

DECISION RECORD
Bureau of Land Management
Legislated Land Conveyance
The La Pine Land Conveyance Act - Public Law 112-164

State:	Oregon	Serial #:	OR-67507
Field Office:	Prineville	Action:	Legislated Land Conveyance
County:	Deschutes		

Proposed Action and Background

On August 10, 2012, President Obama signed the La Pine Land Conveyance Act (the Act), Public Law 112-164, authorizing the transfer of 982.21 acres of public lands administered by the Bureau of Land Management (BLM) to Deschutes County and the City of La Pine. The Act directs the Secretary of Interior, acting through the Director of the BLM to transfer three separate parcels of land within and adjacent to the City of La Pine, in southern Deschutes County, Oregon.

The Act states, “As soon as practicable after the date of enactment of this Act, subject to valid existing rights and the provisions of this Act, and notwithstanding the land use planning requirements of sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713), the Secretary shall convey to the City or County, without consideration, all right, title, and interest of the United States in and to each parcel of land described in subsection (b) for which the City or County has submitted to the Secretary a request for conveyance by the date that is not later than 1 year after the date of enactment of this Act.”

Both the City of La Pine and the Deschutes County Board of Commissioners submitted a request for conveyance to the Prineville District Manager on September 8 and September 12, 2012, respectively.

The Act states, “The parcels of land referred to in subsection (a) consist of (1) approximately 150 acres of land managed by the Bureau of Land Management, Prineville District, Oregon, depicted on the map as “parcel A”, to be conveyed to the County, which is subject to a right-of-way retained by the Bureau of Land Management for a power substation and transmission line; (2) approximately 750 acres of land managed by the Bureau of Land Management, Prineville District, Oregon, depicted on the map as “parcel B”, to be conveyed to the County; and (3) approximately 10 acres of land managed by the Bureau of Land Management, Prineville District, Oregon, depicted on the map as “parcel C”, to be conveyed to the City.” Parcel C is described on the public land records as government lot 161 and contains 3.26 acres.

The Act directs that the uses of the conveyed land shall be consistent with the Act of June 14, 1926 (commonly known as the “Recreation and Public Purposes Act”) (43 U.S.C. 869 et seq.). The Act requires that the land conveyed shall be used for the public purposes and associated uses described in the law. Parcel A shall be used for outdoor recreation, open space, or public parks, including a rodeo grounds. Parcel B shall be used for a public sewer system and Parcel C shall be used for a public library, public park, or open space.

The Act contains a reversionary provision stating, “If the land conveyed under subsection (a) ceases to be used for the public purpose for which the land was conveyed, the land shall, at the discretion of the Secretary, revert to the United States.”

The BLM through the Secretary of Interior has very little discretion in complying with the legal mandate directed by the law. The Act states, “The Secretary may require such additional terms and conditions for the conveyances under subsection (a) as the Secretary determines to be appropriate to protect the interests of the United States.”

Decision

It is my decision to convey ownership of the federal lands as directed by the La Pine Land Conveyance Act, without additional terms and conditions. The BLM has completed an evaluation of the parcels and determined that there are no additional terms and conditions necessary to protect the interests of the United States. This constitutes a final decision by the Bureau of Land Management in this matter.

The Act requires that the lands conveyed shall be used for the enumerated purposes. At the request of Deschutes County, the City of La Pine and the right-of-way holders, the BLM reserves the administration of all right-of-way segments that extend through the subject parcels and will continue to manage these rights as previously authorized.

Rationale for Decision

The La Pine Land Conveyance Act (the Act), Public Law 112-164 directs the Secretary of Interior, acting through the Director of the BLM to transfer three separate parcels of land within and adjacent to the City of La Pine, in southern Deschutes County, Oregon. The Act requires the BLM to convey to the City or County, without consideration, all right, title, and interest of the United States, notwithstanding the land use planning requirements of sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713).

The Act allows the Secretary of Interior to include terms and conditions in the conveyance that are appropriate to protect the interests of the United States. The BLM has completed resource evaluations and concluded that additional terms and conditions are not needed. Those evaluations are available at the BLM Prineville District office.

Public Interest Determination

Tribes, individuals, organizations, or agencies consulted

A public notice was published in local newspapers and mailed to adjacent property owners, organizations and public agencies. A public meeting was held at the La Pine City Hall on November 8, 2012 to receive comments on this legislative action and to gather information regarding additional terms and conditions that may be considered necessary. The public notice was published in the local La Pine newspaper, the Newberry Eagle on November 1, 2012, in the Bend newspaper, The Bulletin on November 4 and in the Central Oregonian of Prineville on November 2, 2012. The City of

La Pine mailed the public notice to all adjacent property owners and to a list of individuals, organizations and public agencies provided by the BLM. The public meeting was attended by about twenty five individuals. Those in attendance represented adjacent property owners, members of various civic organizations, the La Pine Parks and Recreation District, the Deschutes Public Library District, the La Pine City Council, Mid-State Electric Cooperative, Deschutes County Property Management, one of the Deschutes County Commissioners and the BLM Prineville District Manager. No written comments from this scoping effort were received.

On October 4, 2012, the BLM sent certified letters of notification, to the Tribal Council Chairperson of the Confederated Tribes of Warm Springs, the Burns Paiute Tribe, the Klamath Tribes, and the Chairman of the Board of Trustees of the Confederated Tribes of the Umatilla Reservation. Lilliann Watah, a representative of the Klamath Tribes responded by email on November 9, 2012 advising that a cultural resources survey must be completed by a qualified archaeologist to identify any culturally significant areas with the project.

General Property Description

The vegetative community on all parcels is primarily of lodgepole pine or Ponderosa pine, bitterbrush and Idaho fescue. Parcel B is characterized by a mixture of lodgepole and Ponderosa pine. More than half of the acreage of Parcel B has been logged and the remaining lodgepole pine forest is mostly young and densely stocked.

Parcel B contains numerous existing rights-of-way and is situated within the La Pine city limits and east of the Burlington Northern Santa Fe railroad right-of-way. The La Pine cemetery borders the SE corner of Parcel B. Federal lands administered by the U.S. Forest Service border the parcel to the east with BLM administered public lands bordering to the northwest, north and south.

Parcel A is 150 acres and is situated adjacent and west of the La Pine city limits boundary. Sixth Street is a dedicated public road under the jurisdiction of Deschutes County that extends through Parcel A. The dimensions of Parcel A on the north side of 6th Street are 1980 feet (east-west) by 1980 feet (north-south) comprising 90 acres. The dimensions of Parcel A on the south side of 6th Street are 1980 feet (east-west) and 1320 feet (north-south) comprising 60 acres.

The public land surrounding Parcel A will be retained in federal ownership and managed by the BLM. The adjacent private lands are rural in character with scattered residential development. A block of public land containing several hundred acres extends south of Parcel A and is included in a BLM livestock grazing allotment. The allotment has not been actively grazed for several years and as a result, the boundary fences are in disrepair. Parcel B and C are not authorized for livestock grazing and are not fenced.

Parcel C is located within the La Pine city limits and is the present site for a Deschutes County public library. The BLM has authorized this use under a Recreation and Public Purposes Act lease issued to the Deschutes Library District. Prior to conveyance, the City of La Pine and the Deschutes Library District plan to develop a new lease agreement. The Deschutes Library District intends to relinquish

their interest in the Recreation and Public Purposes lease to allow for a conveyance without this encumbrance.

Land Use Planning Considerations

Parcel A - The subject property is zoned Forest Use (F-1) and is within the Landscape Management (LM) and Wildlife Area (WA) Combining Zones.

A Lot Line Adjustment is necessary to create Parcel A for conveyance purposes. On March 14, 2013 the BLM provided Deschutes County Property Management with a letter of authorization to file applications for Lot of Record Verification and Lot Line Adjustment. On March 29, 2013, Planning Division provided a Lot of Record Determination for both federal tax lots, LR-13-3 for 22-10 tax lot 1900 and LR-13-4 for 22-10 tax lot 1905. Legal lot of record 1900 contains approximately 3,837 acres and legal lot of record 1905 contains approximately 157 acres.

On April 23, 2013, the Planning Division provided tentative approval for Lot Line Adjustment file number LL-13-15. The adjusted property lines have been surveyed and the corners monumented in accordance with ORS 209.250 and the requirements of the Planning Division. The survey has been reviewed by the County Surveyor. Upon filing of the deeds for the adjusted parcels the filing information will be added to the survey and submitted to the Deschutes County Surveyor for recordation. The recorded survey will then be submitted to the Planning Division.

Following issuance of the patent, the Deschutes County Assessor's Office will use the Lot Line Adjustment Decision and the legal descriptions contained on the patent to merge the accounts for the federal tax lots 1900 and 1905 by a Roll Change Request. This will adjust the boundary to create Parcel A as described in the Act and result in a legal lot of record. The federal tax lot 1900 will remain as a legal lot of record in public ownership.

Parcel B - The subject property is zoned Forest Use (F-1 and F-2), Exclusive Farm Use- La Pine (EFU-LA) and Open space and Conservation (OS&C) and is also within the Surface Mining Impact Area (SMIA), Landscape Management (LM) and Wildlife Area (WA) Combining Zones. The portion of the property within the City of La Pine is zoned La Pine Sewer Treatment (LPST). Parcel B is situated within two tax lots identified on the Deschutes County Assessor's Map 22-10 as Tax Lot 100 and Map 22-11 as Tax Lot 100. The federal jurisdiction for these tax lots includes both the BLM and the Forest Service.

On April 5, 2013 BLM provided Property Management with two letters of authorization to file land use applications with the Planning Division necessary to create Parcel B. One application was for a Lot of Record Verification and the other application was for a Minor Partition and Variance.

On April 17, 2013 the Planning Division issued a decision for the Lot of Record Determination assigning File No. LR-13-9 for the property identified as 22-10, Tax Lot 100 and File No. LR-13-10 for the property identified as 22-11, Tax Lot 100. The decision established that these two tax lots comprise a single legal lot of record. A Minor Partition of two lots is necessary to create Parcel B and this process will result in two legal lots of record.

Property Management has filed an application with the Planning Division for a Minor Partition and a Variance. The variance, in accordance with the Deschutes County Code 17.56, requests a waiver of the survey and corner monumentation requirements around the larger parcel (22-10 tax lot 100 and 22-11 tax lot 100). The corners of Parcel B will be monumented for purposes of the conveyance.

Hickman, Williams and Associates have prepared a Tentative Minor Partition Plat for submission to the Deschutes County Community Development Department (Planning Division). The Deschutes County Property and Facilities Department has prepared a Burden of Proof statement that was submitted to the Deschutes County Community Development Department with a Tentative Plan. Hickman, Williams and Associates will survey the property lines, monument the corners and prepare a Minor Partition Plat once tentative approval is received from Deschutes County Community Development. The Plat will be reviewed by the County Surveyor and upon approval, will be recorded with the County Clerk and filed with the Planning Division.

Parcel C - has been verified by the Planning Division of the Deschutes County Community Development Department as a separate tax lot and legal lot of record.

Cadastral Survey

A Land Description Review (LDR) was completed by the BLM Branch of Geographic Sciences, Cadastral Survey, in accordance with BLM requirements to ensure adequate review of boundary evidence prior to the approval of significant land and resource transactions.

A LDR Certificate was issued to the Prineville District on November 7, 2012 by the Chief, Branch of Geographic Sciences. The LDR Certificate was amended on May 30, 2013 subsequent to the creation of the Supplemental Plat of Section 12, T. 22 S., R. 10 E. by the Branch of Geographic Sciences. The Supplemental Plat was necessary to create new government lots along the railroad right-of-way. The LDR Certificate includes the legal descriptions and respective acres for the three subject parcels.

Wildlife Resources

A forest-wildlife survey to assess resources on the subject federal land was conducted by BLM staff in September and October 2012. The survey concluded that there were no federally proposed or listed threatened or endangered wildlife species present. The Oregon spotted frog, a federally proposed threatened species under the Endangered Species Act, is found in the area along the Little Deschutes River and Long Prairie, near Parcel A. However, no habitat was found to exist on any of the subject lands.

Parcels A and B are situated within a deer migration corridor, however the location of this corridor is largely blocked by the city of La Pine. Parcel A is also recognized as elk winter range. Both mule deer and elk are considered locally important species. The southeast corner of Parcel B contains a stand of old growth ponderosa pine and has habitat potential for the Lewis' woodpecker and White-Headed woodpecker. Both species are on the Oregon Special Status Species List and considered Sensitive Species.

Botanical Resources

BLM botanical records indicate that public lands in the La Pine basin are known to have populations of Botrychium pumicola (pumice grapefern) and possibly Astragalus peckii (Peck's milkvetch). The Bureau of Land Management considers the status of these plants to be "Sensitive". The State of Oregon classifies these plants as "Threatened".

Parcel A: Most historical botanical evaluations and/or observations noted that this area was already fairly disturbed and too wet for either species listed above. The most recent reports were dated 1999 when it was noted that no special status species were present. Weed control is a necessary management consideration if soils on this site are disturbed.

Parcel B: In 2003, Botrychium pumicola was found in Section 12 along the BLM road, Darlene Way. Three fertile fronds were located in an area <1 sq. meter. The site was revisited in 2005 and no plants were found. The area appeared to be more disturbed by motor vehicles. The population had been in an open area within a surrounding stand of lodgepole pine.

In 2013, the BLM botanist surveyed Parcel B for the small population of Botrychium pumicola. No individuals of this plant were found in the historic population, or in the general area. There were no Astragalus peckii plants found and the BLM does not suspect other special status species are present on the subject parcels.

Parcel C: BLM staff did not find and do not suspect special status plants on this site due to the small size of the parcel and its location in the developed, urban area of La Pine.

Rangeland Resources

The federal lands in Parcel A are included within the Yager grazing allotment, authorized under a Section 15 grazing lease, # 3605845. There are currently 374 acres supporting 33 AUMs (animal unit months) in the Yager Allotment. The conveyance of this federal land would decrease the allotment by 60 acres and result in a reduction in the grazing preference by 5 AUMs. A total of 314 acres supporting 28 AUMs would remain in this allotment following the conveyance. The operator has not utilized the allotment for livestock grazing during the previous five years.

In accordance with federal regulations found at 43 CFR 4110.4-2(b), the BLM sent the grazing operator a certified letter on October 22, 2012, describing the Act and the two year notification requirement that is mandated prior to cancelling or adjusting grazing privileges. The grazing regulations provide an operator with the ability to waive the two year prior notification requirement. The operator has not responded to the notification.

Parcel A is situated in the west half of Section 15, T. 22 S., R. 10 E., and is divided by the county road known as 6th Street. The dimensions of Parcel A on the north side of 6th Street are approximately 1980 feet (east-west) by 1980 feet (north-south) comprising approximately 90 acres.

The Yager Allotment is situated on the south side of 6th Street and is affected by that portion of Parcel A that measures 1980 feet (east-west) and 1320 feet (north-south) comprising approximately

60 acres. As a result of the conveyance, the adjusted boundary for the Yager allotment would coincide with the south line and the west line of Parcel A, comprising a lineal distance of 3,300 feet.

An inspection of the area revealed that the fences are broken in several places along the allotment boundary. It is likely that the perimeter fences around the entire allotment need to be repaired prior to livestock grazing. Based on a cost estimate of \$10,000 per mile (installed) for four strand barbed wire fence, it would take about \$6,250 to fence the common boundary of the allotment and Parcel A. The Yager allotment is situated within a Herd Law District that is classified as “closed range”. In an area of “closed range” it is the responsibility of the grazing operator to contain and fence the livestock.

The federal lands in Parcels B and C are not authorized for livestock grazing.

Mineral Resources

The BLM mineral records indicate that there are no active mining claims affecting the lands designated in the La Pine Land Conveyance Act. The lands have been segregated with notation of the Act to the public land records (Master Title Plats). The Act requires the BLM to convey to the City or County, without consideration, all right, title and interest of the United States, including the mineral estate.

Cultural Resources

The United States Forest Service Heritage Stewardship Group conducted a cultural resource survey of the area of potential effect in August 2013. The project surveyed 750 acres and relied on previous Section 106 compliance for 155 acres. Two historic period sites were previously documented; however, when revisited, only one remained intact. Both sites were determined not eligible to the National Register of Historic Places. Based on this information, the La Pine Land Conveyance will have no effect to cultural properties. Compliance with Section 106 of the National Historic Preservation Act has been completed in consultation with the Oregon State Historic Preservation Office.

Lands and Realty Considerations

BLM sent letters to all right-of-way holders on October 22, 2012, notifying them of the Act and offering options for future management of their existing rights. In their response, the holders elected to have the BLM reserve administration of the right-of-way grants in the conveyance. Both the City of La Pine and Deschutes County expressed no interest in the future administration of existing rights and concur with BLM transferring the land and reserving administration of the grants. In response to the notification, all of the holders have chosen to have the administration of the affected segments of their rights-of-way reserved by BLM. The following rights are affected by the La Pine Land Conveyance Act:

1. Mid-state Electric Coop., Inc. (MEC), is the Holder of the following rights-of-way serialized, OR-02237, OR-9051, OR-24420, OR-36331, OR-43592 and OR-44115. The Act requires the BLM to retain the administration of OR-24420, the La Pine Substation Site and transmission line.
2. There are two BLM roads that extend through Parcel B, the case files are serialized,

OR-11011 and OR-11012. These BLM roads were recently converted to rights-of-way under the authority of Title V of the Federal Land Management and Policy Act. The total width of each right-of-way is 100 feet and the term of the grant is perpetual. A segment of OR-11011, known as Reed Road extends 1.75 miles east from the end of the County jurisdiction to the La Pine cemetery along the south line of Parcel B. With the incorporation of the City of La Pine, this road segment is now within the La Pine city limits and will be assigned to the City upon request. A segment of OR-11012 is known as Darlene Way and extends for about one mile through Parcel B, adjacent and parallel to the natural gas pipeline right-of-way corridor.

3. The Deschutes County Road Department has two rights-of-way for public roads serialized OR-51362 and OR-46517. The Road Department will have these roads recognized on the Minor Partition Plat as dedicated public roads and will relinquish these grants to the BLM.
4. A right-of-way grant was recently assigned to the City of La Pine for the buried sewer pipeline, OR-42861. The right-of-way has a total width of ten feet and extends in various segments for approximately two miles in length through isolated parcels of public land in the City of La Pine.
5. The Deschutes County Road Department has a traffic control structure that is located on the northeast corner of Parcel C at Huntington Road in La Pine. It was authorized in 2005 by amending right-of-way grant OR-51362. The City of La Pine plans to dedicate the land to the public after the conveyance to insure that all improvements are located within a public right of way. The Road Department has prepared a description for the right of way. Upon dedication and acceptance by the City of La Pine, the right-of- way will be relinquished and the grant amended.
6. A lease serialized, OR-48122 affecting all of Parcel C is currently authorized to the Deschutes Library District under the provisions of the Recreation and Public Purposes Act. This R&PP Lease will be relinquished prior to conveyance and replaced with a new agreement between the City of La Pine with and the Deschutes Library District.
7. A right-of-way for a railroad serialized, L-013414 is held by the Burlington Northern Santa Fe Railroad. The administration of the grant will be reserved by the United States in the conveyance. The ROW was granted in 1929 for a perpetual term having a total width of 100 feet. The west line of the ROW is coincident with the west boundary line of Parcel B.
8. Parcel B contains two rights-of-way for buried, natural gas pipelines that are held by Gas Transmission Northwest Corporation and are serialized OR-010556 and OR-13824. These intrastate pipelines are 36” and 42” in diameter respectively and extend parallel to each other in a north-south direction. There is a separation of 20 feet between centerlines. Each pipeline was authorized under a different right-of-way grant with overlapping areas. From the centerline of the 36-inch A-line running perpendicular to the pipeline, the ROW is 25 feet to the west and 46.75 feet to the east. The total right-of-way width of both lines is 71.75 feet.
 - a. ORE-010556 (A-line 36-inch) – is 50 feet wide and does not have an expiration date.
 - b. OR-13824 (B-line 42-inch) – is 53.50 feet wide and expires on July 16, 2016.

The pipeline company will survey and post the exterior limits of the ROW. No permanent structures are allowed within the limits of the ROW boundary.

Hazardous Substances

An Environmental Site Assessment for real property disposal was conducted in October 2012 by the BLM Prineville District Environmental Protection Specialist. There were no hazardous waste issues identified on the property during the site inspection.

Conformance with the Land Use Plan

The La Pine Land Conveyance Act directs the Secretary of Interior to convey to the City or County, all right, title, and interest of the United States. The intent of this legislated conveyance is to provide the local community with federal lands for public purpose projects.

The public lands within and around Parcel A were classified as Zone 2 in the BLM's 2005 Upper Deschutes RMP. The objectives for this classification are for retention or possibly conveyance by land exchange, if the acquired lands provide higher public values.

Parcels B and C were classified in the Upper Deschutes RMP as Zone 3 and are considered to be suitable for conveyance for purposes of community expansion. BLM has determined that the project would not adversely affect fish and wildlife habitats, cultural resources, valid and existing rights, watersheds, minerals or timber interests or other public resources. The BLM does not anticipate the intended use of the conveyed federal land will conflict with established management objectives on adjacent federal land or Indian trust lands.

Future Land Uses

The Act requires that future land use must be consistent with specific public purposes and associated uses enumerated in the law:

1. "Parcel A shall be used for outdoor recreation, open space, or public parks, including a rodeo ground."
2. "Parcel B shall be used for a public sewer system."
3. "Parcel C shall be used for a public library, public park, or open space."

The Act explicitly states that the conveyances are subject to valid existing rights. To the extent that an entity has a valid, existing right-of-way, it can continue to use that right-of-way. With concurrence obtained from the City of La Pine and Deschutes County, the BLM reserves the administration of existing right-of-way segments and will continue to manage these rights as previously authorized.

The Act precludes the BLM from issuing rights-of-way through the subject lands in the future, since all right, title, and interest will be conveyed to the County or City. The right to further encumber these lands is among those rights being conveyed. However, if the issuance of such rights were not related to the purposes enumerated in the Act, it would constitute a separate use not authorized by the Act and trigger the reversionary clause.

If the harvest of timber is required to use the lands for the purposes enumerated in the Act, then such activities would be reasonably incident to those purposes. However, if the harvest of timber were to go beyond what is required to use the parcels for their enumerated purposes (e.g. for the purpose of generating revenue), it would constitute a separate use that is not authorized by the Act and trigger the reversionary clause.

Mineral resources extracted from the subject lands must be used in support of the purposes enumerated in the Act. If the development of mineral resources were to go beyond what is required to use the parcels for their enumerated purposes (e.g. for the purpose of generating revenue), it would constitute a separate use not authorized by the Act and trigger the reversionary clause.

Right of Appeal

This decision (to convey the lands without additional terms and conditions) may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with 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 BLM office (3050 NE Third Street, Prineville, Oregon 97754) 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 pursuant to regulation 43 CFR 4.21 (58 FR 4939, January 19, 1993) 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 Interior Board of Land Appeals and 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.

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

Standards for Obtaining s Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal must 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 a stay.

Signed by:



Molly M. Brown
Field Manager, Deschutes Resource Area

11/14/13
Date

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

INFORMATION ON TAKING APPEALS TO THE INTERIOR BOARD OF LAND APPEALS

DO NOT APPEAL UNLESS

1. This decision is adverse to you,
AND
2. You believe it is incorrect

IF YOU APPEAL, THE FOLLOWING PROCEDURES MUST BE FOLLOWED

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- 1. NOTICE OF APPEAL**..... A person served with the decision being appealed must transmit the *Notice of Appeal* in time for it to be filed in the office where it is required to be filed within 30 days after the date of service. If a decision is published in the FEDERAL REGISTER, a person not served with the decision must transmit a *Notice of Appeal* in time for it to be filed within 30 days after the date of publication (43 CFR 4.411 and 4.413).
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- 2. WHERE TO FILE NOTICE OF APPEAL**..... Prineville District Office, 3050 NE Third Street, Prineville, Or 97754
- WITH COPY TO SOLICITOR**..... U.S. Department of the Interior, Office of the Regional Solicitor, 805 SW Broadway, Suite 600 Portland, OR 97205
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- 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**.....
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- 4. ADVERSE PARTIES**..... Within 15 days after each document is filed, each adverse party named in the decision and the Regional Solicitor or Field Solicitor having jurisdiction over the State in which the appeal arose must be served with a copy of: (a) the *Notice of Appeal*, (b) the Statement of Reasons, and (c) any other documents filed (43 CFR 4.413). If the decision concerns the use and disposition of public lands, including land selections under the Alaska Native Claims Settlement Act, as amended, service will be made upon the Associate Solicitor, Division of Land and Water Resources, Office of the Solicitor, United States 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 Associate Solicitor, Division of Mineral Resources, Office of the Solicitor, United States Department of the Interior, Washington, D.C. 20240.
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- 5. PROOF OF SERVICE**..... Within 15 days after any document is served on an adverse party, file proof of that service with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. This may consist of a certified or registered mail "Return Receipt Card" signed by the adverse party (43 CFR 4.401(c)).
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- 6. REQUEST FOR STAY**..... Except where program-specific regulations place this decision in full force and effect or provide for an automatic stay, the decision becomes effective upon the expiration of the time allowed for filing an appeal unless a petition for a stay is timely filed together with a *Notice of Appeal* (43 CFR 4.21). If you wish to file a petition for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Interior Board of Land Appeals, the petition for a stay must accompany your *Notice of Appeal* (43 CFR 4.21 or 43 CFR 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 other provided by law or other pertinent regulations, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards: (1) the relative harm to the parties if the stay is granted or denied, (2) the likelihood of the appellant's success on the merits, (3) the likelihood of immediate and irreparable harm if the stay is not granted, and (4) whether the public interest favors granting the stay.

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 2005)

La Pine Land Conveyance Act

Parcel A

T. 22 S., R. 10 E., W.M.

Section 15, S $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$,
NE $\frac{1}{4}$ SW $\frac{1}{4}$;

Total Parcel A = 150 acres

The Federal land would be conveyed subject to ditches and canals and the encumbrances listed below:

1. A reservation for a right-of-way for an electric substation site and transmission line granted to Mid-State Electric Cooperative, Inc., BLM serial number, OR-24420 and referred to as the La Pine Substation Site, Parcel 1 MP-80-1906, Tax lot 1906 and comprising 3.23 acres.
2. A reservation for a right-of-way for an electric distribution line granted to Mid-State Electric Cooperative, Inc., BLM serial number, OR-9051.
3. A reservation for a right-of-way for a 115 KV electric transmission line and access road granted to Mid-State Electric Cooperative, Inc., BLM serial number, OR-36331.
4. A reservation for a right-of-way for a 115 KV electric transmission line with distribution underbuild granted to Mid-State Electric Cooperative, Inc., BLM serial number, OR-43592.
5. A reservation for a right-of-way for an electric distribution line granted to Mid-State Electric Cooperative, Inc., BLM serial number, ORE-02237.
6. The right-of-way granted to Deschutes County for a county road, BLM serial number, 1. OR-51362 – The Deschutes County Road Department has requested this right-of-way be relinquished and will dedicate this as a public road in the partition plat.

Parcel B

T. 22 S., R. 10 E., W.M.

Section 12, E $\frac{1}{2}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, that portion of Lots 1, 4, 5, 7 and 8, lying east of the westerly right-of-way line of the Burlington Northern - Santa Fe Railroad right-of-way;
532.53 acres

T. 22 S., R. 11 E., W.M.

Section 7, E $\frac{1}{2}$ W $\frac{1}{2}$, Lots 1, 2, 3 and 4;
296.42 acres

Total Parcel B = 828.95 acres

The Federal land would be conveyed subject to ditches and canals and the encumbrances listed below:

2. A reservation for a BLM road right-of-way, authorized under FLPMA, serial number, OR-11011 and OR-11012.
3. A reservation for two natural gas pipeline rights-of-way to Gas Transmission Northwest Corporation, serial number, ORE-010556 and OR-13824.
4. A reservation for a right-of-way to Burlington Northern - Santa Fe Railroad, serial number, L-013414.
5. A reservation for a right-of-way for an electric distribution line granted to Mid-State Electric Cooperative, Inc., serial number, OR-44115.
6. The right-of-way granted to Deschutes County for a county road and railroad crossing, serial number, OR-46517 – The Deschutes County Road Department has requested this right-of-way be relinquished and will dedicate this as a public road in the partition plat.

Parcel C

T. 22 S., R. 10 E., W.M.
Section 14, Lot 161;

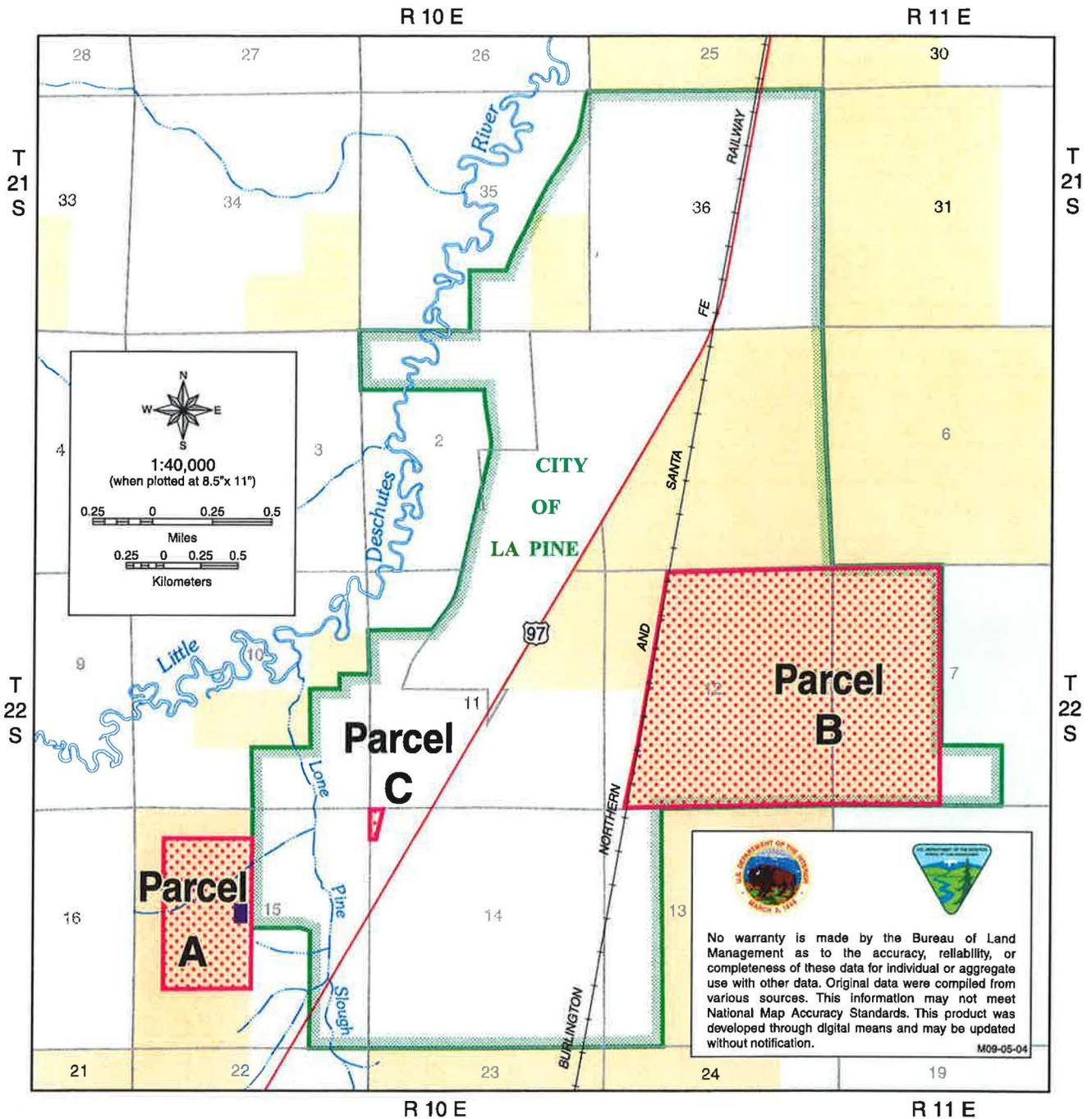
Total Parcel C = 3.26 acres

The Federal land would be conveyed subject to ditches and canals and the encumbrances listed below:

1. A right-of-way granted to the La Pine Special Sewer District and assigned to the City of La Pine for a buried pipeline, BLM serial number, OR-42861, expires 09/29/2017.
2. The Recreation and Public Purposes lease serial number, OR-48122 will be relinquished by the Deschutes Library District and replaced by a new agreement with the City of La Pine.

Total Federal Acres Conveyed = 982.21 acres

LA PINE LAND CONVEYANCE ACT



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 were 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.

M09-05-04

LEGEND

- | | | | |
|---|-------------------------------------|---|---------------------------|
|  | Power Sub-Station |  | Administered Land |
|  | Federal Lands Proposed for Transfer |  | Bureau of Land Management |
|  | City of Lapine |  | U.S. Forest Service |
|  | Federal Highway | | Private or Other |

