

SAMPLE DECISION LETTER

AZA-XXXXXX (XXX)

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

NOTICE

Mr. David French :
1808 N. Third St. : Right-of-Way Grant AZA-XXXXXX
Anytown, Arizona 44444 :

Right-of-Way Grant AZA-XXXXXX Rental Determined

Enclosed is a copy of your right-of-way (ROW) grant, serial number AZA-XXXXXX, which allows the use of public land for [insert wind energy grant authorization type]. It was approved by the BLM on [month day, year].

The new rental for the ROW is determined to be \$_____ for the period from (month, year) to (month, year). **[If for a development authorization, insert the rest of this paragraph.]** This total rental fee includes a base rent for the public land acreage of the right-of-way authorization and a MW capacity fee for the approved MW size of the project on public land. Note: The full base rent is effective as of the date of this bill. The MW capacity fee increase will be phased in over 5 years.

The BLM has issued an Instruction Memorandum (IM 2011-XXX) on JULY XX,XXX, that updates the rental schedule based on comparable commercial practices (as outlined in 43 CFR 2806.10) for wind energy right-of-way authorizations. This IM replaces the rental guidance outlined in the Wind Energy Development Policy (IM 2009-043) issued on December 19, 2008. The BLM will calculate rents on all wind energy right-of-way authorizations in accordance with IM (IM 2011-XXX) and the provisions of 43 CFR 2806. All subsequent rental billings will be due at the beginning of the calendar year starting (month, year). Future billings will be based on the rent schedule in effect at that time.

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the 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 office (at the above address) 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 (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, please contact me, at (602) xxx-xxxx.

First Last Name
Field Manager

Enclosures:
Right-of-Way Grant AZA-XXXXXX