

8/3/10

Categorical Exclusion
Adventures at House Rock Valley SRP
DOI-BLM-AZ-A010-2010-0017-CX

A. Background

BLM Office: Arizona Strip Field Office
Lease/Serial/Case File No.: n/a

Proposed Action Title/Type:

Adventures at House Rock Valley SRP

Location of Proposed Action:

The proposed action would occur in House Rock Valley within Vermilion Cliffs National Monument and the Arizona Strip Field Office. A proposed horse ride would go 2.4 miles into the Paria Canyon-Vermilion Cliffs Wilderness. (See attached map.)

Description of Proposed Action:

The portions of the proposed motorized-use located within Vermilion Cliffs National Monument will be covered by the Programmatic EA for Commercial Motorized Recreation Permits for Vermilion Cliffs National Monument (DOI-BLM-AZ-A020-2010-0001-EA) and not addressed in this categorical exclusion. This categorical exclusion addresses motorized-use outside of the monument and non-motorized and mechanized use within the monument.

Adventures at House Rock Valley is requesting a Special Recreation Permit (SRP) to conduct 3 types of tours: jeep tours, hand cart tours, and a cattle drive tour within the House Rock Allotment (see map). No staging areas are a part of this proposed action.

Jeep Tours

These tours would provide guided, vehicle access to House Rock Valley Plateau (routes shown in yellow on map). All tours would start and end on the applicant's private land. All of the vehicles would be limited to existing routes until the Arizona Strip Field Office completes its transportation plan; once that occurs, vehicles would be limited to existing routes. Tours would be from 2 to 8 hours in length with up to 6 vehicles/tour. All vehicles would be driven by the guides. No more than 2 tours per day are expected.

Hand Cart Tours

These tours would be made available for historic reenactments of traveling conditions that were experienced by pioneers along the Honeymoon Trail. These 1 to 2 day tours would accommodate 8 to 60 people walking and pulling carts along designated routes in the vicinity of the Honeymoon Historic Trail (see map). The client to guide ratio would be 8 to 1. The tours would start and end on permittee's private land and would be limited to the proposed, existing BLM

road (See map). A horse-drawn wagon would follow with portable bathrooms, shelters, food, and emergency supplies. The tours would be performed approximately 20 times per year. The tour, hand carts and wagon, would be limited to the route shown on the attached map.

Cattle Drive Tours

These tours would allow clients the unique opportunity of driving cattle within the unique scenery of House Rock Valley. This tour of 4 to 16 people would be limited to activities regularly authorized under their Rock House Allotment grazing permit such as pasture moves, branding, etc. Each client would get their own horse. These tours would be 2 days long. The tours would camp along the cattle drive route and be supported by a horse-drawn wagon. Meals may be provided by catered truck depending on the location of the cattle drive. Tunnels would be used to pass underneath Highway 89A (see map). As many as 20 tours per year may be conducted. Once a year, a longer, weeklong tour would be performed heading up House Rock Valley and continuing onto Forest Service lands up to Buckskin Mountain. All motorized and mechanized modes of transportation (wagons and other vehicles) would be confined to the designated roads within the monument and existing roads within the field office. When route designations are completed for the field office, then motorized and mechanized travel will be limited to designated roads (with the exception of the Honeymoon Trail which must go through proper cultural clearance). The proposal also includes a trail ride along an administrative access road into the Paria Canyon-Vermilion Cliffs Wilderness. This trail ride would be limited to 6 horse and riders with no accompanying motorized or mechanized vehicles. A separate permit for activities on Forest Service land would be obtained by the applicant.

The following stipulations would apply and are incorporated as part of the SRP:

1. Any filming/photography of permitted activities that takes place with the express intent to sell the product back to the guided client(s) as souvenirs or training videos, etc. would be subject to a vending permit being included as part of the Special Recreation Permit. A separate Land Use Permit would be required for other commercial filming on public lands, defined in IM No. 2004-73 as, "The use of motion picture, videotaping, sound recording, or other moving image or audio recording equipment on public lands that involves the advertisement of a product or service, the creation of a product for sale, or the use of actors, models, sets, or props, but not including activities associated with broadcasts for news programs. For purposes of this definition, creation of a product for sale includes a film, videotape, television broadcast, or documentary of participants in commercial sporting or recreation event created for the purpose of generating income." Vending and commercial filming is not permitted in the Paria Canyon-Vermilion Cliffs Wilderness.
2. The permittee shall comply with all Federal, State, and local laws, ordinances, regulations, orders, postings, or written requirements applicable to the area or operations covered by the Special Recreation Permit (SRP). The permittee shall make every reasonable effort to ensure compliance with these requirements by all agents of the permittee and by all clients, customers, participants, or spectators under the permittee's supervision.
3. The SRP does not give permission to cross over or use any private lands. The permittee will be fully responsible for all trespass on and/or damage to private land which results from the conduct of the events.
4. A Special Recreation Permit authorizes special uses of the public lands and should circumstances warrant, the permit may be modified by the BLM at any time, including the amount of use. The authorized officer may suspend or terminate a SRP if necessary to protect public resources, health, safety, the environment, or for conviction of violating

- federal or state statutes relating to the resources on public land (cultural, wildlife laws, etc.) or noncompliance with permit stipulations. (Actions by the BLM to suspend or terminate a SRP can be appealed (43 CFR Part 4)).
5. Unless expressly stated, the SRP does not create an exclusive right of use of an area by the permittee. The permittee shall not interfere with other valid uses of the Federal land by other users. The United States reserves the right to use any part of the area for any purpose.
 6. Permittee is responsible for knowing the location of special management areas, such as Areas of Critical Environmental Concern (ACECs) and designated wilderness areas as well as the use restrictions that apply, and complying with those use restrictions.
 7. The permittee must assume responsibility for inspecting the permitted area for any existing or new hazardous conditions, e.g., trail and route conditions, landslides, avalanches, rocks, changing water or weather conditions, falling limbs or trees, submerged objects, hazardous wildlife, or other hazards that present risks for which the permittee is responsible.
 8. When contacted by law enforcement personnel, the permittee and their agents shall identify themselves as SRP holders or agents operating under a permit.
 9. The authorized officer, or other duly authorized representative of the BLM, may examine any of the records or other documents related to the permit, the permittee or the permittee's operator, employee, or agent for up to 3 years after the expiration of the permit.
 10. The permittee must submit a Post-Use Report to the authorized officer within 30 days after the use season. This report will be used to determine if additional fees are required of the permittee based upon total permitted use.
 11. The permittee must submit a Post Use Report to the authorized officer for every year the permit is in effect. If the post use report is not received by the established deadline, the permit will be suspended and/or fines assessed.
 12. The applicant/permittee is required to provide the authorized officer with a copy of a valid insurance policy or proof thereof covering the periods of use prior to being issued a SRP authorizing any use. The U.S. Government and the permittee must be named as additional insured on the policy. Permittee must keep insurance in effect; during any period when the insurance is not in effect or cancelled, the SRP is suspended.
 13. Collection of prehistoric or historic artifacts is prohibited on Federal Lands and is prosecutable under the Archaeological Resources Protection Act. Historic artifacts are those more than 50 years old. Disturbance, defacement, or excavation of prehistoric and historic sites is also prohibited. Disturbance of American Indian human remains is a violation of the Native American Graves Protection and Repatriation Act.
 14. Any sub-surface archaeological, historical, or paleontological remains discovered during use shall be left intact; all activities in the area shall stop immediately and the authorized officer shall be notified immediately. Recommencement of activities shall be allowed upon clearance by the authorized officer in consultation with the Archaeologist. (Standard Archeological Stipulation #1 Arizona Strip F.O.)
 15. Disposal of human waste:
 - a) At vehicle accessible base camps and/or base camps with a group size greater than eight, a portable toilet is required. Portable toilets are the preferred method for human waste disposal and must be emptied only at approved sites.
 - b) At non-vehicle accessible camps and when the group size is eight or less, group latrines will be located on sites that maximize direct sunlight and no closer than 200 feet from water sources and active dry washes. The hole excavated for the latrine will be 8-12 inches deep and will be completely filled in and disguised when camp is broken.

16. Harassment of livestock, wildlife or destruction of private and public improvements such as fences and gates is prohibited. Gates will be left open or closed, as they are found.
17. The permittee will practice proper precautions for preventing noxious weed spread. Therefore all machinery (street legal motorized vehicles, non-street legal all terrain vehicles, dirt bikes, wagons, etc.) that has been used outside the permit area must be cleaned prior to use in the permit area in order to prevent the possible introduction and spread of noxious weeds.
18. All motor vehicle use will comply with applicable off-highway vehicle regulations.
19. The permittee is at all times responsible for the actions of himself, his employees, and guests in connection with the authorized operations, and shall not cause a public disturbance or engage in activities which create a hazard or nuisance.
20. Food, water and/or equipment caches will not be allowed unless prior approval is obtained from the BLM authorized officer.
21. Permittee shall not construct new trails, or maintain existing trails without written authorization.
22. The permittee must present or display a copy of the Special Recreation Permit to an authorized officer's representative, or law enforcement personnel upon request and the permittee must also display a copy of the permit or other identification tag on equipment, especially full sized vehicles and ATVs, used during the period of authorized use. The permittee and his/her agents must have with them a copy of the permit, including their plan of operations and stipulations, when in the field and doing business or conducting the operations related to this permit.
23. The permittee shall notify the authorized officer of any accident which occurs while involved in activities authorized by this permit which results in: death, personal injury requiring hospitalization or emergency evacuation, or in property damage greater than \$2,500. Reports must be submitted to BLM within 48 hours in the case of death or injury, and within 10 days in accidents involving property damage. (Phone 435-688- 3254 or @ BLM Arizona Strip Field Office Attn: Chief Ranger John Sims, 345 E. Riverside Drive, St. George, Utah 84790)
24. Permittee is responsible for the proper cleanup of all trash, vehicle fluid (including, but limited to, fuel, motor oil, hydraulic fluid, gear oil, and coolants), vehicle parts, etc., prior to submission of the Post-Use Report and prior to the release of any required posted bond. Burying of trash is not allowed.
25. If California condors are encountered during the activity, groups must leave the area in order to avoid impacting the condors and the BLM wildlife team lead will be notified at (435) 688-3200 of such encounters.
26. To protect California condors, particular effort should be made to clean up all micro-trash. Micro-trash includes bottle caps, pull tabs, broken glass, cigarette butts, small plastic bits, lead bullets, and bullet casings, even food materials. California condors are attracted to micro-trash and may ingest it, and during breeding season will return to the nest where the micro-trash is regurgitated to feed chicks. Micro-trash accumulates in the chicks' stomachs and causes death.
27. Permittee is required to have an approved ADOT encroachment permit to operate or cross through their right-of-way access area. Contact Audra Merrick at amerrick@azdot.gov (928) 779-7596 or Warren Sutphen at (928) 779-7520 for more information.
28. Within Vermilion Cliffs National Monument, collection of Monument resources, objects, rocks, petrified wood, fossils, plants, parts of plants, fish, insects, or other invertebrate animals, and other items is prohibited. If in compliance with Arizona state statutes and AGFD regulations, recreational collection of animals and animal parts is allowed. This SRP

does not give authorization to appropriate, injure, destroy, or remove any feature of this monument, or to locate or settle upon any of the lands thereof.

B. Land Use Plan Conformance

Land Use Plan (LUP) Name: Arizona Strip Field Office Resource Management Plan (RMP) approved January 29, 2008 and Vermilion Cliffs National Monument RMP approved January 29, 2008.

The proposed action is in conformance with the applicable LUPs because it is specifically provided for in the following LUP decisions:

- ❖ Arizona Strip RMP Decision# MA-RR-23. Special recreation permit (SRP) application packages (application, operating plan, maps, etc.) will be considered for authorization on a case-by-case basis upon receipt of application. (See 43 CFR 2930 for requirements)
- ❖ Arizona Strip RMP Decision# DFC-RR-09. Any area not delineated as a SRMA will be identified as one or more ERMA. ERMA's will receive only custodial management regarding visitor health and safety, user conflict and resource protection issues, with no activity level planning. Therefore, actions within ERMA's will generally be implemented directly from land use plan decisions.
- ❖ Vermilion Cliffs RMP Decision# DFC-RR-12. The primary strategy for the Sand Hills SRMA is to target a demonstrated undeveloped recreation-tourism market demand from local community and regional/national visitors for hunting opportunities, guided backcountry tours, hiking, viewing and appreciating wildland landscapes, and motorized/mechanized/non-mechanized exploring. This demand is supported by the area's distinctive remote, rugged landscape, its vast size, and the largely open, undeveloped character of its recreation settings (see Maps 2.10 – 2.12). Regional and local recreation-tourism visitors value this area for the distinctive kinds of dispersed recreation it produces.
- ❖ Vermilion Cliffs RMP Decision# DFC-RR-13. The Uplands RMZ will be managed for:
 - Self-directed motorized recreation with access to non-motorized opportunities.
 - By the year 2012, manage this zone to produce limited and sustainable motorized access for visitors to enjoy day-use adventure activities in natural, scenic landscapes along structured travel routes and areas, accessing non-motorized exploration and challenge recreation in an urban back-yard setting of colorful sandstone abutting the wilderness, providing no less than 75% of responding visitors and affected community residents at least a "moderate" realization of these benefits (i.e., 3.0 on a probability scale where 1=not at all, 2=somewhat, 3=moderate, 4= total realization).
 - Off-highway adventure driving and exploring.
 - Developing skills and abilities; enjoying going exploring on one's own.
 - *Personal Benefits:* Enhanced sense of personal freedom, greater self-reliance, increased adaptability, greater environmental awareness and sensitivity, enlarged sense of personal accountability for acting responsibly on public lands, and a more outdoor-oriented lifestyle.

- *Household & Community Benefits:* Heightened sense of satisfaction with one's community, increased work productivity, and a greater community involvement in other land-use decisions.
- *Environmental Benefits:* Improved understanding of one's community's dependence and impacts on public land.

The RMZ will be managed to produce recreation opportunities in the following essential settings:

- *Physical Benefits:* Semi-Primitive Non-Motorized to Roaded Natural, with regard to remoteness and naturalness and Primitive to Semi-Primitive Non-Motorized, with regard to recreation facilities.
- *Social Benefits:* Primitive to Roaded Natural, with regard to group size; Primitive to Semi-Primitive Non-Motorized, with regard to contacts; and Semi-Primitive Motorized, with regard to evidence of use.
- *Administrative Benefits:* Semi-Primitive Non-Motorized to Semi-Primitive Motorized, with regard to visitor services and management controls and Primitive to Roaded Natural, with regard to mechanized/motorized use.

❖ Vermilion Cliffs RMP Decision# DFC-RR-14. The Cliffs and Rims RMZ will be managed for:

- Self-directed, non-motorized access for remote, primitive adventure.
- By the year 2012, manage this zone to produce opportunities for local/regional visitors to enjoy primitive-mode recreation adventure through natural-appearing shallow valleys and sandstone mesas, pinnacles, and slick rock erosion features, providing no less than 75% of responding visitors and affected community residents at least a "moderate" realization of these benefits (i.e., 3.0 on a probability scale where 1=not at all, 2=somewhat, 3=moderate, 4= total realization). Other management objectives will continue to be established through the Paria Canyon-Vermilion Cliffs Wilderness Management plan as amended by this Approved Plan.
- Hiking, scrambling, hunting, and rock climbing.
- Enjoying risk-taking adventure; enjoying strenuous physical exercise.
- *Personal Benefits:* Improved outdoor recreation skills; improved muscle strength; improved cardiovascular health; improved teamwork and cooperation; a more holistic sense of wellness.
- *Household & Community Benefits:* Better sense of place within one's community.
- *Economic Benefits:* Reduced health maintenance costs.

The RMZ will be managed to produce recreation opportunities in the following essential settings:

- *Physical Benefits:* Primitive to Roaded Natural, with regard to remoteness; Primitive to Semi-Primitive Non-Motorized, with regard to naturalness; and Primitive to Semi-Primitive Motorized, with regard to recreation facilities.
- *Social Benefits:* Semi-Primitive Non-Motorized, with regard to group size and evidence of use and Primitive to Semi-Primitive Non-Motorized, with regard to contacts.
- *Administrative Benefits:* Semi-Primitive Non-Motorized, with regard to visitor services; Primitive to Semi-Primitive Non-Motorized, with regard to management controls; and Primitive, with regard to mechanized/motorized use.

- ❖ Vermilion Cliffs RMP Decision# DFC-RR-11. The House Rock RMZ will be managed for:
 - Scenic backroads driving with access to interpretation, wildlife viewing, and hiking.
 - By the year 2010, manage this zone to produce opportunities for visitors to enjoy “back road” driving, roadside natural/cultural history interpretation, hiking, and wildlife viewing opportunities, providing no less than 75% of responding visitors and affected community residents at least a —moderate|| realization of these benefits (i.e., 3.0 on a probability scale where 1=not at all, 2=somewhat, 3=moderate, 4=total realization),
 - Visiting scenic vistas, historic sites, interpretive exhibits, and wildlife, including California condors, driving for pleasure, and hiking Enjoying access to environmental learning; savoring the natural landscape.
 - *Personal Benefits*: Improved sense of personal responsibility for acting responsible on public lands; improved appreciation of nature’s splendor; improved outdoor stewardship ethic.
 - *Household & Community Benefits*: Maintenance of community’s distinctive recreation-tourism market niche; enlarged sense of community dependency on public lands
 - *Environmental Benefits*: Greater protection of wildlife and plant habitat; increased awareness and protection of natural landscapes; improved soil, air, and water quality.

The RMZ will be managed to produce recreation opportunities in the following essential settings:

- *Physical Benefits*: Roded Natural, with regard to remoteness and Semi-Primitive Motorized to Roded Natural, with regard to naturalness and recreation facilities.
- *Social Benefits*: Semi-Primitive Non-Motorized to Semi-Primitive Motorized, with regard to group size; Semi-Primitive Non-Motorized, with regard to contacts; and Semi-Primitive Motorized to Roded Natural, with regard to evidence of use.
- *Administrative Benefits*: Semi-Primitive Motorized to Roded Natural, with regard to visitor services; Rural, with regard to mechanized/motorized use; and Roded Natural, with regard to management controls.

These decisions show that the proposed action is in conformance with the current land use plans. In addition, the proposed action does not conflict with other decisions contained within these land use plans.

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:

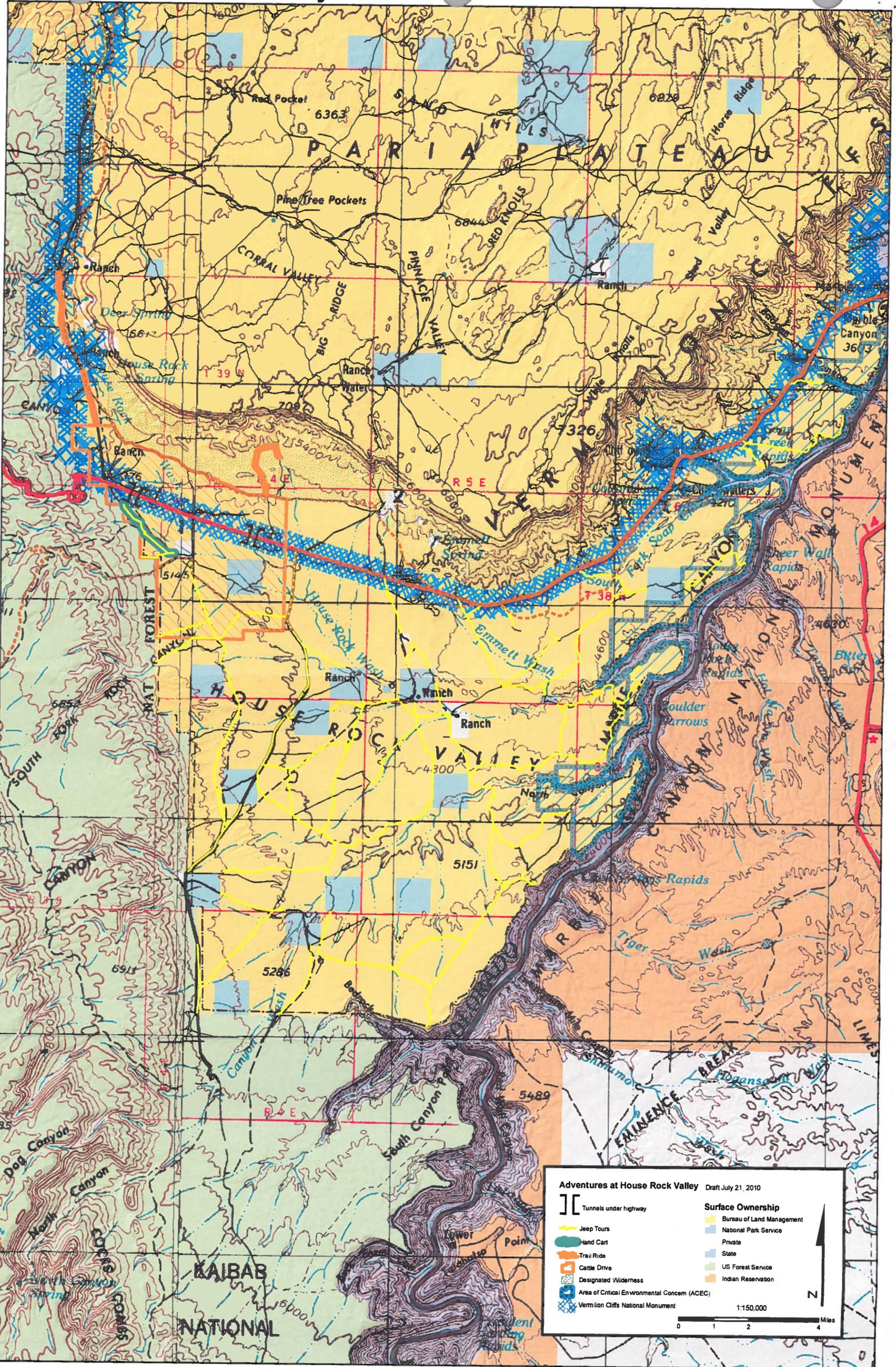
NEPA Handbook 2008, Appendix 4: BLM CatX, G.: Recreation 1.

“Issuance of Special Recreation Permits for day use or overnight use up to 14 consecutive nights; that impacts no more than 3 staging area acres; and/or for recreational travel along roads, trails, or in areas authorized in a land use plan. This CX cannot be used for commercial boating permits along Wild and Scenic Rivers. This CX cannot be used for the establishment or issuance of Special Recreation Permits for “Special Area” management (43 CFR 2932.5).”

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 516 DM 2 apply.

See Attachment 1: *Extraordinary Circumstances Review and Checklist*.

Adventures in House Rock Valley



Adventures at House Rock Valley Draft July 21, 2010

Tunnels under highway	Surface Ownership
Jeep Tours	Bureau of Land Management
Land Cart	National Park Service
Trail Ride	Private
Cattle Drive	State
Designated Wilderness	US Forest Service
Area of Critical Environmental Concern (ACEC)	Indian Reservation
Vermilion Cliffs National Monument	

Scale: 1:150,000
 0 1 2 4 Miles
 N

DECISION MEMORANDUM
Adventures at House Rock Valley SRP
DOI-BLM-AZ-A010-2010-0017-CX

U.S. Department of the Interior
Bureau of Land Management
Arizona Strip Field Office

Approval and Decision

Based on a review of the project described in the attached Categorical Exclusion documentation (DOI-BLM-AZ-A010-2010-0017-CX) and Arizona Strip District staff recommendations, I have determined that the proposed action is in conformance with the Arizona Strip Field Office Resource Management Plan and Vermilion Cliffs National Monument Resource Management Plan and is categorically excluded from further environmental analysis. My decision is to approve the proposed action. This authorization is limited to BLM-administrated lands. The permittee must adhere to the stipulations listed with the permit.

Administrative Review or Appeal Opportunities

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 attached Form 1842-1. If an appeal is taken, your notice of appeal must be filed at the Arizona Strip Field Office; 345 East Riverside Drive; St. George, Utah 84790, within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

In accordance with 43 CFR 2931.8, this decision remains in effect pending appeal unless a stay is granted. If you wish to file a petition (pursuant to regulation 43 CFR 4.21 (58 FR 4939, January 19, 1993) (request) 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 Office of the Solicitor (Department of the Interior, Office of the Field Solicitor, Sandra Day O'Connor U.S. Court House #404, 401 West Washington Street SPC44, Phoenix, AZ 85003-2151) (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.

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:

Standards for Obtaining a Stay

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.

Lorraine M. Christian
Lorraine M. Christian - Field Manager, Arizona Strip Field Office

8/3/10
Date

Contact Person:

Jon Jasper
Outdoor Recreation Planner
Arizona Strip Field Office
(435) 688-3246 office
jonathan_jasper@blm.gov

Attachment: Form 1842-1

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**..... U.S. Dept. of the Interior
Bureau of Land Management
4100 E. Winnemucca, Blvd.
Winnemucca, NV 89445 And U.S. Dept. of the Interior
Office of Hearings & Appeals
Interior Board of Land Appeals
801 N. Quincy St., MS 300-QC
Arlington, VA 22203
- WITH COPY TO SOLICITOR**..... U.S. Dept. of the Interior
Office of the Solicitor
Pacific Southwest Region
2800 Cottage Way, Room E-2753
Sacramento, CA 95825-1890 +
- 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 fully stated your reasons for appealing when filing the Notice of Appeal, no additional statement is necessary (43 CFR 4 412 and 4 413)
- WITH COPY TO**..... U.S. Dept. of the Interior
Office of the Solicitor
Pacific Southwest Region
2800 Cottage Way, Room E-2753
Sacramento, CA 95825-1890 And U.S. Dept. of the Interior
Bureau of Land Management
4100 E. Winnemucca, Blvd.
Winnemucca, NV 89445
- 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 amended, service will be made upon the Associated 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 Associated Solicitor, Division of Mineral 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 4 401(c)).
- 6. REQUEST FOR STAY**..... Except where program-specific regulations place this 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 *Notice of Appeal* (43 CFR 4 21). 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 4.21 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 *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 (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 other 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 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.

Unless these procedures are followed your appeal will be subject to dismissal (43 CFR 4.402). Be certain that all communications are identified 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, subpart b for general rules relating to procedures and practice involving appeals.

43 CFR SUBPART 1821--GENERAL INFORMATION

Sec. 1821.10 Where are BLM offices located? (a) In addition to the Headquarters Office in Washington, D.C. and seven national level support and service centers, BLM operates 12 State Offices each having several subsidiary offices called Field Offices. The addresses of the State Offices can be found in the most recent edition of 43 CFR 1821.10. The State Office 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
Eastern States Office ----- Arkansas, Iowa, Louisiana, Minnesota, Missouri
and, all States east of 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

(b) 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 addresses or any office of the Bureau of Land Management, including the Washington Office, Bureau of Land Management, 1849 C Street, NW, Washington, DC 20240.
