

ENVIRONMENTAL ASSESSMENT, FINDING OF NO SIGNIFICANT IMPACT, and DECISION RECORD¹

ENVIRONMENTAL ASSESSMENT

EA Number: OR-086-07-03

BLM Office: Tillamook Resource Area, Salem District Office, 4610 Third Street, Tillamook, Oregon, 97141

Proposed Action Title: City of McMinnville Right-of-Way (S-837) Amendment

Type of Project: Right-of-Way Amendment

Location of Proposed Action: Township 3 South, Range 6 West, Sections 13 and 15, Yamhill County; Willamette Meridian.

Conformance with Applicable Land Use Plan: The proposed action is in conformance with the *Salem District Record of Decision and Resource & Management Plan (ROD/RMP)*, dated May 1995; *Nestucca Watershed Analysis*, dated October, 1994; *Deer Creek, Panther Creek, Willamina Creek and South Yamhill Watershed Analysis*, dated May, 1998; *Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl and Standard 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 Amendments to the Survey and Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines in Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl* (USDA, USDI 2001b (S&M ROD)); and other applicable guidance.

Tillamook Resource Area is aware of the August 1, 2005, U.S. District Court order in Northwest Ecosystem Alliance et al. v. Rey et al. which found portions of the *Final Supplemental Environmental Impact Statement to Remove or Modify the Survey and Manage Mitigation Measure Standards and Guidelines* (January, 2004) (EIS) inadequate. Tillamook Resource Area is also aware of the January 9, 2006, Court order which:

¹ Pursuant to BLM Handbook 1790-1, Rel. 1-1547, 10/25/88, page IV-11, it is appropriate to use this format when all the following conditions are met: 1/ Only a few elements of the human environment are affected by the proposed action; 2/ Only a few simple and straightforward mitigation measures, if any, are needed to avoid or reduce impacts; 3/ There are no program-specific documentation requirements associated with the action under consideration; 4/ The proposed action does not involve unresolved conflicts concerning alternative uses of available resources and, therefore, alternatives do not need to be considered; 5/ The environmental assessment is not likely to generate wide public interest and is not being distributed for public review and comment; and 6/ The proposed action is located in an area covered by an existing land use plan and conforms with that plan.

- set aside the 2004 Record of Decision *To Remove or Modify the Survey and Manage Mitigation Measure Standards and Guidelines in Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern spotted Owl* (March, 2004) (2004 ROD) and
- reinstated the 2001 *Record of Decision and Standards and Guidelines for Amendments to the Survey and Manage, Protection Buffer, and other Mitigation Measure Standards and Guidelines* (January, 2001) (2001 ROD), including any amendments or modifications in effect as of March 21, 2004.

This project is not ground-disturbing and does not require surveys. For this reason, it is my determination that the McMinnville Right-of-Way Project is in compliance with the 2001 ROD.

Purpose of and Need for Action:

The objective of the proposed action is to allow the City of McMinnville to utilize certain existing BLM-controlled roads for management activities in the upper Nestucca River and Panther Creek watersheds. This objective would be met by amending an existing reciprocal right-of-way agreement. McMinnville has asked for permission to utilize these roads for log and rock haul associated with timber harvest activities on their lands, and it is much more efficient for BLM to amend these road segments into the ROW agreement than to continue to issue multiple short-term Road Use Permits for these activities.

Description of the Proposed Action:

The Proposed Action is to amend certain United States controlled roads into the City of McMinnville Right-of-Way Agreement OR045530 (S-837). BLM would commit existing road 3-6-13 lying in sections 13 and 15, road 3-6-15.3 lying in section 15, and road 3-6-15.1 lying in section 15 of T3S, R6W, Willamette Meridian (Figure 1). The Proposed Action also includes the use and maintenance of these roads by the City of McMinnville for forest management activities such as log and rock hauling and administrative access to their lands. This amendment is a discretionary action.

Connected Action – Timber Harvest on City of McMinnville Lands:

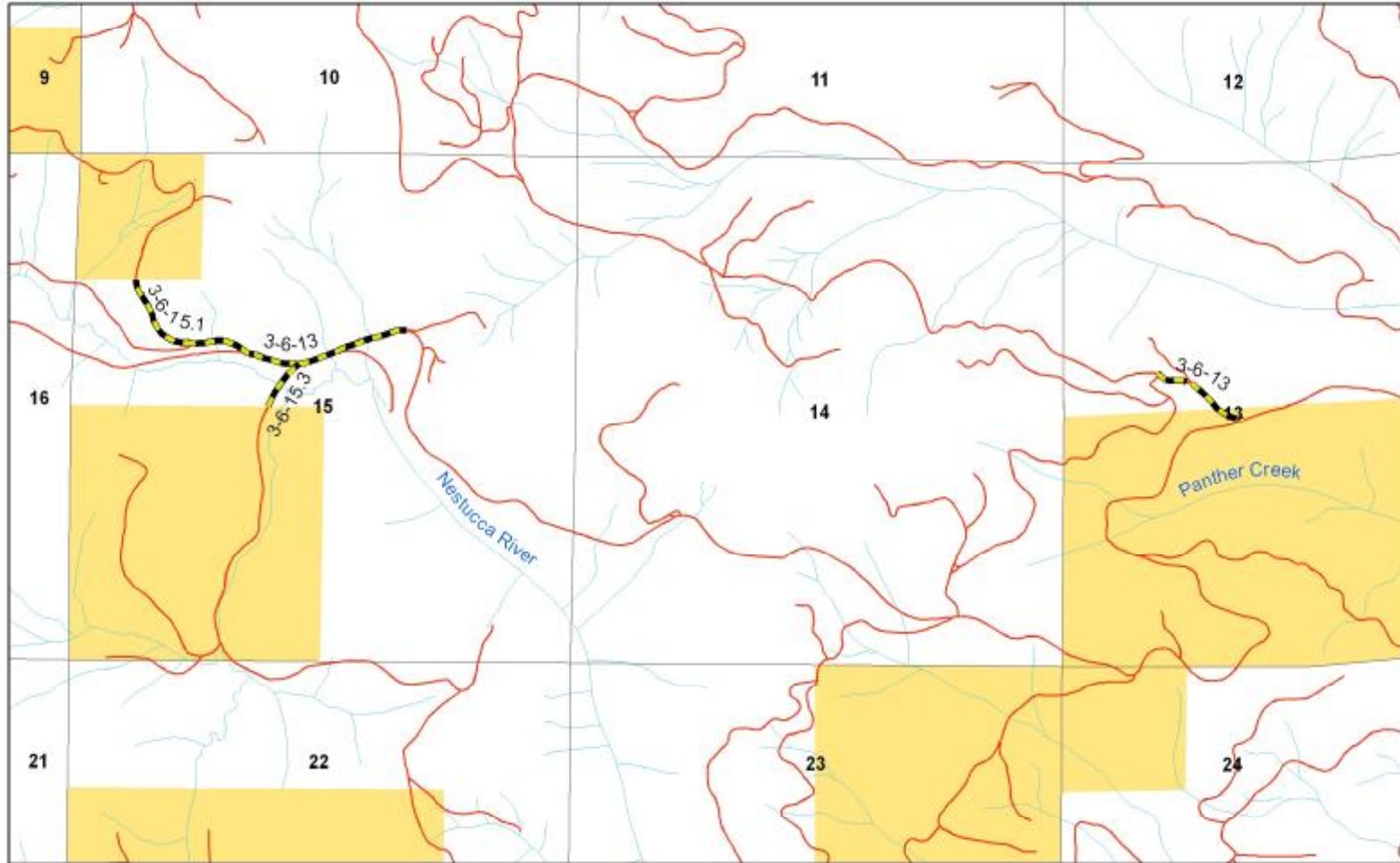
The City of McMinnville owns property in T3S, R6W section 15 (S1/2 NW¼) (W.M.). Upon completion of the amendment to the reciprocal right-of-way agreement, they intend to use the subject BLM road segments to gain access to this land to harvest timber within three harvest units. The road segments they would be using are the Dye Estate Road (3-6-15.1), the (paved) Nestucca Access Road (3-6-13) and the Walker Creek Road (3-6-15.3). They plan to conduct a partial cut harvest operation of approximately 25 acres of forest resulting in approximately 150,000 board feet of timber being removed. Red alder would be the primary tree species harvested through a combination of ground and cable based logging systems. A no-cut buffer at least 100 feet wide would be maintained on both sides of the Nestucca River. In addition, they

would be required to conduct road maintenance on the gravel road segments (Dye Estate and Walker Creek Roads). In support of this harvest operation, they would likely be using the roads for an estimated one month period of time between approximately 6/1/07 and 09/31/07.

Design Features:



All activities would comply with appropriate Best Management Practices (ROD/RMP pp.C-1 - C-7).

Figure 1 - Project Location



1 inch equals 1,438 feet



-  BLM-controlled roads to be added to ROW Agreement
-  BLM Lands

No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data for individual use or aggregate use with other data. Original data was compiled from multiple source data and may not meet U.S. National Mapping Accuracy Standards of the Office of Management and Budget.



Consultation and Public Involvement:

ESA consultation:

- **Wildlife:** Consultation upon the impacts to spotted owl and marbled murrelet as a result of increased potential for disturbance pursuant to section 7 of the Endangered Species Act would be accomplished programmatically under the consultation entitled *Formal and informal consultation of the FY 2004 – 2008 rights-of-way authorizations for Salem and Eugene Bureau of Land Management Districts* (USFWS Reference # 1-7-04-F-0253).
- **Fish:** Consultation is not required for species covered under section 7 of the Endangered Species Act or for coho and chinook salmon covered under the Magnuson-Stevens fisheries Conservation and Management Act as there were no effects identified that would affect these species or their habitat with the addition of these road segments to the ROW Agreement. Future use of the gravel roads during wet weather or poor road conditions may require either ESA or MSA-EFH consultation. Language to this effect is included in the ROW Agreement amendment.

Public Involvement: In compliance with the National Environmental Policy Act, the proposed action was listed in the March 2007 edition of the quarterly *Salem District Project Update*, which was mailed to over 1,200 addresses. No public comments were received in response to this scoping.

Affected Environment:

General: The project is within the Nestucca River and Yamhill River 5th field watersheds, located approximately 15 miles northwest of McMinnville Oregon. The majority of the roads subject to this proposal are located on land owned by the City of McMinnville rather than BLM land, however a small portion of the 3-16-13 road located within T3S., R6W., section 13 is located on BLM land that is in the Adaptive Management Area (AMA) and Riparian Reserve land use allocations. The proposed action involves access on existing roads only; there would be no new road construction or ground-disturbing activities as a result of this action.

Threatened/Endangered (T/E) Fish: Habitat for Upper Willamette Steelhead (ESA threatened) is located over 2.5 miles downstream of road 3-6-13 and there are no stream crossings on this road segment. Upper Willamette Steelhead is the only ESA species within the project area for the road segments being added.

Threatened/Endangered (T/E) Wildlife: The project areas are not located within spotted owl or marbled murrelet Designated Critical Habitat. There are no known occupied bald eagle or marbled murrelet sites located within the vicinity of this proposal. There is a known, occupied spotted owl site approximately 0.5 miles east of the segment of road 3-6-13 lying in sections 13. It is considered that the use of this road segment resulting from the amendments of the existing reciprocal rights-of-way agreement would not raise the ambient noise level within the vicinity of this occupied owl site due to the fact that the road is the main, paved Nestucca Access Road which receives substantial levels of general traffic.

Water Resources: The road segments have gravel (3-6-15.1 and 3-6-15.3) or asphalt (3-6-13) surfaces and are expected to be in good condition when they are used. Road 3-6-13 in section 15 crosses the Nestucca River via a newly installed bridge, and there are several other intermittent stream crossings.

The primary beneficial uses are for municipal water, irrigation, cold water fisheries, recreation, and wildlife. Municipal water diversions are at McGuire Reservoir (adjacent to the proposed road addition in section 15) and Panther Creek Reservoir (approximately one mile downstream from the proposed road addition in section 13).

Other Special Status Species Fish and Essential Fish Habitat: Coho salmon are present in both the Nestucca and Yamhill Watersheds. In the Nestucca watershed coho salmon are adjacent to the Nestucca Access road and the short gravel portion of the 3-6-15.3 (Walker Creek) road. There is one stream crossing on the 3-6-15.3 road, which is a bridge with paved approaches. There are no other stream crossings located on gravel roads. In the Yamhill watershed coho are no closer than a mile from road segment 3-6-13. Fish Special Status Species (SSS) within these watersheds or potentially within this watershed include cutthroat trout (Bureau Tracking), Pacific lamprey (Bureau Assessment) and river lamprey (Bureau Tracking).

Environmental Effects:

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.

Table 1: Environmental Review for the Critical Elements of the Environment (BLM H-1790-1, Appendix 5)

| Critical Elements Of The Environment | Status: (i.e., Not Present, Not Affected, or Affected) | Does this project contribute to cumulative effects? Yes/No | Remarks | |
|---|--|--|---|---|
| Air Quality (Clean Air Act) | Not Affected | No | The proposed action involves use of existing roads, most of which are paved. Dust created from road use is predicted to be local and of short duration. As such, the proposed action would have no adverse impact on air quality and would comply with the provisions of the Clean Air Act. | |
| Areas of Critical Environmental Concern | Not Present | | There are no ACECs in the project area. | |
| Cultural, Historic, Paleontological | Not Present | | There are no known cultural or historic sites within the project area. | |
| Energy (Executive Order 13212) | Not Affected | No | There are no known energy resources located in the project area. 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 | | There are no prime or unique farm lands in the project area. | |
| Flood Plains (Executive Order 11988) | Not Present | | The proposed action entails the use of existing BLM roads and would not involve occupancy or modification of floodplains, and would not increase the risk of flood loss. | |
| Hazardous or Solid Wastes | Not Affected | No | The proposed action involves use of existing roads. There would be no effect on hazardous or solid wastes. | |
| Invasive, Nonnative Species (Executive Order 13112) | Not Affected | No | Use of existing roads would have no effect on invasive and non-native species. | |
| 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 and/or Habitat | Fish | Not Affected | No | The addition of these lands to ROW agreements would not have any effects on fisheries resources in the project area or downstream. There are currently no ESA listed species within the Nestucca Watershed. If a listing occurs further analysis and/or consultation may be required prior to use of the gravel roads during wet weather or poor road conditions. |
| | Plants | Not Present | | No threatened or Endangered plant species are located within the project area |

Table 1: Environmental Review for the Critical Elements of the Environment (BLM H-1790-1, Appendix 5)

| Critical Elements Of The Environment | Status: (i.e., Not Present, Not Affected, or Affected) | Does this project contribute to cumulative effects? Yes/No | Remarks |
|--------------------------------------|--|--|---|
| | Wildlife (including Designated Critical Habitat) | Affected | <p>The project areas are not within spotted owl or marbled murrelet Designated Critical Habitat.</p> <p>Connected Action Upon completion of the amendment to the existing reciprocal right-of-way agreement, the City of McMinnville intends to use the subject BLM road segments to gain access to their land to conduct a partial cut harvest operation on a total of approximately 25 acres. Approximately 10 of these acres are likely dispersal habitat for spotted owl; treatment of these acres will remove them from a condition to function as spotted owl dispersal habitat. The connected City of McMinnville harvest will not impact any acres of spotted owl, bald eagle or marbled murrelet suitable habitat.</p> <p>There is a known, occupied spotted owl site approximately 0.5 miles of the segment of road 3-6-13 lying in sections 13. Use of this road segment resulting from the amendments of the existing reciprocal rights-of-way agreement would not be expected to raise the ambient noise level within the vicinity of this occupied owl site due to the fact that the road is the main, paved Nestucca Access Road which receives substantial levels of general traffic.</p> |
| Water Quality (Surface and Ground) | Not Affected | No | The addition of existing roads to the ROW amendment would not have any affect on water quality either in or downstream of the project area. The planned hauling of logs during the dry season is not expected to affect water quality because the roads are in good condition and there are no perennial stream crossings except for the paved bridge on road 3-6-15.3. |
| Wetlands (Executive Order 11990) | Not Present | | There are no wetlands within the project area. |
| Wild and Scenic Rivers | Not Present | | There are no Wild or Scenic Rivers within the project area. |
| Wilderness | Not Present | | There are no wilderness areas within the project area. |

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

| <i>Other 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> |
|---|---|---|--|
| Coastal Zone (Oregon Coastal Management Program) | Not Affected | No | The proposed project is consistent with goals for Oregon's Coastal Zone boundary. |
| Essential Fish Habitat (Magnuson-Stevens Fisheries Cons. /Mgt. Act) | Not Affected | No | The addition of these roads to a ROW agreement and subsequent use of the roads for planned logging activities in 2007 would not have any effect on fisheries resources in the project area or downstream. Consultation may be required for future activities that have the potential to affect Essential Fish Habitat adjacent to these roads. |
| Fire Hazard/Risk | Not Affected | No | Use of existing roads would have no effect on fire hazard or risk. |
| Forest Productivity | Not Affected | No | The proposed action entails the use of existing BLM roads. Therefore the project action would not affect forest productivity. |
| Land Uses (right-of-ways, permits, etc) | Not Affected | No | The project would not affect other existing rights-of-way on these roads, nor would public access be affected. |
| Late successional / old growth | Not Present | | No vegetation would be affected by the proposed action. |
| Mineral Resources | Not Present | | There are no known mineral resources of commercial value in the project area. |
| Recreation | Not Affected | No | The project would not affect public access to the project areas, therefore there would be no effect on recreation resources. |
| Rural Interface Areas | Not Present | | There are no rural interface areas within the project area. |
| Soils | Not Affected | No | The proposed action entails the use of existing BLM roads. Therefore the project action would not affect soils. |
| Special Areas outside ACECs (Within or Adjacent) (RMP pp. 33-35) | Not Present | | There are no Special Areas within the project area. |

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

| <i>Other 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> |
|---|----------|---|---|--|
| Other Special Status Species/Habitat | Fish | Not Affected | No | Fish Special Status Species (SSS) within this watershed or potentially within this watershed include cutthroat trout (Bureau Tracking), Pacific lamprey (Bureau Assessment) and river lamprey (Bureau Tracking). The proposed action would not affect these species or contribute to the need to list them under the Endangered Species Act. |
| | Plants | Not Present | | There are no status species plants or their habitats in the project area. |
| | Wildlife | Not Affected | No | Due to the nature and scope of the project, it would not be expected to result in the loss of population viability for any Special Status wildlife Species that may occur in the project area, or result in the need to elevate their status to any higher level of concern including the need to list under the ESA. |
| Survey and Manage Species / Habitat | | Not Affected | No | Survey and Manage species and their habitats would not be affected by the use of these existing roads. |
| Visual Resources | | Not Affected | No | The use of existing roads would have no effect on visual resource management in the project area. |
| Water Resources (except Water Quality) | | Not Affected | No | The project would not be expected to affect water resources. |
| Other Wildlife Structural or Habitat Components (Snags /CWD / Special Habitats, road densities) | | Not Affected | No | Use of existing roads would have no effect on wildlife structural or habitat components. |

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 (ROD/RMP pages 5-7)

| <i>Components</i> | <i>Effect</i> | <i>Remarks /References</i> |
|-----------------------|---------------|---|
| Riparian Reserves | None | The proposed action entails the addition of existing roads to a right-of-way agreement. There would be no effect on riparian reserves. |
| Key Watershed | None | The proposed action would not affect aquatic resource or fisheries resources in the Nestucca River key watershed. |
| Watershed Analysis | None | The project area is covered by the <i>Nestucca Watershed Analysis</i> (October 1994) and <i>Deer Creek, Panther Creek, Willamina Creek and South Yamhill Watershed Analysis</i> (May 1998). |
| 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. |

Interdisciplinary Team:

Table 4: Interdisciplinary Team Review

| Affected Resource | Specialist | Initial | Date |
|--|-------------------|----------------|-------------|
| Botany/Vegetation | Kurt Heckeroth | <i>KH</i> | 2/26/07 |
| Cultural Resources | Dennis Worrel | <i>DW</i> | 2/26/07 |
| Fisheries | Matt Walker | <i>MW</i> | 4/18/07 |
| Hydrology, Water Quality | Dennis Worrel | <i>DW</i> | 2/26/07 |
| Other Resources/NEPA/GIS | Bob McDonald | <i>RM</i> | 4/23/07 |
| Recreation, Visual and Rural Interface Resources | Debra Drake | <i>DD</i> | 2/26/07 |
| Soils | Dennis Worrel | <i>DW</i> | 2/26/07 |
| Wildlife | Steve Bahe | <i>SB</i> | 4/23/07 |

EA Prepared By: Bob McDonald

Date: 5/1/07

FINDING OF NO SIGNIFICANT IMPACT and DECISION RECORD

Based upon my review of this EA (Environmental Assessment Number OR-086-07-03), I have determined that the proposed action is not a major federal action and will 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. Therefore, an environmental impact statement is not needed. I have also determined that the proposed action is in conformance with the approved land use plan. It is my decision to implement the proposed action, as described in the EA.

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 May 1, 2007. Within 30 days of this notification, a *Notice of Appeal* must be filed in writing to the office which issued this decision – Brad Keller, Field Manager, Bureau of Land Management, 4610 Third Street, Tillamook, OR, 97141. 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.

If you wish to file a petition pursuant to regulation 43 CFR 4.21 (58 CFR 4939, January 19, 1993) or 43 CFR 2804.1 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 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 Board 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.

Statement of Reasons: Within 30 days of the filing of the *Notice of Appeal*, a complete statement of reasons why you are appealing must be filed with the Interior Board of Land Appeals (see Form 1842-1).

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 Bob McDonald at (503) 815-1110, Tillamook Resource Area, 4610 Third Street, Tillamook, Oregon 97141.

Authorized Official:  Date: 5/1/07
for Brad Keller, Field Manager
Tillamook 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

| | |
|---|--|
| 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). |
| 2. WHERE TO FILE NOTICE OF APPEAL..... | A. Brad Keller, Tillamook Resource Area Field Manager, Bureau of Land Management, 4610 Third Street, Tillamook, OR 97141 |
| W/2d COPY TO SOLICITOR..... | B. Regional Solicitor, Pacific Northwest Region, 500 NE Multnomah St. Suite 607, Portland, OR 97232 |
| 3. 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 4.112 and 4.413). |
| W/2d COPY TO SOLICITOR..... | Same as 2 B. |
| 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 Assistant 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 Assistant Solicitor, Division of Minerals Resources, Office of the Solicitor, U.S. Department of the Interior, Washington, D.C. 20240. |
| 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 4.413(d)). |
| 6. REQUEST FOR STAY..... | Except where program-specific regulations place the 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 <i>Notice of Appeal</i> (43 CFR 4.413). 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 4.421 or 43 CFR 2834.1). A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the <i>Notice of Appeal</i> and <i>Petition for a Stay</i> 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 applicant'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 later filed 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, applicable or general rules relating to procedure and practice in taking appeals.

(Continued on page 2)

43 CFR SUBPART 1B21—GENERAL INFORMATION

Sec. 1B21.9 Where are BLM offices located? In addition to the Headquarters Office in Washington, D.C. and several other field support offices in various States, BLM maintains 12 State Offices each having several Field Offices. The addresses of the State Offices can be found in the most recent edition of 43 CFR 1B21.9. The State Offices 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
- Continental United States Office ----- Arkansas, Iowa, Louisiana, Minnesota, Missouri, Illinois, Indiana, Michigan, Ohio, Wisconsin, and the 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

(*) 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 office address or any office of the Bureau of Land Management, including the Washington Office, Bureau Staff and Management, 1849 C Street, N.W., Washington, D.C. 20546.

(Form 1B42-1, September 2003)