



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Eastern Interior Field Office

1150 University Avenue

Fairbanks, Alaska 99709

(907) 474-2200

Fax: (907) 474-2282

<http://www.blm.gov/ak>



MAR 28 2007

IN REPLY REFER TO:

2890 (024)

F-92963

CERTIFIED MAIL NO. 7004 2510 0006 4654 0732

RETURN RECEIPT REQUESTED

DECISION

Sheldon Maier

276 Eagle Ridge Road

Fairbanks, AK 99712

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:
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:

Right-of-Way

Amendment Application F-92963

Cost Recovery Category Fee Determination

Processing Fee Reduced

Monitoring and Rental Fees Consideration Denied

Right-of-way amendment application F-92963 for access through and improvement to this access trail through the Fortymile Wild and Scenic River corridor to your state mining claim was filed on February 8, 2007. You requested "consideration of all the processing and monitoring fees as well as the rental fee" per 43 CFR 2804.21(a)(1)(i) and (a)(7).

Upon review of the proposal and resource information available within this office, we had determined that it would take our office 184 work-hours to process this application. This placed your application in Category 6 and required that the Bureau recover the full reasonable costs of processing the application per BLM regulations 43 CFR 2804.14 through 2804.23. These costs were estimated to be \$8,966. The Alaska BLM State Director reviewed your request and determined that the processing fee will be reduced to zero, but consideration of the monitoring fee and rental was denied. For your planning, we estimate the monitoring fee to be \$368, and rental being \$250 annually. A performance bond will be required. These fees will be determined after processing your application which we are initiating, and a decision letter will be issued at that time with the determined amount.

If you feel this decision is adverse, it may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations found in 43 CFR, Part 4 and the enclosed Form 1842-1. If an appeal is taken, your 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 you wish to file a petition pursuant to regulation 43 CFR 4.21 (58 Federal Register (FR) 4939, January 19, 1993) or 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 of a stay is required to show sufficient justification based on the standards

contained on Form 1842-1. 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 should be granted.

Please contact Nancy Whicker, Realty Specialist, (nancy_whicker@ak.blm.gov) at the above address and telephone number if you have any questions.

Sincerely,

/s/ Lenore Heppler

Lenore Heppler, Manager
Eastern Interior Field Office

Attachment:

1- Appeal Information (Form 1842-1)

AK024:NWhicker:nw:2331:032207:Decision ltr draft cost recovery NW.doc

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> <input checked="" type="checkbox"/> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. <input checked="" type="checkbox"/> Print your name and address on the reverse so that we can return the card to you. <input checked="" type="checkbox"/> Attach this card to the back of the mailpiece, or on the front if space permits. 		<p>A. Signature <input checked="" type="checkbox"/> <i>Sheldon Maier</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p>	
<p>1. Article Addressed to: MAR 26 2007</p> <p>Sheldon Maier 276 Eagle Ridge Road Fairbanks AK 99712</p> <p>(F92963:2890:AK024:NW:2331)</p>		<p>B. Received by (Printed Name) Sheldon Maier C. Date of Delivery 4/15/07</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>	
<p>2. Article Number (Transfer from service label)</p>		<p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Restricted Delivery <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>	
<p>7004 2510 0006 4654 0732</p>		<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	
<p>PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540</p>			

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

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- 1. NOTICE OF APPEAL**..... 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 *Notice of Appeal* 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 *Notice of Appeal* in time for it to be filed within 30 days after the date of publication (43 CFR 4.411 and 4.413).
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- 2. WHERE TO FILE**
- NOTICE OF APPEAL**..... U.S. Department of the Interior, Bureau of Land Management,
Fairbanks District Office, 1150 University Avenue, Fairbanks, Alaska, 99709-3844
- WITH COPY TO SOLICITOR**... Regional Solicitor, Alaska Region, 4230 University Drive, Suite 300, Anchorage, Alaska 99608-4626
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- 3. STATEMENT OF REASONS** Within 30 days after filing the *Notice of Appeal*, 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 *Notice of Appeal*, no additional statement is necessary (43 CFR 4.412 and 4.413).
- WITH COPY TO SOLICITOR**..... Regional Solicitor, Alaska Region, 4230 University Drive, Suite 300, Anchorage, Alaska 99608-4626
-
- 4. ADVERSE PARTIES**..... 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 *Notice of Appeal*, (b) the Statement of Reasons, and (c) any other documents filed (43 CFR 4.413).
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- 5. PROOF OF SERVICE**..... 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)).
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- 6. REQUEST FOR STAY**..... 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 *Notice of Appeal* (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 *Notice of Appeal* (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 *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 (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.
- Standards for Obtaining a Stay.** 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.

(Form 1842-1, September 2006)