

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

Twin Falls District  
Shoshone Field Office  
400 West F Street  
Shoshone, Idaho 83352

**CATEGORICAL EXCLUSION**

**NEPA No. DOI-BLM-ID-T030-2011-0010-CX**

**A. Background**

BLM Office: Shoshone Field Office. Lease/Serial/Case File No.: IDI-36169

Proposed Action Title/Type: James Grant Pipeline

Location of Proposed Action:

Boise Meridian, Idaho  
T. 9 S., R. 20 E.,  
sec. 8, SW $\frac{1}{4}$ NE $\frac{1}{4}$  and NW $\frac{1}{4}$ SE $\frac{1}{4}$ .

(For further detail refer to Attachment A, Location Map)

**B. Proposed Action**

The Bureau of Land Management (BLM), Shoshone Field Office has received an application from James Grant for a right-of-way on public lands in Jerome County, Idaho. The requested right-of-way would allow the applicant to operate, maintain, and terminate a stock water pipeline beginning and terminating on private property.

The 1 ½ inch pipeline was previously installed without prior authorization and resulted in a trespass action. Mr. Grant and the BLM have resolved the trespass and are now proceeding with processing an application to authorize a portion of the existing pipeline. The right-of-way authorizing the pipeline would be approximately 1,766 feet long, 10 feet wide, and contain 0.4 acres. The proposed right-of-way grant would authorize the operation, maintenance, and termination of the existing pipeline.

The proposed action would also include stipulations to ensure laws, regulations, and policies are followed during operation and maintenance of the pipeline. The stipulations would include environmental protection measures as well as requirements that ensure the pipeline is compatible with other public uses.

**C. Land Use Plan Name:** Monument Resource Management Plan (RMP)

**Date Approved/Amended:** April 22, 1985.

The proposed action is not specifically provided for in the RMP; however it does fall within the concept of multiple use management. "For the Monument RMP, a variety of resource uses are allowed. Production and use of commodity resources and commercial use authorization would

occur, while protecting fragile resources and habitat, preserving natural systems and cultural values, and allowing for non-consumptive resource uses.” (Monument RMP, pg 5) “The public lands will be managed under the principles of multiple use and sustained yield as required by FLPMA. Any valid occupancy, and development of the public lands, including but not limited to, those requiring rights-of-way, leases, licenses will be subject to applicable environmental review procedures,... BLM will include stipulations and special conditions as necessary in leases, licenses, and permits to ensure the protection and preservation of resources.” (Monument RMP, pg 25)

#### **D. Compliance with NEPA**

The proposed action is excluded from further documentation under NEPA in accordance with 516 DM 11.9 E (17) “(g)rant of a short rights-of-way for utility service or terminal access roads to an individual residence, outbuilding, or water well.” Anticipated effects of the proposed action have been reviewed, and none of the extraordinary circumstances described in 516 DM 2 apply (see Attachment B: Categorical Exclusion Review Sheet).

Based on my review of the project described above and field office staff recommendations, I have determined that the project is in conformance with the applicable land use plan and is categorically excluded from further environmental analysis. A right-of-way grant identified serialized as IDI-36169 will be offered to James Grant to operate, maintain, and terminate a pipeline for the transportation of livestock water to private property as identified in the attached draft right-of-way grant (Attachment C).

#### **E. Signature**

Authorizing Official: /s/ Codie Martin

Date: 8/31/2016

Name: Codie Martin

Title: Field Manager

#### **F. Contact**

For additional information concerning this Categorical Exclusion, contact Kasey Prestwich, Realty Specialist, at 732-7204 or at 400 West F Street, Shoshone, Idaho 83352.

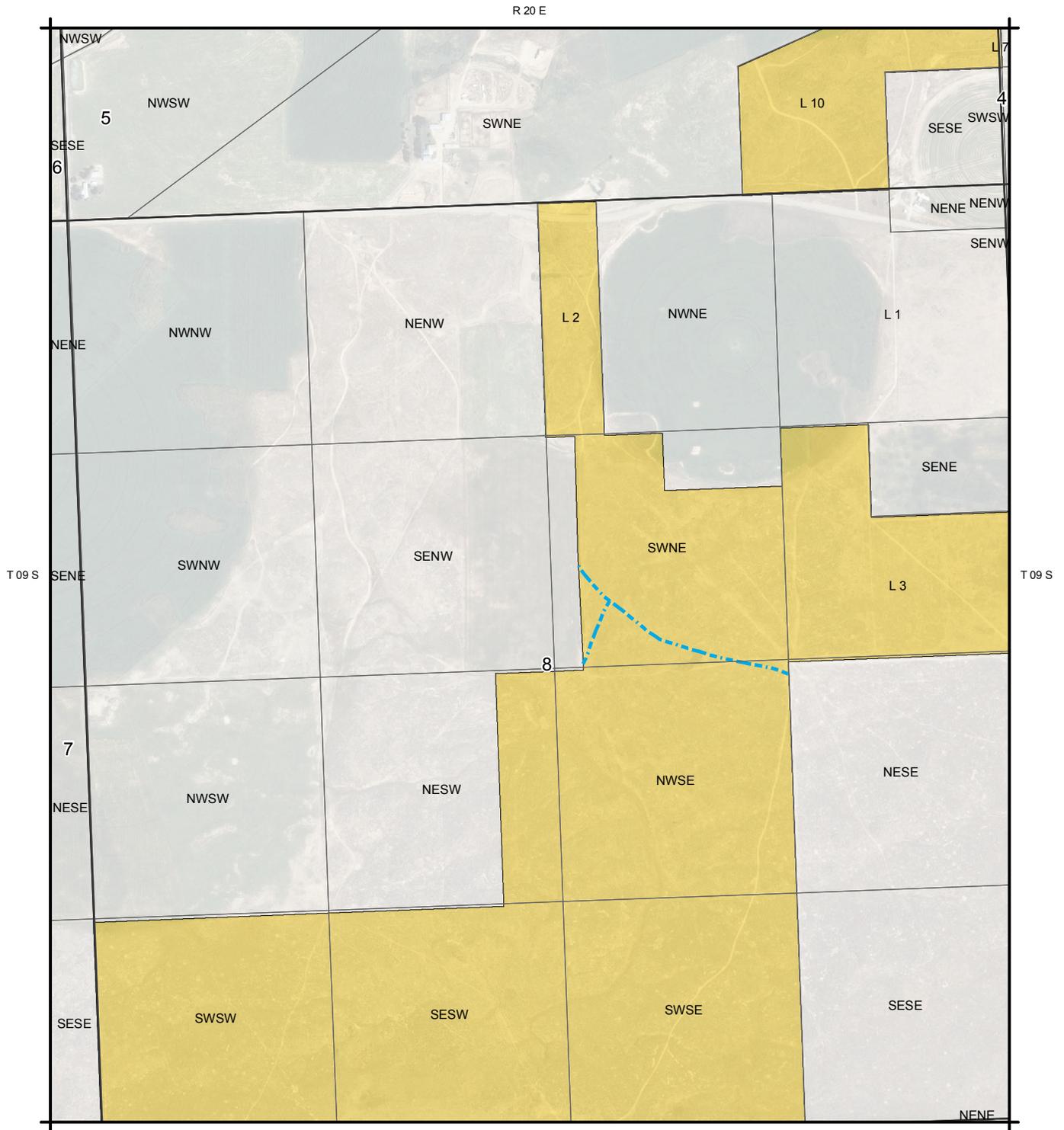
#### **G. Attachments**

Attachment A, Right-of-Way Location Map

Attachment B, Right-of-Way Categorical Exclusion Review Sheet

Attachment C, Draft Right-of-Way Grant, IDI-36169

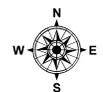
# IDI-36169 - James Grant Pipeline Right-of-Way



Idaho



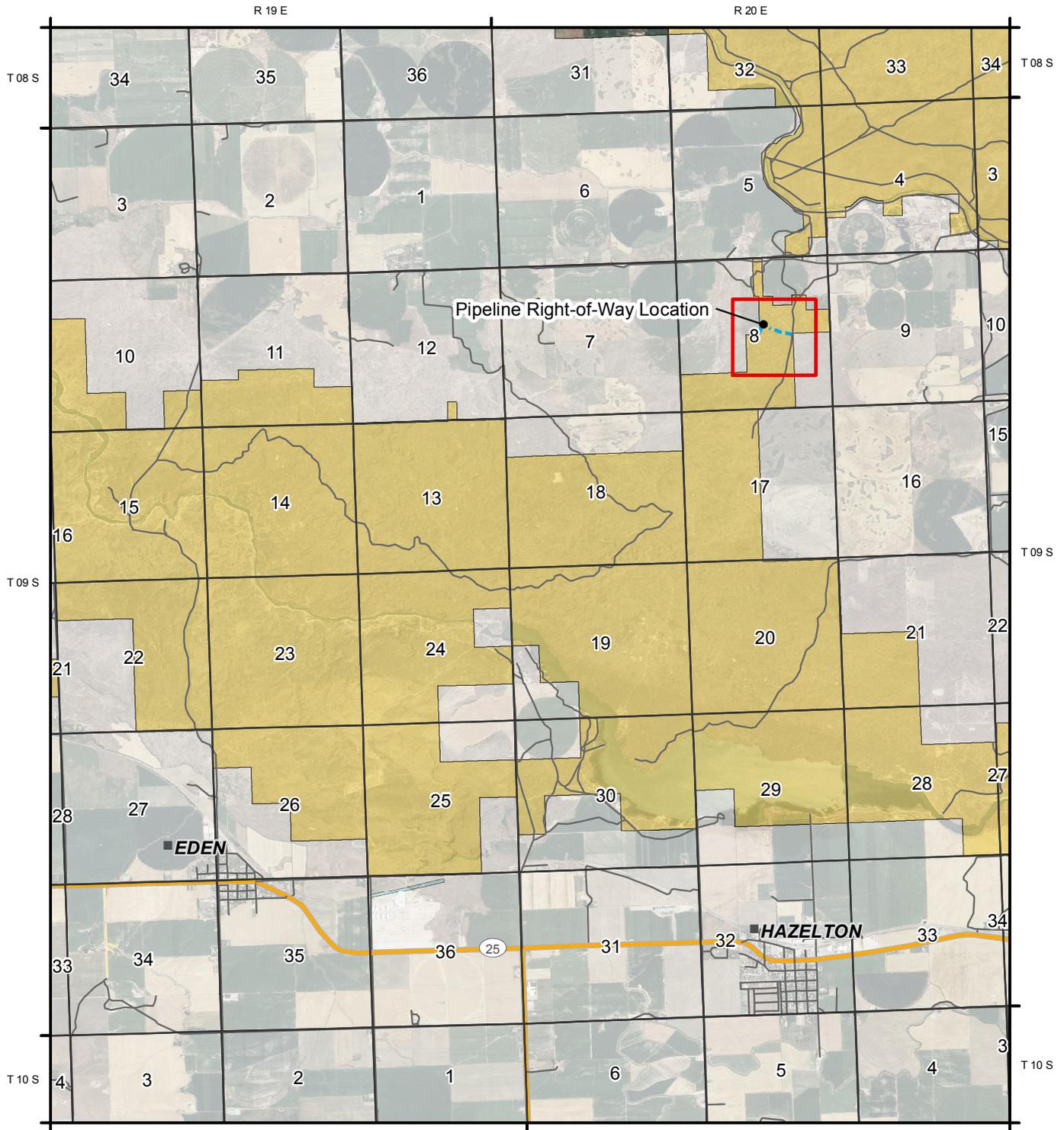
- - - 36169\_Pipeline
- Bureau of Land Management
- Forest Service
- National Park Service
- Private; other
- State
- State Fish and Game



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# IDI-36169 - James Grant Pipeline Right-of-Way



## Idaho



- |                |                           |
|----------------|---------------------------|
| Limited Access | Bureau of Land Management |
| Highway        | Forest Service            |
| Major Road     | National Park Service     |
| Local Road     | Private; other            |
| Minor Road     | State                     |
| Other Road     | State Fish and Game       |
| 36169_Pipeline |                           |



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**UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
Twin Falls District  
Shoshone Field Office  
400 West F Street  
Shoshone, Idaho 83352**

**CATEGORICAL EXCLUSION REVIEW SHEET  
NEPA No. DOI-BLM-ID-T030-2011-0010-CX**

**A. Background**

The Bureau of Land Management (BLM), Shoshone Field Office has received an application from James Grant for a right-of-way on public lands in Jerome County, Idaho. The requested right-of-way would allow the applicant to operate, maintain, and terminate a stock water pipeline beginning and terminating on private property.

**B. Consideration of Extraordinary Circumstances**

This Categorical Exclusion Review Sheet documents the review of the proposed action to determine if any of the extraordinary circumstances described in 516 DM 2, Appendix 2 apply. If any of the extraordinary circumstances apply to the proposed action, then an EA or EIS must be prepared. Any evidence or concerns that one or more of the exceptions may apply must be brought to the attention of the manager who is authorized to approve the proposed action.

1. The proposed action would not have any significant impacts on public health or safety.

The construction, operation, maintenance, and termination of the proposed pipeline right-of-way would not have any significant impacts on public health and safety. The right-of-way grant will contain terms, conditions, and stipulations that will require the holder to comply with Federal and State standards for public health and safety, environmental protection, operation, and maintenance. The BLM authorized officer has the ability to suspend, in whole or in part, the right-of-way grant if unforeseen conditions arise which result in the approved terms and conditions being inadequate to protect the public health and safety or the environment.

2. The proposed action would not 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.

There are no natural resources and unique geographic characteristics such as historic or cultural resources; park, recreation, refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; national monuments; or other ecologically significant or critical areas that would be significantly impacted by the proposed action.

A cultural resource records review revealed no previously recorded sites are within the immediate project area and no sites were discovered during the field inventory. The Shoshone Field Office Archaeologist with concurrence from the Idaho State Historic Preservation Office determined that there would be no effect to National Resister listed or eligible cultural resources by granting the proposed right-of-way.

The proposed right-of-way would be located within areas known or suspected to support foraging and nesting habitat for raptors and migratory birds. If construction and/or maintenance activities occur during the nesting season there is a potential for these species to be impacted. However, the holder will be responsible for following stipulations that require them to coordinate with the Bureau of Land Management and the United States Fish and Wildlife Service if disturbing activities must occur during the nesting season. It is anticipated that if disturbing activities are going to occur within the nesting period a biologist will be required to clear the right-of-way to ensure no active nests are present. If active nests are present the right-of-way holder will either be required to delay the proposed work or coordinate with the USFWS to determine options to limit or mitigate impacts. The proposed project, with provided stipulations, is not expected to result in an adverse impact to the bird species that may make use of the general project area.

3. The proposed action would not have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].

The proposed action is allowable by the Monument Resource Management Plan (RMP). This plan established the land use allocation and goals for the affected public land. The access road is located within an area under a Recreation and Public Purpose Act (R&PP) lease to Jerome County. The lease authorizes Jerome County to develop and promote recreational uses on public lands surrounding the proposed access road.

A letter was sent to interested parties, on May 17, 2016 informing them of the proposal. One response was received from Jerome County Commissioners that identified they had no objection to the proposed action.

4. The proposed action would not have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.

The proposed action does not involve highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks. The current water line has been in place without an authorization for approximately 8 years. During this time no significant environmental effects have occurred and pipelines for the same or similar purposes are used throughout the local and region without significant environmental effects. Issuing the right-of-way would require terms and conditions to be followed with the intention that these will reduce any potential impacts to resources.

5. The proposed action would not establish a precedent for future actions or represent a decision in principle about future actions with potentially significant environmental effects.

The proposed action does not establish a precedent for future actions or represent a decision in principal about future actions with potentially significant environmental effects. The proposed action is not connected to another action that would require further environmental analysis and it would not set a precedent for future actions that would normally require environmental analysis. The decision to grant a right-of-way to operate and maintain a

pipeline for livestock water on public lands as described would only allow that action to occur. Any proposed future projects must be evaluated on their own merits and effects.

6. The proposed action would not have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.

The proposed action does not have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects. The granted right-of-way would authorize the operation and maintenance of a pipeline to transport water for livestock to private property. Additional rights to use public lands would be required to be evaluated on their own merits.

7. The proposed action would not 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.

A cultural resource records review revealed no previously recorded sites are within the immediate project area and no sites were discovered during the field inventory. The Shoshone Field Office Archaeologist with concurrence from the Idaho State Historic Preservation Office determined that there would be no effect to National Register listed or eligible cultural resources by granting the proposed right-of-way.

8. The proposed action would not 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.

The proposed project area contains no suitable habitat for currently listed Threatened, Endangered, or Candidate species.

9. The proposed action would not violate a Federal law, or a State, local or tribal law or requirement imposed for the protection of the environment.

The BLM issues right-of-way grants in accordance with Title V of the Federal Land Policy and Management Act of 1976 and the BLM regulations at 43 CFR 2800. Under these regulations the proposed right-of-way grant would specify that all applicable Federal, State and local laws be adhered to. The BLM has the ability to suspend the right-of-way if a Federal, State or local law is violated. There are no tribal laws in effect for the project area.

10. The proposed action would not have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).

There have been no known impacts to minority or low income populations as a result of granting other similar rights-of-way and impacts are not expected to occur as a result of the authorizing the proposed right-of-way.

11. The proposed action would not 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).

Authorizing the proposed right-of-way grant will not change access to the public lands within the area.

12. The proposed action would not 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).

A site visit and plant review was completed on September 20, 2012 to document the presence of special status species and/or noxious weeds. No special status plant species or their habitats were observed.

Canada thistle was observed near the proposed right-of-way. This species and other noxious weeds are known to occur within the general area adjacent to the proposed right-of-way. The right-of-way grant would contain stipulations that would 1) require the holder to be responsible for weed control on the disturbed areas within the limits of the right-of-way and 2) ensure that the undercarriages of equipment and/or vehicles used in the operation and maintenance of the right-of-way be free of all soil and plant material prior to operating on public lands and prior to leaving the right-of-way area. These stipulations will reduce further establishment of new invasive, non-native species and reduce the spread of existing species to new areas.

### **C. Consultation and Preparation**

Resource review of potential impacts of the proposed action was completed by the following:

Kasey Prestwich, Realty Specialist/Project Lead

Danelle Nance, Natural Resource Specialist

Lisa Cresswell, Archeologist/Shoshone Field Office NEPA Coordinator

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
**RIGHT-OF-WAY GRANT/TEMPORARY USE PERMIT**

Issuing Office  
**SHOSHONE FIELD OFFICE**

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Serial Number  
**IDI-36169**

1. A non-exclusive, non-possessory right-of-way is hereby granted pursuant to:

- a.  Title V of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761);
- b.  Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185);
- c.  Other (*describe*) \_\_\_\_\_

2. Nature of Interest:

a. By this instrument, the holder:

**James R. Grant  
1934 E. 400 S.  
Hazelton, ID 83335**

receives a right to operate, maintain, and terminate a **water pipeline as described in Case File IDI-36169**, on a portion of public lands described as:

Boise Meridian, Idaho  
T. 9 S., R. 20 E.,  
sec. 8, SW $\frac{1}{4}$ NE $\frac{1}{4}$  and NW $\frac{1}{4}$ SE $\frac{1}{4}$ .

- b. The right-of-way or permit area granted herein is: **Approximately 1,766 feet long, 10 feet wide and contains 0.4 acres** more or less.
- c. This instrument shall terminate on December 31, 2039, about 30 years from its effective date unless, 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. This instrument  **may**  **may not** be renewed. If renewed, the right-of-way or permit shall be subject to the regulations existing at the time of the renewal and any other terms and conditions that the authorized officer deems necessary to protect the public interest.
- e. 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:

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 regulation. 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, or otherwise disposed of as provided in paragraph (4)(d) or as directed by the authorized officer.
- c. Each grant issued pursuant to the authority of paragraph (1)(a) for a term of 20 years or more shall, at a minimum, be reviewed by the authorized officer at the end of the 20th year and at regular intervals thereafter not to exceed 10 years. Provided, however, that a right-of-way or permit granted herein may be reviewed at any time deemed necessary by the authorized officer.
- d. The stipulations, plans, maps, or designs set forth in exhibit(s) **A (Stipulations) and B (Right-of-Way Maps)**, 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.
- e. 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.
- f. 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.

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

|                       |                                       |
|-----------------------|---------------------------------------|
| _____                 | _____                                 |
| (Signature of Holder) | (Signature of BLM Authorized Officer) |
| _____                 | _____                                 |
| (Title)               | (Title)                               |
| _____                 | _____                                 |
| (Date)                | 7/1/2008<br>(Effective Date of Grant) |

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**EXHIBIT A**  
**RIGHT-OF-WAY GRANT**  
**IDI-36169 STIPULATIONS**

1. The Holder shall conduct all activities associated with the construction, operation, maintenance and termination of the ROW within the authorized limits of the ROW. If at any time the Holder wishes to reconstruct, remodel or relocate any portion of the ROW, or the improvements, in a manner that has been determined to be a substantial deviation, prior written authorization must be obtained from the authorized officer.
2. The Holder shall not initiate any construction or other surface disturbing activities on the ROW without prior written authorization from the Authorized Officer. Such authorization shall be a written notice to proceed issued by the authorized officer. Any notice to proceed shall authorize construction or use only as therein expressly stated and only for the particular location or use therein described.
3. The Holder is responsible for securing any additional permits or authorizations from federal, state, or local governments required by law if/when applicable to the holder's development, use, and maintenance of the approved facilities within the right-of-way.
4. Holder shall remove only the minimum amount of vegetation and/or topsoil necessary for the construction and/or maintenance of structures and facilities.
5. The Holder shall furnish and apply water or other means satisfactory to the authorized officer for dust control.
6. Holder shall limit excavation to the areas of construction. All off-site borrow areas must be approved in writing by the authorized officer in advance of excavation. All waste material resulting from construction or use of the site by Holder shall be removed from the site. All waste disposal sites on public land must be approved in writing by the authorized officer in advance of use.
7. The Holder shall indemnify the United States against any liability for damage to life or property arising from the occupancy or use of public lands under this grant or permit.
8. 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.
9. 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 Holder shall notify the authorized officer of any change of mailing address within 30 days of such change.
11. There is reserved to the Secretary of the Interior, or his/her lawful delegate, the right to grant

additional rights-of-way or permits for compatible uses on, over, under or adjacent to the land involved in this grant.

12. Holder shall, within 30 days following completion of the facility, submit proof of construction. Said proof shall include "as built" drawings of the authorized facilities including but not limited to a centerline survey, road designs, and highlighting any changes from the approved design.
13. 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 survey monuments or references are obliterated during Holder's 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.
14. The Holder shall permit free and unrestricted public access to and upon the right-of-way for all lawful purposes except for those specific areas designated as restricted by the authorized officer to protect the public, wildlife, livestock, or facilities constructed within the right-of-way.
15. 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, ash, and equipment that are a result of the Holder's activities.
16. 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. Pesticides shall be used only in accordance with their registered uses and within the limitations imposed by the Secretary of the Interior. Prior to the use of pesticides, the Holder shall obtain from the authorized officer written approval of a plan showing the type and quantity of material to be used, pest(s) to be controlled, method of application, location of storage and disposal of containers, and any other information deemed necessary by the authorized officer. Pesticides shall not be permanently stored on public lands authorized for use under this grant. Applicator(s) shall hold a current applicator's license or be under the direct supervision of a licensed applicator.
17. The Holder(s) 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 ROW or any of the ROW facilities, or used in the construction, operation, maintenance or termination of the ROW or any of its facilities. "Hazardous material" means any substance, pollutant or contaminant that is listed as hazardous under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. § 9601 et seq., as amended, (hereinafter "CERCLA") and its regulations. The definition of hazardous substances under CERCLA includes any "hazardous waste" as defined in the Resource Conservation and Recovery Act of 1976, 42 U.S.C. § 6901 et seq., as amended, (hereinafter "RCRA") and its regulations. The term

hazardous material also includes any nuclear or byproduct material as defined by the Atomic Energy Act of 1954, 42 U. S. C. § 2011 et seq., as amended. 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.

18. The ROW 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 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 ROW (unless the release or threatened release is wholly unrelated to the ROW Holder's activity on the ROW). This agreement applies without regard to whether a release is caused by the Holder, its agent, or unrelated third parties.
19. The Holder(s) shall comply with the Toxic Substances Control Act of 1976 as amended, 15 U.S.C. § 2601 et seq. (1982) with regards to any toxic substances that are used, generated by or stored on the ROW or on facilities authorized under this ROW grant. (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, 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.
20. The Holder shall inform the authorized officer within 48 hours of any accidents on Federal lands that require reporting to the Department of Transportation as required by 49 CFR Part 195 (hazardous liquids transported by pipeline).
21. When performing construction and maintenance (including emergency repairs) activities during the "closed" fire season (May 10 – October 20), as set by Idaho State Law, Title 38-115, or during any other closed fire season prescribed by the BLM Idaho State Director, the Holder, including those working on their behalf, shall equip at least one on-site vehicle with firefighting equipment, including, but not limited to, fire suppression hand tools (i.e. shovels, rakes, Pulaski's, etc.), a 16-20 pound fire extinguisher, and a sufficient supply of water for initial attack, with a mechanism to effectively spray the water (i.e. backpack pumps, watersprayer, etc.).
22. During conditions of extreme fire danger or when the State of Idaho and/or the BLM Idaho State Director issues a fire restriction order, operations shall be limited or suspended in specific areas, or additional measures may be required by the authorized officer.
23. In accordance with 43 CFR 2805.12(d) (or subsequent revisions), the Holder shall do everything reasonable to prevent wildfires on or in the immediate vicinity of the ROW. The Holder will immediately report fires to the BLM authorized officer or Fire Dispatch 800-974-2373 and take all necessary fire suppression actions, when safe to do so, with their personnel and equipment on any fires they cause to ignite.
24. The Holder shall report to the Fire Investigator or BLM Incident Commander and shall not enter into the origin area on BLM fires unless given permission to do so.
25. Pursuant to 43 CFR 10, 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 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.

26. 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. 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.
27. Operations and maintenance within the ROW shall comply with the most current nest management guidelines provided by the U.S. Fish and Wildlife Service (USFWS) as clarified in ID-IB-2010-039, or most recent guidance.
28. If proposed operations and maintenance activities are located within one mile of bald or golden eagle nests, the Holder shall coordinate with the BLM and the USFWS to determine the likelihood of disturbance and any appropriate measures necessary to comply with the Bald and Golden Eagle Protection Act (16 U.S.C. § 668 et seq.).
29. Operations and maintenance activities shall be conducted, as much as possible, within the ROW in order to avoid and/or minimize take of migratory birds as defined in the Migratory Bird Treaty Act (MBTA) of 1918 (16 U.S.C. § 703 et seq.) as amended. If any ground disturbing activities must occur during the nesting season (e.g., soil disturbance or vegetation removal), the Holder shall coordinate with the BLM and USFWS to determine appropriate measures to comply with the MBTA. At a minimum, the Holder shall consider conducting ground disturbance and vegetation removal either prior to or following the nesting season to avoid take during the nesting season.
30. The Holder shall be responsible for weed control, including noxious weeds and non-native invasive plants that result from construction, use, or maintenance authorized in the Holder's ROW grant. The Holder must coordinate with the Authorized Officer and/or local authorities for acceptable weed control measures (within limits imposed in the grant stipulations) prior to implementing weed treatments. If herbicides are to be used for weed control, the applicator(s) shall hold a current State of Idaho applicator's license or be under the direct supervision of a licensed applicator.
31. The Holder is responsible for ensuring the undercarriages of equipment and/or vehicles used within the ROW are free of all soil and plant material prior to operating on public lands to reduce the establishment of new invasive, non-native species and/or the spread of existing species to new areas.
32. The Holder shall seed all disturbed areas with an agreed upon seed mixture, using an agreed upon method suitable for the location. Seeding shall be repeated if a satisfactory stand is not obtained as determined by the authorizing officer upon evaluation after the 3<sup>rd</sup> growing season.

33. The right-of-way may now or in the future contain threatened, endangered, or special-status plants and/or animals, or their habitats. BLM may require modifications to or disapproval of ongoing and/or proposed activities that may harm such a species or their habitat. Project specific studies may be required to inventory special status species prior to activities that have the potential to harm these species or their habitat. BLM will not approve ground-disturbing activities that may affect threatened or endangered species or critical habitat designated by the U.S. Fish and Wildlife Service until BLM completes its consultation obligations under applicable requirements of the Endangered Species Act as amended, 16 USC 1531 et seq., including implementation of additional mitigation requirements necessary to avoid impacts to special status species.