

**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

The BLM proposes to renew an occupancy permit (WAOR-68634 formerly WAOR-46617) to Mr. Robert J. Holter for a period of 3 years. The original permit was granted in 1991 to resolve a trespass by Mr. Holter, whereby approximately 1-acre of BLM-administered land was mistakenly constructed upon. The need for this action is established by BLM's responsibility under the Federal Land Policy and Management Act (FLPMA) to respond to requests for occupancy permits. Mr. Holter requested a renewal of his occupancy permit to continue his use and maintenance of a hay barn and chaff pens for livestock feeding.

## 2. Decision

I have decided to renew Mr. Holter's occupancy permit as described in Categorical Exclusion DOI-BLM-ORWA-W020-2016-0011. The occupancy permit would include the terms and conditions described in Exhibit B to the categorical exclusion. No new ground disturbance is authorized. No additional rights will be authorized.

## 3. Authority and Rationale for Decision

My decision is issued within the authority of Title V of the Federal Land Policy and Management Act of October 21, 1976. Because this is an existing occupancy permit, renewing the permit would not cause any undue or unnecessary degradation of public lands. As described in DOI-BLM-ORWA-W020-2016-0011-CX, my decision will not result in any significant impacts to the environment.

## 4. 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, WA 98801, within 30 days from receipt of this decision. The appeal must be in writing and delivered in person, via the United States Postal Service mail system, or other common carrier, to the Wenatchee Field Office as noted above. 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.



My decision is issued in accordance with 43 CFR 2920.2-2(b) and may be implemented immediately. This decision will remain in effect while appeals are pending unless a stay is granted under 43 CFR 4.21 (b).

If you wish to file a petition pursuant to regulation 43 CFR 4.21 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/ Bryan Mulligan (for)  
Linda Coates-Markle  
Field Manager

6/9/16  
Date

Attached: Project Map  
Categorical Exclusion Documentation