintain this public road, I recommend that a ROW be issued for this road on public land in Custer County. I recommend the ROW authorization, IDI-36670, be granted for an approximate 30-year period expiring on December 31, 2042. The grant would be issued with the right to renew, subject to current terms and conditions and the attached stipulations (Exhibit B). The right-of-way would be granted under the authority of the *Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761)* and current Bureau regulations found in 43 CFR 2800.

**DECISION AND RATIONALE FOR THE DECISION:**

It is my decision to issue ROW IDI-36670, allowing the use and maintenance of public land for an existing road. The ROW will be 2,200 feet in length, 30 feet wide and encumber approximately 1.52 acres. The grant would be issued for a 30-year period, expiring on December 31, 2042, with the right to renew, subject to the current terms and conditions found at 43 CFR 2800 and the attached stipulations (Exhibit B).

The subject action qualifies as a Categorical Exclusion and meets the criteria contained in 516 DM 2, Appendix 4, E.16 and G.1. None of the exceptions found in 516 DM 2, Appendix 2 apply.

**LAND USE PLAN CONFORMANCE:**

The proposed action is in conformance with the *Challis Resource Management Plan (1999)*. Specifically, the following goal is relevant to the proposed action: *Land Tenure and Access: Goal 3. "Consider public needs for use authorizations such as row, lease permits and withdrawals"*

**APPEALS INFORMATION:**

*43 CFR 4.21 (58 FR 4939, January 19, 1993) or 43 CFR 2801.10*

---

Joni Cain, Realty Specialist

Date

---

Challis Field Manager

Date

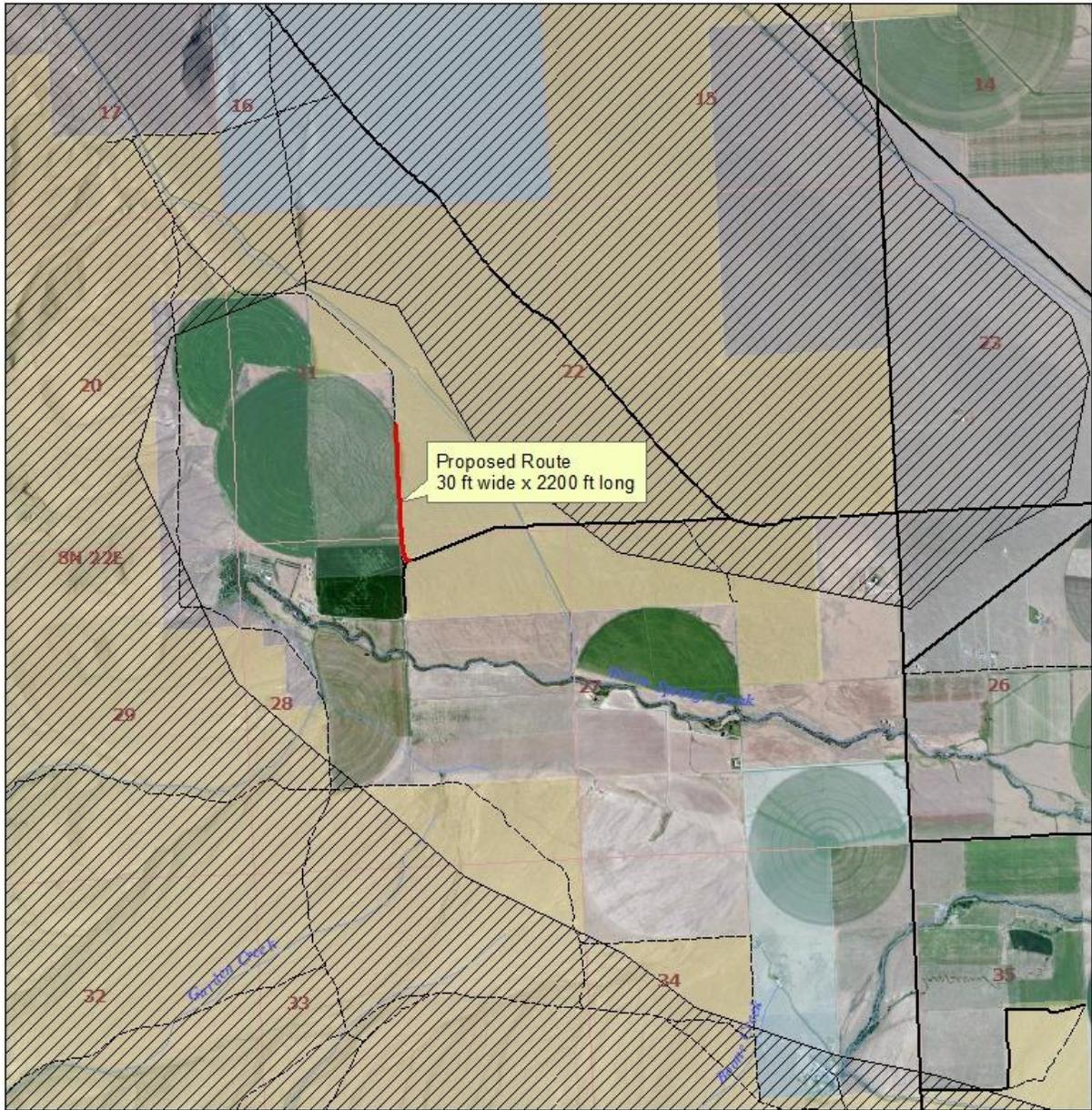
## Extraordinary Circumstances Requiring Preparation of an EA or EIS

The action described in categorical exclusion **DOI-BLM-ID-I030-2013-0004-CX (IDI-36670)** has been reviewed by the ID Team to determine that none of the extraordinary circumstances listed below apply, as listed in the Departmental NEPA regulations (43 CFR 46.215).

### Extraordinary Circumstance

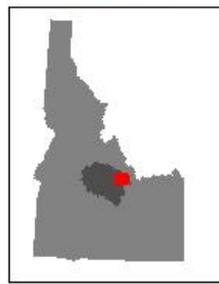
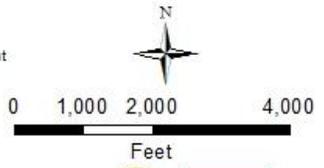
- 2.1 Have significant impacts on public health or safety
- 2.2 Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas.
- 2.3 Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102(2)(E)].
- 2.4 Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.
- 2.5 Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.
- 2.6 Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.
- 2.7 Have significant impacts on properties listed or eligible for listing on the National Register of Historic Places as determined by either the bureau or office.
- 2.8 Have significant impacts on species listed or proposed to be listed on the List of Endangered or Threatened Species, or have significant impacts on designated critical habitat for these species.
- 2.9 Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.
- 2.10 Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).
- 2.11 Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007).
- 2.12 Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112).

## Exhibit A Proposed Big Lost Road ROW



- ROAD
- - - PRIMITIVE ROAD
- - - TRAIL
- ▨ Idaho Sagegrouse 2012 PPH final v2
- ▭ Townships
- ▭ Sections

- Surface Management Agency**
- ▭ Bureau of Land Management
  - ▭ Private
  - ▭ US Forest Service
  - ▭ State
  - ▭ Other



No warranty is made 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. Map date: August 2013

**EXHIBIT B**  
**STIPULATIONS**  
**IDI-36670**

1. The holder shall conduct all activities associated with the construction, operation, and termination of the right-of-way within the authorized limits of the right-of-way.
2. Holder shall remove only the minimum amount of vegetation necessary for the use and maintenance of the existing road.
3. 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.
4. 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). Control measures must be done in accordance with the Challis Field Office Integrated Field Office Weed Management Program. Coordination with the Challis Field Office Weed Specialist shall be completed **before** applying herbicides.
5. The holder of right-of-way No. IDI-36670 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.
6. 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.
7. Any cultural and/or paleontological resource (historic or prehistoric site or object) discovered by the holder, or any person working on his behalf, on public or Federal 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. 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 any decision as to proper mitigation measures will be made

by the authorized officer after consulting with the holder.

8. Pursuant to 43 CFR 10.4(g), the holder of this authorization must immediately notify the authorized officer by telephone, with written confirmation, 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.
9. Ninety (90) 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.
10. The ROW maintenance is limited to the existing disturbance and materials will not exceed  $\frac{3}{4}$  inch aggregate road base.