

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

CATEGORICAL EXCLUSION ENVIRONMENTAL REVIEW AND APPROVAL

CX Number: DOI-BLM-OR-B050-2015-0014-CX **Date:** 01/08/2015
Subject Function Code: 9113-2 **Case File Name:** FY2015 Road Maintenance Files
Preparer: Connie Pettyjohn, Program Analyst (Engineering) **Applicant:** Bureau of Land Management
Title of Proposed Action: East-West Warm Springs Area Road Maintenance

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

The Proposed Action is for the Bureau of Land Management (BLM) staff to perform routine maintenance activities on BLM roads within the East and West Warm Springs area of the Three Rivers Resource Management Area.

Maintenance of the roads by the BLM would be conducted in accordance with the Three Rivers Resource Management Plan (RMP) and the BLM 9100 Engineering Manual Series, Section 9113 Roads. Most of the roads within this Proposed Action consist of onsite natural surface material and would be maintained consistent with assigned maintenance intensity (MI) levels which provide the objectives and standards of care for each road. Maintenance would be conducted on deficient segments within approximately 314 road miles in the East and West Warm Springs Allotments.

Specifically, the proposed maintenance would repair and re-establish the road surface and drainage features (crowning, ditches, and culverts) in a manner to mitigate erosion damage. The travel surface would be crowned or sloped where necessary to direct surface water off the road. Ditches, including lead-off ditches on either side, would be cleaned of sediment accumulations. Roadside brushing would occur only as needed and would consist of removing sagebrush and/or juniper in areas where vegetation is encroaching on the roadsides and ditches, contributing to inadequate drainage. Roadside and roadbed brush removal would be accomplished during the process of re-establishing drainage ditches and road surface crown, or through brush mowing in the areas where no road surface maintenance is necessary. Road segments where extensive roadbed erosion has occurred would be graded and reinforced where necessary with fill material consisting of dirt or gravel and would be compacted to prevent future erosion. The proposed road maintenance action would maintain or repair road surfaces and allow for safe travel and dependable access for public land users, for BLM administration and fire suppression actions to protect sagebrush steppe habitat, and to private lands in the area. Maintenance would be conducted along road segments as assigned and prioritized by BLM engineers in coordination with BLM resource and wildlife management specialists. BLM may also conduct maintenance on some road segments crossing private lands pursuant to existing easements or documented agreements with the respective land owners.

Generally, the type of equipment used would include: road grader, dump truck, backhoe, dozer and road compaction equipment. The maintenance work would be completed by the BLM Operations crew and involve 3–4 people. It is anticipated that maintenance under this Categorical Exclusion (CX) would be accomplished over a period of time and each road would be completed in the timeliest and most efficient manner possible with the available staff and funding resources.

Additionally, the proposed maintenance activity would utilize the guidelines within the Low-Volume Roads Engineering Best Management Practices Field Guide, July 2003, as endorsed by the United States Department of the Interior (USDI)-BLM (<http://www.blm.gov/bmp/field%20guide.htm>). “Best Management Practices are a significant tool in the BLM’s pursuit of enhancing quality of life for all citizens through balanced stewardship of America’s public lands and resources.”

Project Design Features (PDF) would include:

1. Weeds: Equipment involved with the maintenance activity would be cleaned prior to beginning work on the roads to minimize the potential of spreading noxious weeds by seeds or other plant parts. Certified weed-free

materials would be used as necessary for armoring culverts or stabilizing road surface where erosion is recurrent. Roadsides would be monitored after completion of road maintenance activities to assist with early detection and treatment as necessary to help prevent the spread of noxious weeds.

2. Sage-grouse: BLM Geographic Information System (GIS) data indicate there are several occupied leks located within the allotments. Planning efforts for the proposed maintenance activities would consider and incorporate applicable recommendations from the Oregon Department of Fish and Wildlife (ODFW) Greater Sage-Grouse Conservation Assessment and Strategy for Oregon (Strategy), April 22, 2011. Relative to roads, the Strategy states, "Road density nor distance to nearest roads were significant factors in the long-term persistence of sage-grouse across the range (Aldridge et al. 2008). Localized effects of high volume roads appear to negatively affect habitat use and productivity (Lyon and Anderson 2003, Aldridge and Boyce 2007)." It is important to note that roads used in the above studies looked at the effects of vehicular activity due to gas-well development and the presence and absence of natural gas development in Wyoming and Alberta, and not the low-volume roads in the proposed road maintenance area where there is no energy development of any kind.

Excluding seasonal fluctuations, most BLM roads within the East and West Warm Springs Allotments qualify as **low-volume roads** in accordance with the following guidance standard:

The ODFW Interim Mitigation Framework for Sage-Grouse Habitats, March 20, 2012, defines the Low Traffic volume category as 0–2 vehicles/24 hours (adapted from Johnson et al. 2000). It also states, "The Department considers transmission lines and High and Moderate traffic roads to be significant impacts to sage-grouse..." (Notably, low traffic roads were not included as a significant impact).

As a conservation precaution and in an effort to avoid potential disturbance of Greater Sage-grouse, any maintenance activities that include the removal of vegetation would be planned and limited seasonally—outside the dates March 1 to June 15, or as otherwise deemed necessary by the BLM wildlife biologist—for site-specific locations. Seasonal activity consideration would serve to mitigate potential disturbance from the proposed road maintenance activity. Maintenance staff would work closely with BLM wildlife biologists to ensure adherence to seasonal restriction recommendations within any specifically designated areas.

The proposed maintenance activities would also comply with recommendations from: 1) The BLM National Technical Team Report on National Sage-Grouse Conservation Measures, December 21, 2011, in that no new road construction, realignment, or upgrading of route category is planned for the designated roads, and; 2) IM No. 2012-043, Greater Sage-Grouse Interim Management Policies and Procedures, December 27, 2011, in that the assigned route category (road, primitive road, trail) would not change as a result of the proposed maintenance. (Transportation Route category definitions can be found in the BLM Roads and Trails Terminology Report, April 2006).

Road surface maintenance aspects of the Proposed Action would not affect adjacent sagebrush habitat since planned road maintenance activity would be conducted within the existing construction limit of the roads.

Note: Locations of Greater Sage-grouse lek(s) were intentionally omitted from the attached map(s) to further protect breeding sage-grouse from unnecessary disturbance.

3. Migratory Birds: Maintenance activities that include the removal of encroaching vegetation, such as brush clearing and limbing/removal of trees, would be conducted outside the dates April 1 to July 15 to avoid disturbance and potential take of breeding/nesting migratory birds (or their nests or eggs).
4. If it became necessary for any proposed activity to be completed within the avoidance time frames, an exception waiver request would be submitted at least 10 working days prior to the start of the maintenance activity to allow field verification to be conducted by a BLM wildlife biologist to determine whether migratory birds or breeding/nesting Greater Sage-grouse would be affected by the duration and disturbance caused by the maintenance activity.
5. Area of Critical Ecological Concern (ACEC) and Resource Natural Area (RNA) Exlosures: Routine road maintenance would not be conducted within any fenced enclosure area. Localized repair of the road surface

would be completed for emergency or safety reasons or to protect adjacent resources after coordination with resource specialists.

6. Road maintenance would not occur on any playa and/or temporary wetland when covered with standing water. Maintenance conducted in dry conditions would be done in a manner to maintain the natural drainage characteristics of the playa and/or temporary wetland area. Intermittent maintenance for erosion repair purposes is generally the extent of the maintenance that is necessary within these areas.

Legal Description (attach Location Map): See attached map of roads and proposed maintenance locations.

The Proposed Action is in conformance with the applicable Land Use Plan (LUP), even though it is not specifically provided for, because it is clearly consistent with the following LUP decision(s) (*objectives, terms, and conditions*):

Three Rivers Record of Decision (ROD)/RMP, September 1992, General Best Forest Management Practices-Road System Appendix 1, (Appendices 3, 4, 9, 10). "... Best Forest Management Practices (BFMP) are taken from the Oregon Statewide Planning Manuals, the Oregon Forest Practice Rules (Oregon Department of Forestry [ODF], 1980) and the Guidelines for Stream Protection (Oregon State Game Commission). Generally, BFMP applications were selected to avoid rather than mitigate impacts. In addition, all road standards and designs will correspond to BLM Manual 9113."

BFMPs applicable to the project include; "Design drainage ditches, waterbars, drain dips, culvert placement, etc., in a manner that will disperse runoff and minimize cut-and-fill erosion. Install culverts or drain dips frequently enough to avoid accumulations of water that will cause erosion or road ditches and the area below the culvert and drain dip outlet...When installing culverts and drain dips, avoid changes in channel orientation and place these structures to conform to the natural channel gradient. Design culverts for maximum stream flow (e.g., 25-year discharge)...Provide rock or other basins at the outlet of culverts and rock the drain dips if economically feasible...Grade the primary road surfaces as often as necessary to retain the original surface drainage (either insloped or outsloped)...Control roadside brush only to the extent required for good road maintenance and safety."

Three Rivers ROD/RMP, September 1992, Summary of Recommended Practices for Stream Protection, Appendix 2, (Appendices 7-10). "Install culverts at crossings of all drainage ways except small streams and seeps which can be safely diverted to ditches. Use culverts with sufficient capacity to carry the largest flow expected. Route the road drainage (whether from culverts, cross drainage or ditches) onto the forest floor, preferably on benches so that sediment can settle out...Culverts should be properly installed in the stream channel allowing for suitable bed, adequate size, frequency and grade. Inlets and outlets should be protected. Aprons should be installed where needed...Ditches should be adequate depth and side slope to carry all water and to prevent sloughage. Keep roads well crowned ahead of wet weather so they will drain properly and not become waterways. During current operations, roads should be graded and ditched to avoid interruption to drainage from road centers to the ditches...Provide frequent cross-drains...to prevent erosion of road and fill...In using graders to clean out drainage ditches, avoid undercutting the side slopes."

Three Rivers ROD/RMP September 1992, VI.6 (p. 2-53). "Apply approved weed control methods including manual, biological and chemical control methods as identified in the Weed Control EIS and Burns District Weed Control EA...."

Noxious Weed Management Program Environmental Assessment (EA) Decision Record (DR) for the Burns District BLM, OR-020-98-05, 1998 or subsequent decision.

Final Environmental Impact Statement (FEIS)/ROD, Vegetation Treatment Using Herbicides on Bureau of Land Management Lands in 17 Western States, June 2007.

FEIS/ROD, Vegetation Treatments Using Herbicides on BLM Lands in Oregon, July 2010.

BLM Instruction Memorandum (IM) 2012-043, Greater Sage-Grouse Interim Management Policies and Procedures, December 22, 2011.

BLM IM 2012-044, BLM National Greater Sage-Grouse Land Use Planning Strategy, December 27, 2011.

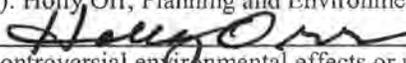
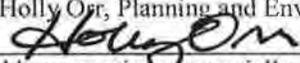
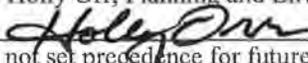
Greater Sage-Grouse Conservation Assessment and Strategy for Oregon (Hagen 2011)

BLM Categorical Exclusion Reference (516 DM, Chapter 11, G.1. and G.2.): G. Transportation. (1) Incorporation of eligible roads and trails in any transportation plan when no new construction or upgrading is needed. (2) Installation of routine signs, markers, culverts, ditches, waterbars, gates, or cattleguards on/or adjacent to roads and trails identified in any land use or transportation plan, or eligible for incorporation in such plan.

DOI Categorical Exclusion Reference (516 DM 2, Appendix 1): 1.7 "Routine and continuing government business, including such things as...maintenance...and replacement activities..."

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: <i>John Petty</i> 4/21/15	
Rationale: There will be no significant impacts on public health and safety; the BLM will sign roads during maintenance activity to warn the public of equipment in the roadway.	
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): Travis Miller, Wildlife Biologist Signature and Date: <i>Travis Miller</i> 4/21/15	
Rationale: Maintenance work would be limited to previously disturbed areas (existing road), and occur over a relatively short period (less than a week), birds in the immediate vicinity of the road may flush as equipment passes, but effects would be temporary and birds would likely return as soon as maintenance ceases. Some potential foraging habitat directly adjacent to roads may be affected, but the total area potentially directly impacted would be minimal relative to the habitat available beyond the road edges. Birds may forage in the road or along the edges of the road, but few are likely to nest in this area, and maintenance activities would not affect populations.	
<u>Historic and Cultural Resources</u> Specialist (Print Name and Title): Scott Thomas, District Archaeologist Signature and Date: <i>Scott Thomas</i> 4/21/15	
Rationale: The proposed road maintenance would not affect historic or cultural resources because it is limited to the existing roadway and drainage features. The maintenance would occur in previously disturbed areas and would not require a cultural resources survey because it is exempted under Appendix E of the Oregon BLM - State Historic Preservation Office (SHPO) protocol, adopted in 2015.	
<u>Areas of Critical Environmental Concern (ACEC)/Research Natural Areas (RNA)</u> Specialist (Print Name and Title): Caryn Burri, Natural Resource Specialist (NRS) - Botany Signature and Date: <i>Caryn Burri</i> 4.21.15	
Rationale: The proposed road maintenance passes through the Foster Flat RNA in T30S-R29E, sections 11, 14, and 15. The portion of the Matties Ark-Foster Flat Road which passes through the southern portion of the RNA is considered a maintained road per the Foster Flat RNA/ACEC management plan and therefore the maintenance is within BLM policy. No new construction would occur within the RNA/ACEC, nor would brushbeating or any manipulation of vegetation outside of herbicide treatments for weeds.	
<u>Water Resources/Flood Plains</u> Specialist (Print Name and Title): Lindsay Davies, Fish Biologist/Riparian Signature and Date: <i>Lindsay Davies</i> 4/21/2015	

Rationale: Road maintenance would not cross any perennial streams. Road maintenance would occur on a number of temporarily flooded wetlands. These particular wetlands have surface water only for brief periods during the growing season, but the water table usually lies well below the soil surface for most of the growing season. Maintenance would not occur when these temporary wetlands are flooded.
<u>Soils, Biological Soil Crust (BSC), Prime Farmlands</u> Specialist (Print Name and Title): Caryn Burri, NRS - Botany Signature and Date:  4-21-15
Rationale: Because all maintenance activities would occur within the current allotted road maintenance corridor width, no new impacts to soils or BSCs would occur. Brush beating may occur which could affect soils and BSCs, if present; however the treatment would occur within the allowable maintenance corridor and impacts would not be measurable across the allotments (less than one-percent of one-percent of the combined total acreage). Maintenance performed for the intention of preventing erosion would protect soils and BSCs outside the road maintenance corridor by preventing runoff and overland flow outside designated areas. There are no Prime Farmlands within the proposed road maintenance project area.
<u>Recreation/Visual Resources</u> Specialist (Print Name and Title): Eric Haakenson, Outdoor Recreation Planner Signature and Date:  04-21-15
Rationale: Maintaining these roads would benefit recreation by providing safe and dependable access for public land visitors. The project falls within Visual Resource Management (VRM) Classes III and IV. Maintaining existing roads would have no effect to the VRM Classes.
<u>Wilderness/Wild and Scenic River (WSR) Resources</u> Specialist (Print Name and Title): Tom Wilcox, Outdoor Recreation Planner Signature and Date:  4-21-2015
Rationale: The proposed projects would not occur within any Wilderness, Wilderness Study Area (WSA), WSR, or on Lands with Wilderness Characteristics (LWC).
2.3 Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources (NEPA Section 102(2) (E)).
Specialist (Print Name and Title): Holly Orr, Planning and Environmental Coordinator Signature and Date:  4/30/15
Rationale: There are no highly controversial environmental effects or unresolved conflicts concerning alternative uses of available resources. The roads are an existing feature on the landscape. The Proposed Action is to perform routine and continuing maintenance on existing roads.
2.4 Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.
Specialist (Print Name and Title): Holly Orr, Planning and Environmental Coordinator Signature and Date:  4/30/15
Rationale: There are no known highly uncertain or potentially significant environmental effects or unique or unknown environmental risks. The roads are an existing feature on the landscape. The Proposed Action is to perform routine and continuing maintenance on existing roads.
2.5 Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.
Specialist (Print Name and Title): Holly Orr, Planning and Environmental Coordinator Signature and Date:  4/30/15
Rationale: Implementation would not set precedence for future actions or represent a decision in principle about future actions with potentially significant environmental effects. The roads are an existing feature on the landscape. The Proposed Action is to perform routine and continuing maintenance on existing roads.
2.6 Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.
Specialist (Print Name and Title): Holly Orr, Planning and Environmental Coordinator Signature and Date:  4/30/15
Rationale: Implementation does not have any known direct relationship to other actions with individually insignificant but cumulative significant environmental effects. The roads are an existing feature on the landscape. The Proposed Action is to perform routine and continuing maintenance on existing roads.
2.7 Have significant impacts on properties listed, or eligible for listing, on the <i>National Register of Historic</i>

<u>Places as determined by either the Bureau or office.</u>	
Specialist (Print Name and Title): Scott Thomas, District Archaeologist	
Signature and Date: <i>Scott Thomas</i> 4/21/15	
Rationale: The proposed road maintenance would not affect <i>National Register</i> listed or eligible properties because it is limited to the existing roadway and drainage features. The maintenance would occur in previously disturbed areas and would not require a cultural resources survey because it is exempted under Appendix E of the Oregon BLM - SHPO protocol, adopted in 2015.	
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.	
<u>Endangered or Threatened Species-Fauna</u>	
Specialist (Print Name and Title): Travis Miller, Wildlife Biologist	
Signature and Date: <i>Travis Miller</i> 4/21/15	
Rationale: There are no known Threatened or Endangered (T&E) species or Designated Critical Habitat in the area around the project area, and none would be affected off-site by the maintenance activity. Approximately 2/3 (63%) of the roads proposed for maintenance activities are located in Greater Sage-grouse Preliminary General Habitat (PGH). Approximately 37% of the roads are located in Preliminary Priority Habitat (PPH). 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 6 active leks and 12 unoccupied pending leks in the vicinity of the roads proposed for maintenance activities. Lekking areas in both active and unoccupied pending would have no maintenance activities conducted within one mile during March 1 to May 15 unless conducted after 10:00 a.m. to avoid disturbance to strutting sage-grouse. These avoidance areas make up approximately 24 miles of road. Total road miles to be maintained are 314, of which 162 miles are Maintenance Intensity (MI) 3 and 152 miles MI 1 roads. The MI 3 roads are the only potential roads that could cause habitat fragmentation due to visits by people, however, use is still minimal on these roads (especially during winter and spring) with less than 3 vehicles per day. The MI 3 roads on the Burns District and this area are not similar in use and development when compared to studies conducted in Wyoming's oil and gas developed roads and their impacts to sage-grouse. Roads being maintained would not impact sage-grouse annual life cycle if standard operating procedures (SOP) are followed within 1 mile of leks during the breeding season. Maintained roads increase fire suppression effectiveness in these remote, low-elevation sagebrush ecosystems that are not resilient following wild fires.	
<u>Endangered or Threatened Species-Aquatic</u>	
Specialist (Print Name and Title): Lindsay Davies, Fish Biologist/Riparian	
Signature and Date: <i>Lindsay Davies</i> 4/21/2015	
Rationale: There are no aquatic T&E species or critical habitat within any of the watershed proposed for maintenance.	
<u>Endangered or Threatened Species-Flora</u>	
Specialist (Print Name and Title): Caryn Burri, NRS - Botany	
Signature and Date: <i>Caryn Burri</i> 4.21.15	
Rationale: There are no documented T&E or BLM designated Special Status plant species, nor designated critical habitat, within the proposed road maintenance project 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: <i>Holly Orr</i> 4/30/15	
Rationale: Implementation would not violate any known law or regulation imposed for the protection of the environment. The roads are an existing feature on the landscape. The Proposed Action is to perform routine and continuing maintenance on existing roads.	
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: <i>Holly Orr</i> 4/30/15	
Rationale: Implementation would not have a disproportionately high or adverse effect on low income or minority populations as such populations do not exist within 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: <u>Scott Thomas</u> <u>4/21/15</u>	
Rationale: The proposed maintenance would not affect the integrity of or access to Indian sacred sites. No sacred sites are known to occur in the maintenance zone.	
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: <u>Lesley Richman</u> <u>5/12/15</u>	
Rationale: Noxious weeds are known to be present in or 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):

Specialist (Print Name and Title): Stacy Fenton, Geographic Information Specialist
 Signature: Stacy Fenton Date: 5/4/15

RMP conformance and CX review confirmation:

Specialist (Print Name and Title): Holly Orr, Planning and Environmental Coordinator
 Signature: Holly Orr Date: 5/12/15

Management Determination: Based upon review of this proposal, I have determined the Proposed Action is in conformance with the LUP, qualifies as a CX, and does not require further National Environmental Policy Act (NEPA) analysis.

Authorized Officer (Print Name and Title): Richard Roy, Three Rivers Field Manager
 Signature: Richard Roy Date: 5/12/15

Decision: It is my decision to implement the Proposed Action with Project Design Elements (if applicable) as described above.

Appeal Procedure:

You have the right, within 30 days of receipt of this decision, to appeal to the Interior Board of Land Appeals (IBLA), Office of the Secretary, in accordance with regulations at 43 CFR § 4.4. An appeal should be in writing and specify the reasons, clearly and concisely, as to why you think the decision is in error. A notice of appeal and/or request for stay electronically transmitted (e.g. email, facsimile, or social media) will not be accepted. A notice of appeal and/or request for stay must be on paper. If an appeal is taken, your notice of appeal must be filed in the Burns District Office at 28910 Highway 20 West, Hines, Oregon 97738. The appellant has the burden of showing that the decision is in error.

A copy of the appeal, statement of reasons, and all other supporting documents should also be sent to the Regional Solicitor, Pacific Northwest Region, U.S. Department of the Interior, 805 SW Broadway, Suite 600, Portland, Oregon 97205. If the notice of appeal did not include a statement of reasons for the appeal, it must be sent to the IBLA, Office of Hearings and Appeals, 801 North Quincy Street, Arlington, Virginia 22203. It is suggested appeals be sent certified mail, return receipt requested.

The appellant may wish to file a petition for a stay (suspension) of this decision during the time that the appeal is being reviewed by IBLA; pursuant to Part 4, Subpart B, Section 4.21 of Title 43 CFR, 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 be submitted to each party named

in this decision and to IBLA 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 regulation, a petition for a stay of decision pending appeal shall show sufficient justification based on the following standards (43 CFR 4.21(b)).

- (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.

As noted above, the petition for stay must be filed in the office of the Authorized Officer.

A notice of appeal and/or request for stay electronically transmitted (e.g. email, facsimile, or social media) will not be accepted. A notice of appeal and/or request for stay must be on paper.

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

Signature: Richard Roy

Date: 5/12/15

