

**Attachment 2. Decision Letter Template**

Dear (NAME):

The purpose of this letter is to inform you of a proposed change in annual rent for your hydropower project right-of-way (ROW). In accordance with 43 CFR 2806 regulations and policy direction, BLM will charge annual rental for the portion(s) of FERC-exempted hydropower projects that affect public land, as follows:

- FERC-exempt hydropower project ROWs that consist of only linear features on public land (i.e., power lines, pipelines, access roads, etc.) will be charged annual rent according to BLM’s Linear ROW Rent Schedule (most recent version). This includes ROWs that were historically billed using an appraisal method.
- FERC-exempt hydropower project ROWs that are non-linear in nature, or that include both linear and non-linear features, will be charged annual rent according to FERC’s Fee Schedule (most recent version).

Based on the above considerations, your ROW rental has been calculated as follows:

<b>FERC-exempt Right-of-Way Rental Calculation (IDI-XXXXX)</b>							
<b>Year</b>	<b>Linear acres</b>	<b>Non-linear acres</b>	<b>County</b>	<b>Zone</b>	<b>BLM Linear ROW Per-acre Rent Schedule</b>	<b>FERC ROW Per-acre Rent Schedule</b>	<b>Total Rent</b>

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 4.21 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 questions, please contact (**NAME**), Realty Specialist, at (208) **XXX-XXXX** or (**email address@blm.gov**).