



# United States Department of the Interior

BUREAU OF LAND MANAGEMENT  
Spokane District  
Wenatchee Field Office  
915 Walla Walla Avenue  
Wenatchee, Washington 98801

IN REPLY REFER TO:

WAOR 67571  
2800 (ORW020)

October 18, 2013

**CERTIFIED MAIL - Return Receipt No. 7012 1010 0001 4374 3268:**

## DECISION

Mr. Ethan Maughan	:	
Maughan et.al. LLC	:	Right-of-Way Grant WAOR 67571
22591 RD M SW	:	
Mattawa, WA 99349	:	

Right-of-Way Grant WAOR 67571 Issued  
Monitoring Fee Determined  
Rental Fee Determined

It is my decision to authorize a right-of-way grant to the Maughan et.al. LLC, under authority of Title V of the Federal Land Policy and Management Act of 1976 for a 166.86 foot long by 40 foot wide access road right-of-way.

The applicant has proposed construct an access road to two landlocked parcels. The proposed right-of-way would allow an access road to be constructed from SR 821, to the south across BLM property to access the currently landlocked parcels. All of the land between SR821 and these parcels is managed by the Bureau of Land Management (BLM).

Prior to 1996 it was understood that the private property owned by the applicant extended to SR821 with no BLM lands intervening. Two informal dirt access roads, one on the east end of the property and another that joined the current BLM Umtanum access road near the west side of the property, were used to access the private property. In 1996 a re-survey of the land moved the property line to the South approximately 170 feet with the result that all historical road access to the private property crossed BLM land. In 2006 both access roads were blocked by the BLM. The west access remains permanently blocked. The eastern access has a BLM

**OFFICIAL FILE**

locked gate but is periodically authorized for use by the applicant with a BLM letter of authorization, and by the private land lessee, with a valid BLM Special Recreation Permit.

I have reviewed the BLM's National Environmental Policy Act documentation for this action, Environmental Assessment (EA) No. DOI-BLM-OR134-2013-0016-EA. The EA considered two alternatives: the No Action Alternative and the Proposed Action. The No Action Alternative was not selected because it would not allow the applicant to obtain a formal authorization to access their property and the existing issues associated with the historic access routes would remain. The proposed action analyzed in this EA, to issue an access road right-of-way grant to Maughan et. al. LLC., is approved by this Decision.

Enclosed is a copy of your executed right-of-way (ROW) grant, serial number WAOR 67571, which authorizes the construction, operation and maintenance of the proposed access road. The right-of-way grant was approved by the Bureau of Land Management (BLM) on October 18, 2013.

The advance rent for the right-of-way was determined to be \$ 307.16 for the period from the date of the grant to December 31, 2022. The monitoring fee for the right-of-way was determined to be Category 2, resulting in a fee of \$410.00 for a total amount of \$717.16. Both of these amounts have been received and a receipt will be mailed to you.

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 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 Mark Hatchel, Realty Specialist at 509-536-1211.

Sincerely,

A handwritten signature in black ink that reads "Linda J. Coates - Markle". The signature is written in a cursive, flowing style.

Linda Coates-Markle,  
Field Manager

2 Enclosures

- 1 - Right-of-way grant, map, and stipulations
- 2 - Form 1842-1

ORW020: mhatchel:jg:10-18-13