



United States Department of the Interior
 BUREAU OF LAND MANAGEMENT
 Coeur d'Alene Field Office
 3815 Schreiber Way
 Coeur d'Alene, Idaho 83815



In Reply Refer To:
 I-37790 (IDC010)

April 8, 2015

Hand delivered

DECISION

Spokane Mining Research Division	:	
Attn: William Hammond	:	Right-of-Way Grant
315 E. Montgomery Ave	:	IDI-37790
Spokane, WA 99207-2223	:	

Right-of-Way Grant IDI-37790 Issued

Enclosed is a copy of your right-of-way (ROW) grant, serial number IDI-37790 which allows the use of public land for two Seismic Monitoring Station ROW.

The required processing and monitoring fees have been waived per 43 CFR 2804.16(a). Rental for this ROW has also been waived per 43 CFR 2806.14(b).

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 Janna Paronto, Realty Specialist, at (208) 769-5037.

/s/ Kurt Pavlat

Kurt Pavlat
Field Manager

2 Enclosures

- 1-Right-of-Way Grant IDI-37790 (5 pgs)
- 2-BLM Form 1842-1 (1pg)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
RIGHT-OF-WAY GRANT

SERIAL NUMBER IDI-37790

1. A right-of-way is hereby granted pursuant to Title V of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761).

2. Nature of Interest:

a. By this instrument, the holder:

Spokane Mining Research Division
315 E. Montgomery Ave
Spokane, WA 99207-2223

receives a right to operate and maintain a right-of-way for Two Seismic Monitoring Station, on public lands described as follows:

Boise Meridian.

T. 48 N., R. 5 E.,
section 26, SW¼;
section 27, SW¼;

b. Each seismic monitoring site right-of-way is 4 feet wide and 4 feet in length. The total right-of-way area granted herein contains 1.00 acres, more or less.

c. This instrument shall terminate on December 31, 2020, unless, prior thereto, it is relinquished, abandoned, terminated, or modified pursuant to the terms and conditions of this instrument or of any applicable Federal law or regulation.

d. Notwithstanding the expiration of this instrument or any renewal thereof, early relinquishment, abandonment, or termination, the provisions of this instrument, to the extent applicable, shall continue in effect and shall be binding on the holder, its successors, or assigns, until they have fully satisfied the obligations and/or liabilities accruing herein before or on account of the expiration, or prior termination, of the grant.

3. Rental: Pursuant to 43 CFR 2806.14(a)(2) you are exempt from paying rents

For and in consideration of the rights granted, the holder agrees to pay the Bureau of Land Management fair market value rental as determined by the authorized officer unless specifically exempted from such payment by regulations. Provided however, that the rental may be adjusted by the authorized officer, whenever necessary, to reflect changes in the fair market rental value as determined by the application of sound business management principles, and so far as practicable and feasible, in accordance with comparable commercial practices.

4. Terms and Conditions:

- a. This grant or permit is issued subject to the holder's compliance with all applicable regulations contained in Title 43 Code of Federal Regulations part 2800 and 2880.
- b. Upon grant termination by the authorized officer, all improvements shall be removed from the public lands within 90 days as directed by the authorized officer.
- c. The map, set forth in Exhibits A attached hereto, are incorporated into and made a part of this grant instrument as fully and effectively as if they were set forth herein in their entirety.
- d. Failure of the holder to comply with applicable law or any provision of this right-of-way grant or permit shall constitute grounds for suspension or termination thereof.
- e. The authorized officer may suspend or terminate in whole, or in part, any notice to proceed which has been issued when, in his judgment, unforeseen conditions arise which result in the approved terms and conditions being inadequate to protect the public health and safety or to protect the environment.
- f. Holder shall maintain the right-of-way in a safe, usable condition, as directed by the authorized officer. (A regular maintenance program shall include, but is not limited to, ditching, culvert installation, and surfacing).
- g. The holder shall perform all operations in a good and workmanlike manner so as to ensure protection of the environment and the health and safety of the public.
- h. No routine maintenance activities shall be performed during periods when the soil is too wet to adequately support construction equipment. If such equipment creates ruts in excess of 6 inches deep, the soil shall be deemed too wet to adequately support construction equipment.

- i. Holder shall re-contour and re-vegetate disturbed areas with seed and fertilizer mixtures as specified by the authorized officer.
- j. Any merchantable timber on the ROW will be purchased by the holder within 60 days of cutting.
- k. The holder shall inform the Authorized Officer when hauling activities are concluded. The Authorized Officer shall determine what is necessary to return the road to proper functioning condition, and shall instruct the holder to perform the work determined by the Authorized Officer to be necessary. Such work may include, but is not limited to, grading, cleaning ditches and/or culverts, road surfacing, or other similar actions.
- l. Holder shall immediately cease operations on the road when, in the judgment of the Authorized Officer, weather or any other condition jeopardizes the proper condition of the road.
- m. Holder shall comply with all applicable Federal, State and local laws and regulations, existing or hereafter enacted or promulgated, with regard to any Hazardous Material, as defined in this paragraph, that will be used, produced, transported or stored on or within the right-of-way, or used in the operation, maintenance or termination of the right-of-way. "Hazardous material" means any substance, pollutant or contaminant that is listed as hazardous under the CERCLA of 1980, as amended, 42 U.S.C. 9601 et seq., and its regulations. The definition of hazardous substances under CERCLA includes any "hazardous waste" as defined in the RCRA of 1976, as amended, 42 U.S.C. 6901 et seq. and its regulations. The term hazardous materials also includes any nuclear or byproduct material as defined by the Atomic Energy Act of 1954, as amended, 42 U.S.C. 2011 et seq. The term does not include petroleum, including crude oil or any fraction thereof that is not otherwise specifically listed or designated as a hazardous substance under CERCLA section 101(14), 42 U.S.C. 9601(14), nor does the term include natural gas.
- n. 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 CERCLA of 1980, 42 U.S.C. 9601, et seq. or the RCRA of 1985, 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.
- o. Notwithstanding the expiration of this instrument or any renewal thereof, early relinquishment, abandonment, or termination, the provisions of this instrument, to the extent applicable, shall continue in effect and shall be binding on the holder, its successors, or assigns, until they have fully satisfied the obligations and/or liabilities accruing herein before or on account of the expiration, or prior termination, of the grant.

- p. Prior to termination of the right-of-way, the holder shall contact the authorized officer to arrange a pre-termination conference. This conference will be held to review the termination provisions of the grant.

IN WITNESS WHEREOF, The undersigned agrees to the terms and conditions of this right-of-way grant or permit.

(Signature of Holder)

(Signature of Bureau of Land
Management's Authorized Officer)

(Title)

(Title)

(Date)

(Effective Date of Grant)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

INFORMATION ON TAKING APPEALS TO THE INTERIOR 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 FOLLOWING PROCEDURES MUST BE FOLLOWED

-
- 1. NOTICE OF APPEAL.....** A person who wishes to appeal to the Interior Board of Land Appeals must file in the office of the officer who made the decision (not the Interior Board of Land Appeals) a notice that he wishes to appeal. A person served with the decision being appealed must transmit the *Notice of Appeal* in time for it to be filed in the office where it is required to be filed within 30 days after the date of service. If a decision is published in the FEDERAL REGISTER, a person not served with the decision must transmit a *Notice of Appeal* in time for it to be filed within 30 days after the date of publication (43 CFR 4.411 and 4.413).
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- 2. WHERE TO FILE**
- NOTICE OF APPEAL.....** Bureau of Land Management, Coeur d'Alene Field Office
3815 Schreiber Way
Coeur d'Alene, ID 83815
- WITH COPY TO SOLICITOR...** Department of Interior, Boise Field Solicitor's Office
University Plaza
960 Broadway Ave, Suite 400
Boise, ID 83706
-
- 3. STATEMENT OF REASONS** Within 30 days after filing the *Notice of Appeal*, file a complete statement of the reasons why you are appealing. This must be filed with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. If you fully stated your reasons for appealing when filing the *Notice of Appeal*, no additional statement is necessary (43 CFR 4.412 and 4.413).
- WITH COPY TO SOLICITOR.....** Department of Interior, Boise Field Solicitor's Office
University Plaza
960 Broadway Ave, Suite 400
Boise, ID 83706
-
- 4. ADVERSE PARTIES.....** Within 15 days after each document is filed, each adverse party named in the decision and the Regional Solicitor or Field Solicitor having jurisdiction over the State in which the appeal arose must be served with a copy of: (a) the *Notice of Appeal*, (b) the Statement of Reasons, and (c) any other documents filed (43 CFR 4.413).
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- 5. PROOF OF SERVICE.....** Within 15 days after any document is served on an adverse party, file proof of that service with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. This may consist of a certified or registered mail "Return Receipt Card" signed by the adverse party (43 CFR 4.401(c)).
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- 6. REQUEST FOR STAY.....** Except where program-specific regulations place this decision in full force and effect or provide for an automatic stay, the decision becomes effective upon the expiration of the time allowed for filing an appeal unless a petition for a stay is timely filed together with a *Notice of Appeal* (43 CFR 4.21). If you wish to file a petition for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Interior Board of Land Appeals, the petition for a stay must accompany your *Notice of Appeal* (43 CFR 4.21 or 43 CFR 2801.10 or 43 CFR 2881.10). 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 (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 regulations, 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.

Unless these procedures are followed, your appeal will be subject to dismissal (43 CFR 4.402). Be certain that all communications are identified by serial number of the case being appealed.

NOTE: A document is not filed until it is actually received in the proper office (43 CFR 4.401(a)). See 43 CFR Part 4, Subpart B for general rules relating to procedures and practice involving appeals.

U.S. Department of the Interior
Bureau of Land Management
Coeur d'Alene Field Office
3815 Schreiber Way
Coeur d'Alene, ID 83815

Categorical Exclusion Documentation

Lucky Friday Mine Seismic Monitoring Right-of-Way
DOI-BLM-ID-C010-2015-0005-CX
IDI-37790

1. Description of the Proposed Action

Department of Health and Human Services, a Federal Agency, through Spokane Mining Research Division has submitted an application for a right-of-way to place 2 seismic monitoring stations on BLM managed public land to monitor seismic activity for safety purposes at the Lucky Friday Mine, near Mullan Idaho (see attached map). Each seismic station consist of two corrugated steel culvert section, 30 inches diameter and 24 inches in length, buried in the ground, with steel pipe or angle iron frame approximately 48 inches square and 60 inches inches high for mounting; two solar panels and a radio antenna situated on the surface of the ground. Total ground coverage per station of about 48 inches by 48 inches. They are asking for a grant of 5 years. They will be using existing roads and no other related structures or temporary work areas will be needed.

Location

Shoshone County, Idaho
Boise Meridian,
T. 48 N., R. 5 E., section 26, SW $\frac{1}{4}$;
section 27, SW $\frac{1}{4}$.

2. Land Use Plan Conformance

In accordance with the Federal Land Policy and Management Act (FLPMA), this proposed action has been reviewed for conformance with the Coeur d'Alene Management Plan (RMP), approved June 2007. It is consistent with the following decisions from the RMP:

Goal LR-1 - Meet public needs for use authorizations such as right-of-way, leases, and permits when such needs are consistent with other resource values.

Objective LR-1-1 - Issue use authorizations consistent with other resources values.

Action LR-1.1.3 - To the extent possible, locate such authorized uses and applications for such uses where impacts on other resources will be the least disturbing.

3. Compliance with the National Environmental Policy Act (NEPA)

The proposed action is categorically excluded from further documentation under NEPA in accordance with 516 DM 11.9.J.(8): Installation of minor devices to protect human life. Application of this categorical exclusion is appropriate in this situation because there are no extraordinary circumstances having effects that may significantly affect the environment. The proposed action has been reviewed, and none of the extraordinary circumstances described in 516 DM 2, Appendix C, exist.

/s/ _____
Kurt Pavlat
Field Manager

4/8/15 _____
Date

Seismic Monitoring Stations

IDI-37790

R 5 E

T 48 N

T 48 N

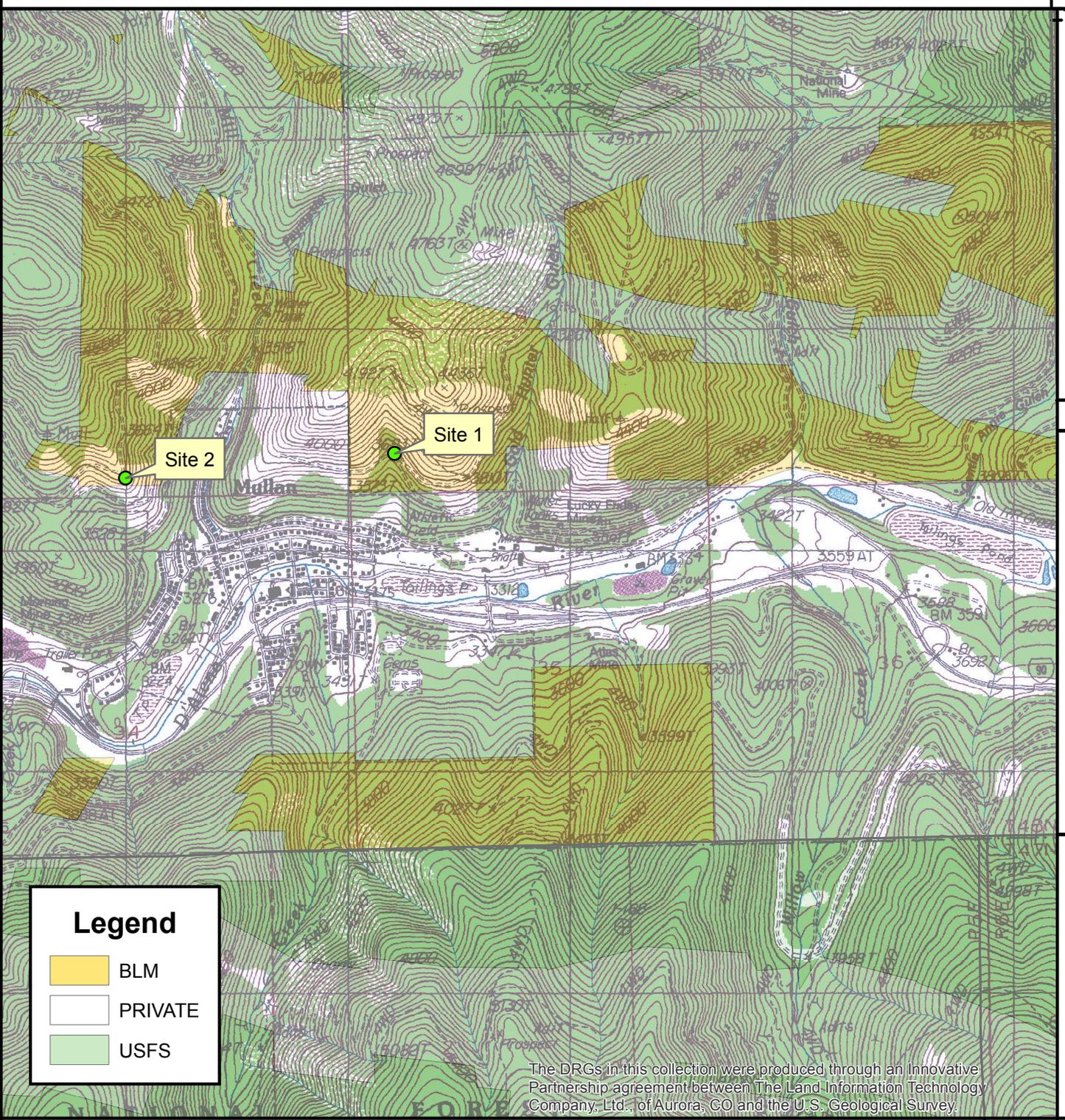
T 48 N

T 48 N

T 47 N

T 48 N

T 47 N



Legend

- BLM
- PRIVATE
- USFS

The DRGs in this collection were produced through an Innovative Partnership agreement between The Land Information Technology Company, Ltd., of Aurora, CO and the U.S. Geological Survey.

R 5 E

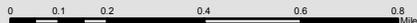
R 6 E



The surface management status ("land ownership") should be used as a general guide only. Official land records, located at the Bureau of Land Management (BLM) and other offices, should be checked for up-to-date information concerning any specific tract of land.

No warranty is made by the Bureau of Land Management. The accuracy, reliability, or completeness of these data for individual use or aggregate use with other data is not guaranteed. The following cannot be made Section 508 compliant. For help with its data or information, please contact the BLM Idaho State Office Webmaster at 208-373-4000.

1:25,000



Map Projection: NAD 1983 UTM Zone 11N



Map Created: 8/28/2014