

2800 (135)
WAOR-51354

June 2, 2010

CERTIFIED MAIL - Return Receipt No. _____

DECISION

Stan Kaufmann DBA 40th and Plum LLC :
3746 Mae Valley Road : Right-of-Way Grant WAOR-51354
Moses Lake, WA 98837 :

Right-of-Way Grant Renewal For WAOR-51354 Issued

I have reviewed the documentation for this proposal (DOI-BLM-OR-135-2010-0018-CX), and have determined that authorizing a right-of-way for this use would be categorically excluded from NEPA. Under the authority of Title V of the Federal Land Policy and Management Act of 1976, a right-of-way grant will be issued to Gallatin NE Washington Land & Timber, LLC approving the renewal of the existing Imperial Way road. The length of the right-of-way is 1,250 feet long and is 12 feet wide. The total acreage included in the right-of-way is .34.

Enclosed is a copy of your executed amended right-of-way grant, serial number WAOR-51354.

The advance rent for the right-of-way grant was determined to be \$125.60 for the period from January 1, 2010 through December 31, 2019. Since no new conditions are added to the grant as a result of this assignment, no monitoring fee is requested. No other fees are required at this time.

The issuance of this right-of-way grant may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations at 43 CFR, Part 4 and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in this office (at the above address) within 30 days from receipt of this letter/decision. The appellant has the burden of proof of showing that the decision appealed from is in error.

If you wish to file a petition (request) pursuant to regulation 43 CFR 2801.10 or 43 CFR 2881.10 for a stay (suspension) of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

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

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

If you have any questions about this decision or the enclosed right-of-way grant, please contact Heidi Lee Honner, Realty Technician at (509) 536-1216 or Mark Hatchel, Realty Specialist at (509) 536-1211.

/s/ June E. Hues
(Authorizing Official Signature)

06/24/2010
(Date)

June E. Hues, Field Manager
Border Resource Area

Enclosures

Categorical Exclusion Documentation

Department of the Interior
Bureau of Land Management, Spokane District
1103 North Fancher Road
Spokane Valley, WA 99212

A. Background

BLM Office: Border Field Office

Lease/Serial/Case File No.: WAOR-51354

NEPA Log Number: OR-135-2010-0018-CX

Proposed Action Title: Johnson-Kaufmann Road Right-of-Way Assignment

Location of Proposed Action: Willamette Meridian, Stevens County, Washington, T.40N.,R.36E., Section 25, Lot 6.

Description of Proposed Action: Stan Kaufmann DBA 40th and Plum LLC is applying for assignment to a right-of-way for an existing road from Stanley Johnson. The road, Imperial Way, travels through Mining Camp parcel at Pierre Lake to applicant's property. The original right-of-way grant was issued in 1995. The right-of-way is approximately 1250 feet long and 12 feet wide. No new rights will be issued or new ground disturbance approved as a result of this administrative action. The term of the grant will be 30 years.

Refer to attached Exhibit-A map.

B. Land Use Plan Conformance

Land Use Plan Name: Spokane Resource Management Plan

Date Approved/Amended: Approved 1987/Amended 1992

Option 1 (conforms with LUP): The proposed action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decision(s):

OR

(Option 2: not explicitly provided for in the LUP) The proposed action is in conformance with the applicable LUP, even though it is not specifically provided for, because it is clearly consistent with the following LUP decision(s) (*objectives, terms, and conditions*): The proposed action is subject to the Spokane District Resource Management Plan (1985) and Record of Decision (1987), and the 1992 RMP amendment and Record of Decision (ROD). Issuance of rights-of-way grants is listed under the heading "Administrative Actions" on page 5 (unnumbered) of the 1992 ROD.

C. Compliance with NEPA:

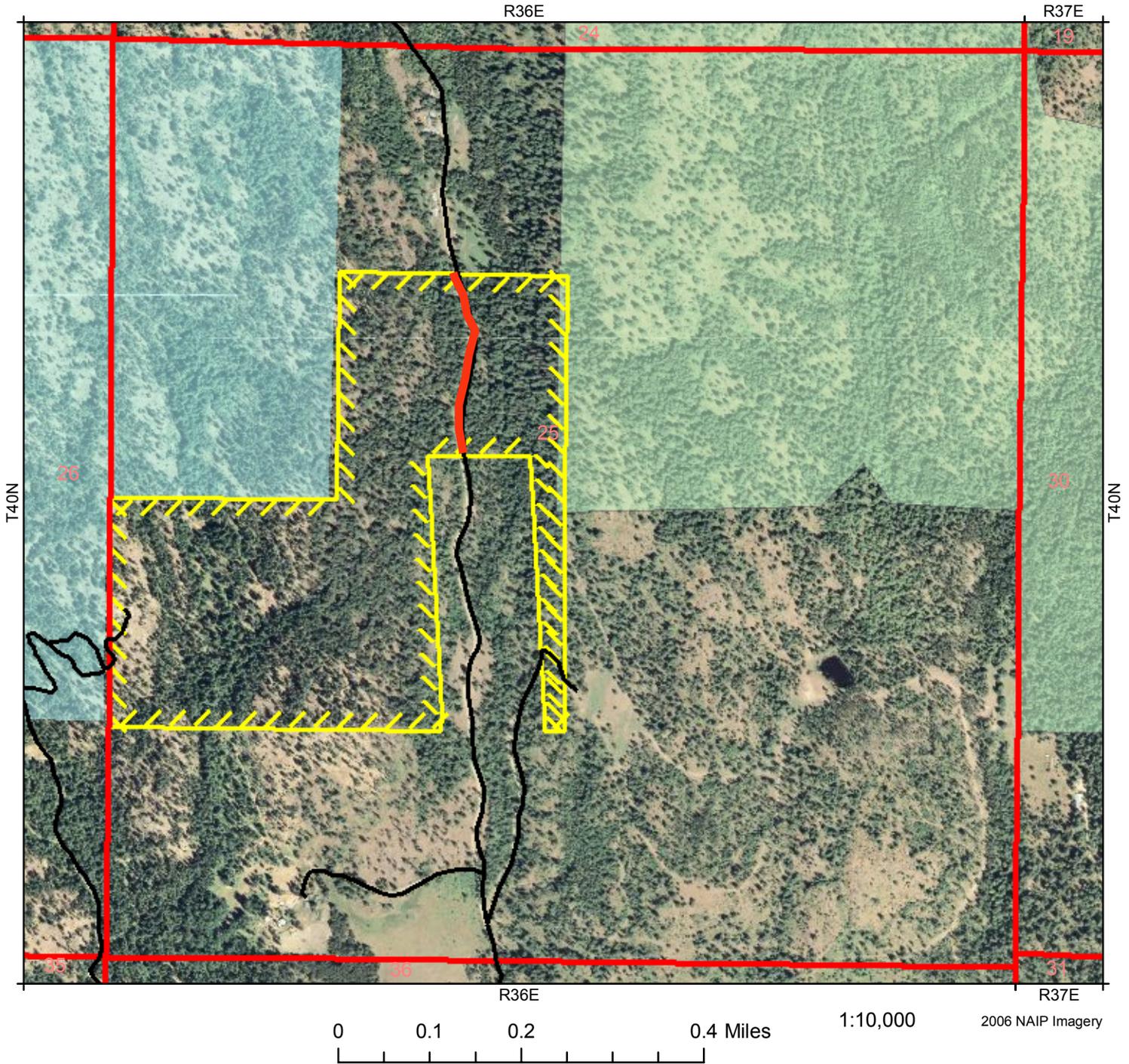
The proposed action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with

516 DM 11.9.E(9) Renewals and assignments of leases, permits, or rights-of-way where no additional rights are conveyed beyond those granted by the original authorizations.

This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The proposed action has been reviewed, and none of the extraordinary circumstances described in 43 CFR 46.215 apply, as shown in the following table:

CX EXTRAORDINARY CIRCUMSTANCES DOCUMENTATION The proposed categorical exclusion action will:	YES	NO
(a) Have significant impacts on public health or safety.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) 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); floodplains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e) Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(f) Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(g) Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by either the bureau.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(h) 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.	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Johnson-Kaufmann Road Right-of-way Assignment - WAOR-51354



Willamette Meridian, Stevens County, Washington
 T.40 N., R.36E., Section 25, Lot 6
 12 feet wide right-of-way, 1250 feet long



USDI – Bureau of Land Management
 Spokane District Office
 1103 N. Fancher Rd.
 Spokane Valley, WA 99212
 (509) 536-1200

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 and may be updated without notification.

Legend

-  Existing Road
-  BLM Lands
-  Forest Service
-  WA DNR

