

Decision Record

U.S. Department of the Interior
Bureau of Land Management, Spokane District
Wenatchee Field Office
915 Walla Walla Avenue
Wenatchee, WA 98801

1. Background

In 2004, BLM issued an agricultural permit (WAOR-58296) to Steve Shiflett Orchard, Inc. to resolve a trespass. Steve Shiflett Orchard, Inc. inadvertently included an estimated 6 acres of public land within their orchard operations. The 2004 permit authorized them to maintain and harvest an orchard containing Sweetheart and Lapin varieties of cherries. Steve Shiflett Orchard, Inc. has requested that the agricultural permit be renewed.

2. Decision

I have decided to renew an agricultural permit to Steve Shiflett Orchard, Inc. as described in Categorical Exclusion Documentation DOI-BLM-OR-134-2015-0009-CX. My decision would renew the permit under the same terms and conditions as the original permit and does not convey any additional rights beyond those granted by the original authorization.

3. Authority and Rationale for Decision

I am issuing this decision under the authority of Title V of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat.2776; 43 U.S.C. 1761) and federal regulations contained in 43 CFR 2920.

Because this is an existing agriculturally permitted orchard, it is the most environmentally responsible action. As described in Categorical Exclusion Documentation DOI-BLM-OR-134-2015-0009-CX, my decision will not cause any significant impacts to the environment.

4. Coordination and Consultation

Consultation with the Colville Tribe and the State Historic Preservation Officer was completed in 2003. My decision to renew this agricultural permit under the same terms and conditions is the same action as it was in 2003.

5. 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. To appeal



you must file a notice of appeal at the BLM Wenatchee Field Office, 915 N. Walla Walla Ave., Wenatchee, Washington 98801, within 30 days from receipt of this decision. The appeal must be in writing and be delivered in person, via the United States Postal Service mail system, or other common carrier, to the Wenatchee Field Office as noted. The BLM does not accept appeals by facsimile or email. 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) 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. Except as otherwise provided by law or other pertinent regulation, a petition for a stay of decision pending appeal shall show sufficient justification based on the following standards: (a) The relative harm to the parties if the stay is granted or denied, (b) The likelihood of the appellant's success on the merits, (c) The likelihood of immediate and irreparable harm if the stay is not granted, and (d) Whether the public interest favors granting the stay.

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 (see 43 CFR 4.413); Regional Solicitor, Pacific Northwest Region, U.S. Department of the Interior, 805 SW Broadway, Suite 600, Portland, OR 97205; at the same time the original documents are filed with this office.

/s/ Linda Coates-Markle

11-30-15

Linda Coates-Markle
Wenatchee Field Manager

Date

Attached: Project Map
Categorical Exclusion Documentation