

**UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT**

Twin Falls District
Burley Field Office
15 East 200 South
Burley, ID 83318

DECISION RECORD
for the
Oakley Highway District Buckhorn Bus Turn Around
IDI-036676
NEPA No. DOI-BLM-ID-T020-2010-0012-CX

I. Decision

I have decided to implement the road right-of-way (ROW) of an existing road to Oakley Highway District Buckhorn Bus Turnaround as described in the DOI-BLM-ID-T020-2010-0012-CX. Based on my review of the categorical exclusion and consideration of extraordinary circumstances, I have concluded that the proposed action was analyzed in sufficient detail to allow me to make an informed decision. I have decided to implement Oakley Highway District Buckhorn Bus turn around ROW IDI-036676. This road serves as access to the Buckhorn Ranch area and a bus turn around and is 50 feet wide by 189 feet in length, affecting approximately 0.22 acres of public lands.

II. Appeals

This 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. Any appeal must be filed within 30 days of this decision. Any notice of appeal must be filed with me, the Michael C. Courtney, at Burley Field Office, 15 E. 200 S. Burley, ID 83318. The appellant shall serve a copy of the notice of appeal and any statement of reasons, written arguments, or briefs on each adverse party named in the decision, not later than 15 days after filing such document (see 43 CFR 4.413(a)). Failure to serve within the time required will subject the appeal to summary dismissal (see 43 CFR 4.413(b)). 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 Michael C. Courtney.

Notwithstanding the provisions of 43 CFR 4.21(a)(1), filing a notice of appeal under 43 CFR Part 4 does not automatically suspend the effect of the decision. 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 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 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.

In the event a request for stay or an appeal is filed, the person/party requesting the stay or filing the appeal must serve a copy of the appeal on the Office of the Field Solicitor, 960 Broadway Ave., Suite 400, Boise ID, 83706.

III. Contact Person

For additional information concerning this project, contact Jennifer Sonner, Realty Specialist, (208) 677-6640 or by email jsonner@blm.gov.

/s/Michael C. Courtney
Michael C. Courtney
Burley Field Office Manager

4/11/2014
Date

cc:
Oakley Highway District
Attn: Weston Hawkes, Roads Director
PO Box 155
2026 Birch Creek Rd.
Oakley, ID 83346

2-Enclosures:
1-Exhibit A: ROW Map (1 p)
2-Exhibit B: Stipulations (3 pp)

Exhibit A

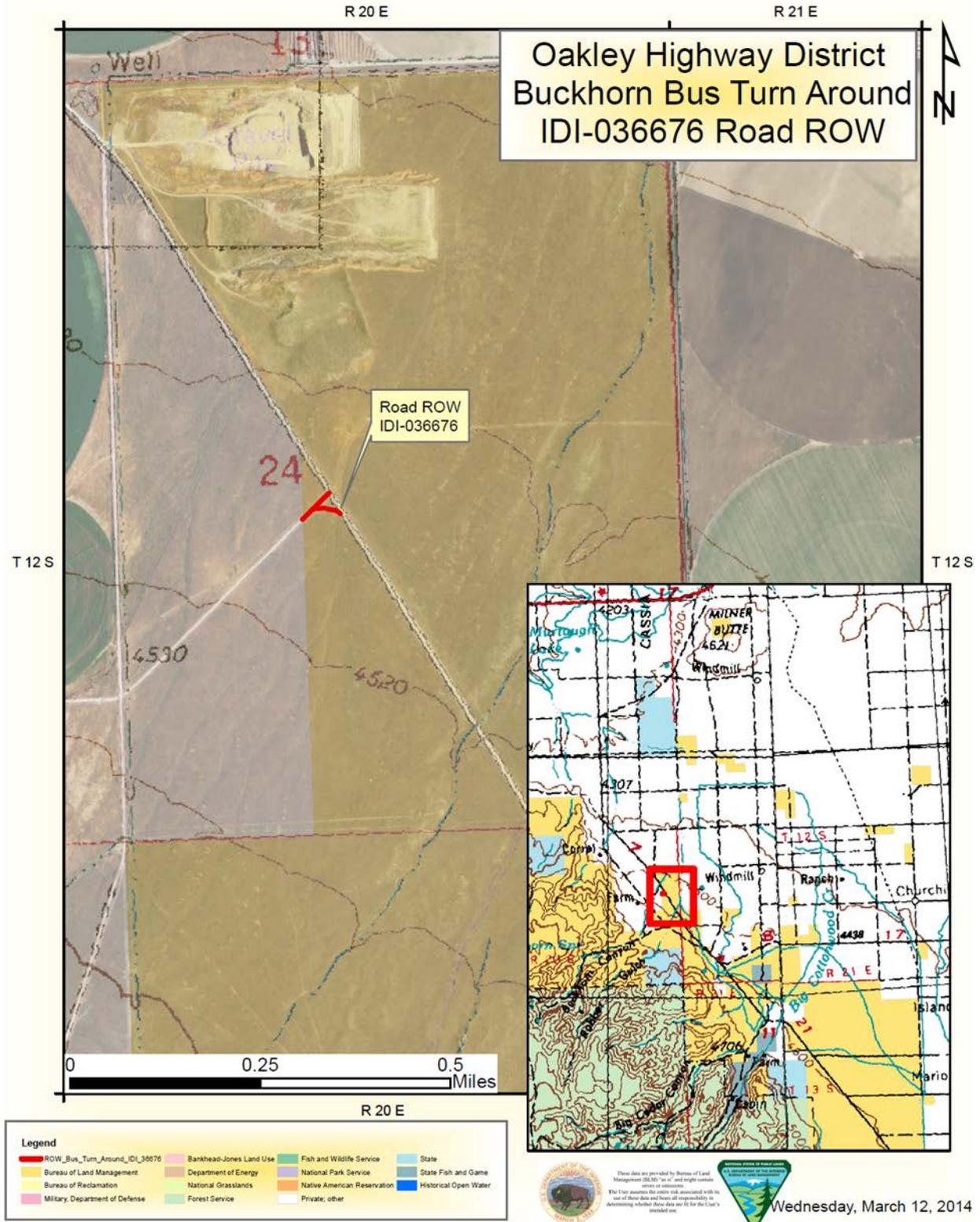


Exhibit B

TERMS, CONDITIONS, AND STIPULATIONS
Oakley Highway District Buckhorn Bus Turn Around Road ROW
IDI-036676

1. The Holder, by accepting this right-of-way grant, agrees and consents to comply with and be bound by the following terms and conditions:
 - a. All Federal and State laws applicable to the authorized use and such additional Federal and State laws along with the implementing regulations that may be enacted and issued during the term of the grant.
 - b. That in operation, maintenance, and termination of the authorized use, there shall be no discrimination against any employee or applicant for employment because of race, creed, color, sex, age, disability, religion or national origin and all subcontracts shall include an identical provision.
 - c. When requested by the Authorized Officer, the Holder shall make his equipment already at the site with operators, temporarily available for fighting fires in the vicinity of the project. Payment for such services will be made at rates determined by the Authorized Officer.
2. The Authorized Officer may suspend or terminate in whole or in part this right-of-way grant 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.
3. The Holder shall not initiate any surface disturbing activities, beyond normal maintenance activities, on the right-of-way without the prior written authorization of the Authorized Officer.
4. Any cultural and/or paleontological resource (historic or prehistoric site 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. 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 any decision as to proper mitigation measures will be made by the Authorized Officer after consulting with the Holder.
5. Holder shall comply with the applicable Federal and State Laws and regulations concerning the use of pesticides (i.e. insecticides, herbicides, fungicides, rodenticide, and other similar substances) in all activities/operations under this grant. A chemical shall not be used if the Secretary of Interior has prohibited its use. Only BLM approved herbicides will be used. The list of chemicals is periodically updated and can be obtained from the Twin Falls District Office.

Pesticides shall be used only in accordance with their registered uses and within other limitations if the Secretary has imposed limitations. Pesticides shall not be permanently stored on public lands authorized for use under this grant. Applicator(s) shall hold a current applicator's license.

6. As directed by the Authorized Officer the Holder shall be responsible for control of noxious weed species within the limits of the right-of-way that result or would result from the improvements authorized under this grant.
7. The Holder is responsible to ensure that the undercarriages of equipment and/or vehicles used for maintenance be free of all soil and plant material prior to entering and exiting the project area to reduce the establishment of new invasive, non-native species or the spread of existing species to new areas.
8. 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 Bureau cadastral surveyor to restore the disturbed monument and references using surveying procedures found in the Manual of Surveying Instructions for 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.
9. The Holder of this right-of-way grant or the Holder's successor in interest shall comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) and the regulations of the Secretary of the Interior issued pursuant thereto.
10. All design, material, operation, and maintenance practices shall be in accordance with safe and proven engineering practices.
11. The Holder shall comply with all applicable federal laws and regulations existing or hereafter enacted or promulgated. In any event, the Holder shall comply with the Toxic Substances Control Act of 1976, as amended (15 U.S.C. 2601, et seq.) with regard to any toxic substances that are used, generated by or stored on the permit area or on facilities authorized under this permit. (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 of 1980, 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.

12. The Holder agrees to indemnify the United States against any liability arising from the release of any hazardous substances 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 permit area (unless the release or threatened release is wholly unrelated to the right-of-way Holder's activity on the right-of-way).
13. Prior to termination or assignment of the right-of-way or a portion of the right-of-way, the Holder shall contact the Authorized Officer.
14. The Holder shall indemnify the United States against any liability for damage to life or property arising from the occupancy or use of the public lands under this grant associated with the authorized maintenance activities of the Holder.
15. No routine maintenance activities shall be performed during periods when the soil is too wet to adequately support maintenance equipment. If such equipment creates ruts in excess of 4-inches deep, the soil shall be deemed too wet to adequately support maintenance equipment.
16. The Holder shall conduct all maintenance activities in a manner that will minimize disturbance to vegetation, drainage channels, and stream banks. The Holder shall take resource conservation and protection measures on the right-of-way as the Authorized Officer deems reasonably necessary. Areas disturbed during maintenance outside of the existing road and shoulder shall be reseeded with a seed mixture and rate of success to be determined by the Authorized Officer.
17. The Holder shall keep the right-of-way clean by removal of any debris or waste associated with maintenance activities.
18. No signs or advertising devices shall be placed on the premises or on adjacent public lands, except those posted by or at the direction of the Authorized Officer.
19. All terms, conditions, and/or stipulations of associated permits will be adhered to.