

**Stimson Lumber Company Reciprocal
Right-of-Way Permit
Environmental Assessment
Finding of No Significant Impact, and
Decision Record**

Environmental Assessment Number OR-080-07-02

December 2006

United States Department of the Interior
Bureau of Land Management
Oregon State Office
Salem District
Marys Peak Resource Area

Responsible Agency: USDI - Bureau of Land Management

Responsible Official: Trish Wilson Acting Field Manager
Marys Peak Resource Area
1717 Fabry Road SE
Salem, OR 97306 or
(503) 315-5969

For further information, contact: Gary Humbard, Project Lead
Marys Peak Resource Area
1717 Fabry Road SE
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(503) 315-5981

Salem District

BLM



Abstract: This environmental assessment (EA) discloses the predicted environmental effects of an agreement and permit to provide legal access to intermingled Stimson Lumber Company (Stimson) owned lands for the purposes of forest management and the removal of timber and other forest products in the vicinity of Willamina, Oregon. The actions would occur within Late Successional Reserve and Riparian Reserve Land Use Allocations (LUA).

As the Nation's principal conservation agency, the Department of Interior has responsibility for most of our nationally owned public lands and natural resources. This includes fostering economic use of our land and water resources, protecting our fish and wildlife, preserving the environmental and cultural values of our national parks and historical places, and providing for the enjoyment of life through outdoor recreation. The Department assesses our energy and mineral resources and works to assure that their development is in the best interest of all people. The Department also has a major responsibility for American Indian reservation communities and for people who live in Island Territories under U.S. administration.

BLM/OR/WA/PT-07/012+1792

Environmental Assessment, Finding Of No Significant Impact, And Decision Record

Type of Project: Right-of-Way Amendment (S-905).

Location of Proposed Action: *BLM Managed Lands:* Township 7 South, Range 7 West, Roads # 6-7-28 and # 7-7-5 within Sections 5 and 8, Willamette Meridian located approximately 7 miles southwest of Willamina, Oregon.

Conformance with Land Use Plans, Policies, and Programs: The proposed action is in conformance with the *Salem District Record of Decision and Resource Management Plan (RMP)*, dated May 1995; *Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents within the Range of the Northern Spotted Owl and Standards and Guidelines for Management of Habitat for Late-Successional and Old-Growth Forest Related Species within the Range of the Northern Spotted Owl*, dated April 1994; *Record of Decision and Standards and Guidelines for Amendment to the Survey & Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines (S&M ROD, January 2001)* and results of the 2003 Annual Species Review 2003 ASR (BLM IM OR-2004-034); *Record of Decision Amending Resource Management Plans for Seven Bureau of Land Management Districts and Land and Resource Management Plans for Nineteen National Forests within the Range of the Northern Spotted Owl, Decision to Clarify Provisions Relating to the Aquatic Conservation Strategy*, dated March 2004 (ACSROD).

The proposed action is located within the coastal zone as defined by the Oregon Coastal Management Program. This proposal is consistent with the objectives of the program, and the State planning goals which form the foundation for compliance with the requirements of the Coastal Zone Act. Management actions/directions found in the RMP were determined to be consistent with the Oregon Coastal Management Program.

Purpose of and Need for Action:

The purpose of the agreement and permit is to provide legal access to intermingled Stimson Lumber Company owned lands for the purposes of forest management and the removal of timber and other forest products. Regulations at 43 CFR 2812.3-1 allow the authorized officer to require reciprocal access across Permittee's land as a condition precedent to granting access across public lands. The new agreement and permit are needed for the following reasons:

- Stimson requires access across certain public lands for forest management and the removal of timber and other forest products.
- The United States lacks access to certain public land adjacent to and intermingled with certain Stimson owned lands.
- Regulations at 43 CFR 2812.0-6 state that it is the policy of the United States to enter into reciprocal right-of-way agreements and permits to benefit the management of intermingled public and private timber lands.

Description of the Proposed Action:

Stimson has requested that certain United States Lands in the Gold Creek Tract be amended into Reciprocal Right-of-Way Agreement and Permit OR045626 (S-905) primarily so that they could accomplish forest management and provide for the removal of timber and other forest products on their adjacent private property.

Design Features/Recommendations

1. Maintain adequate rock on road surface to prevent subsurface materials from working their way to the surface (pumping) during use.
2. Hauling on native surface roads should be seasonally restricted to the dry season to minimize sediment transport to aquatic habitat.

All road maintenance and improvements would be accomplished by BLM road maintenance personnel on roads to be amended in this EA.

Consultation and Public Involvement:

ESA consultation:

- **Wildlife:** The proposed action to amend the right-of-way agreement and the potential future use of access rights on BLM lands in this project area is not anticipated to affect any federally listed wildlife species. Therefore this action does not require consultation under Section 7(a) of the Endangered Species Act for listed wildlife species.
- **Fish:** The proposed action is located within the Upper South Yamhill River 5th field watershed (#1709000801). This watershed is part of the Evolutionary Significant Unit (ESU) for both Upper Willamette River (UWR) winter steelhead (*Oncorhynchus mykiss*) and UWR Spring Chinook salmon (*O. tshawytscha*) which are listed as threatened under the Endangered Species Act (ESA), as amended. Any road renovation and maintenance over federal lands associated with this ROW would need to be in compliance with project design features described in the National Marine Fisheries Services (February 25, 2003) programmatic consultation package - *Endangered Species Acts Section 7 Formal Consultation and Magnuson-Stevens Fishery Conservation and Management Act Essential Fish Habitat Consultation for US Forest Service and Bureau of Land Management Programmatic Activities in Northwest Oregon*.

Protection of Essential Fish Habitat (EFH), as described by the Magnuson/Stevens Fisheries Conservation and Management Act, and consultation with NMFS is required for all projects which may adversely affect EFH of chinook or coho salmon in the action area. The proposed action, with the incorporation of project design features, is not expected to adversely affect EFH. Thus, no consultation with NOAA NMFS on EFH is required for this project. Actions and effects beyond the scope of the analysis provided would require additional review and potentially result in the need to consult with NOAA NMFS.

- **Public Involvement:** In compliance with the National Environmental Policy Act, a letter dated November 15, 2006, was sent to 12 potentially affected and/or interested individuals, groups, and agencies. No comment letters were received.

Review of the Elements of the Environment:

The interdisciplinary team reviewed the elements of the environment, required by law, regulation, Executive Order and policy, to determine if they would be affected by the proposed action. *Table 1* (Critical Elements of the Environment from BLM H-1790-1, Appendix 5) and *Table 2* (Other Elements of the Environment) and *Table 3* (Aquatic Conservation Strategy Summary) summarize the results of that review. Affected elements are **bold**. Unless otherwise noted, the effects apply to the proposed action; and the No Action Alternative is not expected to have adverse effects to these elements.

<i>Table 1: Environmental Review for the Critical Elements of the Environment (BLM H-1790-1, Appendix 5)</i>				
<i>Critical Elements Of The Environment</i>	<i>Status: (i.e., Not Present, Not Affected, or Affected)</i>	<i>Does this project contribute to cumulative effects? Yes/No</i>	<i>Remarks</i>	
Air Quality (Clean Air Act)	Not Affected	No	No burning would occur.	
Areas of Critical Environmental Concern	Not Present	No		
Cultural, Historic, Paleontological	Not Affected	No	No recorded sites are in or adjacent to the existing road. Dorn Peak Cabin (Shs 300) site number OR-08078 is approximately one quarter of a mile east of the proposed project.	
Energy (Executive Order 13212)	Not Affected	No	There is no known energy resources located in the project areas. The proposed action would have no effect on energy development, production, supply and/or distribution.	
Environmental Justice (Executive Order 12898)	Not Affected	No	The proposed action is not anticipated to have disproportionately high and adverse human health or environmental effects on minority populations and low-income populations.	
Prime or Unique Farm Lands	Not Present	No		
Flood Plains (Executive Order 11988)	Not Affected	No	The existing roads occur outside of active floodplains and are not expected to be influencing floodplain structure or function.	
Hazardous or Solid Wastes	Not Present	No		
Invasive, Nonnative Species (Executive Order 13112)	Affected	No	Addressed in text (p. 8).	
Native American Religious Concerns	Not Affected	No	No new ground disturbance is anticipated. Past projects of this type within this area have not resulted in tribal identification of concerns.	
Threatened or Endangered (T/E) Species or Habitat	Fish	Affected	No	Addressed in text (pp. 7)
	Plants	Not Affected	No	No known Threatened or Endangered species are located within the project area. No new ground disturbance is anticipated.
	Wildlife (including designated Critical Habitat)	Not Affected	No	No known Threatened or Endangered species are located within the project area. No new ground disturbance is anticipated.
Water Quality (Surface and Ground)	Affected	No	Addressed in text (p. 8).	
Wetlands (Executive Order 11990)	Not Affected	No	The Proposed Action would not impact wetlands or riparian zones located on BLM lands.	
Wild and Scenic Rivers	Not Present	No		
Wilderness	Not Present	No		

Table 2: Environmental Review for the Other Elements of the Environment (Required by law, regulation, policy or management direction)

Other Elements Of The Environment	Status: (i.e., Not Present, Not Affected, or Affected)	Does this project contribute to cumulative effects? Yes/No	Remarks	
Fire Hazard/Risk	Not Affected	No	The proposed action would result in the use of existing BLM and Meriwether roads. No construction activities or slash generation would occur as a result of the proposed action.	
Land Uses (right-of-ways, permits, etc)	Affected	No	Additional public lands and existing roads would be added to RWA S-682.	
Late successional/old growth habitat	Not Affected	No	No late successional/old growth timber would be affected by this action.	
Mineral Resources	Not Present	No		
Recreation	Not Affected	No	There are no established recreational sites or uses that would be impacted as a result of the proposed action.	
Rural Interface Areas	Not Present	No		
Soils	Affected	No	Addressed in text (pp.7 & 8). As the proposed action would create no additional soil disturbance, there would be no cumulative effects.	
Special Areas outside ACECs (Within or Adjacent) (RMP pp. 33-35)	Not Present	No		
Other Special Status Species/Habitat	Fish	Affected	No	Addressed in text (p. 9).
	Plants	Not Affected	No	There are no known sites of any bureau special status or special attention species (survey and manage) within the proposed project areas.
	Wildlife	Not Affected	No	There are no known sites of any bureau special status species or Survey and Manage Species.
Visual Resources	Not Affected	No	Project area is located in VRM IV class which allows major modifications of the character of landscapes.	
Water Resources (except Water Quality)	Not Affected	No	Project would have no effect on water quality, quantity or the beneficial uses thereof (see Table 1). The project would have no effect on 303(d) listings in any of these watersheds because water quality would be maintained at current levels.	
Wildlife Structural or Habitat Components – Other (Snags /CWD/Special Habitats, road densities)	Not Affected	No	Activities will occur on existing roads. No habitat structural components would be affected.	

Aquatic Conservation Strategy Review: Table 3 shows the project’s effect on the 4 components of the Aquatic Conservation Strategy (1/ Riparian Reserves, 2/ Key Watersheds, 3/ Watershed Analysis and 4/ Watershed Restoration).

Table 3: Aquatic Conservation Strategy Review Summary (RMP pages 5-7)

<i>Components</i>	<i>Effect</i>	<i>Remarks /References</i>
Riparian Reserves	None	Portions of the existing haul routes are within Riparian Reserve LUA. Project design features would be implemented to minimize impacts to Riparian resources
Key Watershed	None	The proposed action would occur within the Mill Creek-South Yamhill River watershed which is not a key watershed.
Watershed Analysis	None	<i>Rowell, Mill and Rickreall Creek, and Luckiamute River Watershed Analysis (MEGAWA), USDI BLM, 1998.</i>
Watershed Restoration	None	Although the proposed action is not a component of the resource area’s watershed restoration program, it would not have an adverse effect on restoration efforts.

Affected Environment and Environmental Impacts:

General: The proposed project would occur within the Upper South Yamhill River 5th field watersheds. Land Use Allocations for the BLM lands involved within the proposed action are Late Successional Reserve (LSR) and Riparian Reserve (RR).

Threatened/Endangered (T/E) Wildlife: There is no known bald eagle, spotted owl, or marbled murrelet sites within 0.5 miles of the affected BLM lands and road segments. The direct impact of this action would have no effect on these listed wildlife species since no ground disturbing activities would occur on BLM lands, and since there are no active sites of listed species that might be disturbed by project activities associated with access.

Threatened/Endangered (T/E) Fisheries: Upper Willamette River Chinook are not known to spawn or rear in the Rowell Creek Drainage, upper limits for UWR Chinook is estimated as 30 miles downstream (Streamnet 2005), thus no impacts are anticipated to occur to this species or it’s habitat from this proposed action.

Upper Willamette River Winter Steelhead have been documented in the Rowell Creek drainage approximately 1.8 miles downstream from the affected federal lands (ODFW 1992, Streamnet 2005). No new road construction is proposed over federal lands to access Stimson lands. Road maintenance actions would be implemented consistent with the programmatic consultation package - *Endangered Species Act Section 7 Formal Consultation and Magnuson-Stevens Fishery Conservation and Management Act Essential Fish Habitat Consultation for US Forest Service and Bureau of Land Management Programmatic Activities in Northwest Oregon*. The proposed action with implementation of RMP BMPs and programmatic consultation design features is not expected to result in any impacts to UWR steelhead or its critical habitat.

Cumulative effects of the proposed action to the vegetation and soil resources would be localized and not expected to affect other resources, subsequently no cumulative effects to fisheries are anticipated from these resources effects.

Soil Resources: The project area is underlain by basalt bedrock. Soils in this area are classified as Grande Ronde silt loam, Kilchis-Klickitat complex, Klickitat gravelly clay loam, and Valsetz-Yellowstone complex. The road already exists, the underlying land is categorized non-forest-road and

is not included as part of the productive land base. Implementing a reciprocal right of way agreement would not likely further impact soil resources.

Water Resources:

The project area lies within the Upper South Yamhill River 5th-field watershed. The project area is drained by tributaries of Rowell Creek, which is a tributary of the South Yamhill River. The Upper South Yamhill River watershed is not a key watershed, however, the proposed right of ways do lie within the Sheridan municipal watershed. The proposed action should be designed to ensure that management activities do not create the need for additional water treatment beyond that required by the inherent character of the watershed or aquifer.

Rowell Creek is not listed on Oregon's 303d-list for impaired water bodies, however the South Yamhill River is listed for exceeding state standards for fecal coliform, iron, and temperature. The South Yamhill River is also cited in the states 319 Report for non-point source pollution as having severe water quality conditions affecting drinking water supplies, water contact, recreation, and shellfish. It is also cited as having moderate to severe water quality conditions affecting aquatic habitat.

Implementing right of way agreements along existing roads would be unlikely to detectably impact water resources unless traffic along these roads were to increase substantially. Increased traffic could result in increased turbidity levels in nearby streams (especially at stream crossings) and an increase in suspended/fine sediment deposition into streams during periods of high traffic and/or wet weather. This would be most evident during winter storms at locations where run-off on the road surface is diverted to stream channels.

Any sediment yield increase would be so small relative to background levels that it would be difficult to measure and is unlikely to be a substantial contribution to the supply or transport of sediment in the watershed. Increased turbidity might be visible immediately downstream below crossings but would quickly dissipate beyond a few hundred feet. In no cases would this proposal likely result in visible turbidity beyond ¼ mile of the disturbance.

The risk of short term increases in stream turbidity as a result of road maintenance and hauling could hypothetically contribute to an overall or cumulative increase in turbidity levels directly below road/stream intersections. However, the limited magnitude (less than ¼ mile downstream) and duration (primarily in first winter following disturbance) of this effect would be unsubstantial for water quality on the watershed scale.

Other water quality parameters (temperature, iron, oxygen levels) would not be affected by right of way agreements along existing roads.

Invasive / Noxious Weeds: All noxious weeds identified within the vicinity of the project area are designated Priority III (established infestations) on the Oregon Department of Agriculture (ODA) noxious weed list. These weed species are commonly found throughout Western Oregon tending to occupy areas that have soil disturbance and an increase of available light. Because there is an existing seed source, some degree of invasive / noxious weed / non-native species introduction or spread is expected within the project area. In time, non-native species are expected to return to low levels as native vegetation becomes re-established. There would be no cumulative effects to the vegetation, as the effects from the project would be local, and there would be no other uses affecting this resource.

Other Special Status Species: Fish Special Status Species (SSS) within these watersheds or potentially within these watersheds include coastal cutthroat trout and Pacific lamprey (Bureau Tracking). Proposed actions analyzed as part of this ROW agreement include minor use and maintenance of all roads for administrative access. Actions occurring on private property, not associated with federal actions or occurring on federal lands, were not analyzed consistent with BLM Instruction Memorandum (IM-2003-142).

Minimal localized hydrologic impacts may occur due to the general use and maintenance of the road segments associated with this ROW, primarily sediment generation. These minor hydrologic impacts are not expected to affect fisheries resources as proposed ROW location is primarily on ridge tops. The ROW does appear to cross three streams (BLM 2006 GIS data). None of the affected stream crossings appears to be fish bearing, due to the small contributing watershed areas upstream of the crossings. The hydrologic impacts are unlikely to reach resident fish downstream of these stream crossings due to the short distances sediment could be transported. Cumulative effects of the proposed action to the vegetation and soil resources would be localized and not expected to affect other resources, subsequently no cumulative effects to fisheries are anticipated from these resources effects.

Terrestrial Wildlife: The proposed action includes no ground disturbing activity on BLM managed land, therefore, there would be no impact to other special status species or Survey and Manage Species (there are no known sites of Bureau Sensitive, Bureau Assessment, or Survey and Manage Species on the BLM lands to be amended to this right-of-way agreement).

Interdisciplinary Team:

Affected Resource	Specialist	Initial	Date
Botany/Vegetation	Ron Exeter	/ss/ RE	Nov. 13, 2006
Cultural Resources	Dave Calver	DHC	11-29-06
Fire Hazard/Risk	Tom Tomczyk	TST	12-4-06
Fisheries	Scott Snedaker	SMS	12-7-06
Hydrology/Water Quality/Soils	Ashley La Forge	AAL	11/14/06
NEPA	Carolyn Sands	CS	12/14/06
Recreation, Visual and Rural Interface Resources	Traci Meredith	TMM	11/29/06
Wildlife	Scott Hopkins	SH	11/28/06

EA Prepared By: Mary J. Hundert

Date: 12/14/06

EA Reviewed By: Carolyn Sands
NEPA

Date: 12/14/06

FINDING OF NO SIGNIFICANT IMPACT and DECISION RECORD

Based upon my review of this EA (Environmental Assessment Number OR-080-07-02), I have determined that the proposed action is not a major federal action and would not significantly affect the quality of the human environment, individually or cumulatively with other actions in the general area. No environmental effects meet the definition of significance in context or intensity as defined in 40 CFR 1508.27.

There are no significant impacts not already adequately analyzed, or no significant impacts beyond those already analyzed, in the *Salem District Proposed Resource Management Plan/Final Stimson Lumber Company Reciprocal Right-of-Way Permit EA# OR-080-07-02*

Environmental Impact Statement, September 1994 (RMP/FEIS) to which this environmental assessment is tiered. Therefore, supplemental or additional information to the analysis in the RMP/FEIS in the form of a new environmental impact statement is not needed.

Right to Appeal: This decision may be appealed to the Interior Board of Land Appeals in accordance with the regulations contained in 43 Code of Federal Regulations (CFR), Part 4 and Form 1842-1. Form 1842-1 is attached.

If you appeal: A public notice for this decision is scheduled to appear in the *McMinnville News-Register* newspaper on December 15, 2006. Within 30 days of this notification, a *Notice of Appeal* must be filed in writing to the office which issued this decision – Trish Wilson, Acting Marys Peak Field Manager, Bureau of Land Management, 1717 Fabry Road SE, Salem, OR, 97306 (43 CFR 4.411 and 4.413). A copy of the *Notice of Appeal* must also be sent to the BLM Regional Solicitor (see Form 1842-1). The appellant has the burden of showing that the decision appealed from is in error.

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 2804.1). 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 other 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.

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).

Implementation Date: If no appeals are filed, this decision will become effective and be implemented 30 days after the public notice of this Decision Record appears in the *McMinnville News-Register* newspaper.

Contact Person: For additional information concerning this decision or the appeal process, contact Gary Humbard at (503) 315-5981, Marys Peak Resource Area, Salem District, 1717 Fabry Road, Salem, Oregon 97306.

Authorized Official: Diane Morris - Acting for Date: Dec. 14, 2006
Trish Wilson, Acting Field Manager
Marys Peak Resource Area

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

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- 1. NOTICE OF 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.....**
WITH COPY TO SOLICITOR.....
- A. Trish Wilson, Acting Marys Peak Resource Area Field Manager, Bureau of Land Management, 1717 Fabry Road SE, Salem, OR 97306**
B. Regional Solicitor, Pacific Northwest Region, 500 NE Multnomah St. Suite 607, Portland, OR 97232
-
- 3. STATEMENT OF REASONS**
WITH COPY TO SOLICITOR.....
- 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).
Same as 2 B.
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- 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). If the decision concerns the use and disposition of public lands, including land selections under the Alaska Native Claims Settlement Act, as amended, service will be made upon the Associated Solicitor, Division of Land and Water Resources, Office of the Solicitor, U.S. Department of the Interior, Washington, D.C. 20240. If the decision concerns the use and disposition of mineral resources, service will be made upon the Associated Solicitor, Division of Mineral Resources, Office of the Solicitor, U.S. Department of the Interior, Washington, D.C. 20240.
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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(e)).
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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 2804.1). 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.

(Continued on page 2)

43 CFR SUBPART 1821—GENERAL INFORMATION

See, 1821.10 Where are BLM offices located? (a) In addition to the Headquarters Office in Washington, D.C. and seven national level support and service centers, BLM operates 12 State Offices each having several subsidiary offices called Field Offices. The addresses of the State Offices can be found in the most recent edition of 43 CFR 1821.10. The State Office geographical areas of jurisdiction are as follows:

STATE OFFICES AND AREAS OF JURISDICTION:

- Alaska State Office ----- Alaska
- Arizona State Office ----- Arizona
- California State Office ----- California
- Colorado State Office ----- Colorado
- Eastern States Office ----- Arkansas, Iowa, Louisiana, Minnesota, Missouri
and, all States east of the Mississippi River
- Idaho State Office ----- Idaho
- Montana State Office ----- Montana, North Dakota and South Dakota
- Nevada State Office ----- Nevada
- New Mexico State Office --- New Mexico, Kansas, Oklahoma and Texas
- Oregon State Office ----- Oregon and Washington
- Utah State Office ----- Utah
- Wyoming State Office ----- Wyoming and Nebraska

(b) A list of the names, addresses, and geographical areas of jurisdiction of all Field Offices of the Bureau of Land Management can be obtained at the above addresses or any office of the Bureau of Land Management, including the Washington Office, Bureau of Land Management, 1849 C Street, NW, Washington, DC 20240.

(Form 1842-1, September 2005)

