

## Worksheet

### Determination of NEPA Adequacy (DNA)

U.S. Department of the Interior

Bureau of Land Management

OFFICE: Arizona Strip Field Office, St. George Field Office

TRACKING NUMBER: DOI-BLM-AZ-A010-2014-0005-DNA

CASEFILE/PROJECT NUMBER: 6843

PROPOSED ACTION TITLE/TYPE: Virgin River Gorge Rotenone Treatment

#### LOCATION:

The project area would include the Virgin River and its 100-year floodplain extending from two miles downstream of the Virgin River Gorge fish barrier (VRGB) up to the Stateline fish barrier (SLB). This area is approximately 17 miles long with about 14.8 miles in Arizona and 2.2 miles in Utah. It encompasses approximately 428 acres (355 in Arizona and 73 in Utah)(*See Figures 1 and 2 on pages 4-5 of the EA*). An additional six miles below the VRGB is identified as a potential area for detoxification of the rotenone. The target reach is entirely on public lands administered by the BLM's St. George (Utah) and Arizona Strip (Arizona) Field Offices. Approximately 7.85 miles (177 acres; 41 percent) of the project area would be within the Beaver Dam Mountains Wilderness and approximately 6.09 miles (127 acres; 30 percent) would be within the Paiute Wilderness. Portions of the project area that are within the Interstate Highway 15 right-of-way (ROW), which extends out from 200 to over 1,000 feet from the highway, are not within designated wilderness. The highway ROW is within the Virgin River Scenic Withdrawal, which is withdrawn from any mineral development to protect scenic values; however, mechanized and motorized use is allowed. The project area is also located within the Virgin River Corridor Area of Critical Environmental Concern (ACEC) and within segments of the Virgin River that are suitable for inclusion in the National Wild and Scenic Rivers System.

#### **A. Description of the Proposed Action and any applicable mitigation measures**

Elimination of red shiner from the Virgin River has been driven by the Virgin River Fishes Recovery Plan (USFWS 1995). Due to the competitiveness of the red shiner and the dramatic declines in the populations of native fish when red shiners are present, it is strongly believed that Virgin River chub and woundfin will not persist in the Virgin River in the presence of red shiner (Rick Fridell, UDWR Fish Biologist, Pers. Comm.). Removing red shiner from the Virgin River Gorge provides the best protection for upstream reaches due to its remoteness and the intermittent nature of streamflow. The annual summer low flow period, coupled with construction of the VGB in 2009, creates an effective barrier to the reinvasion of upstream reaches by red shiner. Further, the limited public access in the area reduces the possibility of people moving fish into the project area from downstream. Mechanical removal of red shiner was attempted during the June and July 2003 full pass monitoring of the Virgin River Gorge but

proved to be ineffective at complete eradication of the species. Cost of mechanical removal is high with a low probability of success. Rotenone treatments conducted under ideal conditions will be the most effective means to eradicate red shiner from the Gorge treatment reach.

The following native fishes are found in the project area: Virgin River chub, woundfin, Virgin spinedace, flannelmouth sucker, desert sucker, and speckled dace—all of which are Arizona Species of Greatest Conservation Need (Tier 1A or 1B). Virgin River chub and woundfin are federally listed as endangered and the Virgin spinedace, flannelmouth sucker, desert sucker, and speckled dace are listed as BLM Sensitive.

The Arizona Game and Fish Department (AGFD), Utah Division of Wildlife Resources (UDWR), and the Virgin River Program partners would cooperate in the rotenone treatment of the Virgin River Gorge. AGFD would have Arizona-certified pesticide applicators and UDWR would have Utah-certified applicators participating side-by-side during the treatment. The planned treatment would follow guidance from the 2010 American Fisheries Society (AFS) Standard Operating Procedures (SOP) for rotenone applications and the AGFD's 2012 Piscicide Treatment Planning and Procedures Manual (PTPPM). The PTPPM was developed from recommendations in the Arizona Rotenone Review Committee's 2011 final report. A preliminary treatment plan was provided in the 2010 final EA (DOI-BLM-UT-C030-2010-09-EA) but the content was modified to adhere AGFD's Preliminary Treatment Plan following the PTPPM requirements, passage of Arizona Revised Statutes Title 17-481 in 2013, and discussions with project partners on the feasibility of a mid-summer treatment with greatly reduced wetted habitat.

The 2010 final EA proposed treatment dates from October to March, however the revised proposed action would begin within the window of **June 16 to July 3, 2014**, or thereafter when river flows are <120 cubic feet per second (cfs), no rain or flash floods are occurring within the lower watershed, and invasive nonnative red shiner are believed to be eradicated in the upper watershed, above SLB. The Virgin River Gorge treatment involves up to two applications of rotenone over a one-week period. Depending on whether observed wild fish are still found within the Treatment Reach and/or caged sentinel fish survive after the first application, the second application may not be needed.

## **B. Land Use Plan (LUP) Conformance**

LUP Name: Arizona Strip Field Office Resource Management Plan

Date Approved: January 29, 2008

LUP Name: St. George Field Office Resource Management Plan

Date Approved: March 15, 1999

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

Arizona Strip Field Office RMP decisions:

MA-TE-56 (2-49)

- In cooperation with the USFWS, Arizona Game and Fish Department (AZGFD), and the Virgin River Fishes Recovery Team, assistance will be provided in efforts to reduce or eradicate non-native fish populations.

SD-TE-12 (2-49)

- The Virgin River Corridor ACEC will be managed for Virgin River fishes and riparian values.

St. George Field Office RMP decisions:

Special Status Animal Species Objective (2.25)

- BLM will manage public lands to meet the goals and objectives of recovery plans, conservation agreements and strategies, approved activity level plans, and Washington County HCP Implementation Agreement related to the recovery of special status animal in Washington County. BLM's objective will be to collaboratively manage habitat for federally listed species so as to achieve recovery and delisting. Approved recovery plans will guide management decisions.

Woundfin Minnow, Virgin River Chub, and Spinedace Objective (2.30)

- Management of public land habitat for listed and sensitive fish species in the Virgin River and associated tributaries will be guided by the 1995 Virgin River Fishes Recovery Plan and the 1995 Virgin Spinedace Conservation Agreement and Strategy. Implementation of the plan and the strategy has been underway since their respective approvals and will continue in collaboration with the Utah Division of Wildlife Resources (UDWR), the USFWS, the WCWCD, and other interested local, state, and federal entities. The overriding goal is to achieve recovery of the species to allow down listing and eventual delisting of the two endangered fish and to eliminate the need for listing of the spinedace. Objectives include eliminating significant threats to the fish and their habitats and to stabilize and enhance specific reaches of occupied and historic habitat.

Decision FW-24 (2.30)

- BLM will provide appropriate support to active partners in the Virgin River Fishes Recovery Team in implementing the following measures called for in the plans: a) monitor fish populations and habitat conditions, b) eradicate exotic fish species in selected reaches, c) reintroduce desired native fish species, d) restore degraded habitats, and e) implement controls over conflicting land use, and f) reestablish instream

population maintenance flows through agreements and other appropriate mechanisms.

**C. Identify applicable National Environmental Policy Act (NEPA) documents and other related documents that cover the proposed action.**

DOI-BLM-UT-C030-2010-09-EA, Virgin River Gorge Rotenone Treatment

Final Biological Opinion on the Virgin River Gorge (Gorge) Rotenone Treatment between the Stateline Fish Barrier in Washington County, Utah, and the Virgin River Gorge Fish Barrier, Mohave County, Arizona (22410-2010-F-0567)

Third Revision to Final Biological Opinion on the Virgin River Gorge (Gorge) Rotenone Treatment between the Stateline Fish Barrier in Washington County, Utah, and the Virgin River Gorge Fish Barrier, Mohave County, Arizona and Washington County, Utah (22410-2010-F-0567R3)

**D. NEPA Adequacy Criteria**

**1. Is the new proposed action a feature of, or essentially similar to, an alternative analyzed in the existing NEPA document(s)? Is the project within the same analysis area, or if the project location is different, are the geographic and resource conditions sufficiently similar to those analyzed in the existing NEPA document(s)? If there are differences, can you explain why they are not substantial?**

Documentation of answer and explanation:

The proposed action is essentially the same and occurs in the same location as written in DOI-BLM-UT-C030-2010-09-EA (Alternative A, pp. 12-17). The original proposed action was planned for implementation sometime between October 2010 and March 2011. Due to high flows on the Virgin River during this period, the project was not completed. Subsequently, a temporary moratorium on the use of rotenone in the state of Arizona further delayed the project. Further analysis by the interagency planning team for this project concluded that conducting the treatment in late June to early July would be optimum given the historic flows on the river and the likely lack of precipitation in the area at that time of year, especially from storm events which could cause flooding.

It is also the USFWS's preliminary determination that the revised proposed action would not be substantially different from the original (3<sup>rd</sup> Revision of the Biological Opinion, March 6, 2014, 22410-2010-F-0567R3, p. 4):

*The AESO, UESO, the Arizona Game and Fish Department (AGFD), the Utah Division of Wildlife Resources (UDWR), and the Virgin River Resource Management and Recovery Program (Program) have been meeting since 2012 to discuss implementation of the rotenone treatment for the Virgin River Gorge under the new Arizona protocol. Unlike previous revisions,*

*this revision is intended to cover rotenone treatments in the project area for the period 2014-2019, with one or more applications of rotenone during a single treatment period (generally applications are spaced one to two weeks apart) possible in any one year with treatment windows between May 1 and November 30 of any year. Under the new Arizona protocol, a specific treatment plan is developed for each treatment; however, the basic design of treatments as described in the BO is still the basic framework for the actual application of the rotenone.*

**2. Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the new proposed action, given current environmental concerns, interests, and resource values?**

Documentation of answer and explanation:

The range of alternatives considered in the existing EA is appropriate with respect to the current proposed action because the environmental concerns and resource values have not changed in the project area and the proposed action is essentially the same (except for timing). Two alternatives were analyzed in the EA: Alternative A (Proposed Action, pp. 12-17) and Alternative B (No Action, p. 17). Removing non-native fish through mechanical means was considered but eliminated from further analysis (p. 17) because it would be ultimately ineffective. Fall/winter treatments were analyzed in the EA because of the benefits of treating during low water conditions. These same conditions would occur during a June/July treatment.

**3. Is the existing analysis valid in light of any new information or circumstances (such as, rangeland health standard assessment, recent endangered species listings, updated lists of BLM-sensitive species)? Can you reasonably conclude that new information and new circumstances would not substantially change the analysis of the new proposed action?**

Documentation of answer and explanation:

The proposed action in the existing EA covered implementation during an October to March time frame, which is outside the breeding season for most birds. The revised proposed action would occur during the breeding season for most bird species, including the endangered southwestern willow flycatcher. The project area occurs entirely within designated critical habitat for the southwestern willow flycatcher. Flycatcher habitat in the project area is discussed in the EA, Section 3.3.5.3 - p. 38:

*According to the 2007 RMP Final EIS (BLM 2007), the Action Area contains potential nesting habitat and a small amount of suitable nesting habitat for the species. However, most the Action Area does not contain the riparian vegetation necessary for breeding and nesting.*

While the existing EA states that the project would occur outside the nesting season, the analysis of the direct and indirect effects to wildlife species (including southwestern willow flycatcher and other birds and mammals) is still valid given the detailed discussion of the effects of rotenone on these species (EA Sections 4.2.3 and 4.2.4 pp. 46-53).

Direct and indirect effects from rotenone ingestion on wildlife species were analyzed in EA Section 4.2.3.1- pp. 46-47:

### ***Direct Effects***

*Wildlife, including bald and golden eagles, may consume dead fish following treatment. However, although toxic to fish, rotenone is not highly toxic to terrestrial wildlife if ingested orally (Finlayson et al. 2010, Ott 2009). Rotenone acts by interrupting cellular respiration and is highly toxic to fish and some aquatic invertebrates because it is absorbed directly into the bloodstream through the gills (Ott 2009). In terrestrial wildlife, the route of ingestion is oral and absorption of rotenone in the stomach and intestines is relatively slow and incomplete (Ling 2003). Once absorbed, rotenone is effectively broken down into less toxic byproducts by the liver (Finlayson et al. 2010, Ling 2003, Ott 2009). In order for rotenone to be toxic to terrestrial wildlife at the concentrations proposed for this Project, a species would have to consume an excessive amount of treated water. For example, Finlayson et al. (2000) indicate that a 4-ounce bird would have to consume 100 quarts (25 gallons) of treated water to receive a lethal dose. Furthermore, the consumption of fish killed by rotenone would not lead to toxicity in wildlife. Rotenone residue in dead fish is typically low (<0.1 ppm), and similar to rotenone in water, quickly degrades into non-toxic byproducts. The small amount of rotenone present in dead fish would easily be neutralized by gastrointestinal enzymes (Finlayson et al. 2010). Further, as mentioned in Section 4.2.2, rotenone has not been shown to bioaccumulate. As a result, wildlife would not be affected by rotenone application and the overall effects to wildlife would be limited to temporary disturbance by ground crews.*

### ***Indirect Effects***

*Following treatment, populations of aquatic invertebrates and fish would be reduced in the short term. As a result, there would be decreased food availability for insectivorous (insect-eating) and piscivorous (fish eating) birds and mammals. These may include bats, piscivorous birds such as herons, and insectivorous birds such as wrens, swifts, and flycatchers (USFWS 1996). Most insectivorous species consume both aquatic and terrestrial insects and would likely not be affected as they would continue to feed on terrestrial insects. Species that feed strictly on aquatic invertebrates or fish would be temporarily displaced by the reduced availability of fish (particularly red shiner) and aquatic insects (USFWS 1996). This impact would be minor and short-term as invertebrates and fish populations are expected to begin recovering immediately (Sections 4.2.3.3 and 4.2.3.4, respectively) and suitable habitat with viable populations of invertebrates and fish exists both above and below the Project Area. Further, most migratory bird species would likely be absent from the Project Area during October and November. The potential exists for Project personnel to transport live tamarisk leaf beetles (*Diorhabda elongata*) to other areas of Utah, Arizona, and Nevada. Tamarisk beetles have been introduced to various areas of the southwestern US as a biological control for non-native tamarisk. The beetles feed specifically on tamarisk and have proven an effective tool in the control and removal of tamarisk. However, removal of tamarisk can negatively affect bird species that use tamarisk for habitat, including southwestern willow flycatcher, in the short term (i.e., prior to the recovery of native vegetation). It is unlikely that the Project would substantially increase the movement of tamarisk leaf beetles beyond what currently is occurring via natural dispersion or what may occur via motor vehicle traffic on Interstate 15.*

Furthermore, direct and indirect effects from the proposed action on southwestern willow flycatchers were analyzed in EA Section 4.2.4.2- p. 51:

***Direct Effects***

*The Project would occur outside the breeding and nesting season for southwestern willow flycatcher and there would be no impacts on breeding success. Any individual adults still present in the immediate vicinity of ground crews could be disturbed and displaced temporarily into adjacent habitat. These impacts would be temporary. Furthermore, the rotenone applied to the river would not affect birds as described in Section 4.2.3.1. As the Project does not involve impacts to vegetation, there would be no direct impacts to Designated Critical Habitat for this species.*

***Indirect Effects***

*Following treatment, there would be a temporary decrease in food availability for insectivorous birds. However, it is unknown what proportion of the southwestern willow flycatcher's diet is composed of aquatic insects. It is likely that in the absence of aquatic insects, southwestern willow flycatcher would continue to feed on terrestrial insects. Furthermore, it is likely that aquatic invertebrates would reestablish in the treated reach prior to the onset of the nesting season. As a result, the indirect effects would be negligible and temporary. As discussed in Section 4.2.3.1, the Project is not expected to affect the movement of tamarisk leaf beetles to other southwestern willow flycatcher habitat outside of the Action Area.*

***Effect Determination***

*Temporary disturbance by ground crews May Effect, but Would not Likely Adversely Affect southwestern willow flycatcher, as the Project occurs outside the breeding and nesting season. Because the Project would not impact suitable habitat within the Action Area, implementation of the Project would have No Effect on any of the primary constituent elements of Designated Critical Habitat.*

Given the new proposed treatment dates (June 16 to July 3), the revised Biological Opinion (22410-2010-F-0567R3) issued by the USFWS concurred with the determination of “May Effect, but Would not Likely Adversely Affect” for the southwestern willow flycatcher.

Despite the change in timing of the proposed action from outside the nesting season of southwestern willow flycatchers to within the nesting season, the existing analysis in the EA is valid given that:

1. Very little potential for nesting flycatchers exists within the project area (Section 3.3.5.3).
2. Rotenone toxicity to wildlife species (including birds) was analyzed in the EA (Section 4.2.3.1) and deemed to be minimal.

3. Indirect effects to potential food sources (aquatic insects) would only result in short term impacts (Section 4.2.3.1).

4. Disturbance from work crews would be short-term and minimal (Section 4.2.4.2).

**4. Are the direct, indirect, and cumulative effects that would result from implementation of the new proposed action similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA document?**

Documentation of answer and explanation:

The effects of the revised proposed action would be essentially the same given that it is essentially the same action described in the EA. Some concerns were raised due to changing the timing of the project and its effects on southwestern willow flycatchers (addressed above) but effects to other resources as addressed in the EA would be the same and the existing analysis of these effects is still valid (Chapters 3-4 in the EA pp. 18-60).

**5. Are the public involvement and interagency review associated with existing NEPA document(s) adequate for the current proposed action?**

Documentation of answer and explanation:

Public involvement and interagency review for the existing EA is summarized in Chapter 5 (pp. 61-62). Since the completion of the EA, several meetings and conference calls have been conducted by the interagency team working on this project. These agencies include USFWS (Utah and Arizona), BLM (Arizona Strip Field Office and St. George Field Office), Arizona Game and Fish Department, Utah Division of Wildlife Resources, Virgin River Program, and the Washington County Water Conservancy District. A public meeting was held in Mesquite, Nevada on March 19, 2014 to inform interested parties about the revised proposed action.

**E. Persons/Agencies /BLM Staff Consulted**

Name, Title, Resource/Agency Represented:

Arizona Strip Field Office:

Gloria Benson, Tribal Liaison  
Jon Jasper, Recreation/Wilderness/VRM  
Laurie Ford, Lands/Realty/Minerals  
Jeff Young, Wildlife/T&E Wildlife  
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):

Steve Rosenstock, Habitat Program Manager, AGFD  
Daniel Bullets, Environmental Program Director, Kaibab Paiute Tribe  
Peter Bungart, Cultural staff, Hualapai Tribe  
Dawn Hubbs, Cultural staff, Hualapai Tribe

St. George Field Office:

Jacquilyn Roaque, Weeds/Range  
Dave Corry, Air Quality/Water Quality/Farmlands  
Kyle Voyles, Wilderness/Wild & Scenic Rivers/ACEC  
Bill Banek, Cultural Resources  
Teresa Burke, Lands/Realty  
Tim Croissant, Biologist  
Bob Douglas, Threatened and Endangered Plants and Wildlife  
Jimmy Tyree, SGFO Manager

Refer to the existing EA (p. 61) for a complete list of the team members participating in the preparation of the original environmental analysis.

*Endangered Species Act - Section 7 consultation*

A Biological Assessment\* was submitted to Arizona Ecological Services Office (AESO) of the U.S. Fish and Wildlife Service (USFWS), Steve Spangle, Field Supervisor on October 8, 2010. The original Biological Opinion (22410-2010-F-0567) was received on October 14, 2010. A draft 3<sup>rd</sup> revision of the Biological Opinion (22410-2010-F-0567R3) was issued on March 6, 2014.

\*The EA (DOI-BLM-UT-C030-2010-09-EA) also served as the Biological Assessment for this project.

**Conclusion**

Based on the review documented above, we conclude that this proposal conforms to the applicable land use plans and that the NEPA documentation fully covers the proposed action and constitutes BLM's compliance with the requirements of the NEPA.

Authorizing Officials:

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

4/14/2014  
Date

Jimmy Tyree  
Jimmy Tyree  
St. George Field Office Manager

4/14/14  
Date

**Note:** The signed Conclusion on this Worksheet is part of an interim step in the BLM's internal decision process and does not constitute an appealable decision. However, the lease, permit, or other authorization based on this DNA is subject to protest or appeal under 43 CFR Part 4 and the program-specific regulations.

**DECISION MEMORANDUM  
VIRGIN RIVER GORGE ROTENONE TREATMENT  
DOI-BLM-AZ-A010-2014-0005-DNA**

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

**Approval and Decision**

Based on a review of the project described in the attached Determination of NEPA Adequacy (DNA) documentation and staff recommendations, we have determined that the project is in conformance with the Arizona Strip Field Office Resource Management Plan (approved 2008) and the St. George Field Office Resource Management Plan (approved 1999). The DNA is based on DOI-BLM-UT-C030-2010-09-EA, *Virgin River Gorge Rotenone Treatment*, and specifically addresses elimination of nonnative fish populations from a 17-mile reach of the Virgin River in Arizona and Utah. It is our decision to approve the action as proposed.

**Administrative Review or Appeal Opportunities**

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and the attached Form 1842-1. If an appeal is taken, your notice of appeal must be filed at the Arizona Strip Field Office, 345 East Riverside Drive, St. George, Utah 84790, within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition (pursuant to regulation 43 CFR 4.21 (58 FR 4939, January 19, 1993) (request) for a stay (suspension) of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the Office of the Solicitor (Department of the Interior, Office of the Field Solicitor, Sandra Day O'Connor U.S. Court House #404, 401 West Washington Street SPC44, Phoenix, AZ 85003-2151) (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

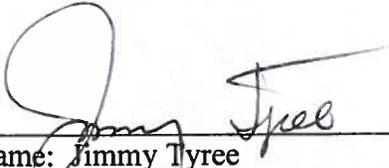
Standards for Obtaining a Stay

1. The relative harm to the parties if the stay is granted or denied,
2. The likelihood of the appellant's success on the merits,
3. The likelihood of immediate and irreparable harm if the stay is not granted, and
4. Whether the public interest favors granting the stay.

Lorraine M. Christian

Date: 4/14/2014

Name: Lorraine M. Christian  
Title: Arizona Strip Field Office Manager



Date: 4/14/14

Name: Jimmy Tyree  
Title: St. George Field Office Manager

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Attachment: Form 1842-1

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

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

**DO NOT APPEAL UNLESS**

1. This decision is adverse to you,  
AND
2. You believe it is incorrect

**IF YOU APPEAL, THE FOLLOWING PROCEDURES MUST BE FOLLOWED**

<b>1. NOTICE OF APPEAL</b> .....	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 <i>Notice of Appeal</i> 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 <i>Notice of Appeal</i> in time for it to be filed within 30 days after the date of publication (43 CFR 4.411 and 4.413).	
<b>2. WHERE TO FILE</b>	Field Manager, Arizona Strip Field Office Bureau of Land Management 345 East Riverside Drive St. George, Utah 84790	
NOTICE OF APPEAL.....		
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	
<b>3. STATEMENT OF REASONS</b>	Within 30 days after filing the <i>Notice of Appeal</i> , 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 <i>Notice of Appeal</i> , 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	Field Manager, Arizona Strip Field Office Bureau of Land Management 345 East Riverside Drive St. George, Utah 84790
<b>4. ADVERSE PARTIES</b> .....	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 <i>Notice of Appeal</i> , (b) the Statement of Reasons, and (c) any other documents filed (43 CFR 4.413).	
<b>5. PROOF OF SERVICE</b> .....	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)).	
<b>6. REQUEST FOR STAY</b> .....	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 <i>Notice of Appeal</i> (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 <i>Notice of Appeal</i> (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 <i>Notice of Appeal</i> 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.  <b>Standards for Obtaining a Stay.</b> 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.

#### 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.

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(Form 1842-1, September 2006)