



United States Department of the Interior  
 BUREAU OF LAND MANAGEMENT  
 Shoshone Field Office  
 400 West F Street  
 Shoshone, Idaho 83352-5284  
 (208) 732-7200



In Reply Refer To:  
 2810 (IDT030) P  
 IDI-17990

January 9, 2012

CERTIFIED MAIL: 7011 1150 0000 0423 5992  
 RETURN RECEIPT REQUESTED

DECISION

Robert Struthers	:	Right-of-Way Grant
762 Robert St, Picabo Rt.	:	IDI-17990
Bellevue, ID 83313	:	

Right-of-Way Grant IDI-17990 Renewed  
Monitoring Fee Determined  
Rental Determined

The Bureau of Land Management (BLM), Shoshone Field Office has conducted a review of an application from Robert Struthers to renew a right-of-way for the operation, and maintenance of an access road crossing both public and private lands in Camas County, Idaho identified as serial number IDI-17990. The original right-of-way was issued on September 30, 1981 with an expiration date of September 29, 2011. On September 16, 1983, 20 acres of public land were disposed of via a direct sale (Patent 11-83-0059). However, the patent was issued subject to the right-of-way, and also reserved to the United States the right to renew it as well as to collect rent. The right-of-way is 60 feet wide and approximately 2,772 feet in length. It has been determined that a categorical exclusion (CX) is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The CX (DOI-BLM-ID-T030-2011-0044-CX) describing the renewed right-of-way is available at the following website: <http://www.blm.gov/id/st/en/info/nepa.html> or at the Shoshone Field Office.

Based on my review of the project 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. I have decided to approve the action as proposed. Enclosed is a copy of your renewed right-of-way grant, serial number IDI-17990. The right-of-way grant will have an effective date of September 30, 2011.

Right-of-way holders must pay a fee to BLM for the costs we will incur in monitoring the operation and maintenance of your authorized use. These fees are categorized according to the number of work hours necessary to monitor the grant, and are not refundable. It has been determined that the appropriate Monitoring Category for this grant is Category 1, which involves a fee of \$112.00. The BLM received this fee on December 20, 2011.

Rent for use of public lands must be paid in advance of such use and prior to issuance of the right-of-way grant. Annual rent for 2011 and 2012 has been determined to be \$158.29. BLM has received your advance rental for this period. All subsequent rental billings will be due at the beginning of the calendar year starting January 2013.

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 Tara Hagen, Realty Specialist, at (208) 732-7205 or via email at [thagen@blm.gov](mailto:thagen@blm.gov).

/s/ Ruth A. Miller

Ruth A. Miller  
Field Manager

2 Enclosures:

1. Executed Renewed Right-of-Way Grant, IDI-17990 (6 pp)
2. Information on Taking Appeals to the Interior Board of Land Appeals (1p)

cc:

Idaho Department of Fish and Game  
Idaho Department of Lands  
Camas County Planning and Zoning  
Michael Shane Gilbert  
Don Farnes  
Rebecca Simpson  
Larry MCAuley

Marc Green  
Rodney Domke  
Camas Creek Cattle Association LLC  
Hiram Finney  
Goodtime Association  
Plateau Farms LLC  
Robert Struthers