



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Prineville District Office

3050 NE 3rd Street

Prineville, Oregon 97754

<http://www.blm.gov/or/districts/prineville.html>



Received

DEC 30 2015

Bureau of Land Mgmt
Prineville District

In Reply Refer to:
2801 (ORP060)
OR-46677

DEC 02 2015

CERTIFIED MAIL – 7014-3490-0001-6520-2624
Return Receipt Requested

DECISION

Olberholte Road Neighbors Group :
c/o Stacey Moss : Right-of-Way Renewal Offer Letter and Decision
61100 Oberholte Road :
Bend, Oregon 97701 :

The Olberholte Road Neighbors Group (the “Group”), formerly known as the Clarno, Knight, Phillips Group, holds a right-of-way grant from the Bureau of Land Management (BLM) dated March 21, 1991, OR 46677 (the “ROW”). A copy of the ROW, as amended to date, is attached hereto as Exhibit A (the attached copy includes, among other items, the Amendment dated September 20, 2015 to the Road Use and Maintenance Agreement). On August 6, 2015, the BLM received your application to renew the ROW. The proposed project area is located in Deschutes County, Oregon within:

Willamette Meridian, Oregon

T. 18 S., R. 14 E., sec. 17, N1/2NE1/4

The ROW area contains approximately 1.8 acres.

Subject to your prompt completion of the payment and signature requirements set forth below in this letter: a.) the ROW shall be renewed for a thirty (30) year term that shall end on December 31, 2045, and b.) the ROW shall be deemed to incorporate, as if fully set forth in such ROW, the Additional Stipulations set forth in Exhibit B of this letter, which additional stipulations shall be applicable to the ROW as renewed.

Enclosed are two copies of this ROW letter with the acknowledgement signatures on page 3 hereof unsigned by the parties to the ROW. Please review the provisions of this letter and, if the letter meets with your approval, then sign and date both copies of the letter’s acknowledgement signature block at the bottom of page 3 where your name appears. Then please return both signed originals to the BLM address above to the attention of Christine Sloand, Realty Specialist.

Upon our receipt from you of the signed letter and the fees discussed below, the Bureau of Land Management (BLM) will be able to sign the acknowledgement on page 3, absent any other unresolved

issues. Once I have signed the acknowledgement then the renewal of ROW OR 46677 shall be considered issued and in effect.

In connection with the renewal of the ROW, you must pay a fee to BLM for the costs we will incur in monitoring your authorized use. These fees are categorized according to the number of work hours necessary to monitor your grant, and are not refundable. We anticipate your use will require a Monitoring Category 1, which involves a total monitoring fee for this ROW of \$121.00. This fee must be paid prior to renewal of the ROW grant.

In addition, rent for use of public lands must be paid in advance of such use and prior to renewal of the ROW grant. Rent for a linear right-of-way is based on a schedule that is adjusted annually based on the Implicit Price Deflator (IPD), an inflation index.

[Since you are a business entity (the Group is considered a partnership for these purposes) and the annual rent for your renewed ROW grant is estimated to be greater than \$500 per year, you have the option of paying the rent in one year increments, or 10-year periods or you may pay for the entire renewal term of the grant. You have indicated to the BLM your desire at present to pay the rent in one year increments. Rent is paid up on the ROW through December 31, 2015. Your rent for calendar year 2016 is \$318.78 and is due and payable at this time.]

As noted above, Please return both signed copies of this letter and its exhibits, along with the monitoring fee and the rent payment, as discussed above, within 15 days of the date of this letter. If these requirements are not met, your application may be denied. Once I have signed the acknowledgement, the ROW grant shall be considered renewed, as amended herein, and in effect. A completed copy of this letter authorization with its exhibits will be returned to you for your records.

This decision constitutes the final decision by the Bureau of Land Management in this matter. This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in Title 43 Code of Federal Regulations (CFR), Part 4 and the enclosed Form 1842-1. If an appeal is taken, a notice of appeal must be filed in the Prineville District, Bureau of Land Management, U.S. Department of the Interior, 3050 N.E. Third Street, Prineville, Oregon 97754, within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

Pursuant to 43 CFR 2804.1, this decision shall remain effective pending appeal unless the Secretary of the Interior rules otherwise. If the appellant wishes to file a petition pursuant to regulation 43 CFR 2804.1 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 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 would be granted.

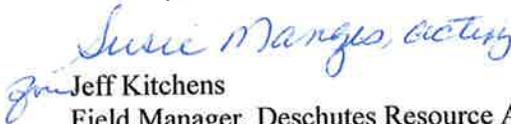
Standards for Obtaining a Stay

Except as otherwise provided by law and other pertinent regulation, a petition for a stay of 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 a stay.

If you have any questions regarding this letter please contact Christine Sloand, Realty Specialist, at (541) 416-6710. Please refer to BLM case file number OR 46677 in all contacts and correspondence with the BLM office regarding this ROW.

Sincerely,


Jeff Kitchens
Field Manager, Deschutes Resource Area

Exhibits and enclosures:

1. Exhibit A, Right-of-way grant OR 46677
2. Exhibit B, Additional Stipulations
3. Form 1842-1

ACKNOWLEDGEMENT

IN WITNESS WHEREOF, The undersigned agree to the terms and conditions of this right-of-way grant, as amended by this decision letter.

OBERNOLTE ROAD NEIGHBORS GROUP



(Signature of Holder)

AGENT Stacy P. Moss

(Title)

12/30/15

(Date)

THE BUREAU OF LAND MANAGEMENT



(Signature of Authorized Officer)

for Field Manager, Deschutes Resource Area

(Title)

12/30/15

(Effective Date of Grant Renewal)

Received

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Prineville District