ASDO NEPA DOCUMENT ROUTING SHEET

NEPA Document Number: **DOI-BLM-AZ-A010-2013-0008-CX**

Project Title: **South Central Fiber Optic Right-of-Way AZA-036186**

Project Lead: **Marisa Monger**

Date that any scoping meeting was conducted: N/A

Date that concurrent, electronic distribution for review was initiated: July 15, 2013

Deadline for receipt of responses: **COB August 5, 2013**

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
Laurie Ford, Lands/Realty/Minerals
Jeff Young, Wildlife/T&E Animals
John Herron, Cultural Resources
Jace Lambeth, Special Status Plants
Ray Klein, GCPNM Supervisory Ranger
Whit Bunting, Range/Vegetation/Weeds/S&G
Richard Spotts, Environmental Coordinator
John Sims, Supervisory Law Enforcement
Lorraine Christian, ASFO Field Manager

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

Andi Rogers (E-mail address: arogers@azgfd.gov)
LeAnn Skrzynski (E-mail address: lskrzynski@kaibabpaiute-nsn.gov)
Peter Bungart (E-mail address: pbungart@circaculture.com)
Dawn Hubbs (E-mail address: dawn.hubbs101@gmail.com)

(Ms. Rogers is an Arizona Game and Fish Department (AGFD) habitat specialist. Ms. Skrzynski is Environmental Program Director for the Kaibab Paiute Tribe (KPT). Mr. Bungart and Ms. Hubbs are cultural staff for the Hualapai Tribe. 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 Jeff Young as the ASDO Wildlife Team Lead. Mr. Young will then recommend how these comments should be addressed. If a Project Lead receives comments from any KPT or Hualapai Tribe 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:
Bob Smith, Soils/Water

South Central Fiber Optic Right-of-Way

NEPA Document Number: DOI-BLM-AZ-A010-2013-0008-CX
Categorical Exclusion Documentation

A. Background

BLM Office: Arizona Strip Field Office Case File No.: **AZA-036186**

Proposed Action Title/Type: **South Central Fiber Optic Right-of-Way**

Location of Proposed Action: The proposed action is located within the following described area and as shown on the attached map (Attachment 1):

Gila and Salt River Meridian, Arizona

T. 40 N., R. 6 W.,
sec. 3, lot 1, SE1/4NE1/4.
T. 41 N., R6W.,
sec. 34, NW1/4SE1/4, S1/2SE1/4.

containing 1.188 acres, more or less

Description of Proposed Action:

South Central Communications has filed an application for a fiber optic line right-of-way along Highway 389 located within Mohave County in northwestern Arizona. The right-of-way project area is shown in Attachment 2. This new fiber optic telecommunications line would be used to provide greater reliability and security to the communities of Pipe Springs, Fredonia, Colorado City, Hildale, Apple Valley and Kanab. Existing service to Pipe Springs is provided via a fiber optic cable that comes west from Fredonia and ends at the intersection of Pipe Springs Road and Highway 389. The current fiber optic service to Colorado City and Hildale comes from an existing fiber optic cable that comes west through Rosey Canyon, parallels Cane Beds Road until it intersects with Highway 389 and then follows Highway 389 through Colorado City into Apple Valley (See Attachment 1 for existing fiber optic line locations). Although the quality of service would not be improved with this project, South Central Communications would be able to eliminate outages by routing the signal from either direction, reducing the possibility of emergency services being delayed in the event of a catastrophic event that cuts the fiber from either direction.

The proposed action would grant a right-of-way of 10 feet wide by 5,175 feet long for maintenance and operation of the system with a 15 foot wide temporary width that may be needed during construction. The line is proposed to be buried on the northeast side of Highway 389. Minimal impact to vegetation would be anticipated as the buried portions of the new fiber optic line would be installed by a tractor-mounted cable plow and trenching. The tractor plow illustration (Figure 1) depicts a typical ploy installation which is the preferred method of construction for buried segments of the project. After the fiber optic cable is placed, the disturbed ground would be restored, generally by running tracked equipment over the disturbed area (Figure 2). No seeding is required as the site is expected to vegetate with the existing seedbed.

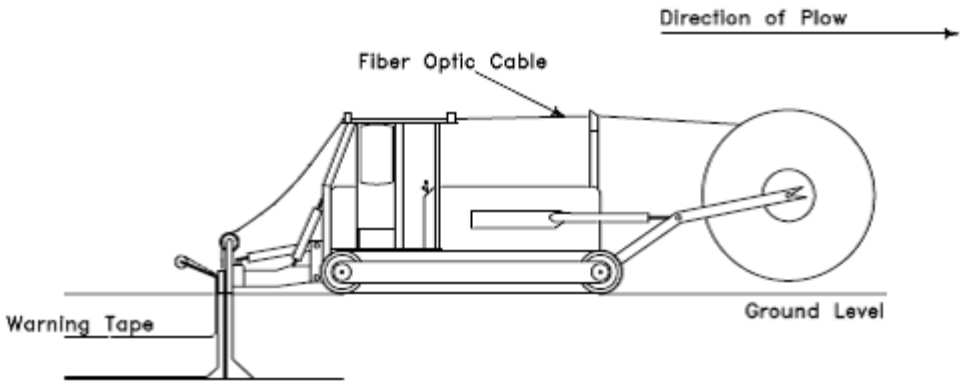


Figure 1 – Tractor Plow Installation

Prior to plowing cable | Post plowing cable

Figure 2 – Photographs depict 'before and after' plowing activities performed on the same day on a previous SCC project near Enterprise, Utah.

The proposed fiber optic cable system consists of a single, non-electric fiber optic cable approximately 0.75 inches in diameter. The cable would be buried between 4 and 5 feet deep for approximately 5,175 feet on BLM land. The project area is within the existing Arizona Department of Transportation (ADOT) right-of-way along Highway 389 and the proposed fiber optic system would tie into existing facilities near the intersection of Highway 389 and Mohave County Road 237 (Cane Beds Road) on non-Federal land. To avoid having multiple access points off of the highway, access between the pavement and the edge of the trench would be identified prior to construction and approved by BLM to minimize the disturbance of existing vegetative growth.

The right-of-way grant would be subject to all provisions of 43 CFR 2800 including the special conditions identified in 43 CFR 2805 and special conditions listed in Attachment 3. The grant would be issued for a term of 30 years and would be renewable.

B. Land Use Plan Conformance

Land Use Plan Name: Arizona Strip Field Office Resource Management Plan (RMP)

Date Approved: January 29, 2008

The proposed action is in conformance with the applicable RMP because it is specifically provided for in the following RMP decision:

> *MA-LR-06 (in part) – Individual land use authorizations (ROWs, permits, leases, easements) will be evaluated on a case-by-case basis in accordance with other RMP provisions and NEPA compliance. New land use authorizations will be discouraged within avoidance areas (i.e., ACECs, lands supporting listed species, NHTs, riparian areas, and areas managed to maintain wilderness characteristics) and allowed in such areas only when no reasonable alternative exists and impacts to these sensitive resources can be mitigated. New ROWs will be routed away from high-density listed species' populations and cultural sites, and along the edges of avoidance areas.*

The proposed right-of-way is not within avoidance areas and is within an existing disturbed right-of-way. In addition, the proposed action would not conflict with other decisions in the RMP.

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, E(12), which provides for, "Grants of right-of-way wholly within the boundaries of other compatibly developed rights-of-way."

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 43 CFR 46.215 apply (Attachment 4).

I considered that the fiber optic line would be installed within an existing right-of-way and with the special conditions identified in Attachment 3 would not cause appreciable damage or disturbance to the public lands, their resources, or improvements.

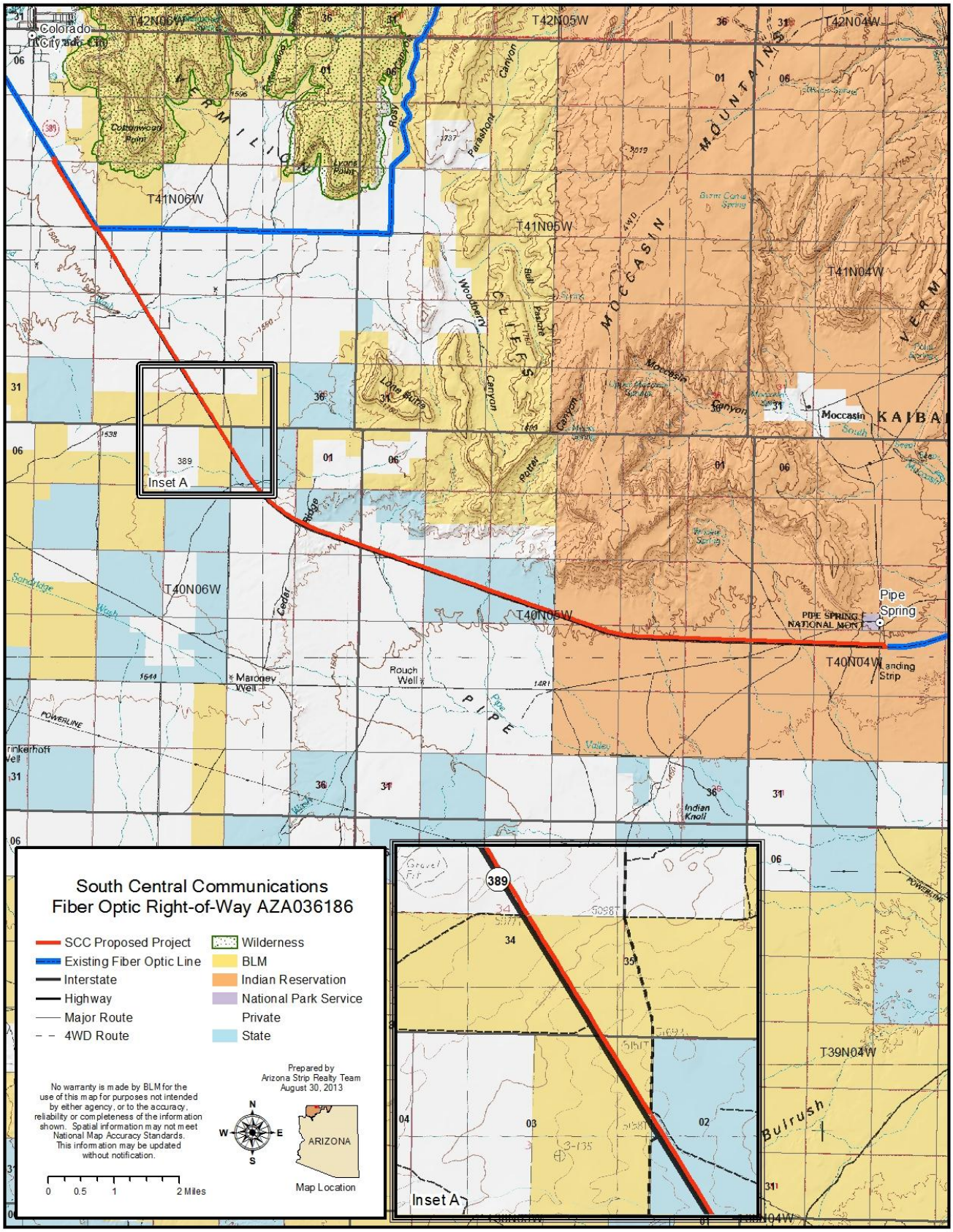
D: Signature

Authorizing Official: _____ Date: 9/4/13
Acting for Lorraine M. Christian, Field Manager

Contact Person
For additional information concerning this categorical exclusion review, contact Marisa Monger, Realty Specialist, BLM, Arizona Strip Field Office, 345 East Riverside Drive, St. George, Utah 84790; phone (435) 688-3288.

Attachment 1

LOCATION MAP
South Central Fiber Optic Right-of-Way AZA-036186
August 30, 2013



Attachment 2

Location Photos
South Central Fiber Optic Right-of-Way AZA-036186

Attachment 3

SPECIAL CONDITIONS
South Central Fiber Optic Right-of-Way AZA-036186

General/Administrative

1. The holder would conduct all activities directly or indirectly associated with the construction, operation, maintenance, and termination of the right-of-way within the authorized limits of the approved right-of-way. This right-of-way grant would not allow for any surface disturbing activities outside the right-of-way area.

2. The holder would amend the right-of-way grant at any time additional land, equipment, and/or new uses are proposed which are beyond the scope of the existing authorization as provided by Title 43 Code of Federal Regulations part 2807.20.

Access/Safety

3. If "cross country" access is necessary, clearing vegetation or grading a roadbed would be avoided whenever practicable. All construction and vehicular traffic would be confined to the right-of-way or designated access routes, roads, or trails unless otherwise authorized in writing by the authorized officer.

4. Construction-related traffic would be restricted to routes approved by the authorized officer. New access roads or cross-country vehicle travel would not be permitted unless prior written approval is given by the authorized officer.

Fiber Optic Interim Policies and Procedures

5. Subleasing of space/equipment to additional telecommunications providers would be allowed without further approval from the Bureau of Land Management. Subleasing includes any change in ownership of any portion of the project, or the subleasing of space to additional telecommunications service providers. These additional telecommunications providers would not be required to obtain a separate grant for their use. No additional rent would be assessed to the right-of-way grant holder for the additional sublease owner(s) or telecommunication provider(s) within the project or facility. The holder would be liable and responsible for compliance with all terms/conditions of the grant, including compliance with the terms/conditions by any additional user.

6. The holder would notify the Bureau of Land Management of any change in the future ownership status of the fiber optic project, or the subleasing to separate telecommunications service providers.

Waste/Hazardous Materials

7. 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 sites and trash receptacles used at construction/maintenance sites would be wildlife proof.

8. 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.

Archaeology

9. Any surface or sub-surface archaeological, historical, or paleontological remains not covered in the Cultural Resource Project Record discovered during use, new construction, or additions would be left intact; all work in the area would stop immediately and the authorized officer (435-688-3323) would be notified immediately. Recommencement of work would be allowed upon clearance by the authorized officer in consultation with the archaeologist.

10. The holder would hire an archeologist approved by the BLM's authorized officer to monitor surface disturbing activities on BLM land during the project construction and reclamation. This individual would have the authority to halt all project activities that are out of compliance with the archeological special conditions contained in this grant. This individual would have a copy of these archeological special conditions while on the work site.

11. If in connection with use, any human remains, funerary objects, sacred objects, or objects of cultural patrimony as defined in the Native American Graves Protection and Repatriation Act (P. L. 101-601; 104 Stat. 3048; 25 U.S.C. 3001) are discovered, the holder would stop operations in the immediate area of the discovery, protect the remains and objects, and immediately notify the authorized officer. The holder would continue to protect the immediate area of the discovery until notified by the authorized officer that operations may resume.

Noxious/Invasive Weeds

12. There is potential for the spread of noxious and invasive weeds from vehicles and equipment contaminated with weed seed and/or biomass. To reduce this potential, the holder would thoroughly power wash and remove all vegetative material and soil before transporting vehicles/equipment to the work site to help minimize the threat of spreading noxious and invasive weeds. This includes trucks, trailers**,** and all other machinery. In addition, holder would be responsible for the eradication of noxious weeds within the right-of-way area throughout the term of the right-of-way. The holder would 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.

13. Use of herbicides would comply with the applicable Federal and state laws. Herbicides would be used only in accordance with their registered uses and within limitations imposed by the Secretary of the Interior. Prior to the use of herbicides, the holder would obtain from the authorized officer written approval of a plan showing the type and quantity of material to be used, weed(s) to be controlled, method of application, location of storage and mixing areas, method of cleansing and disposing of containers, and any other information deemed necessary by the authorized officer. Emergency use of herbicides would be approved in writing by the authorized officer prior to such use.

Wildlife

14. Open trenches and ditches can trap small animals and can cause injury to large animals. To minimize risk of animal entrapment, avoid leaving trenches open overnight. Where trenches cannot be back-filled immediately, escape ramps would be constructed at least every 300 feet. Escape ramps can be short lateral trenches sloping to the surface or wooden planks extending to the surface. The slope would be less than 45 degrees (100 percent). Trenches that have been left open overnight would be inspected and animals removed prior to back-filling.

15. Where California condors visit a worksite while activities are underway, the on-site supervisor would avoid interaction with condors. Authorized activities would be modified, relocated, or delayed if those activities have adverse effects on condors. Authorized activities would cease until the bird leaves on its own or until techniques are employed by permitted personnel that result in the individual condor leaving the area. The holder would be required to notify the Bureau of Land Management wildlife lead (435-688-3373) of this interaction within 24 hours of its occurring. Heavy machinery would not be operated within 0.5 mile of active California condor nests during the nesting season (February 1- November 30), or as long as the nest is viable. Information regarding active condor nests can be obtained by the Bureau of Land Management's wildlife team lead at the above number.

As-Built Documentation

16. Within 60 days of construction completion, the holder would submit to the authorized officer as-built drawings, including Geographic Information System (GIS) data, incorporating all design modifications, field changes, and corrections or deviations during construction for all constructed facilities and access to those facilities. Geospatial data would be submitted as ArcGIS datasets (i.e., shapefiles, or feature class), or as ArcGIS compatible data files (e.g., AutoCAD export .dwg files). All AutoCAD files would include the projection information and/or spatial (datum) reference to allow import into a spatially referenced GIS format. GIS data would be submitted electronically. If the holder is unable to send the data by email, the holder would submit the data on compact disk(s) to the Field Manager, BLM, Arizona Strip Field Office, 345 East Riverside Drive, St. George, Utah 84790. If for any reason the location or orientation of the geographic feature associated with the project changes, the holder would submit updated GIS data to the authorized officer within 30 days of the change.

Reclamation/Rehabilitation

17. The holder would recontour the disturbed area and obliterate all earthwork by removing embankments, backfilling excavations, and grading to re-establish the approximate original contours of the land in the right-of-way. No seeding is required as the site is expected to vegetate with the existing seedbed.

Attachment 4

EXTRAORDINARY CIRCUMSTANCES REVIEW & CHECKLIST
South Central Fiber Optic Right-of-Way AZA-036186

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 significant impacts on public health and safety would result from the proposed action because of the minimal surface disturbance and short time frame during construction.	MMonger
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. Because this fiber optic line is within the ROW of Highway 389 there should be no additional impacts to visual or recreation resources. The project is also not within any designated wilderness area or area managed to maintain wilderness. Also, there is no evidence of threatened or endangered wildlife on site and the proposed action should not affect migratory birds protected under the Migratory Bird Treaty Act. See DHawks email 7/16/2013, Cultural Resource Compliance Documentation Record and J Herron email 8/16/2013, and JYoung email 7/25/2013.	DHawks JHerron JYoung
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)]?	No controversial environmental effects or unresolved alternative uses of resources conflicts because proposed action is within an existing road right-of-way and there would be minimal surface disturbance.	MMonger
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks?	No. Proposed action is an activity similar to previously authorized uses which involved no significant environmental effects and no unique circumstances. With the special conditions, the proposed action is not expected to involve significant environmental effects.	MMonger
5. Establish a precedent for future action, or represent a decision in principle about future actions, with potentially significant environmental effects?	No. Proposed action is similar to previously authorized activities and does not represent a decision in principle about future actions with potentially significant environmental effects. Each right-of-way request is assessed individually.	MMonger
6. Have a direct relationship to other actions with individually insignificant, but cumulatively significant, environmental effects?	No cumulative effects because proposed action is in a small footprint that is in an already existing right-of-way.	MMonger
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. See Cultural Resource Compliance Documentation Record and JHerron email 8/16/2013.	JHerron
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. There is no evidence of threatened or endangered wildlife on site and there are no known populations of special status plants occurring within the vicinity of the proposed right-of-way. Therefore it should have no effect. See JYoung email 7/25/2013 and JLambeth email 7/31/2013.	JYoung JLambeth
9. Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment?	No environmental laws/requirements would be violated. See JYoung email dated 7/25/2013	JYoung GBenson
10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898)?	No effect on low income or minority populations because proposed action is a short term activity in a sparsely populated area.	MMonger
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)?	No. This project would not "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).	GBenson
12. Contribute to the introduction, continued existence, or	No adverse impacts to vegetation, weeds or Standards and	WBunting

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)?	Guidelines for Rangeland Health. See WBunting email dated 7/16/2013.	

Decision Memorandum

South Central Fiber Optic Right-of-Way AZA-036186
DOI-BLM-AZ-A010-2013-0008-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 and resource staff recommendations, I have determined that the project is in conformance with the Arizona Strip Field Office Resource Management Plan (approved January 29, 2008), and will not cause appreciable damage or disturbance to the public lands or their resources, and is categorically excluded from further environmental analysis. It is my decision to approve the action as proposed with the special conditions identified in Attachment 3 of the CX.

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 in 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 2801.10(b), this decision remains in effect pending appeal unless a stay is granted. If you wish to file a petition pursuant to regulations at 43 CFR 2801.10 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. 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 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.

Acting for Lorraine M. Christian, Field Manager

9/4/13
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 Drive
St. George, Utah 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

AND COPY TO..... Field Manager, Arizona Strip Field Office
Bureau of Land Management
345 East Riverside Drive
St. George, Utah 84790

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)

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.