

**United States Department of the Interior  
Bureau of Land Management**

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DOI-BLM-MT-C020-2016-0039-DNA

January 21, 2016

**DECISION RECORD  
MTM-108536 Road Trespass Reclamation**

*Location:*

**Big Horn County, MT, P.M.M.**

**T. 9 S., R. 41 E., Sec. 4 S $\frac{1}{2}$**

**Sec. 9 W $\frac{1}{2}$  NW $\frac{1}{4}$**

**Rosebud County, MT, P.M.M.**

**T. 7 S., R. 41 E., Sec. 34 SE $\frac{1}{4}$ SE $\frac{1}{4}$**

U.S. Department of the Interior  
Bureau of Land Management  
Miles City Field Office  
111 Garryowen Road  
Miles City, MT 59301  
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111 Garryowen Road  
Miles City, MT 59301**

**DECISION RECORD  
DOI-BLM-MT-C020-2016-0039-DNA  
MTM-108536 Road Trespass Reclamation**

**DECISION**

I have reviewed this Documentation of Land Use Plan Conformance and NEPA Adequacy for DOI-BLM-MT-C020-2016-0039-DNA. It is my decision to authorize the reclamation plan which is made part of this DNA in order to settle the trespass. The trespasser is responsible for the reclamation of the unauthorized roads/trails deemed new or unnecessary. The reclamation involves pulling the berm back in place and smoothing out the area to blend into the surrounding landscape. Refer to the attached reclamation plan for more detail. The proposed action has been reviewed by Specialists and EA DOI-BLM-MT-C020-2010-0313, Diamond Cross Trespass Reclamation, analyzed these same actions and are incorporated into this proposal. I have determined that the proposed action involves no significant impact to the human environment and no further analysis is required.

This decision is in conformance with the Approved 2015 Miles City Resource Management Plan.

**RATIONALE**

The purpose of the action is to authorize the trespasser to reclaim the unauthorized use on public lands according to the reclamation plan. The trespasser is responsible for the reclamation of the unauthorized roads/trails deemed new or unnecessary. As part of the trespass settlement the trespasser is responsible for all costs and work associated with the reclamation.

**COMPLIANCE AND MONITORING**

BLM will conduct compliance and monitoring inspections of the reclamation. The trespass will not be closed until all reclamation is satisfactorily per BLM standards as laid out in the attached Reclamation Plan.

**ADMINISTRATIVE REVIEW 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 enclosed Form 1842-1. If an appeal is taken, the notice of appeal must be filed in this office (at the above address) within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error. If the appellant wishes to file a petition (request) pursuant to

regulations 43 CFR 2884.12 for a stay (suspension) of the effectiveness of this decision during the time the appeal is being reviewed by the Board, the petition for a stay must accompany the 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 the appellant requests a stay, they 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.

/s/ Wendy Warren  
Wendy Warren  
Acting Field Manager  
Miles City Field Office

1/22/2016  
Date