

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

ENVIRONMENTAL ASSESSMENT

EA Number: OR-086-07-01

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

Proposed Action Title: Schaw Investments Right-of-Way Agreement and Stimson Lumber Right-of-Way Amendment

Type of Project: Right-of-Way Agreement and Right-of-Way Amendment

Location of Proposed Action: Township 1 South, Range 5 West, Sections 3, 10, 11 and 20, and Township 2 North, Range 2 West, Section 17, Washington County; Willamette Meridian.

Conformance with Applicable Land Use Plan: The proposed action is in conformance with the *Salem District Record of Decision and Resource & Management Plan (ROD/RMP)*, dated May 1995; *Dairy-McKay Watershed Analysis*, dated March 1999; *Upper Tualatin-Scoggins Watershed Analysis*, dated February 2000; *Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl and Standard and Guidelines for Management of Habitat for Late-Successional and Old-Growth Forest Related Species Within the Range of the Northern Spotted Owl*, dated April, 1994; *Record of Decision Amending Resource Management Plans for Seven Bureau of Land Management Districts and Land and Resource Management Plans for Nineteen National Forests Within the Range of the Northern Spotted Owl - Decision to Clarify Provisions Relating to the Aquatic Conservation Strategy*, dated March 2004; *Record of Decision and Standards and Guidelines for Amendments to the Survey and Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines in Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl (USDA, USDI 2001b (S&M ROD))*; and other applicable guidance.

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

Purpose of and Need for Action:

The objective of the proposed action is to implement the following management direction from the ROD/RMP, pertaining to acquiring access to public lands.

- Acquire access by entering into new reciprocal right-of-way agreement or amending existing reciprocal right-of-way agreements (p. 57);
- Continue to obtain access across lands of private companies or individuals who are a party to existing reciprocal right-of-way agreements through appropriate agreements (p. 57);

This objective would be met by amending an existing right-of-way agreement with Stimson Lumber Company to include BLM and Stimson lands and roads, as well as BLM entering into a new right-of-way agreement with Schaw Investments LLC

Description of the Proposed Action:

The first part of the Proposed Action is to enter into a new reciprocal right of way agreement with Schaw Investments LLC. BLM would commit existing road 1-5-11 lying in the SW¹/₄SE¹/₄ of Section 3 in T1S, R5W to the agreement. Schaw Investments would commit existing road 1-5-11 lying in the SWNE and NE¹/₄SW¹/₄ of Section 3 in T1S, R5W to the agreement. The new right-of-way agreement is a discretionary action.

The second part of the Proposed Action is to amend certain United States and Permittee owned lands into Stimson RWA OR045624 (S-905). BLM would commit existing road 1-5-11 lying in the NW¹/₄ and SW¹/₄SE¹/₄ of Section 3 in T1S, R5W to the agreement. It would also commit public land described as SW¹/₄SW¹/₄ of Section 17, T2N, R2W to the agreement. Stimson would commit existing road 1-5-11 lying in the SE¹/₄SE¹/₄ of section 3, E¹/₂NW¹/₄ of section 10, the W¹/₂NW¹/₂ and NW¹/₄SW¹/₄ of section 11, and the NW¹/₄NW¹/₄ of section 20, all in T1S, R5W. This amendment is a discretionary action.

The Proposed Action also includes the use and maintenance of these roads by Stimson Lumber and Schaw Investments for forest management activities such as log and rock hauling and administrative access to their lands.

Design Features:

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

Figure 1. Project Location

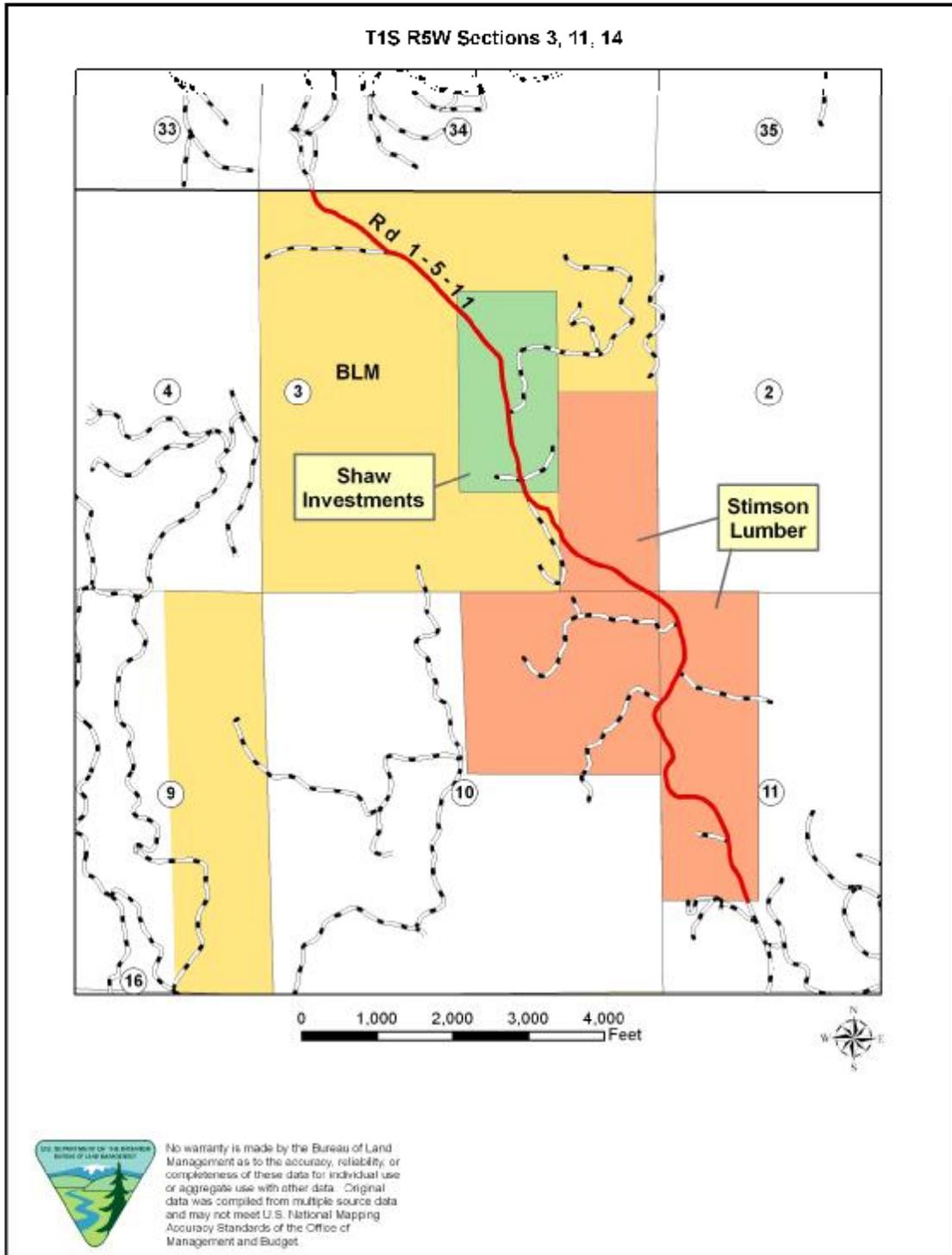
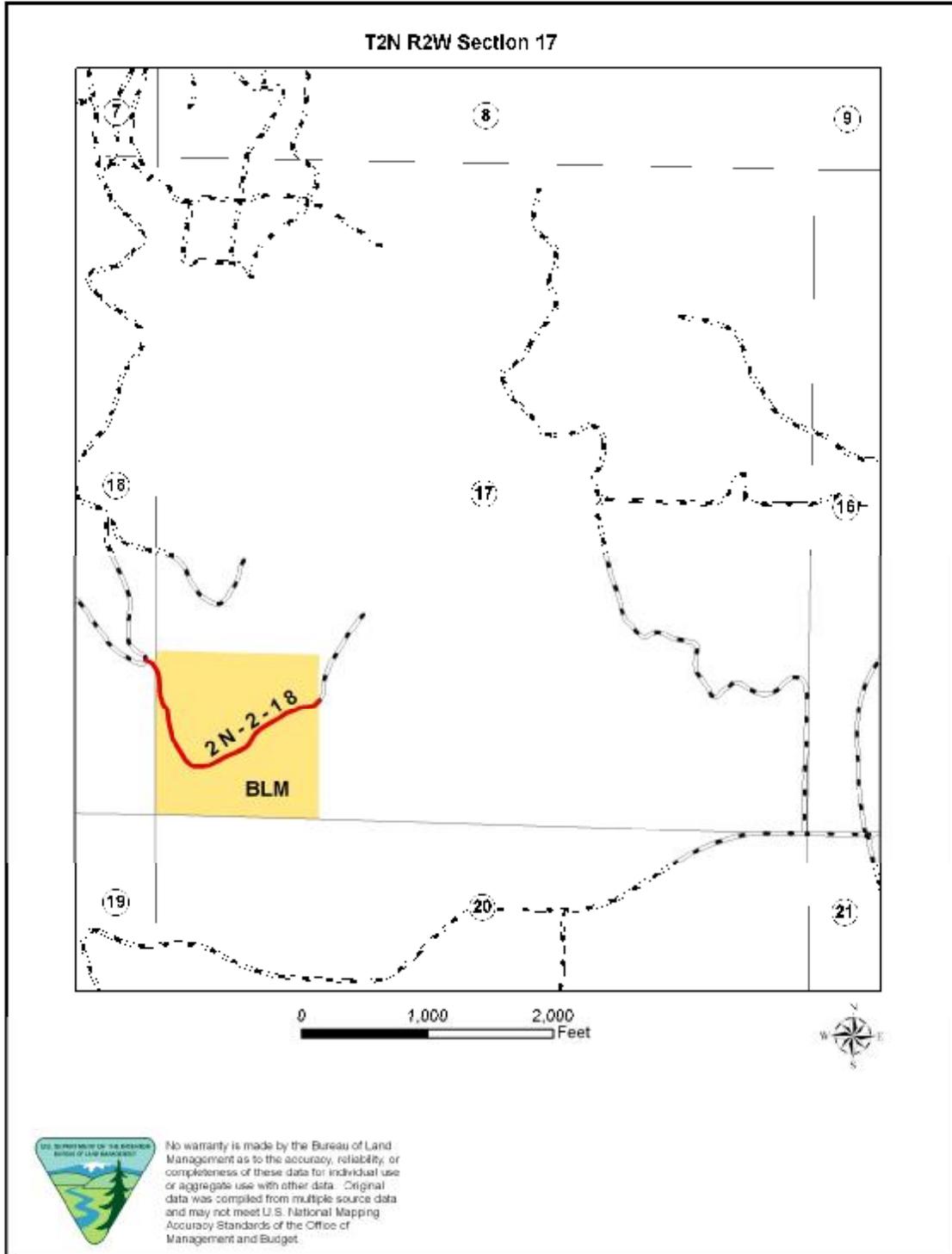


Figure 1 – cont. Project Location



Consultation and Public Involvement:

ESA consultation:

- **Wildlife:** Consultation upon the impacts to spotted owl and marbled murrelet as a result of increased potential for disturbance pursuant to section 7 of the Endangered Species Act would be accomplished programmatically under the consultation entitled *Formal and informal consultation of the FY 2004 – 2008 rights-of-way authorizations for Salem and Eugene Bureau of Land Management Districts* (USFWS Reference # 1-7-04-F-0253).
- **Fish:** Consultation is not required for species covered under section 7 of the Endangered Species Act or for coho and chinook salmon covered under the Magnuson-Stevens fisheries Conservation and Management Act as there were no effects identified that would affect these species or their habitat with the addition of these lands to ROW agreements. When a request for road use is made an evaluation of the proposed action and effects would be required that may require either ESA or MSA-EFH consultation.

Public Involvement: In compliance with the National Environmental Policy Act, the proposed action was listed in the September 2006 edition of the quarterly *Salem District Project Update*, which was mailed to over 1,200 addresses. No public comments were received in response to this scoping.

Affected Environment:

General: The project is within the Dairy-Mckay and Scoggins Creek 5th field watersheds, both located in the Tualatin River sub-basin. The land use allocations are General Forest Management Area (GFMA), Adaptive Management Area (AMA) and Riparian Reserve. The proposed action involves access on existing roads only; there would be no new road construction or ground-disturbing activities as a result of this action.

Threatened/Endangered (T/E) Fish: Habitat for Upper Willamette Steelhead (ESA threatened) and coho salmon (MSA-EFH) is located adjacent to road (2N-2-18) which is located within the Dairy Creek Fifth Field Watershed. Habitat for Upper Willamette Steelhead (ESA threatened) and coho salmon (MSA-EFH) is located over five miles from the parcels being added in 1S-5W and all are above Henry Hagg Lake; the dam is a complete barrier to fish passage. The lands being added above Hagg Lake are located in the Scoggins Creek Fifth Field Watershed.

Threatened/Endangered (T/E) Wildlife: The project area is not located within spotted owl or marbled murrelet Designated Critical Habitat. There currently are no bald eagle, spotted owl or marbled murrelet known sites within the vicinities of the proposed action. With most of the BLM or non-federal forests within the area currently being either young plantations or stands up to about 50 or 60 years of age, there is very little suitable habitat for T/E wildlife species within 0.25 miles of the project area. There is no suitable bald eagle habitat within the area. Within the northern portion of T1S.,R5W section 3, directly adjacent to and east of Road 1-5-11, there is a stand of forest containing a component of larger, older trees thereby making it suitable habitat for

both the marbled murrelet and spotted owl. Other BLM stands within the area approximately 50 or 60 years of age are considered to be dispersal habitat for the spotted owl.

Water Resources: The road segments have gravel surface and are expected to be in good condition when they are used. The land underlying the 1-5-11 Road segment in sections 3, 10 and 11, T1S, R5W is on a gently sloping ridgetop. It is drained by East Fork Saine Creek to the west and Scoggins Creek to the east. The nearest surface water is a 1st order, intermittent stream over 200 feet away.

The land underlying the 2N-2-18 Road segment in section 17, T2N, R2W is a mid-slope bench. Along the western portion of the road segment there is a moderately sized swale. During winter months, water frequently collects in the swale and flows down a roadside ditch, through a culvert, and into an intermittent stream channel. The intermittent stream originates next to a sharp turn in the road and drops down a steep hillslope onto the East Fork McKay Creek floodplain, approximately 700 feet away from the bend in the road.

The primary beneficial uses are domestic and municipal water, irrigation, cold water fisheries (including steelhead habitat for East Fork McKay Creek), recreation, and wildlife. The nearest municipal water (Hagg Lake) is over 2.5 miles downstream from the 1-5-11 Road segment and over 10 miles from the 1-5-11 Road segment. Pollution loading limits (TMDLs) have been developed for ammonia, bacteria, phosphorous, and temperature.

Other Special Status Species Fish: Fish Special Status Species (SSS) within this watershed or potentially within this watershed include cutthroat trout (Bureau Tracking), Pacific lamprey (Bureau Assessment) and river lamprey (Bureau Tracking).

Invasive / Noxious Weeds: All noxious weeds identified within the vicinity of the project area are designated Priority III (established infestations) on the Oregon Department of Agriculture (ODA) noxious weed list. These weed species are commonly found throughout Western Oregon tending to occupy areas that have soil disturbance and an increase of available light. Because there is an existing seed source, some degree of invasive / noxious weed / non-native species introduction or spread is expected within the project area. Project design features require re-seeding significantly disturbed areas with native grass species therefore mitigating the invasion of non-native species. In time, non-native species are expected to return to low levels as native vegetation becomes re-established and crown closure reduces available light to the under-story.

Environmental Effects:

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

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

Critical Elements Of The Environment	Status: (i.e., Not Present, Not Affected, or Affected)	Does this project contribute to cumulative effects? Yes/No	Remarks
Air Quality (Clean Air Act)	Not Affected	No	The proposed action involves use of existing roads. Dust created from road use is predicted to be local and of short duration. As such, the proposed action would have no adverse impact on air quality and would comply with the provisions of the Clean Air Act.
Areas of Critical Environmental Concern	Not Present		There are no ACECs in the project area.
Cultural, Historic, Paleontological	Not Present		There are no known cultural or historic sites within the project area.
Energy (Executive Order 13212)	Not Affected	No	There are no known energy resources located in the project area. The proposed action would have no effect on energy development, production, supply and/or distribution.
Environmental Justice (Executive Order 12898)	Not Affected	No	The proposed action is not anticipated to have disproportionately high and adverse human health or environmental effects on minority populations and low-income populations.
Prime or Unique Farm Lands	Not Present		There are no prime or unique farm lands in the project area.
Flood Plains (Executive Order 11988)	Not Present		The proposed action entails the use of existing BLM roads and would not involve occupancy or modification of floodplains, and would not increase the risk of flood loss.
Hazardous or Solid Wastes	Not Affected	No	The proposed action involves use of existing roads. There would be no effect on hazardous or solid wastes.
Invasive, Nonnative Species (Executive Order 13112)	Not Affected	No	Use of existing roads would have no effect on invasive and non-native species.
Native American Religious Concerns	Not Affected		No new ground disturbance is anticipated. Past projects of this type within this area have not resulted in tribal identification of concerns.
Threatened or Endangered (T/E) Species and/or Habitat	Fish	Not Affected	No The addition of these lands to ROW agreements would not have any effects on fisheries resources in the project area or downstream. When the road use request is made at a later date for hauling, construction or maintenance there is the potential of impacts to fisheries resources. Of the two parcels currently being added the one located in T2N R2W section 17 has the potential of affecting ESA listed species due to the current condition of this road and its proximity to these fish.
	Plants	Not Present	No No threatened or Endangered species are located within the project area

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

Critical Elements Of The Environment	Status: (i.e., Not Present , Not Affected, or Affected)	Does this project contribute to cumulative effects? Yes/No	Remarks
	Wildlife (including Designated Critical Habitat)	Affected	<p>No Threatened or Endangered species known sites or Designated Critical Habitat are located within or near the project area. The project area is located within an area primarily forested with stands determined to be dispersal habitat for the spotted owl although there is one stand in the northern portion of T1S.,R5W section 3, directly adjacent to and east of Road 1-5-11 that contains an older component thereby making it suitable habitat for both the marbled murrelet and spotted owl. The project involves only the use of existing roads and therefore is of <i>No Effect</i> upon spotted owl, marbled murrelet and bald eagle as a result of habitat modification. There is increased potential for impacts to the spotted owl and marbled murrelet as a result of disturbance adjacent to (within 440 yards) of suitable habitat This potential for disturbance <i>May Affect but is not likely to Adversely Affect</i> the spotted owl and marbled murrelet if road use should result in the generation of noise above the ambient level during the breeding seasons.</p>
Water Quality (Surface and Ground)	Not Affected	No	<p>The addition of the ROW agreement and ROW amendment would not have any affect on water quality either in or downstream of the project area.</p> <p>The winter haul were to occur, it is likely that some fine sediment would be delivered into the intermittent stream below the road and carried downstream into EF McKay Creek and increase turbidity.</p>
Wetlands (Executive Order 11990)	Not Present		There are no wetlands within the project area.
Wild and Scenic Rivers	Not Present		There are no Wild or Scenic Rivers within the project area
Wilderness	Not Present		There are no wilderness areas within the project area.

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

<i>Other Elements Of The Environment</i>		<i>Status: (i.e., Not Present, Not Affected, or Affected)</i>	<i>Does this project contribute to cumulative effects? Yes/No</i>	<i>Remarks</i>
Coastal Zone (Oregon Coastal Management Program)		Not Present		The project area is not within Oregon's Coastal Zone boundary.
Essential Fish Habitat (Magnuson-Stevens Fisheries Cons. /Mgt. Act)		Not Affected	No	The addition of these lands to ROW agreements would not have any effects on fisheries resources in the project area or downstream.
Fire Hazard/Risk		Not Affected	No	Use of existing roads would have no effect on fire hazard or risk.
Forest Productivity		Not Affected	No	The proposed action entails the use of existing BLM roads. Therefore the project action would not affect forest productivity.
Land Uses (right-of-ways, permits, etc)		Not Affected	No	The project involves construction of a new road, so there are no existing R/W, permits, etc. granted on this road. The road would not be open to the public.
Late successional / old growth		Not Present		No vegetation would be affected by the proposed action.
Mineral Resources		Not Present		There are no known mineral resources of commercial value in the project area.
Recreation		Not Affected	No	The project would not affect public access to the project areas, therefore there would be no effect on recreation resources.
Rural Interface Areas		Not Present		There are no rural interface areas within the project area.
Soils		Not Affected	No	The proposed action entails the use of existing BLM roads. Therefore the project action would not affect soils.
Special Areas outside ACECs (Within or Adjacent) (RMP pp. 33-35)		Not Present		There are no Special Areas within the project area.
Other Special Status Species/Habitat	Fish	Not Affected	No	Fish Special Status Species (SSS) within this watershed or potentially within this watershed include cutthroat trout (Bureau Tracking), Pacific lamprey (Bureau Assessment) and river lamprey (Bureau Tracking). The proposed action would not affect these species or contribute to the need to list them under the Endangered Species Act.
	Plants	Not Present		Use of existing roads would have no effect on special status species plants or their habitats.

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

<i>Other Elements Of The Environment</i>		<i>Status: (i.e., Not Present, Not Affected, or Affected)</i>	<i>Does this project contribute to cumulative effects? Yes/No</i>	<i>Remarks</i>
	Wildlife	Not Affected	No	Due to the nature and scope of the project, it would not be expected to result in the loss of population viability for any Special Status wildlife Species that may occur in the project area, or result in the need to elevate their status to any higher level of concern including the need to list under the ESA.
Survey and Manage Species / Habitat		Not Present		Survey and Manage species and their habitats would not be affected by the use of these existing roads.
Visual Resources		Not Affected	No	The BLM lands are managed as VRM Class IV, which provides for management activities which require major modification of the existing landscape.
Water Resources (except Water Quality)		Not Affected	No	The project would not be expected to affect water resources. There are no known public or private domestic uses within 10 miles downstream from the project area.
Other Wildlife Structural or Habitat Components (Snags /CWD / Special Habitats, road densities)		Not Affected	No	Use of existing roads would have no effect on wildlife structural or habitat components.

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

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

<i>Components</i>	<i>Effect</i>	<i>Remarks /References</i>
Riparian Reserves	None	The proposed action entails the addition of lands to right-of-way agreements.
Key Watershed	None	Not in a key watershed
Watershed Analysis	None	Dairy-McKay Watershed Analysis, March 1999; Upper Tualatin-Scoggins Watershed Analysis, February 2000.
Watershed Restoration	None	Although the proposed action is not a component of the resource area's watershed restoration program, it would not have an adverse effect on restoration efforts.

Interdisciplinary Team:

Table 4: Interdisciplinary Team Review

Affected Resource	Specialist	Initial	Date
Botany/Vegetation	Kurt Heckeroth	<i>KH</i>	2/26/07
Cultural Resources	Dennis Worrel	<i>DW</i>	2/26/07
Fisheries	Matt Walker	<i>MW</i>	2/26/07
Hydrology, Water Quality	Dennis Worrel	<i>DW</i>	2/26/07
Other Resources/ NEPA	Bob McDonald	<i>RM</i>	1/12/07
Recreation, Visual and Rural Interface Resources	Debra Drake	<i>DD</i>	11/21/06
Soils	Dennis Worrel	<i>DW</i>	2/26/07
Wildlife	Steve Bahe	<i>SB</i>	2/26/07

EA Prepared By: *27 Robert M. Powell*

Date: *2/27/07*

FINDING OF NO SIGNIFICANT IMPACT and DECISION RECORD

Based upon my review of this EA (Environmental Assessment Number OR-086-07-01), I have determined that the proposed action is not a major federal action and will not significantly affect the quality of the human environment, individually or cumulatively with other actions in the general area. No environmental effects meet the definition of significance in context or intensity as defined in 40 CFR 1508.27. Therefore, an environmental impact statement is not needed. I have also determined that the proposed action is in conformance with the approved land use plan. It is my decision to implement the proposed action, as described in the EA.

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

If you appeal: A public notice for this decision is scheduled to appear in the **McMinnville News Register** newspaper on March 3, 2007. Within 30 days of this notification, a *Notice of Appeal* must be filed in writing to the office which issued this decision – Brad Keller, Field Manager, Bureau of Land Management, 4610 Third Street, Tillamook, OR, 97141. A copy of the *Notice of Appeal* must also be sent to the BLM Regional Solicitor (see Form 1842-1). The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition pursuant to regulation 43 CFR 4.21 (58 CFR 4939, January 19, 1993) or 43 CFR 2804.1 for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your *Notice of Appeal*. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Board and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay: Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied,
- (2) The likelihood of the appellant's success on the merits,
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

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

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

Contact Person: For additional information concerning this decision or the appeal process, contact Bob McDonald at (503) 815-1110, Tillamook Resource Area, Salem District, 4610 Third Street, Tillamook, Oregon 97141.

Authorized Official:



Brad Keller, Field Manager
Tillamook Resource Area

Date:

Feb 27, 07

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

INFORMATION ON TAKING APPEALS TO THE INTERIOR BOARD OF LAND APPEALS

DO NOT APPEAL UNLESS

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

IF YOU APPEAL, THE FOLLOWING PROCEDURES MUST BE FOLLOWED

1. NOTICE OF APPEAL	A person served with the decision being appealed must transmit the notice of appeal in time for it to be filed in the office where it is required to be filed within 30 days after the date of service. If a decision is published in the FEDERAL REGISTER, a person not served with the decision must transmit a notice of appeal in time for it to be filed within 30 days after the date of publication (43 CFR 4.411 and 4.413).
2. WHERE TO FILE NOTICE OF APPEAL	A. Brad Keller, Tillamook Resource Area Field Manager, Bureau of Land Management, 4610 Third Street, Tillamook, OR 97141
W/2ND COPY TO SOLICITOR	B. Regional Solicitor, Pacific Northwest Region, 500 NE Multnomah St. Suite 607, Portland, OR 97232
3. STATEMENT OF REASONS	Within 30 days after filing the Notice of Appeal, file a complete statement of the reasons why you are appealing. This must be filed with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203 . If you have stated your reasons for appealing when filing the Notice of Appeal, no additional statement is necessary (43 CFR 4.112 and 4.413).
W/1ST COPY TO SOLICITOR	Same as 2 B.
4. ADVERSE PARTIES	Within 15 days after each document is filed, each adverse party named in the decision and the Regional Solicitor or Field Solicitor having jurisdiction over the State in which the appeal arose must be served with a copy of (a) the Notice of Appeal, (b) the Statement of Reasons, and (c) any other documents filed (43 CFR 4.413). If the decision concerns the use and disposition of public lands, including land selections under the Alaska Native Claims Settlement Act, as authorized, service will be made upon the Assistant Solicitor, Division of Land and Water Resources, Office of the Solicitor, U.S. Department of the Interior, Washington, D.C. 20240. If the decision concerns the use and disposition of mineral resources, service will be made upon the Assistant Solicitor, Division of Minerals Resources, Office of the Solicitor, U.S. Department of the Interior, Washington, D.C. 20240.
5. PROOF OF SERVICE	Within 15 days after any document is served on an adverse party, file proof of that service with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203 . This may consist of a certified or registered mail "Return Receipt Card" signed by the adverse party (43 CFR 4.413(d)).
6. REQUEST FOR STAY	Except where program-specific regulations place the decision in full force and effect or provide for an automatic stay, the decision becomes effective upon the expiration of the time allowed for filing an appeal unless a petition for a stay is timely filed together with a <i>Notice of Appeal</i> (43 CFR 4.411). If you wish to file a petition for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Interior Board of Land Appeals, the petition for a stay must accompany your notice of appeal (43 CFR 4.421 or 43 CFR 2804.1). A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the <i>Notice of Appeal</i> and <i>Petition for a Stay</i> must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted. Standards for Obtaining a Stay. Except as otherwise provided by law or other pertinent regulations, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards: (1) the relative harm to the parties if the stay is granted or denied, (2) the likelihood of the applicant's success on the merits, (3) the likelihood of irreparable and irreproachable harm if the stay is not granted, and (4) whether the public interest favors granting the stay.

Unless these procedures are followed your appeal will be subject to dismissal (43 CFR 4.402). Be certain that all communications are later filed by serial number of the case being appealed.

NOTE: A document is not filed until it is actually received in the proper office (43 CFR 4.401 (a)). See 43 CFR Part 4, applicable or general rules relating to procedure and practice in taking appeals.

(Continued on page 2)

43 CFR SUBPART 1B21—GENERAL INFORMATION

Sec. 1B21.0. Where are BLM offices located? In addition to the Headquarters Office in Washington, D.C. and several offices of field supervision (see below), BLM operates 12 State Offices each having several Field Offices. The addresses of the State Offices can be found in the most recent edition of 43 CFR 1B21.0. The State Offices geographical areas of jurisdiction are as follows:

STATE OFFICES AND AREAS OF JURISDICTION

- Alaska State Office ----- Alaska
- Arizona State Office ----- Arizona
- California State Office ----- California
- Colorado State Office ----- Colorado
- Continental United States Office ----- Arkansas, Iowa, Louisiana, Minnesota, Missouri, Illinois, Indiana, Kansas, Kentucky, Michigan, Mississippi, Alabama, Georgia, Florida, North Carolina, South Carolina, Virginia, West Virginia, Maryland, Delaware, Pennsylvania, New Jersey, New York, Connecticut, Massachusetts, Rhode Island, Vermont, New Hampshire, Maine, New Brunswick, Ontario, Quebec, and the States on the Mississippi River
- Idaho State Office ----- Idaho
- Montana State Office ----- Montana, North Dakota and South Dakota
- Nevada State Office ----- Nevada
- New Mexico State Office ----- New Mexico, Kansas, Oklahoma, and Texas
- Oregon State Office ----- Oregon and Washington
- Utah State Office ----- Utah
- Wyoming State Office ----- Wyoming and Nebraska

(*) A list of the names, addresses, and geographical areas of jurisdiction of all Field Offices of the Bureau of Land Management can be obtained at the above address or any office of the Bureau of Land Management, including the Washington Office, Bureau Staff and Management, 1849 C Street, N.W., Washington, D.C. 20546.

(Form 1B42-1, September 2003)