7/12/2011

ASDO NEPA DOCUMENT ROUTING SHEET

NEPA Document Number: DOI-BLM-AZ-A030-2011-0002-CX

Project Title: Mount Dellenbaugh Water Well Exploratory Drilling Right-of-Way

Project Lead: Paul Krumland

Date that any scoping meeting was conducted: N/A

Date that concurrent, electronic distribution for review was initiated: April 26, 2011

Deadline for receipt of responses: May 17, 2011

ID Team/Required Reviewers will be determined at scoping meeting or as a default the following:

- ☐ Gloria Benson, Tribal Liaison
- ☐ Diana Hawks, Recreation/Wilderness/VRM
- ☐ Rody Cox (acting), Lands/Realty/Minerals
- ☐ Lorraine Christian (acting), Wildlife/T&E Wildlife
- ☐ John Herron, Cultural
- ☐ Jacquilyn Roaque, Special Status Plants
- ☐ Ray Klein, GCPNM Supervisory Ranger
- ☐ Linda Price, S&G
- ☐ Whit Bunting, Range/Vegetation/Weeds
- ☐ Richard Spotts, Environmental Coordinator
- ☐ John Sims, Supervisory Law Enforcement
- ☐ Pam McAlpin GCPNM
- ☐ David Van Alfen, Archeologist
- ☐ Rosie Pepito, Superintendent

Required Recipients of electronic distribution E-mails only (not reminders):

- ☐ Andi Rogers (E-mail address: arogers@azgfd.gov)
- ☐ Sarah Reif (E-mail address: sreif@azgfd.gov)
- ☐ LeAnn Skrzynski (E-mail address: lskrzynski@kaibabpaiute-nsn.gov)

Ms. Rogers and Ms. Reif are Arizona Game and Fish Department (AGFD) habitat specialists. Ms. Skrzynski is Environmental Program Director for the Kaibab Paiute Tribe (KPT). They may review and/or forward on ASDO NEPA documents to other employees. If a Project Lead receives comments from any AGFD employee on their draft NEPA document, they should include them in the complete set/administrative record and share them with Lorraine Christian as the ASDO Wildlife Team Lead (acting). Ms. Christian will then recommend how these comments should be addressed. If a Project Lead receives comments from any KPT employee, they should include them in the complete set/administrative record and share them with Gloria Benson as the ASDO Tribal Liaison. Ms. Benson will then recommend how these comments should be addressed.

Discretionary Reviewers: None

NEPA DOCUMENT NUMBER: DOI-BLM-AZ-A030-2011-0002-CX

A. Background

BLM Office: Grand Canyon – Parashant National Monument

Proposed Action Title/Type: Mount Dellenbaugh Water Well Exploratory Drilling Right-of-Way

Project Lead: Paul Krumland (NPS)

Location and Description of Proposed Action:

The National Park Service (NPS), in partnership with the BLM, has proposed to drill four exploratory test holes for a potential water well near the Mount Dellenbaugh Administrative Site, a unit of the Grand Canyon – Parashant National Monument. This project is needed because the Mount Dellenbaugh Administrative Site does not have an onsite potable water supply. Non-potable water is currently transported 180 miles (round trip, on unimproved roads) to supply the facility. This water is not treated or disinfected. Users of the facility must haul in their own drinking water, usually in small plastic containers or jugs. A secondary water source for wildland fire suppression is also needed. The purpose of the exploratory drilling is to find a water well that would be able to provide a portable water system for the anticipated and projected facility uses.

The four exploration sites are located on BLM land at: T. 32 N., R. 12 W., Sec. 23, Sec 25, and Sec 26, (as shown on the attached map) and have been selected on the basis of the site geology, the fracture-trace analysis of the area, the presence of nearby springs, and the distance to the Administrative Site. Surveys were completed to locate potentially adequate sources of groundwater near the Dellenbaugh Administrative site on NPS land but none were found. A well that had been drilled in 1991 within the NPS Dellenbaugh administrative site was abandoned because it did not produce water. A right-of-way grant, AZAR-034117, was issued to the NPS on October 26, 1964, for a water well on BLM land approximately 1.25 miles north of the Mount Dellenbaugh Administrative Site and is still an authorized use. However, based on a pump test conducted on May 4, 2010, it was determined that this well would not meet the facility's water demand, even if pumped or hauled periodically, and was not a dependable source of water for domestic use or wildland fire. The nearest regional aquifer that has potential to produce a supply of groundwater was the Kaibab Limestone Formation on BLM property. The distance of the proposed drill sites to the Mount Dellenbaugh Administrative Site range from .18 to 1.33 miles.

If a sufficient water supply is found, the well would be capped until water rights from the State of Arizona are approved. A pipeline would then be constructed from the well site to the Mount Dellenbaugh Administrative Site and pumps and associated structures would be constructed on NPS land (all under a separate NEPA review). If no (or inadequate) water supplies are found, the hole at the drill site would be plugged in accordance with Arizona Department of Environmental Quality laws, rules, and policies. The drill site would be restored to its "prior to drilling" ecological condition.

Use of the proposed drill sites and access routes on BLM land would be authorized by a right-of-way grant under the authority of the Federal Land Policy and Management Act, as amended. The right-of-way grant would be subject to all provisions of 43 Code of Federal Regulations 2800 including the terms and conditions identified in 43 CFR 2805 and the best management practices identified below.

Access

Project sites are generally accessible from May through October, although roads can be wet early in the season (from snow melt) or after summer rain storms. The drill rig and support vehicles would travel to the well site from St. George, Utah by taking BLM Road 1069 to Mohave County Road 5 to Mohave County Road 103 to the project area (see attached map).

Sites would be accessed by a drill rig and support vehicles driving on existing dirt roads with the exception of site 4. They are listed below in the order which they would be drilled:

- Site 4 is adjacent to an old landing strip in Lake Flat. To reach this location, vehicles would utilize the old Lake Flat landing strip as a 2 track road from the main Mohave County Road (103). This landing strip was last used by NPS aircraft in 1993. The landing strip junction with the county road starts at 36 degrees 08.652" 113 degrees 31.737". This 2 track road on the landing strip would be about .5 miles long by 20 feet wide (1.21 acres)
- Site 1 is at the end of the 1661 road (internal BLM road number)
- Site 2 is at the junction of Mohave County Road 103 and road 1660 (internal BLM road number)
- Site 5 is just north of Mohave County Road 103 and east of the existing NPS well site adjacent to road 1662 (internal BLM number)

Drill sites would be located adjacent to existing roads or in the case of site 4, adjacent to the old Lake Flat landing strip. No road blading would be required. All roads except the 2 track road on the landing strip would be left in their current condition. The landing strip 2 track would be decompacted and both horizontally and vertically mulched for a minimum of 100 feet from the main county road to disguise the egress route and prevent public vehicle use. Drilling locations are adjacent to areas managed for wilderness characteristics but no impacts to those lands are anticipated since all drilling activity would occur outside of those identified areas.

All locations are in Visual Resource Management Class II, which dictates that the existing character of the landscape must be maintained, management activities may be seen, but should not attract the attention of the casual observer. Any changes must repeat the basic elements of form, line, color and texture found in the predominant natural features of the landscape. This project is temporary in nature (20 – 30 days) and no facilities would be constructed. The temporary visual impacts would be minimized, if feasible and practicable, by placing the drilling activity in a low lying area or behind hills and vegetation.

Drilling

Each drill site would be 100 feet by 100 feet (0.23 acre) to accommodate the drill rig and drill cuttings. Total acreage disturbed would be approximately.92 if all 4 sites were drilled.

A. Down hole drilling equipment and other equipment in contact with downhome drilling fluids would be cleaned and decontaminated prior to construction.

B. Each hole would be drilled with an air rotary or reverse circulation drill rig to an approximate depth of 500 feet with a 6½-inch diameter drill bit. Twenty to forty feet of 10-inch steel surface casing would be cemented in prior to drilling. The hole would be logged for cuttings description every five-feet by the site geologist. Water, drilling mud (must be NSF 61 approved) and temporary steel casing may be used as needed for borehole stabilization, while allowing for maximum production from water bearing formations.

C. Lithology samples would be collected on a minimum of 5-foot intervals and at lithology change. Sample shall consist of a minimum of 1.1 lbs of material placed in 1-gallon sealed plastic bags. Samples would be clearly labeled with project name, interval, depth, date, and time of collection. Driller would maintain a drill log consisting borehole stratigraphy, lithology units, groundwater measurements, rate of penetration, sample depths, and date and times of work completed, along with drilling methods and material types and volumes used.

D. At a depth of approximately 500 feet, the site Geologist, would determine whether to permanently abandon the hole, complete the hole as a monitoring well, or to construct the hole as the permanent water supply well. If groundwater is present at a minimal quantity (less than 15 gpm), the test hole would be constructed as a 4½-inch PVC monitoring well under the regulations of the Arizona Department of Water Resources. If the test hole is dry, the hole would be abandoned with bentonite grout or chips. If substantial groundwater (greater than 15 gpm) is obtained (of

good water quality), the test hole would be geophysically logged and then reamed out to ten-inches in diameter and completed as a six-inch water supply well.

E. The same procedures would apply for the next three test holes. At the end of the test hole program, the site Geologist would determine which of the four holes would be completed as the new water supply well. This hole would have a suite of geophysical logs run to determine the water-bearing zones and design of the final well. The geophysical log suite would include the following logs: SP, resistivity, natural gamma, caliper, and deviation.

F. An airlift test would be conducted on the hole to determine the approximate yield and water quality parameters of the hole. A 1½-inch diameter steel sounding tube would be required for the airlift test (500 feet).

G. The well that meets the requirements for the permanent water supply well would consist of a 6-inch PVC coupled casing design capable of producing at least 15 gpm of sustained groundwater flow from water bearing units at depths between 300-500 feet.

Best Management Practices

The following best management practices are included in the proposed action in order to minimize impacts on resources within the monument:

1. A Class III Cultural Resource Inventory has been completed for all drill sites and none of these locations impact cultural sites. However, because of the proximity of the drill sites to archeological resources, the following practices must be implemented as part of the project:
   - All ground-disturbing activity must be monitored by an archeologist.
   - If the archeologist discovers resources, immediate relocation of the work to a non-sensitive area may be required.

2. There is potential for the spread of noxious and invasive weeds from equipment contaminated with weed seed and/or biomass. To reduce this potential, the authorized officer would require the contractors to take the following measures: a) thoroughly power wash and remove all vegetative material and soil before transporting equipment to the work site to help minimize the threat of spreading noxious and invasive weeds. This includes trucks, trailers, and all other machinery; b) be responsible for the eradication of noxious weeds within the right-of-way area throughout the term of the right of way; c) be responsible for consultation with the authorized officer and local authorities for implementing acceptable weed treatment methods. Any use of chemical treatments would be made using only chemicals approved in the *Final Vegetation Treatments Using Herbicides on Bureau of Land Management Lands in 17 Western States Programmatic Environmental Impact Statement* (June 2007b), by a state certified applicator who would abide by all safety and application guidelines as listed on the product label and Material Safety Data Sheet.

3. Contractors must notify the BLM Wildlife Team Lead if California condors visit the site while permitted activities are underway. BLM may request that project activities be modified or delayed where adverse effects to condors may result.

4. Construction/maintenance sites would be maintained in a sanitary condition at all times; waste materials at those sites would be disposed of promptly at an appropriate waste disposal site. "Waste" means all discarded matter including, but not limited to, human waste, trash, garbage, refuse, oil drums, petroleum products, ashes, and equipment. "Waste" also includes the creation of micro-trash such as bottle caps, pull tabs, broken glass, cigarette butts, small plastic, food materials, bullets, bullet casings, etc. No micro-trash would be left at construction/maintenance sites and trash receptacles used at construction/maintenance sites would be wildlife proof. California condors are attracted to micro-trash and may ingest it, and during breeding season could return to the nest where the micro-trash is regurgitated to feed chicks. Micro-trash accumulates in the chicks' stomachs and causes death. Picking up these items benefits other wildlife as well.

5. At no time would vehicle or equipment fluids (including motor oil and lubricants) be dumped on public lands. All accidental spills would be reported to the authorized officer and be cleaned up immediately, using best available practices and requirements of the law, and disposed of in an authorized disposal site. All spills of federally or state listed hazardous materials which exceed the reportable quantities would be promptly reported to the appropriate state agency and the authorized officer.

6. Drilling at each site would require a dug sump pit capable of holding approximately 3600 gallons (500 ft^3) of water and/or cuttings. The pit dimensions should be approximately 10 feet long by 8 feet wide by 6 feet deep. The pit would have a gradual taper at one end as a safety precaution to prevent people and wildlife from entering. The sump would be fenced off entirely and encircled with a fence and caution tape. After the drilling (and well construction) has been completed, the sump pit would be allowed to dry up and then restored to native conditions and covered with native topsoil [or covered with native stockpiled topsoil and restored to natural pre-construction condition]. The sump pit would be designed and constructed so that it would not leak or overflow into streams or wetlands.

7. Water required for drilling purposes would be the responsibility of the drilling contractor at the contractor's expense or the government via contract. The contractor would provide all necessary delivery of water supplies using available water trucks. The project is expected to utilize approximately 2500 gallons per day for a 20- to 30-day period.

8. The contractor would protect water quality at all times and prevent well contamination.

9. The contractor would exercise care to prevent breakdown of collapse of strata overlaying that from which water is to be drawn.

10. The contractor would protect water supply wells to prevent tampering and introducing foreign matter. Temporary well caps would be retained until installation is complete.

11. All operations would be confined to the construction site indicated on the plans for the project in order to protect natural resources and features and prevent damage to natural surroundings. The contractor would accomplish this by:
    - Placing temporary barriers to minimize the area of disturbance.
    - Not fastening ropes, cables, or guys to existing trees.
    - Carefully supervising excavating, grading, filling, and other construction operations near trees to minimize damage.

12. The contractor would block or fence off all work areas to prevent the public and livestock from entering.

13. The contractor will implement erosion and sediment control measures, such as straw bale erosion control fences, at the work sites.

14. Activities would be limited to periods when the soil and ground surface are not wet, in order to avoid soil compaction.

B. Land Use Plan Conformance

The proposed action has been reviewed for conformance with the Grand Canyon – Parashant National Monument Resource Management Plan (RMP) which was approved on January 29, 2008. The proposed action is in conformance with the following decision:

MA-LR-05 – No new ROWs or ancillary public facilities should be processed within the Monument except for: a) ROWs pursuant to existing policies and practices such as, but not limited to, scientific monitoring stations, repeaters, utilities, water facilities, and access or other needs identified on private or state inholdings, public facilities, or administrative sites; and b) ROWs within the boundary of existing ROWs designated ROW corridors. ROWs would only be authorized where site-specific NEPA analysis

determines that the proposed action is consistent with protections required by the Monument proclamations and with DFCs described in the Approved Plan. Mitigation measures may include underground placement of linear ROWs along existing roads and special protection measures for archaeological resources, among others. (See Special Status Species and Cultural Resources decisions.)

The proposed action also does not conflict with other decisions contained within the RMP.

C. Compliance with NEPA

The proposed action is categorically excluded from further documentation under the National Environmental Policy Act in accordance with 516 DM 11.9 E (19) which provides for the issuance of short-term (3 years or less) rights-of-way or land use authorizations for such uses as storage sites, apiary sites, and construction sites where the proposal includes rehabilitation to restore the land to its natural or original condition.

And 516 DM 11.9 E (17) which provides for grants of short term rights-of-way for utility service or terminal access roads to an individual residence, outbuilding or water well.

These categorical exclusions are appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The proposed action includes provisions to restore the land in the project area to a natural condition.

The proposed action has been reviewed, and none of the extraordinary circumstances described in 516 DM2 apply. Please see Attachment 1.

D: Signature

Authorizing Official: Pamela D. McAlpin Date: 7/12/2011
Name: Pamela D. McAlpin, Monument Manager, Grand Canyon – Parashant National Monument

Authorizing Official: _____ Date: 7.12.2011
Rosie Pepito, Superintendent, Grand Canyon – Parashant National Monument

Contact Person

For additional information concerning this CX review, contact , Paul Krumland, Park Ranger, Project Lead, Grand Canyon – Parashant National Monument; 435-688-3229, paul_krumland@nps.gov

Attachment 1

EXTRAORDINARY CIRCUMSTANCES REVIEW AND CHECKLIST

IMPORTANT: Appropriate staff should review the circumstances listed below, and comment for concurrence. Rationale supporting the concurrence should be included where appropriate.

EXTRAORDINARY CIRCUMSTANCES Does the proposed action…	YES/NO & RATIONALE (If Appropriate)	STAFF
1. Have significant impacts on public health and safety?	No comments or concerns	Sims 5/23/11
2. Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness or wilderness study 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 (Executive Order 13186); and other ecologically significant or critical areas?	No	Christian 4/28/11
	No impacts to areas managed for wilderness characteristics and minimal impacts to visual resources and soundscapes.	Hawks 5/16/11
	Cultural comments have been addressed under BMPs (monitoring of drilling and excavation). No further effects.	Van Alfen 5/16/11
	No special status plant species occur. "No affect" on any special status plants.	Roaque 5/16/11
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)]?	There should be no adverse effect to the lands and minerals programs from this proposal, as mitigated.	Cox 5/13/11
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks?	No effects	Cantwell 5/25/11
5. Establish a precedent for future action, or represent a decision in principle about future actions, with potentially significant environmental effects?	No effects	Cantwell 5/25/11
6. Have a direct relationship to other actions with individually insignificant, but cumulatively significant, environmental effects?	No effects	Cantwell 5/25/11
7. Have significant impacts on properties listed or eligible for listing, on the National Register of Historic Places as determined by either the Bureau or office?	No effects.	Van Alfen 5/16/11
8. 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?	No effects	Christian 4/28/11
9. Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment?	No effects	Benson 6/01/11
10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898)?	No effects	Cantwell 5/25/11
11. Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners, or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007)?	BMPs address cultural comments (monitoring of drilling and excavation). No further effects.	Van Alfen 5/16/11
12. Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area, or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112)?	No adverse effects to vegetation. Minimal potential for the spread of weeds.	Bunting 5/17/11

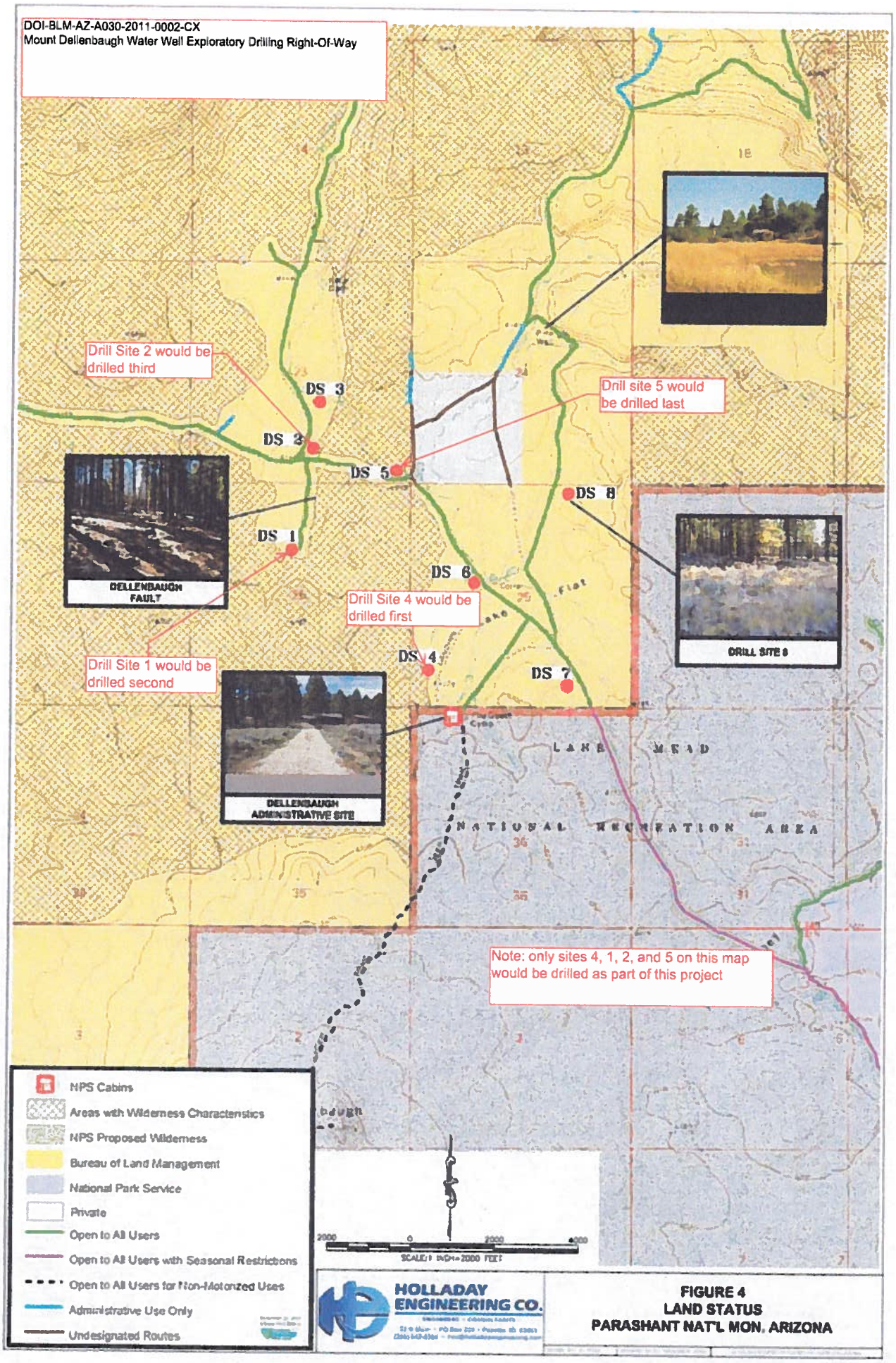

FIGURE 4
LAND STATUS
PARASHANT NAT'L MON. ARIZONA

1/12/2011

DECISION MEMORANDUM

Mount Dellenbaugh Water Well Exploratory Drilling Right-of-Way
DOI-BLM-AZ-A030-2011-0002-CX
U.S. Department of the Interior
Bureau of Land Management
Grand Canyon – Parashant National Monument

Approval and Decision

Based on a review of the project described in the attached Categorical Exclusion documentation and both Grand Canyon – Parashant National Monument and Arizona Strip District staff recommendations, I have determined that the project is in conformance with the Grand Canyon - Parashant National Monument Resource Management Plan (approved 2008) and is categorically excluded from further environmental analysis. It is my decision to approve the action as proposed with the following stipulations.

Each drill site would be 100 feet by 100 feet to accommodate the drill rig and drill cuttings. Sites would be accessed by a drill rig and support vehicles driving on existing dirt roads with the exception of site 4. Site 4 would be accessed by utilizing the old Lake Flat landing strip as the access road. This 2 track route would be about .5 miles long by 20 feet wide. After drilling, the landing strip 2 track route would be decompacted and both horizontally and vertically mulched for a minimum of 100 feet from the main county road to disguise the egress route and prevent public vehicle use.

If a sufficient water supply is found, the well would be temporarily capped until water rights from the State of Arizona are approved and further environmental analysis of well and pipeline development occurs.

If no (or inadequate) water supplies are found, the hole at the well site would be plugged in accordance with Arizona Department of Environmental Quality laws, rules, and policies. The drill site would be put back to its "prior to drilling" ecological condition.

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 enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed at the Arizona Strip District 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 2801.10(b), this decision remains in effect pending appeal unless a stay is granted. If you wish to file a petition (request) pursuant to regulation at 43 CFR 2801.10 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 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 in 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 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.

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:

Pamela D. McAlpin, BLM Monument Manager
Grand Canyon – Parashant National Monument

7/12/2011
Date

Rosie Pepito, NPS Superintendent
Grand Canyon – Parashant National Monument

7-12-2011
Date

Attachment: Form 1842-1

Form 1842-1
(September 2006)

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 who wishes to appeal to the Interior Board of Land Appeals must file in the office of the officer who made the decision (not the Interior Board of Land Appeals) a notice that he wishes to 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..... Field Manager
Arizona Strip Field Office, Bureau of Land Management
345 East Riverside Dr., St. George, UT 84790

WITH COPY TO SOLICITOR... Office of the Field Solicitor
Sandra Day O'Connor US Courthouse, Suite 404
401 West Washington Street, SPC-44
Phoenix, Arizona 85003-2151

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 SOLICITOR..... Office of the Field Solicitor
Sandra Day O'Connor US Courthouse, Suite 404
401 West Washington Street, SPC-44
Phoenix, Arizona 85003-2151

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).

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 2801.10 or 43 CFR 2881.10). 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 otherwise 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.

(Continued on page 2)