

**Decision Record for Categorical Exclusion**

**Bowman County – Amendment to Camp Crook Road Fiber Optic Right-of-Way (NDM 99181)**  
**DOI-BLM-MT-C030-2015-261-CX**

Decision: I have made the decision to amend the Camp Crook Road Fiber Optic Right-of-Way (NDM 99181) to add a 245-foot long segment, located in the NW¼NW¼, Sec. 9, T. 130 N., R. 106 W., 5<sup>th</sup> PM. This additional segment will be located solely within the existing Camp Crook Road Right-of-Way (NDM 59798). This amendment would allow the full implementation of the Camp Crook Road Fiber Optic Right-of-Way (NDM 99181), as originally authorized on August 20, 2009, as it would connect the two major segments of the right-of-way, without having to use private lands that would result in additional disturbance within the Greater Sage Grouse Priority Habitat Management Area (PHMA). This amendment would not result in any additional disturbance or impacts within the PHMA. The North Dakota Game and Fish Department reviewed this proposed action on October 13, 2015 and concurs with BLM's assessment that to minimize impacts of potentially native habitat, the project should be allowed to proceed as proposed above.

The term of the ROW (NDM 99181) would not change and would expire on December 31, 2028. The terms, conditions, and stipulations in the original permit, and mitigations set forth in the application and plan of development, as well as the additional mitigations related to the Greater Sage Grouse outlined in Exhibit E, would be applied to the amendment.

Rational for Decision: The proposed action meets the criteria for a categorical exclusion under 516 DM 11.9E (12), and none of the exceptions in 516 DM 2 apply. Further the action is in conformance with the North Dakota RMP/EIS, which was approved on April 22, 1988 and amended on September 21, 2015.

I considered the proposed action and associated stipulations which will be included in the ROW and which are attached below. There is no potential for significant impacts. Use of this CX is appropriate and I have decided to implement this action.

**Signature**

Authorizing Official: \_\_\_\_\_

(Signature)

Date: \_\_\_\_\_

10/19/15

Name: Loren C. Wickstrom

Title: Field Manager

## **Administrative Review or Appeal Opportunities**

A BLM decision to issue a ROW may be appealed under regulations in 43CFR 2801.10 in accordance with part 4 of 43 CFR. A BLM decision affecting a ROW application carries the “full force and effect” of the decision. Under full force and effect the decision can be implemented immediately even if the decision is appealed to the IBLA. An affected party has the opportunity to file a petition for a stay with an appeal to the IBLA. The decision to issue a ROW in full force and effect requires information on petitions for stay to be included with the decision notification. The 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 information on BLM Form 1842-1. If an appeal is taken, the notice of appeal must be filed in the North Dakota Field Office at 99 23<sup>rd</sup> Avenue Suite A, Dickinson, North Dakota 58601 within 30 days from receipt of the decision issuing the decision. The appellant has the burden of showing that the decision appealed from is in error.

If a petition (request) is filed pursuant to regulation 43 CFR 2801.10 for a stay (suspension) of the effectiveness of the decision during the time that the appeal is being reviewed by the Board, the petition for a stay must accompany the 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 the 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 the North Dakota Field Office. If a stay is requested, the requester has 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.

### **Contact Person**

For additional information concerning this CX review and decision, contact:

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