



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

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July 22, 2010

IN REPLY REFER TO:
2800
CACA-51798
(CA-66.62)

DECISION

Department of the Navy :
Naval Facilities Engineering Command Southwest :
1220 Pacific Highway : Right-of-Way Grant CACA-51798
San Diego, California 92132-5190

Right-of-Way Grant CACA-51798 Issued Exempt From Rental

Enclosed is a copy of your right-of-way (ROW) grant, serial number CACA-51798, which allows the use of public land for a warfare training facility. It was approved by the BLM on July 22, 2010.

Pursuant to Title 43 Code of Federal Regulations (CFR), Part 2806.14(a)(2), "you do not have to pay rent for your use if you are a Federal, state, or local government or its agent or instrumentality", therefore, the Department of Navy, Naval Facilities Engineering Command Southwest is exempt from rental for this right-of-way grant.

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 Diane Gomez, Realty Specialist, at (760) 833-7152.



John R. Kalish
Field Manager

Enclosures

- 1- Right-of-way Grant - CACA-51798
- 2- Exhibit A - Map
- 3- Exhibit B –Stipulations
 - a) Appendix A
- 4- Form 1842-1