



# United States Department of the Interior

## BUREAU OF LAND MANAGEMENT

Casper Field Office  
2987 Prospector Drive  
Casper, Wyoming 82604-2968

1793/Huxtable Quarry  
Mineral Materials Project

JUN 22 2005

Dear Reader:

The Decision Record and Finding of No Significant Impact (DR/FONSI) for the Huxtable Quarry Mineral Material Project is provided for your information and use. The project is located approximately 6 miles southwest of Douglas in south-central Converse County, Wyoming.

The DR/FONSI outlines the decision and rationale, including key management considerations. The decision may be appealed to the Interior Board of Land Appeals (IBLA). The appeal must be filed within 30 days of receipt of this decision. Further information on taking the appeal to IBLA is explained in the decision.

The Environmental Assessment (EA) of the proposed Huxtable Quarry Mineral Material Project and DR/FONSI were prepared pursuant to the National Environmental Policy Act and other regulations and statutes to fully disclose the potential environmental impacts which could result from implementation of the project and to solicit public comments and concerns.

The DR/FONSI is the culmination of detailed analysis on the environmental effects of implementing the proposed action or alternatives for the Huxtable Quarry Mineral Materials Project. On April 25, 2005, the Bureau of Land Management (BLM) released the EA for a 30-day public comment period. Nine comment letters and/or emails were received during the comment period. These comments were reviewed and considered in reaching the decision set forth in the DR/FONSI. The BLM's responses to substantive comments are included in the rationale section of the DR/FONSI.

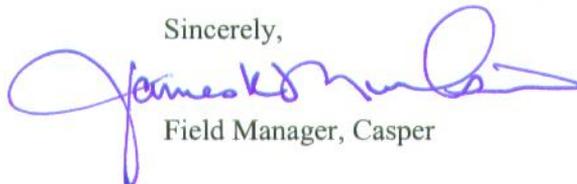
A copy of the DR/FONSI has been sent to affected government agencies and those parties who indicated they wished to receive a copy of the EA. The DR/FONSI is available for review at the Bureau of Land Management (BLM) office listed below. It may also be viewed or downloaded from the BLM National website at [www.blm.gov/nhp/spotlight/state\\_info/planning.htm](http://www.blm.gov/nhp/spotlight/state_info/planning.htm).

Bureau of Land Management  
Casper Field Office  
2987 Prospector Drive  
Casper, WY 82604

BLM thanks all the individuals and organizations who provided suggestions and comments on the EA. Your help has been invaluable in preparing the EA and the attached DR/FONSI.

Should you have any questions, please contact Linda Slone, Project Lead, at the above address or by phone at (307) 261-7520.

Sincerely,



Field Manager, Casper

Enclosures

- DR/FONSI
- Form 1842-1, Information on Taking Appeals to the Board of Land Appeals

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

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**Huxtable Quarry Mineral Materials Project**  
**Environmental Assessment Number WY-060-04-034**

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**DECISION RECORD**  
**AND**  
**FINDING OF NO SIGNIFICANT IMPACT**

**I. INTRODUCTION**

This document records the decision made by the Bureau of Land Management (BLM) Casper Field Office (CFO) for the proposed Huxtable Quarry Mineral Materials Project (HQMMP). The proposed Huxtable quarry is located in the SW<sup>1</sup>/<sub>4</sub> of Section 33, Township 32 North, Range 72 West in Converse County, Wyoming. It lies approximately 6 miles southwest of Douglas, Wyoming. Mr. James N. Huxtable (project proponent) proposes to mine existing aggregate rock, limestone and quartzite resources for use in local construction-related activities and moss rock for decorative landscaping purposes within a proposed 10-acre quarry site. The mineral materials proposed for mining are owned by the United States of America while the surface estate at the proposed quarry site along with some 2.0 miles of proposed access (haul) road are owned by the project proponent.

While the surface estate within the project area is owned by the project proponent, the mineral resources are in federal ownership, thereby requiring an environmental assessment (EA) be prepared to analyze and disclose the impacts of the proposed mineral materials sale. This EA was prepared pursuant to the *National Environmental Policy Act* (NEPA), as amended (42 USC 4321 et seq.), and its implementing regulations found in Title 40 CFR Part 1500-1508, and BLM's *National Environmental Policy Act Handbook* (H-1790-1) (BLM 1988a). This EA assesses the environmental impacts of the Proposed Action and alternatives, including the No Action Alternative, and serves to guide the decision-making process.

This decision is based on the completed EA for the HQMMP (EA number WY-060-04-034). This decision applies only to the private surface lands overlying the federal mineral estate administered by the BLM. The EA is guided by the BLM's Platte River Resource Area (currently the Casper Field Office), resource management plan (RMP), which describes the planning decisions for public land management under the jurisdiction of the CFO.

The proposed HGMMP would comply with all applicable local, state, and federal rules and regulations. Comments received during the 30-day comment period ending May 25, 2005 for the EA were taken into consideration in preparing this decision.

## II. ALTERNATIVES

- A. Proposed Action.** Under the proposed action, the proponent could contract to purchase and mine from 80,000 cubic yards (yd<sup>3</sup>) to 200,000 yd<sup>3</sup> (approximately 112,000 to 280,000 tons) of various types of industrial non-metallic minerals including construction aggregate rock (limestone and quartzite) and decorative fieldstone (moss rock). The construction aggregates would be used for road base construction, concrete, asphalt and rip-rap for drainage control structures. The decorative fieldstone is rock covered with moss, algae, fungi, or lichen and would be used for landscaping purposes. Total surface disturbance at the quarry site would be limited to 10 acres or less. Due to the varying demand for the mined products and the varying depths of the mineral deposit, it is difficult to determine the annual quantity of rock that would be mined. However, based on current demand, it is anticipated that the annual quantity of rock quarried would typically range from 80,000 to 200,000 yd<sup>3</sup> as referenced above. Mining operations could last up to 15 years.
- B. Alternative A.** Under this alternative the proposed quarry would be enlarged from 10 acres in the proposed action to 40 acres overall. However the amount of mineral materials sold on an annual basis would remain the same; however, the life of the quarry could extend to 30 years.
- C. No Action Alternative.** Under the No Action Alternative, mining operations within the project area would not be authorized or approved.
- D. Alternate Quarry Site.** An alternate quarry site was considered, but was not analyzed in detail due to the rock quality and its inadequacies for most construction applications.

The details for all the alternatives outlined above are contained in Chapter Two of the HQMMP EA (The Proposed Action and Alternatives).

## III. DECISION

It is my decision to approve the Proposed Action as analyzed in the HQMMP EA. The mitigation identified in the HQMMP EA will be incorporated into the mineral materials sales contract as appropriate. Any standard contract stipulations addressing compliance with basic requirements of the environmental statutes and the special contract stipulations derived from the mitigation outlined in the HQMMP EA and this decision record are incorporated into this decision. The decision will be subject to all the monitoring requirements and mitigation measures in the Wyoming Department of Environmental Quality, Land Quality Division's (WDEQ/LQD) mine permit as applicable. All mineral material sale contracts based on this decision will be in conformance with all applicable federal, state, and local laws, regulations, as well as current policy.

#### IV. FINDING OF NO SIGNIFICANT IMPACT

Based on the analysis of potential environmental impacts contained in the environmental assessment, I have determined that impacts of the Proposed Action are not expected to be significant and an environmental impact statement is not required.

#### V. RATIONALE FOR THE DECISION

The decision to approve the disposal of minerals described in the Proposed Action is based on careful consideration of a number of factors, including: (A) consistency with land use and resource management plans; (B) public involvement, scoping issues, and EA comments; (C) relevant resource considerations; (D) agency statutory requirements; (E) national policy; and, (F) measures to avoid or minimize environmental harm.

**A. Consistency with Land Use and Resource Management Plans.** The decision to authorize the HQMMP is in conformance with the overall planning direction for the area. The Platte River Resource Area RMP states that “Mineral materials such as sand and gravel, moss rock, flagstone, and scoria will be available on demand for sale and for re-use, subject to conditions and stipulations developed case by case, so that efficient use can be made of the mineral resources. Materials in all low, moderate, and high potential areas are available except those in an area within 0.25 mile of the North Platte River for its entire length in the PRRA.”

**B. Public Involvement, Scoping Issues, and EA Comments.** The opportunity for public involvement was provided throughout the process. Chapter 5.0, Consultation and Coordination, of the HQMMP EA provides a detailed accounting of the public participation, consultation, and coordination that occurred in conjunction with preparation of the EA.

The BLM received nine letters or e-mails commenting on the EA during the public comment period. The comment letters may be reviewed by contacting the Field Manager at the Casper Field Office. Most of the issues and concerns from these comments were similar to those raised through initial public scoping and identified as such in the EA, Section 1.4, Scoping and Issues Identified. The comments did not include any new substantive information necessitating additional analysis. The comments were categorized into the following 12 issues and concerns which were analyzed and discussed with additional mitigation identified as appropriate.

**1. Potential impacts to air quality from fugitive dust emissions.** There were comments concerning the potentially harmful effects to livestock from the ingestion of dust-covered plants to recommendations that trucks loaded with mineral materials should be covered with tarps as they are leaving the quarry to reduce dust and damage from falling rock. Another comment raised concerns regarding the proximity of the proposed access road to the property line (and fence) in the NE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub> of Section 33, Township 32 North, Range 72 West, and attendant problems with dust and debris on

adjacent lands not owned by the project proponent. Dust abatement impacts and mitigation measures were addressed Section 2.1.4.7, Dust Abatement; and Section 4.2, Air Quality, of the EA. A stipulation will be added to any minerals sales contracts that the loaded haul trucks will have the mineral materials covered when leaving the quarry and along any portion of the haul road where BLM has jurisdictional authority. As stated in Section 2.1.3, Access (Haul) Road Improvement, of the EA, a *Road Construction Plan and Profile* would be prepared by a licensed professional engineer and submitted to BLM for review and approval prior to road construction and/or improvement. This design will include a 20-foot buffer of undisturbed ground between the access road and the property/pasture fence in the NE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub> of Section 33, Township 32 North, Range 72 West. As stated in Section 4.2.3.1 of the EA, the Proposed Action will have to comply with air quality standards and permitting requirements as regulated by the Wyoming Department of Environmental Quality, Air Quality Division's (WDEQ/AQD).

- 2. Potential impact to surface and ground water resources.** There were comments that the EA did not evaluate the additional use of the Huxtable #2 water supply well for continued livestock watering purposes and potential water depletions resulting from this additional use. Other comments received included concerns that no water well studies were required below the property and questioned the use of a 1-mile radius for potential impacts to water wells in the analysis document. Based upon the analysis, the Huxtable # 2 water well is the water source for dust abatement and has the capacity for both livestock watering and dust abatement. If that should not be the case for some unforeseen reason, the project proponent would still be obligated to comply with air quality standards and would have to secure another source of water or an approved alternate dust abatement procedure to comply with air quality standards. Mitigation contained in the EA (Section 4.12.6) requires the installation of two monitoring wells down gradient of the proposed quarry which are to be monitored annually for water draw down. The one mile radius for water wells was used because it is an accepted hydrologic and geologic standard for the potential draw down effect to surrounding water sources.
- 3. Potential impacts to wildlife and wildlife habitat in the area.** There were comments concerning impacts to big game habitat and the need for off-site mitigation, the potential effects of noxious weed infestations on habitat, and a question concerning the distance that raptor surveys would be conducted from the proposed quarry. Off-site mitigation for habitat improvement is an option that could be negotiated on a voluntary basis with the project proponent by parties such as Wyoming Game and Fish Department; however, under current policy, BLM cannot mandate off-site mitigation. Noxious weeds are addressed in Section 4.10, Vegetation, of the EA and appropriate mitigation standards are identified. The current CFO BLM Policy for raptor surveys is up to ½ mile from the proposed quarry site.

- 4. Increased traffic and associated potential impacts to existing county and state highways.** Comments were received expressing concerns for the weight-bearing capacity of the public roads, the safety of the existing public roads, the estimated vehicle traffic on the public roads as being low, that the data used for traffic volumes from 1998 and 1999 is outdated, and that Chalk Butte Road is County Road #9 and not Highway #96. The jurisdiction and management of the public roads, both county and state, are under the jurisdiction of Converse County and Wyoming Department of Transportation (WDOT) respectively. Increased traffic impacts and mitigation is addressed adequately in the EA under Section 4.9, Transportation. The data used is comparable and provides the trends and impacts that need to be addressed. The comment that the Chalk Buttes Road is County Road #9 and not Wyoming Highway #96 on page number 38 of the EA is noted, but does not change the analysis or the conclusions reached.
- 5. Potential impacts associated with noise during quarrying operations.** Noise was identified as a concern. There were comments on the hours of operations. Certain hours were recommended by the Converse County Commissioners. The EA states that the hours of operation would be from sunup to sundown. The time of operation is already drastically reduced by the big game crucial winter range stipulation. Time restrictions such as 8:00 a.m. to 4:00 p.m. are usually imposed and enforced by county or city zoning ordinances as appropriate. In this particular instance, there are as no county planning ordinances on which to base a timing limitation of this nature. This could be worked out between the project proponent and Converse County. Noise was addressed throughout the EA and appropriate mitigation standards as outlined in Section 4.3, Noise, will be applied to any permitted activity and enforced by the appropriate agency, including WDEQ/LQD.
- 6. Potential damage to dwellings and structures from blasting operations.** Comments were received voicing concerns regarding the potential effect of blasting operations on dwellings and structures. This issue has been addressed in Section 3.3.1.1 of the EA. Based on the distance to the closest structures from the proposed quarry, there is no predicted effect. Section 2.1.4.2, Mineral Materials Excavation, of the EA, identifies set and precise procedures for blasting operations and states that all blasting operations would be conducted in accordance with WDEQ/LQD rules and regulations pertaining thereto. It further states that the use, handling, and temporary storage of explosives would comply with the Bureau of Alcohol, Tobacco, and Firearms rules and regulations.
- 7. Potential health and safety concerns.** Comments were received on potential orange clouds (nitrogen oxide or NO<sub>x</sub>) from blasting, random level concerns, fire and emergency plans, as well as migrating rattlesnakes. NO<sub>x</sub> is a mixture of gases composed of nitrogen and oxygen. NO<sub>x</sub> is released into the air from the exhaust of motor vehicles, burning of fossil fuels, wood, welding, tobacco smoke, blasting with explosives, lightning storms, etc. NO<sub>x</sub> is rapidly broken down in the atmosphere by reacting with other substances commonly found in air. The general population is

primarily exposed to NO<sub>x</sub> by breathing air. Nitrogen dioxide (NO<sub>2</sub>), a form of NO<sub>x</sub> can often be seen along with particles in the air as a reddish-brown (orange) layer over urban areas (e.g. smog). Low levels of exposure over time or high concentrations may lead to respiratory problems. The EPA has established that the average concentration of NO<sub>2</sub> in ambient air per year should not exceed 0.5 ppm for 10 minutes. OSHA has set a limit of NO<sub>2</sub> in the work place for an 8-hour shift/workday or a 40-hr work week at 25 ppm and a 15 minute exposure limit of 5 ppm in the workplace. NO<sub>x</sub> are addressed in the Clean Air Act, which is enforced and monitored by the WDEQ/AQD. As referenced in Section 4.2, Air Quality, of the EA a site-specific air quality permit will be required or issued by WDEQ/AQD. It is highly unlikely that the quarry activity, as analyzed, will cause any detrimental effect to the surrounding human or animal populations.

Radon has been addressed adequately in Section 3.3.1.2 of the EA. Given the low potential for radon in the quarry rock and the distances from the proposed quarry to existing residences within the general area, it is unlikely there would be any measurable increase in indoor or outdoor radon levels due to the proposed mining operation.

Fire and emergency plans are usually a part of the overall safety plan that will be required prior to any contract issuance. The EA addresses safety throughout the document such as in the blasting and transportation.

While quarrying operations could possibly disrupt potential rattlesnake denning activities in the actual quarry area itself, there are undoubtedly additional areas on Sheep Mountain that would provide suitable habitat and could be used for denning purposes by any individual rattlesnakes actually displaced by quarrying operations. Population dispersal in the spring and summer from denning areas is generally dictated by prey availability and abundance and the possibility of a mass migration of rattlesnakes from the quarry area to residences along Bed Tick Creek is considered highly unlikely as is the possibility that quarrying operations may influence rattlesnake migration patterns in the area.

- 8. Visual Resources.** A comment was made on Section 3.13, Visual Resources, of the EA regarding exactly where the Key Observation Point (KOP) lies on County Road 8 approximately in the NE<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub> of Section 27 in Township 32 North, Range 72 West. The KOP is approximately three-quarter (0.75) of a mile southeast of the junction of Converse County Road 8 with Wyoming Highway 91.
- 9. Potential impacts of the quarry on property values in the area.** Comments were received on the questionable validity of using property values and effects from a different part of the country as a basis for values in Wyoming as well as alluding to the fact that a county government official was a relative of the project proponent and may have present biased information. The project area is categorized as agriculture land. The report from another part of the country was an available example that was used to project the effects of mining, albeit underground coal mining, on the effects on local

property values. It also was used to illustrate that there are other critical factors that come into play such as access to utilities, roads, and density to residences and pointed out that the desirability of land uses may be more influential in general taxable value of residential properties. Currently, this proposed project is situated on private property that is not zoned as residential by Converse County. The value of local lands and factors influencing local land values were discussed with local realtors as well as the County Assessor. These discussions revealed the inability of these local specialists to make a definitive determination of the effect of the quarry on local property values. As indicated in Section 3.3.1.3 of the EA, location seems to be the key factor in assessing property value. Where the dominant land use in the area is agricultural, with no planned subdivisions or other developments, it remains unlikely that the proposed project would have a detrimental effect upon local property values as the value of the land for agricultural purposes will not be diminished by the establishment of a quarry in the area.

- 10. Question of the need and purpose of the quarry.** There were comments on the need and purpose of the proposed quarry. BLM received an application to develop a mineral materials quarry on federal mineral estate. Subsequent to the NEPA review, planning conformance determination, and public participation, BLM, through this decision record, has determined that there is no overriding reason not to approve the mineral materials sale project incorporating the appropriate guidelines and mitigation measures as referenced in the EA, as well as being in compliance with all the applicable, federal, state, and county laws, regulations and procedures. The local market for mineral materials sales is driven by need, availability, competition, and price. BLM is simply authorizing a proposed disposal of the federal mineral estate.
- 11. Does the quarry qualify for a 10-acres exemption?** There were comments as to whether BLM should approve the Proposed Action absent a mine plan because the Proposed Action exceeds 10 acres (if the access road is included along with the quarry site) and therefore does not qualify for a 10-acres exemption in accordance with WDEQ/LQD guidelines. BLM has determined through this decision record that there is adequate information to approve the disposal of mineral materials as described in the Proposed Action. Whether the quarry qualifies as a 10-acre exemption is the decision of the WDEQ/LQD.
- 12. Landowner was not notified who will be directly affected.** A comment was received that a landowner with property directly affected by this project did not receive any notification. Although Ms. Wilson was not directly contacted regarding the project proposal, public scoping was conducted as described in Section 5.3, Public Participation, of the EA which indicates that a scoping notice was published in the *Douglas Budget* on April 14, 2004 and in the *Glenrock Independent* on April 15, 2004. Ms. Wilson did not respond to the published notices. Moreover, the 42.31 acres owned by Mary Julia Wilson in the NE<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub> (22.74 ac) and the NW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub> (19.57 ac) of Section 34 in Township 32 North, Range 72 West is over 1 mile northeast from;

and is not directly adjacent to, the proposed quarry area and would not be directly affected by operations associated with the proposed quarry.

**VI. MITIGATION, COMPLIANCE AND MONITORING**

The adoption of the mitigation, compliance and monitoring measures identified in the EA, and in this decision, represents all practicable means to avoid or minimize environmental harm. The long-term productivity of the area will neither be lost nor substantially reduced as a result of BLM approval of the HQMMP.

A mine plan may be required by WDEQ/LQD. Mitigation, compliance and monitoring measures from the EA will be incorporated into this plan and are part of the authorization irregardless of a formal mine plan requirement by the WDEQ/LQD.

**VII. APPEAL OPPORTUNITY**

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 within 30 days from receipt of a copy of this decision. The appellant has the burden of showing the decision appealed from is in error.

If you wish to file a petition pursuant to regulation 43 CFR 4.21 for a stay 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. Copies of the notice of appeal and petition for a stay must also be submitted to each party names 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.

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Field Manager, Casper

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Date

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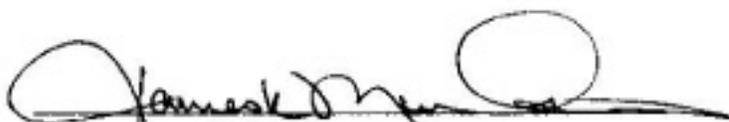
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Field Manager, Casper

6/22/05  
Date

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

**INFORMATION ON TAKING APPEALS TO THE INTERIOR BOARD OF LAND APPEALS**

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*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*

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- 1. NOTICE OF APPEAL**..... Within 30 days after the date of publication of a decision in the FEDERAL REGISTER, a person not served with a decision must transmit a Notice of Appeal to the office where it is required to be filed. You may state your reasons why you are appealing, if you desire.

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  - 2. WHERE TO FILE**  
NOTICE OF APPEAL.....  
WITH COPY TO SOLICITOR....

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  - 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 (see 43 CFR Sec. 4.412 and 4.413). If you fully stated your reasons for appealing when filing the *Notice of Appeal*, no additional statement is necessary.  
WITH COPY TO SOLICITOR...

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  - 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 (see 43 CFR Sec. 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.

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  - 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 (see CFR Sec. 4.401(c)(2)).

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  - 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 (see 43 CFR 4.21). If you wish to file a petition pursuant to 43 CFR 4.21 or 43 CFR 2804.1 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. 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 Sec. 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 likelihood of the appellant's success on the merits, (2) the likelihood of immediate and irreparable harm if the stay is not granted, (3) the relative harm to the parties if the stay is granted or denied, and (4) whether the public interest favors granting the stay.
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Unless these procedures are followed your appeal will be subject to dismissal (see 43 CFR Sec. 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 (see 43 CFR 4.401(a)). See 43 CFR Part 4, subpart b for general rules relating to procedures and practice involving appeals.

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*(continued on next page)*

## 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--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--Kansas, New Mexico, 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.

Sec. 1821.11 *During what hours may I file an application?* You may file applications or other documents or inspect official records during BLM office hours. Each BLM office will prominently display a notice of the hours during which that particular office will be open. Except for offices which are open periodically, for example, every Wednesday or the 3rd Wednesday of the month, all offices will be open Monday through Friday, excluding Federal holidays, at least from 9 a.m. to 3 p.m., local time.

Sec. 1821.12 *Are these the only regulations that will apply to my application or other required document?* No. These general regulations are supplemented by specific program regulations. You should consult the regulations applying to the specific program.

Sec. 1821.13 *What if the specific program regulations conflict with these regulations?* If there is a conflict, the specific program regulations will govern and the conflicting portion of these regulations will not apply.

## 43 CFR SUBPART 1822--FILING A DOCUMENT WITH BLM

Sec. 1822.10 *How should my name appear on applications and other required documents that I submit to BLM?* Your legal name and current address should appear on your application and other required documents.

Sec. 1822.11 *What must I do to make an official filing with BLM?* You must file your application and any other required documents during regular office hours at the appropriate BLM office having jurisdiction over the lands or records involved. You must file any document with BLM through

personal delivery or by mailing via the United States Postal Service or other delivery service, except for those applications that may be filed electronically under Sec. 1822.13, unless a more specific regulation or law specifies the mode of delivery. The date of mailing is not the date of filing.

Sec. 1822.12 *Where do I file my application or other required documents?* You should file your application or other required documents at the BLM office having jurisdiction over the lands or records involved. The specific BLM office where you are to file your application is usually referenced in the BLM regulations which pertain to the filing you are making. If the regulations do not name the specific office, or if you have questions as to where you should file your application or other required documents, contact your local BLM office for information and we will tell you which BLM office to file your application.

Sec. 1822.13 *May I file electronically?* For certain types of applications, BLM will accept your electronic filing if an original signature is not required. If BLM requires your signature, you must file your application or document by delivery or by mailing. If you have any questions regarding which types of applications can be electronically filed, you should check with the BLM office where you intend to file your application. When you file an application electronically, it will not be considered filed until BLM receives it.

Sec. 1822.14 *What if I try to file a required document on the last day of the stated period for filing, but the BLM office where it is to be filed is officially closed all day?* BLM considers the document timely filed if we receive it in the office on the next day it is officially open.

Sec. 1822.15 *If I miss filing a required document or payment within the specified period, can BLM consider it timely filed anyway?* BLM may consider it timely filed if: (a) The law does not prohibit BLM from doing so; (b) No other BLM regulation prohibits doing so; and (c) No intervening third party interests or rights have been created or established during the intervening period.

Sec. 1822.16 *Where do I file an application that involves lands under the jurisdiction of more than one BLM State Office?* You may file your application with any BLM State Office having jurisdiction over the subject lands. You should consult the regulations of the particular BLM resource program involved for more specific information.

Sec. 1822.17 *When are documents considered filed simultaneously?*  
(a) BLM considers two or more documents simultaneously filed when: (1) They are received at the appropriate BLM office on the same day and time; or (2) They are filed in conjunction with an order that specifies that documents received by the appropriate office during a specified period of time will be considered as simultaneously filed.  
(b) An application or document that arrives at the BLM office where it is to be filed when the office is closed for the entire day will be considered as filed on the day and hour the office next officially opens.  
(c) Nothing in this provision will deny any preference right granted by applicable law or regulation or validate a document which is invalid under applicable law or regulation.

Sec. 1822.18 *How does BLM decide in which order to accept documents that are simultaneously filed?* BLM makes this decision by a drawing open to the public.