

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
BURNS DISTRICT OFFICE

CATEGORICAL EXCLUSION ENVIRONMENTAL REVIEW AND APPROVAL

CX Number: DOI-BLM-OR-B050-2013-0010-CX **Date:** December 3, 2013
Subject Function Code: 2800 **Case File/Serial Number or Name:** OR-67912
Preparer: Tara McLain, Realty Specialist **Applicant:** Tara McLain, Realty Specialist
Title of Proposed Action: Highway 395 South Right-of-Way (ROW)

Description of Proposed Action and Project Design Elements (if applicable):

The proposed action is to grant the ODOT a Federal Land Policy and Management Act (FLPMA) ROW to replace the previously held Federal Aid Highway Act ROW. The previous ROW, ORORE-13238, expired on July 21, 2013. The immediate need for the proposed action is to establish a definitive, recorded ROW so the State's rights may be recognized. It is also important that the highway be shown on the public lands records so that the State's interest is considered in future land management activities. No construction, reconstruction or major maintenance of the road is proposed at this time.

The ROW width would not change from the previous ROW, at 200' from centerline, 400' total. The portion of the highway that is covered by this action is approximately 5020' long and is displayed on the attached map, Exhibit A. This ROW also includes a haul road that is approximately 2040' long and 20' from centerline. Total acreage to be involved is approximately 47.97 acres. The grant would require prior approval before any highway reconstruction, relocation or maintenance activity outside of any existing surface disturbance and would be subject to applicable Federal, State or local laws and regulations.

Highway 395 is a paved two lane highway. It has existed since at least 1971 when the State of Oregon submitted its proof of construction to the Federal government.

The ROW area is within the Three Rivers Resource Area, BLM Burns District. There are valid and existing rights encumbering the lands within the ROW area for the highway; however, they do not conflict with the proposed ROW. There are no mining claims or rights of third parties or other title factors that would prohibit the grant of this ROW. It is located southwest of Riley, Oregon. The proposed use would not conflict with grazing management.

Legal Description (attach Location Map):

W.M., T. 23 S., R. 27 E., sec. 32, SW $\frac{1}{4}$ SW $\frac{1}{4}$.
T. 24 S., R. 27 E., sec. 06, lots 1 and 2, SE $\frac{1}{4}$ NE $\frac{1}{4}$;
sec. 18, lots 3 and 4.

B. Conformance with Land Use Plan (LUP) (name):

Date Approved/Amended:

The Three Rivers Resource Management Plan (RMP) and Record of Decision (ROD), dated September 1992, allow public access to public land.

Lands and Realty Objective #2: Meet public needs for use authorizations such as rights-of-way, leases and permits.

BLM Categorical Exclusion Reference (516 DM, Chapter 11):

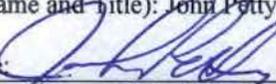
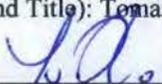
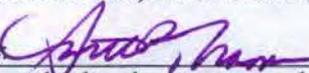
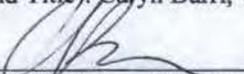
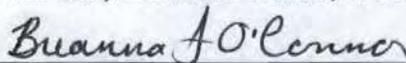
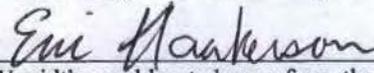
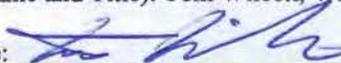
E.9, Renewals and assignment of leases, permits, or rights-of-way where no additional rights are conveyed beyond those granted by the original authorizations.

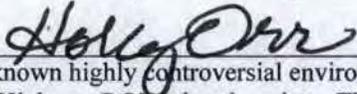
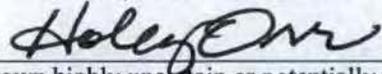
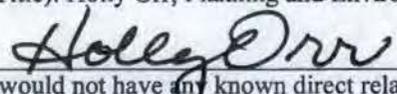
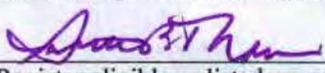
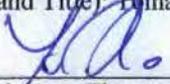
DOI Categorical Exclusion Reference (516 DM 2, Appendix 1):N/A

Screening for Exceptions: The following extraordinary circumstances (516 DM 2, Appendix 2) may apply to individual actions within the categorical exceptions. The indicated specialist recommends the proposed action does *not*:

CATEGORICAL EXCLUSION EXTRAORDINARY CIRCUMSTANCES DOCUMENTATION

2.1 Have significant impacts on public health or safety.

Specialist (Print Name and Title): John Petty, Safety Officer
Signature and Date:  1/21/14
Rationale: No impacts to public health or safety.
2.2 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); flood plains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas.
<u>Migratory Birds</u>
Specialist (Print Name and Title): Tomas Kamienski, Wildlife Biologist
Signature and Date:  1/27/14
Rationale: No Construction, reconstruction, or major maintenance is being proposed at this time. Future maintenance and construction activities such shoulder blading, mowing, brush mowing, tree cutting, and brush cutting by hand will follow ODOT Best Management Practices (BMP's) listed in Habitat Guide and Migratory Bird Directive, to avoid impacts to nesting birds. Prime nesting period is typically Feb15th to Sept 15 th .
<u>Historic and Cultural Resources</u>
Specialist (Print Name and Title): Scott Thomas, District Archaeologist
Signature and Date:  1/21/14
Rationale: Historic and cultural resources would not be affected by the proposed action because none are present in the road right-of-way.
<u>Areas of Critical Environmental Concern/Research Natural Areas</u>
Specialist (Print Name and Title): Caryn Burri, NRS-Botany
Signature and Date:  1-27-14
Rational: There are no ACEC/RNAs within the ROW.
<u>Water Resources/Flood Plains</u>
Specialist (Print Name and Title): Breanna O'Connor, NRS0-Fish Biologist
Signature and Date:  1-28-14
Rationale: Water resources and flood plains are not present.
<u>Soils, Biological Soil Crust, Prime Farmlands</u>
Specialist (Print Name and Title): Caryn Burri, NRS-Botany
Signature and Date:  1-27-14
Rationale: There would be no new disturbance to soils or biological soil crusts with the approval of the ROW with the exception of the haul road. If ODOT decides to develop the haul road, as is permitted in the ROW grant soils would be disturbed and become compacted over time within the width of the ROW and any biological soil crusts within the ROW would be lost. The disturbance area would be less than one acre and would not have any impact on soils or biological soil crusts outside the approved ROW width. There are no prime farmlands within the ROW.
<u>Recreation/ Visual Resources</u>
Specialist (Print Name and Title): Eric Haakenson, Outdoor Recreation Planner
Signature and Date:  1-27-14
Rationale: The ROW width would not change from the previous ROW and no construction, reconstruction or major maintenance of the road is proposed at this time. The proposed action would have no impacts to either recreation or visual resources.
<u>Wilderness/Wild and Scenic River Resources</u>
Specialist (Print Name and Title): Tom Wilcox, Wilderness Specialist
Signature and Date:  12/18/2013

<p>Rationale: There is no Wilderness, WSA, WSR, Lands with wilderness characteristics, or Citizen proposed WSA within the project area.</p>	
<p>2.3 Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2) (E)].</p>	
<p>Specialist (Print Name and Title): Holly Orr, Planning and Environmental Coordinator</p>	
<p>Signature and Date:  12/20/13</p>	
<p>Rationale: There are no known highly controversial environmental effects or unresolved conflicts concerning alternative uses of available resources. The Highway ROW already exists. The proposed action is a renewal of an existing right-of-way which has been updated to a FLPMA ROW, where no additional rights are conveyed beyond those granted by the original authorization.</p>	
<p>2.4 Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.</p>	
<p>Specialist (Print Name and Title): Holly Orr, Planning and Environmental Coordinator</p>	
<p>Signature and Date:  12/20/13</p>	
<p>Rationale: There are no known highly uncertain or potentially significant environmental effects or unique or unknown environmental risks. The Highway ROW already exists. The proposed action is a renewal of an existing right-of-way which has been updated to a FLPMA ROW, where no additional rights are conveyed beyond those granted by the original authorization.</p>	
<p>2.5 Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.</p>	
<p>Specialist (Print Name and Title): Holly Orr, Planning and Environmental Coordinator</p>	
<p>Signature and Date:  12/20/13</p>	
<p>Rationale: Implementation would not set precedence for future actions or represent a decision in principle about future actions with potentially significant environmental effects. The Highway ROW already exists. The proposed action is a renewal of an existing right-of-way which has been updated to a FLPMA ROW, where no additional rights are conveyed beyond those granted by the original authorization.</p>	
<p>2.6 Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.</p>	
<p>Specialist (Print Name and Title): Holly Orr, Planning and Environmental Coordinator</p>	
<p>Signature and Date:  12/20/13</p>	
<p>Rationale: Implementation would not have any known direct relationship to other actions with individually insignificant but cumulative significant environmental effects. The Highway ROW already exists. The proposed action is a renewal of an existing right-of-way which has been updated to a FLPMA ROW, where no additional rights are conveyed beyond those granted by the original authorization.</p>	
<p>2.7 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.</p>	
<p>Specialist (Print Name and Title): Scott Thomas, District Archaeologist</p>	
<p>Signature and Date:  1-26-14</p>	
<p>Rationale: National Register eligible or listed properties would not be affected by the proposed action because none are present in the road right-of-way.</p>	
<p>2.8 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.</p>	
<p><u>Endangered or Threatened Species and Special Status Species-Fauna</u> Specialist (Print Name and Title): Tomas Kamienski, Wildlife Biologist</p>	
<p>Signature and Date:  1/27/14</p>	
<p>Rationale: There are no known Threatened or Endangered species or Designated Critical Habitat in the area around the ROW, and none would be affected off-site by the ROW renewal or associated maintenance activity. The ROW is located in greater sage grouse Preliminary General Habitat (PGH) as adopted by the BLM from the low density habitat, delineated and classified by the Oregon Department of Fish and Wildlife (ODFW). The greater sage grouse has been placed, by the U.S. Fish and Wildlife Service (USFWS), on the list of species that are candidates for protection under the Threatened and Endangered Species Act. There are no</p>	

active leks in the vicinity of the ROW. Construction and Maintenance activities such as dirt work, brush clearing and cutting, brush mowing, and limbing/removal of trees, related to the haul road, would be conducted outside the dates of March 1st to June 15th to avoid disturbance of breeding /nesting greater sage-grouse. Waivers for these activities may be granted within the specified time frames if a BLM wildlife biologist determines through field verification that sage-grouse would not be disturbed. Exception waivers should be submitted at least 10 working days prior to the start of the maintenance activities. This would be void if an emergency situation existed that required immediate attention. Additionally the haul road portion of the ROW is near an area historically occupied by the pygmy rabbit. Pygmy rabbit is a species of concern in Oregon, as determined by USFWS. Maintenance activities such as dirt work, brush clearing, mowing, and limbing outside of existing disturbance would be permitted by BLM wildlife biologist on case by case basis. This would be void if an emergency situation existed that required immediate attention.

Endangered or Threatened Species-Aquatic

Specialist (Print Name and Title): Breanna O'Connor, NRS - Fish Biologist

Signature and Date: *Breanna O'Connor* 2.4.14

Rationale: There are no known Threatened or Endangered Aquatic Species or designated Critical Habitat within the vicinity of the proposed action.

Endangered or Threatened Species-Flora

Specialist (Print Name and Title): Caryn Burri, NRS-Botany

Signature and Date: *CB* 1.27.14

Rationale: There are no documented T & E or Special Status plant species or designated critical habitat within the ROW. Because this ROW renewal had a deadline outside the growing season, a survey for Special Status plants was not conducted. A survey would need to be conducted prior to any ground disturbing activity, with 30 days' notice, if ODOT decides to develop the haul road as there is a special status plant, *Lomatium ravenii* (Raven's lomatium) known to exist in the area.

2.9 Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.

Specialist (Print Name and Title): Holly Orr, Planning and Environmental Coordinator

Signature and Date: *Holly Orr* 12/20/13

Rationale: No known Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment would be violated. The Highway ROW already exists. The proposed action is a renewal of an existing right-of-way which has been updated to a FLPMA ROW, where no additional rights are conveyed beyond those granted by the original authorization.

2.10 Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).

Specialist (Print Name and Title): Holly Orr, Planning and Environmental Coordinator

Signature and Date: *Holly Orr* 12/20/13

Rationale: Implementation of the proposal would not result in a disproportionately high and adverse effect on low income or minority populations. These populations do not occur in or near the project area.

2.11 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).

Specialist (Print Name and Title): Scott Thomas, District Archaeologist

Signature and Date: *Scott Thomas* 1-27-14

Rationale: Access to or integrity of Indian sacred sites would not be affected by the proposed action because no known Indian sacred sites are located there or in the vicinity.

2.12 Contribute to the introduction, continued existence, or spread of noxious weeds or nonnative 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).

Specialist (Print Name and Title): Lesley Richman, District Weed Coordinator

Signature and Date: *Lesley Richman* 2/4/2014

Rationale: Noxious weeds are known to be present in and in close proximity to this area. Treatments are on-going. The weeds are currently not present in sufficient quantity to be considered a significant impact at this location.

Additional review (As determined by the Authorized Officer):

RMP conformance and CX review confirmation:

Specialist (Print Name and Title): Holly Orr, Planning and Environmental Coordinator

Signature: Holly Orr Date: 2/4/14

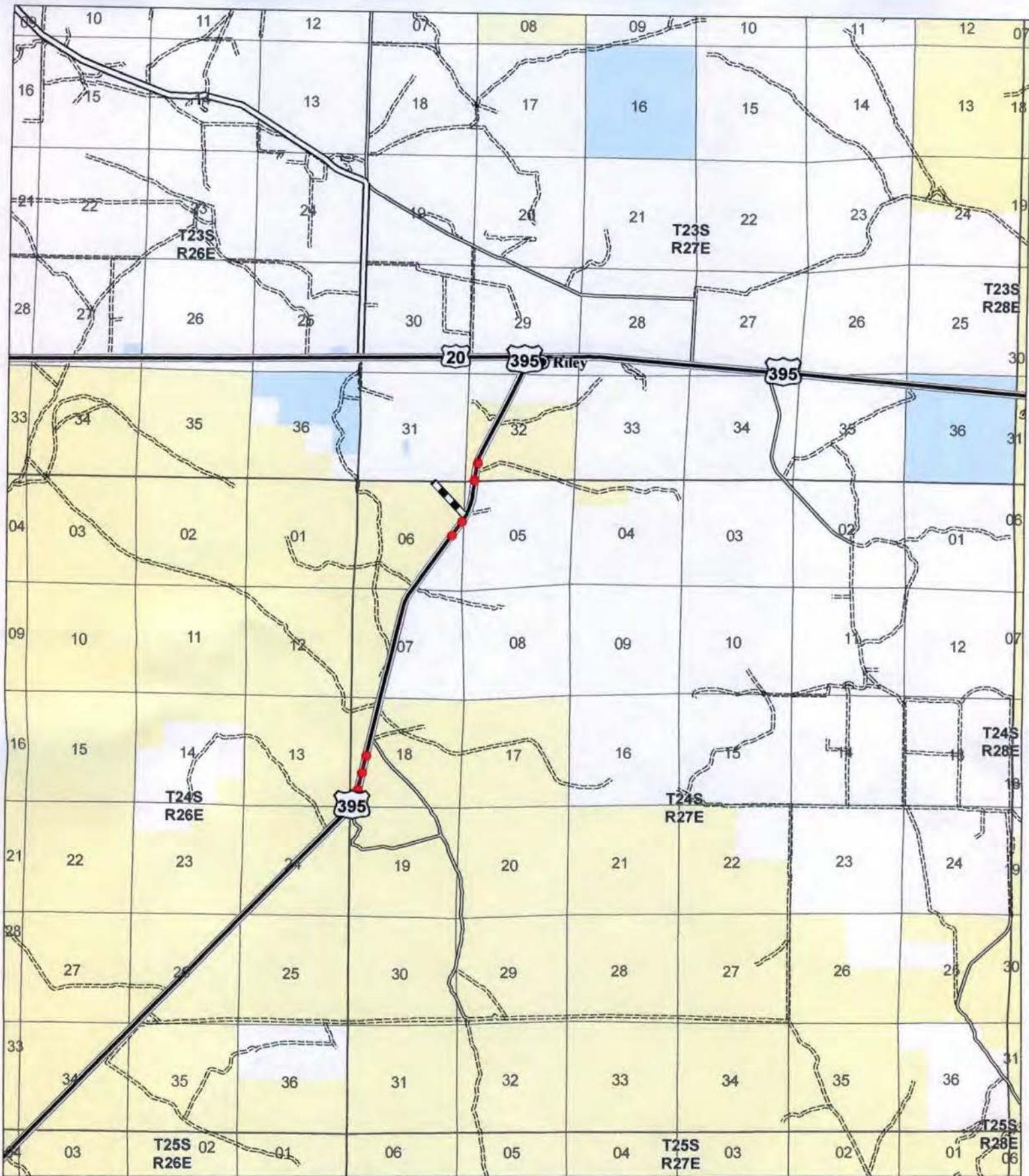
Management Determination: Based upon review of this proposal, I have determined the Proposed Action is in conformance with the LUP, qualifies as a categorical exclusion and does not require further NEPA analysis.

Authorized Officer (Print Name and Title): Richard Roy, Three Rivers Resource Area Field Manager

Signature: Richard Roy Date: 2/4/14

Note: A separate decision document may be prepared for the action covered by this Categorical Exclusion following program-specific guidance.

Note: A decision letter and Bureau of Land Management Right-of-Way Grant/Temporary Use Permit, Form 2800-14, are the decision documents that will be prepared to authorize the action covered by this Categorical Exclusion following Lands and Realty specific guidance

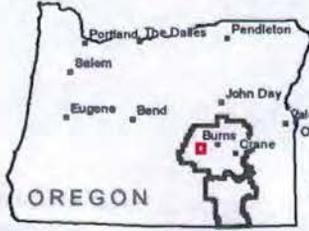


**OR-67912 ODOT Hwy 395 ROW
Exhibit B**

- OR-67912 Hwy 395
- OROR 67912 Haul Road
- Paved Road
- Non-Paved Improved Road
- Natural/Unknown Road Surface

BLM
 State
 Private/Unknown

0 0.25 0.5 1 Miles



US DEPARTMENT OF THE INTERIOR
 Bureau of Land Management
 Burns District, Oregon

Note: No warranty is made by the Bureau of Land Management as to the accuracy, reliability or completeness of these data for individual or aggregate use with other data. Original data was compiled from various sources. This information may not meet National Map Accuracy Standards. This product was developed through digital means and may be updated without notification. [workarea/blm/district/OR-67912.mxd, 1/13/2014](#)



Ownership Boundaries are accurate within plus or minus 200 feet

OCT 02 2014



2800 (ORB050)
OR-67912

CERTIFIED MAIL – 7010 1870 0002 7993 2112
RETURN RECEIPT REQUESTED

DECISION

Mary Whitaker	:	
% David Brown	:	
Oregon Department of Transportation	:	Right-of-Way Grant
Region 4	:	Serial No. OR-67912
63055 N. Highway 97 Building M	:	
Bend, Oregon 97701	:	

Dear Mr. Brown:

Right-of-Way Grant OR-67912 Issued
Rental Determined
Monitoring Fee Determined

Enclosed is a copy of your Right-of-Way (ROW) grant, serial number OR-67912, which allows the use of public land for a mineral haul road. It was approved by the Bureau of Land Management (BLM) on October 1, 2014.

This ROW grant is exempt from rental fees in accordance with 43 CFR 2806.14(a)(2).

This ROW grant is exempt from monitoring fees in accordance with 43 CFR 2804.16(a).

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 McLain, Realty Specialist, at (541) 573-4462.

Sincerely,



Richard Roy
Three Rivers Resource Area Field Manager

Enclosures

TMCLAIN:md 09/18/14:LANDSAND

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

Issuing Office
Burns District Office

Serial Number
OR-67912 A

RIGHT-OF-WAY GRANT/TEMPORARY USE PERMIT

1. A (right-of-way) (permit) 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 Oregon Department of Transportation receives a right to construct, operate, maintain, and terminate a haul road on public lands (or Federal land for MLA Rights-of-Way) described as follows:

W.M., T. 24 S., R. 27 E., sec. 6, lots 1 and 2, SE $\frac{1}{4}$ NE $\frac{1}{4}$.

See attached map, Exhibit B.

- b. The right-of-way or permit area granted herein is 40 feet wide, 2040 feet long and contains 1.88 acres, more or less. If a site type facility, the facility contains n/a acres.
- c. This instrument shall terminate on be perpetual, _____ years from its effective date unless, prior thereto, 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 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.

Local governments are exempt from Right-of-Way rental in accordance with prevailing law and regulation, currently 43 CFR 2806.14.

4. Terms and Conditions:

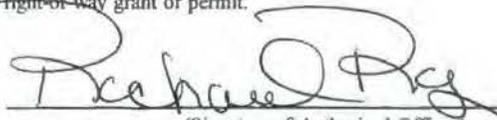
- a. This grant or permit is issued subject to the holder's compliance with all applicable regulations contained in Title 43 Code of Federal Regulations parts 2800 and 2880.
- b. Upon grant termination by the authorized officer, all improvements shall be removed from the public lands within 90 days, 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 and B, dated July 14, 2014, 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.

See attached Exhibit A, #4. Terms and Conditions Continued.

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



(Signature of Holder)



(Signature of Authorized Officer)

David Brown, ODOT Region 4 RW & Survey Manager

(Title)

Rick Roy, Three Rivers Resource Area Field Manager

(Title)

9/15/14

(Date)

10/1/14

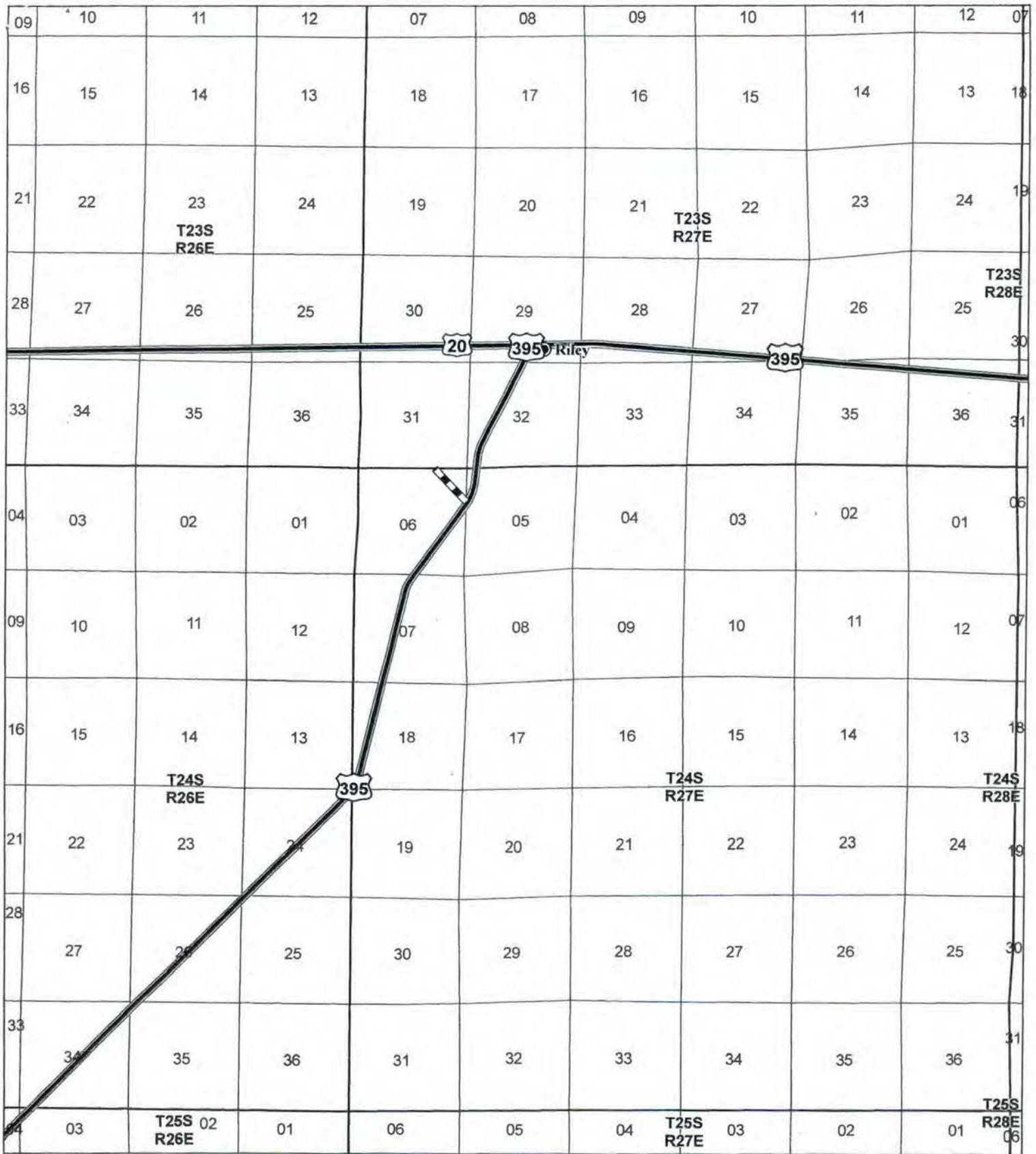
(Effective Date of Grant)

Exhibit A
#4 Terms and Conditions, Continued
OR-67912 A Road Right-of-Way
Oregon Department of Transportation
July 14, 2014

- g. The holder shall construct, operate, use and maintain the roads within this ROW in conformance with the Three Rivers Resource Management Plan ROD/RMP, 1992.
- h. The holder shall construct, operate, use, and maintain the roads within this ROW in conformance with the Project Description and POD contained in the ROW application submitted November 4th, 2014, unless otherwise modified by the terms and conditions contained herein. Any relocation, additional construction, or use that is not in accordance with the application, POD or this grant shall not be initiated without the prior written approval of the authorized officer. In addition, the holder shall construct, operate, use and maintain the roads within this ROW in accordance with Oregon Department of Transportation, Routine Road Maintenance, Water Quality and Habitat Guide, Best Management Practices, Revised 2009.
- i. All road construction, upgrading, maintenance, and use would be confined to a maximum authorized width of 20' for the haul road. Should road design not be adequate to contain traffic within the specified limits, additional measures including but not limited to surfacing, crowning, ditching, insloping, outsloping, and culverts may be required, as deemed necessary by the authorized officer.
- j. Should offsite erosion develop due to inadequate road design, the holder shall install erosion control structures as are suitable for the specific soil conditions being encountered and which are in accordance with sound resource management practices.
- k. All earth-moving equipment used in connection with this ROW shall be thoroughly washed down and cleaned of all mud, dirt, and vegetative debris at a location acceptable to the authorized officer. Cleaning of equipment shall be accomplished immediately prior to initial mobilization and anytime the equipment is removed and returned to the road area.
- l. The holder shall be responsible for weed prevention and control within the limits of the ROW when new surface-disturbing activities on the ROW are proposed. Prior to undertaking any weed prevention or control measures the holder shall consult with the BLM authorized officer regarding acceptable weed control methods, monitoring, reporting, and education of personnel on weed identification. Application of chemicals for control of noxious weeds or any other purpose shall be in accordance with applicable Federal and State law and shall be approved by BLM prior to application.
- m. During conditions of extreme fire danger, construction or major maintenance operations

shall be limited or suspended or additional fire control measures may be required by the authorized officer. The holder shall be liable for suppression costs and rehabilitation of lands damaged by fire resulting from his use of the ROW.

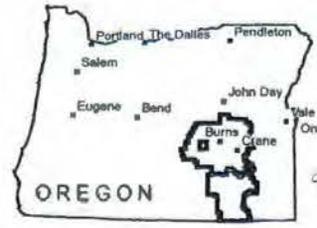
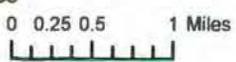
- n. The holder shall minimize disturbance to existing fences, pipelines, and other improvements on public land. The holder is required to promptly repair improvements to at least their former state. Functional use of these improvements would be maintained at all times.
- o. In the event that Oregon Department of Transportation determines they are going to develop the haul road that currently leaves Hwy. 395 and access the mineral material site owned by the State of Oregon in W.M., T. 24 S., R. 27 E., section 31, BLM requires 30 days' notice prior to any ground disturbing activities taking place so that appropriate surveys for Threatened & Endangered or Special Status Species may be conducted.



**OR-67912 A ODOT Hwy 395 ROW
Exhibit B**

- OROR 67912 A Haul Road
- Paved Road
- Non-Paved Improved Road
- Natural/Unknown Road Surface

- BLM
- State
- Private/Unknown



US DEPARTMENT OF THE INTERIOR
Bureau of Land Management
Burns District, Oregon

Note: No warranty is made by the Bureau of Land Management as to the accuracy, reliability or completeness of these data for individual or aggregate use with other data. Original data was compiled from various sources. This information may not meet National Map Accuracy Standards. This product was developed through digital means and may be updated without notification. [workarea/blm/clain/OR-67912.mxd, 07/14/2014](#)



****Ownership Boundaries are accurate within plus or minus 200 feet****

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 who wishes to appeal to the Interior Board of Land Appeals must file in the office of the officer who made the decision (not the Interior Board of Land Appeals) a notice that he wishes to 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..... U.S. Department of Interior, Bureau of Land Management, Burns District Office
28910 Highway 20 West, Hines, Oregon 97738
- WITH COPY TO SOLICITOR... U.S. Department of the Interior, Office of the Regional Solicitor
805 SW Broadway, Suite 600
Portland, OR 97205
- 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 4.412 and 4.413).
- WITH COPY TO SOLICITOR..... U.S. Department of the Interior, Office of the Regional Solicitor
805 SW Broadway, Suite 600
Portland, OR 97205
- 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).
- 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(c)).
- 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 2801.10 or 43 CFR 2881.10). 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.

43 CFR SUBPART 1821--GENERAL INFORMATION

Sec. 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 2006)