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November 12, 2024

ORDER

WESTERN WATERSHEDS PROJECT,	)	CO-F03-21-001 through -018
	)	
Appellant	)	18 Consolidated Appeals from 18
	)	Notices of Final Decision dated
v.	)	December 7, 2020, and issued by
	)	the BLM Field Manager, San Luis
BUREAU OF LAND MANAGEMENT,	)	Valley Field Office, Colorado
	)	
Respondent	)	

WWP's Motion for Summary Judgment Granted;
BLM's Motion for Summary Judgment Denied

I. Appeals Reassigned

This case has been reassigned to me and I am now the presiding administrative law judge. Please direct all future filings to my attention at the address on this letterhead or, if filing by email, please send the filing to dchd@oha.doi.gov and identify the case in the subject line, preferably by docket number.

II. Summary

Western Watersheds Project (WWP) appealed eighteen December 7, 2020, final decisions made by Bureau of Land Management (BLM) that issued grazing permits to various permittees for 24 allotments within the PonchaVilla Zone of Saguache County, Colorado (Final Decisions). Both BLM and WWP motioned for summary judgment. Because BLM failed to take a "hard look" at the environmental impacts of grazing, it violated the National Environmental Policy Act (NEPA). WWP's Motion for Summary Judgment is therefore granted and BLM's Motion for Summary Judgment is denied.

III. Background

The PonchaVilla Zone is located within the San Luis Valley, Colorado and encompasses about 65,273 acres of public land.[1] It is made up of 24 grazing allotments that support about 6,500 active animal unit months (AUMs).[2] BLM issues permits to ranchers to graze these allotments, which are governed by the 1991 San Luis Valley Resource Management Plan.[3] Some grazing permits for the allotments were approaching their expiration date, some permits were fully processed, and some had already expired and had been automatically renewed.[4] To decide whether to renew the grazing permits, BLM prepared a Rangeland Health Assessment of the PonchaVilla Zone (Rangeland Assessment) and an environmental assessment (EA).

The Rangeland Assessment described resource conditions and incorporated land health assessments within the PonchaVilla Zone.[5] It also addressed "multiple resources and uses, incorporate[d] previous decisions and recommendations for the area, incorporate[d] updated policy and direction, update[d] land health assessments, recommend[ed] best management practices and standardize[d] operating procedures."[6] The Rangeland Assessment identified why and whether allotments in the PonchaVilla Zone were meeting or not meeting BLM Colorado Land Health Standards (Rangeland Standards). For allotments or pastures not

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[1] PonchaVilla Zone Assessment Report at 5 (August 2019) (Rangeland Assessment).
[2] *Id.* at 92.
[3] *Id.*
[4] PonchaVilla Zone Grazing EA, Number DOI-BLM-CO-F030-2019-0007 EA at 1 (October 2019) (EA).
[5] Rangeland Assessment at 1.
[6] *Id.*

meeting the Rangeland Standards due to grazing, the Rangeland Assessment discussed grazing management actions needed to make progress toward meeting those standards.[7] Four allotments were not meeting the Rangeland Standards due to current grazing management: the San Luis Creek, Mirage, Valley View Hot Spring, and Rito Alto.[8] For the remaining allotments not meeting the Rangeland Standards, grazing management was not a contributing factor.[9]

Following the Rangeland Assessment, BLM completed the EA in October 2019. The purpose of the EA was to

> 1) identify and assess projects for improvement of land health; 2) reduce the number of individual [NEPA] analyses, decrease redundancy, and streamline workload; 3) consider and analyze Term Permit Renewals for Livestock Grazing in a landscape to gain consistency in management; and 4) look at potential concerns or conflicts within an area under a unified process.[10]

The EA discussed three alternatives in depth. The Proposed Action alternative renewed the 18 grazing permit authorizations on 24 grazing allotments for ten years. It would require the modification and construction of range improvements to improve livestock distribution and modify the grazing schedule for several allotments. It also would standardize terms & conditions for all the allotments, with multiple allotments also receiving specific terms & conditions to protect the Gunnison Sage-grouse (GuSG). It allowed BLM and the ranchers to implement Flexible Grazing Management Actions to adjust grazing schedules as needed.[11] It made no changes to the number of AUMs authorized.

The No Action alternative would make no changes to the livestock grazing permits or allotment management. The 18 grazing permits would be renewed with the same terms and conditions.[12] The No Grazing alternative would eliminate grazing on all allotments and the existing grazing permits would not be renewed.[13]

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[7] *Id.* at 333-338.
[8] *Id.* at 266-267.
[9] *Id.* at 267.
[10] EA at 1.
[11] *Id.* at 7-20.
[12] *Id.* at 20-24.
[13] *Id.* at 25.

BLM determined that the Proposed Action would improve rangeland health for the allotments not meeting land health standards, would lessen the impacts caused by grazing, and would not affect the GuSG population. Based on a review of the EA and supporting documentation, BLM found that an environmental impact statement (EIS) was not required and issued a Finding of No Significant Impact (FONSI).[14] On December 20, 2019, BLM issued a Notice of Proposed Decision for each of the 18 grazing permits. Wildlands Defense protested the Proposed Decisions. BLM issued final decisions in December 2020, which also contains its responses to Wildlands Defense's protest.

The Final Decisions grant ranchers 10-year permits to graze cattle on their respective allotments.[15] Each permit contains a specifically tailored grazing period and grazing rotation. The permits have standard terms and conditions while some permits include additional terms and conditions to protect the GuSG. The Final Decisions authorize the same level of AUMs as previously issued permits.

WWP appealed and petitioned to stay the Final Decisions alleging that BLM violated NEPA and the Federal Land Policy and Management Act (FLMPA). In February 2021, a different Administrative Law Judge denied the stay petitions because WWP failed to show that the balance of harms favored granting a stay.[16] On June 25, 2021, yet another ALJ consolidated WWP's 18 appeals.[17]

IV. Standard of Review

A. Summary judgment

Both BLM and WWP have filed motions for summary judgment. The Interior Board of Land Appeals (Board) has long recognized summary judgment motions as an appropriate means for resolving disputes without a hearing.[18] In determining whether to grant or deny a motion for summary judgment, an ALJ must decide whether there are any genuine issues of material fact in dispute and if the party

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[14] Finding of No Significant Impact, PonchaVilla Zone Grazing EA Number DOI-BLM-CO-F030-2019-0007 EA (June 2019) (FONSI).

[15] *See generally* BLM's Response to WWP's Motion for Summary Judgment and Cross- Motion for Summary Judgment (filed April 22, 2022) (BLM's Cross-Motion), Ex. C.

[16]

[17] Order, Consolidating Appeals (June 25, 2021).

[18] *See Stamatakis v. BLM*, 115 IBLA 69, 74 (1990).

moving for summary judgment is entitled to judgment as a matter of law.[19] "An issue is 'genuine' only if there is sufficient evidence for a reasonable fact-finder to find for the non-moving party."[20] "A fact is 'material' if the fact may affect the outcome…."[21] If no genuine issues of fact exist, and a party is entitled to a decision as a matter of law, the ALJ may render a decision.[22]

B. Challenges to NEPA environmental assessments

NEPA requires Federal agencies to prepare an environmental impact statement evaluating the potential environmental impacts of major Federal actions significantly affecting the quality of the human environment.[23] Agencies may prepare an EA to determine whether the effects of the proposed Federal action are significant enough to qualify as major federal actions or to aid the agency's decision-making when an EIS is unnecessary.[24]

An EA is a concise[25] public document that contains a brief discussion of the need for the proposed action, alternatives to the action, the environmental impacts of the proposed action and alternatives, and a listing of agencies and persons consulted.[26] The level of detail and depth of analysis should normally be limited to the minimum needed to determine whether there would be significant environmental effects.[27] The conclusion of an EA usually leads to one of two outcomes: the preparation of an EIS or a FONSI.[28] A FONSI must briefly explain

[19] *Quinex Energy Corp.*, 192 IBLA 88, 94 (2017).
[20] *Far Out Prods., Inc. v. Oskar*, 247 F.3d 986, 992 (9th Cir. 2001).
[21] *Id*.
[22] *06 Livestock Co.*, 192 IBLA 323, 334 (2018).
[23] 42 U.S.C. § 4332(2)(C).
[24] 40 C.F.R. § 1508.9(a) (2020); 43 C.F.R. § 46.300.
[25] *See* Forty Most Asked Questions Concerning CEQ's National Environmental Policy Act Regulations, 46 Fed. Reg. 18,026, 18,037, Question and Answer 36a. (Mar. 23, 1981) ("While the regulations do not contain page limits for EA's, the Council has generally advised agencies to keep the length of EAs to not more than approximately 10-15 pages.").
[26] 40 C.F.R. § 1508.9 (2020).
[27] 43 C.F.R. § 46.310(e).
[28] 43 C.F.R. § 46.325.

why the selected action will not have a significant impact on the human environment.[29]

This Tribunal is guided by the "rule of reason" and will consider a finding of no significant impact NEPA-compliant if the agency "considered all relevant matters of environmental concern, took a 'hard look' at potential environmental impacts, and made a convincing case that no significant impact will result or that any such impact will be reduced to insignificance by the adoption of appropriate mitigation measures."[30] NEPA is a procedural statute designed to ensure a fully informed and well-considered decision; it does not require any specific substantive outcome.[31]

A party challenging an EA has the burden of proving by a preponderance of the evidence that the agency failed to consider a substantial environmental question[32] or that the EA was based on a material error in methodology, data, analysis, or conclusion.[33] An appellant must connect alleged errors to questions of environmental significance. An EA will not be found defective just because the EA could have been more thorough; an appellant must show that the omitted analysis "compromised the EA so severely as to render the FONSI arbitrary and capricious."[34]

V. Discussion

A. NEPA arguments

1. BLM failed to take a hard look at the environmental impacts of the Proposed Action

WWP makes several arguments about how BLM violated NEPA. Its primary contention is that the EA did not take a hard look at the impacts of grazing on the allotments because it assumed the allotments' current conditions were the result of more grazing than actually occurred. And because of this error or oversight, BLM

[29] 40 C.F.R. § 1508.13 (2020).
[30] *Western Watersheds Project and Wild Utah Project*, 191 IBLA 144, 215-16 (2017).
[31] *See Biodiversity Conservation Alliance,* 174 IBLA 1, 13-14 (2008).
[32] *Jennifer Williams*, 196 IBLA 356, 363-4 (2021) (citations omitted).
[33] *Western Watersheds Project and Wild Utah Project*, 191 IBLA at 180-81.
[34] *Caufield*, 195 IBLA 84, 89 (2020) (citation omitted).

did not properly assess the possible effects of increased grazing authorized by the Final Decision.

Grazing permits detail, among other things, the amount of grazing that can occur on a pasture or allotment. This is called permitted use.[35] But for any number of reasons, ranchers will often graze less than permitted use. This is called actual use.[36] Here, on most of the Allotments that did not meet the Rangeland Standards in part because of grazing, actual use was significantly lower than permitted use.[37] Actual use for the Mirage Allotment has been 45 percent of permitted use with 87 of the 191 active AUMs grazed over the past decade.[38] Actual use for the San Luis Creek Allotment has been 70 percent of permitted use with 187 of 265 AUMs grazed over the last decade.[39]

All this matters because the EA's analysis is structured around the allotments' "current management." Because the Rangeland Assessment or EA do not define "current management," I am interpreting the term to mean actual use.[40] But even if BLM intends "current management" to mean something broader than actual use, like permitted use, that difference does not change the result of this order.[41] One of the EA's central findings was that that "there was no need to reduce AUMs" because "[u]nder current management, the [Rangeland Assessment] identified that most allotments are meeting land health."[42] But nowhere does the Rangeland Assessment or EA explain what the current management scheme is or how the allotments have

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[35] 43 C.F.R. 4100.0–5 (2005) ("*Permitted use* means the forage allocated by, or under the guidance of, an applicable land use plan for livestock").
grazing in an allotment under a permit or lease and is expressed in AUMs

[36] *Id*. ("*Actual use* means where, how many, what kind or class of livestock, and how long livestock graze on an allotment, or on a portion or pasture of an allotment.").

[37] WWP's Motion for Summary Judgment (filed Feb., 4, 2022) (WWP's Motion), Ex. 1.

[38] *Compare* WWP's Motion, Ex. 1 *with* EA at 9.

[39] *Compare* WWP's Motion, Ex. 1 *with* EA at 9.

[40] The Rangeland Assessment provides an uninformative, general definition of current management: "Current grazing management practices address the kind, numbers, and class of livestock, season, duration, distribution, frequency and intensity of grazing use." Rangeland Assessment at 92.

[41] *See infra* p 9 ("That's why, even if BLM intended "current management" to mean permitted use, there's no evidence to support this analysis.").

[42] Final Decision, BLM Protest Response 7.

been grazed for the past decade.[43] Only through discovery did WWP find out that the allotments' conditions are the result of substantially less grazing than is possible under the Final Decisions.[44] The EA contains a single sentence stating "[a]ll allotment actual use over the past 11 years was equal to or under permitted active AUMs."[45] Well, sure. But as shown in the previous paragraph, the delta between current management and permitted use on many allotments is significant.

By not studying and acknowledging that grazing under the Proposed Action may substantially increase over the current management that produced the allotments' conditions, the EA does not fully assess the Proposed Action. The EA's ambiguity makes it impossible to know whether the Bureau studied the effects of permitted use under the Proposed Action. And because a "conclusion that no significant environmental impact exists" must be "documented in the record," BLM did not assess a substantial environmental question of material significance.[46] It thus does not take a hard look at the potential environmental impacts of the Proposed Action as the EA was based on a material error in analysis.

The EA's analysis of a handful of allotments already meeting the Rangeland Standards highlights the need to study all the reasonably foreseeable grazing effects of the Final Decisions. The Kerber Creek and San Isabel Allotments are two allotments the EA analyzed. Chart 2.2.1 titled Grazing Allotment Summary contains the only information in the EA about grazing on these allotments.[47] That chart shows that the Kerber Creek Allotment has 211 active AUMs and that the San Isabel Allotment has 137 active AUMs. It is the same information found in a chart from the Rangeland Assessment.[48] So when the EA states that "[t]here are no proposed changes to current AUMs," a reasonable person would think that these numbers bore some relation to the grazing that was occurring. After all, if they didn't, then the Rangeland Assessment's finding that the two allotments were meeting the Rangeland Standards may not be all that informative without more explanation.

Lo and behold, for the past decade, the Kerber Creek Allotment has been grazed at one percent of permitted AUMs and the San Isabel Allotment has had no

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[43] *See* WWP's Motion at 3.
[44] WWP's Motion at 6-8.
[45] EA at 36.
[46] *Elizabeth Lili Simpson*, 199 IBLA 32, 52-53 (2024).
[47] EA at 20.
[48] Rangeland Assessment at 93.

grazing. The EA contains no analysis about what effects grazing would have on these allotments were it to increase. Without some discussion about why basically no grazing has occurred on these allotments and how they could support the active AUMs allotted to them, BLM cannot be said to have "conducted a thorough environmental analysis" based on the "thoughtful and probing reflection of the possible impacts of its proposed action."[49] The reader has no idea what impacts may occur should a rancher graze at the maximum level of permitted AUMs. WWP calls this blind spot the EA's "fatal flaw."[50] Further complicating matters, actual use data is absent for some of the other allotments.[51]

BLM acknowledges that the EA does not compare or analyze long-term actual use to permitted use.[52] The Bureau, however, contends that it is wrong to assume that a permittee may utilize the maximum permitted AUMs unchecked, which is true.[53] It correctly notes that the Final Decisions include adaptive management criteria that cap grazing before a permittee reaches the maximum permitted AUMs.[54] And although permitted AUMs are only a maximum use ceiling when other triggers have not already limited grazing,[55] the Final Decisions' adaptive management triggers and best management practices satisfy its NEPA obligations.[56]

While those tools help BLM meet its substantive requirements under the Taylor Grazing Act or Federal Land Policy and Management Act, they do little to aid the Bureau's requirement to take a "'hard look' at the potential environmental effects of [the] proposed action[]."[57]Although the maximum permitted AUMs may not always be available or even used, the EA leaves the reader to guess what impacts may occur should a rancher graze at the maximum level of permitted AUMs. That the ranchers may, at some point during the ten-year permit, fully utilize

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[49] *06 Livestock Company*, 192 IBLA at 351.
[50] WWP's Motion at 3.
[51] *See e.g.*, WWP's Motion, Ex. 1 (omitting allotment data for Clover Creek, Round Hill, San Luis Creek #1 & #2, and Silver Creek F.R.)
[52] BLM's Reply to WWP's Response to BLM's Cross-Motion for Summary Judgment at 4 (filed July 26, 2022) (BLM's Reply).
[53] BLM's Reply at 5.
[54] *Id.*
[55] *Id.* at 6.
[56] *Id.*
[57] *Center for Biological Diversity*, 189 IBLA 117, 126 (2016).

their AUMs is a "possible impact" of issuing the Final Decisions requiring NEPA analysis.[58]

BLM also contends that WWP failed to explain what percentage of actual use compared to permitted use requires a comparison analysis.[59] And that ruling for WWP would create an inflexible rule about what percentage of utilized AUMs is required to trigger a comparison analysis.[60] NEPA nor this Tribunal are so prescriptive as to require an analysis comparing actual use to permitted use. What is required is that BLM take a hard look at the "potential environmental effects of [the] proposed action[]."[61] At minimum, that means studying the effects of permitted use under the Proposed Action. Here, there is no evidence that BLM undertook this required analysis. That's why, even if BLM intended "current management" to mean permitted use, no evidence supports this analysis. For these reasons, BLM failed its NEPA obligations.

Lastly, BLM misconstrues WWP's hard look actual use argument as one about an inadequate range of alternatives.[62] WWP did not argue that BLM needed to consider an actual use alternative, but that the EA did not meaningfully explore the Proposed Action because there is no consideration of or mention of the allotments' actual use. One way BLM probably could have satisfied its hard look obligations would have been to have studied an actual use alternative. Doing so would have forced a discussion about actual use and the potential environmental effects of the Proposed Action. Or BLM could have included this analysis elsewhere in the EA. In the end, WWP made no range of alternatives argument. And thus, the Bureau's attempt to convert the hard look argument into a flimsy range of alternatives argument is unavailing.

2. WWP did not waive its actual use argument

BLM argues that because WWP did not make its "actual use" argument in its Notice of Appeal as required by 43 C.F.R. § 4.470(b), it has waived this argument.[63] Section 4.470 requires appeals to "state clearly and concisely the reasons why the

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[58] 40 C.F.R. § 1508.8 (2020).
[59] BLM's Reply at 6.
[60] *Id.*
[61] *Center for Biological Diversity*, 189 IBLA at 126.
[62] BLM's Cross-Motion at 18.
[63] 43 C.F.R. § 4.470(c).

appellant thinks the BLM grazing decision is wrong."[64] Any ground for appeal not included is waived and may be presented only if permitted by the ALJ.[65]

While WWP's Notice of Appeal does not specifically make an "actual use" argument, WWP argued that BLM violated NEPA because it did not take a hard look at the impacts of grazing. For instance, WWP alleged the EA failed to take a hard look at the impacts to the GuSG population caused by livestock grazing.[66] WWP also specifically stated the final decisions were "arbitrary and capricious and in error and not in accordance with the legal requirements" of NEPA.[67] WWP's Motion for Summary Judgment largely centers on BLM's alleged failure to perform a hard look at the environmental impacts of grazing under NEPA, more specifically the impacts of actual grazing use. WWP is not raising a new ground for appeal but is elaborating on and drawing from its Notice of Appeal. Allowing WWP to make its more specific actual use argument is appropriate because it was only during discovery that WWP learned of the difference between actual use and permitted use on many of the allotments. BLM thus had sufficient notice of WWP's objections to the EA and Final Decisions.

B. FLPMA arguments

WWP argues that the terms and conditions provided in the Final Decisions will not result in making significant progress to meet the Fundamentals of Rangeland Health as required by 43 C.F.R. 4180.1.[68] WWP also argues that the Final Decisions are not consistent with the applicable Resource Management Plan (RMP).[69] It provides examples where the EA allegedly conflicts with the RMP, such as, the EA failing to meet the RMP objective "to move toward good condition (late seral stage) based on site potential using grazing."[70]

In response, BLM argues it implemented changes to make significant progress toward meeting the Rangeland Standards.[71] BLM notes only four allotments were found to not meet the Rangeland Standards due to grazing and

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[64] *Id.* at § 4.470(b).
[65] *Id.* at § 4.470(c).
[66] *E.g.*, Notice of Appeal at unpaginated 4 (filed Jan. 19, 2021).
[67] *Id.* at unpaginated 1.
[68] WWP's Motion at 12.
[69] *Id.* at 50.
[70] *Id.*
[71] BLM's Cross-Motion at 26.

changes were proposed for the allotments not meeting standards that would help those allotments make significant progress.[72] As for the GuSG, BLM stated that the EA contains specific terms and conditions for the allotments containing occupied GuSG habitat.[73] BLM also argues section 4180 does not apply because none of the GuSG allotments were failing due to livestock grazing.[74] Finally, BLM noted that WWP failed to show how the Final Decisions conflict with the RMP.[75]

When BLM determines that "existing grazing management practices or levels of grazing use on public lands are significant factors in failing to achieve the standards" for rangeland health, BLM will "formulate, propose, and analyze appropriate action to address the failure to meet standards or to conform to the guidelines."[76] BLM takes appropriate action "as soon as practicable but not later than the start of the next grazing year" when it makes such determination.[77] The phrase "[a]ppropriate action means implementing actions pursuant to [43 C.F.R. §§] 4110, 4120, 4130, and 4160 … that will result in significant progress toward fulfillment of the standards and significant progress toward conformance with the guidelines."[78] The Rangeland Standards require that permits include terms and conditions to ensure compliance with 43 C.F.R. Subpart 4180.[79]

The Rangeland Standards and EA identify only four allotments that are not meeting LHS due to grazing management: San Luis Creek, Mirage, Valley View Hot Spring, and Rito Alto.[80] Despite WWP's assertions, the Final Decisions and EA for these four allotments include measures designed to result in significant progress toward meeting the Rangeland Standards. For instance, BLM proposed changes in season of use, pasture rotation, new terms and conditions, and range improvements.[81] Flexible grazing management actions are also available, which includes adjusting grazing management and implementing new range projects.[82]

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[72] *Id.* at 27-28.
[73] *Id.* at 29.
[74] *Id.*
[75] *Id.* at 29-30.
[76] 43 C.F.R. 4180.2(c) (2005).
[77] *Id.*
[78] *Id.*
[79] 43 C.F.R. § 4130.3-1 (2005).
[80] Rangeland Assessment at 266-267; EA at 9-10.
[81] EA at 9-10.
[82] *Id.* at 15.

The EA described how the Proposed Actions in the EA would improve Rangeland Standards that are not being met.[83] Finally, the allotments not meeting Rangeland Standards due to grazing are not within GuSG habitat and are not impacting GuSG populations within the Poncha Pass area.[84] Moreover, livestock grazing was not considered a contributing factor for pastures in sage grouse habitat not meeting the Rangeland Standards.[85] WWP has not offered evidence that the actions for the four allotments would not result in making significant progress toward meeting the Rangeland Standards, especially because actual use has been significantly lower than permitted use, and because BLM has managed the allotments using adaptive management tools.[86]

WWP has not met its burden to establish that the Final Decisions did not conform to the RMP. FLMPA requires that "[t]he Secretary shall manage the public lands . . . in accordance with the land use plans . . . when they are available."[87] BLM's regulations implementing this provision state that "All future resource management authorizations and actions ... shall conform to the approved plan."[88] WWP's primary contention is that the EA failed to analyze the EA's conformance with the RMP. But the EA does explicitly state the Proposed Action conforms to the RMP.[89] WWP cites the lack of specific references to the RMP as evidence that the EA and Final Decisions do not conform to the RMP. WWP has not cited authority requiring that the RMP provisions be specifically mentioned in the EA. WWP has not otherwise established that the EA and Final Decisions do not conform to the RMP nor how the EA and Final Decisions are inconsistent with the RMP. Therefore, WWP has not met its burden to show that BLM acted arbitrarily or capriciously.

VI. Conclusion

WWP showed by a preponderance of the evidence that BLM violated its NEPA obligations because it failed to take a hard look at all the effects of grazing on the allotments. Therefore, WWP's Motion for Summary Judgment is GRANTED and

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[83] *Id.* at 29-30, 38-40.
[84] *Id.* at 47.
[85] *Id.* at 110.
[86] BLM's Reply at 5-6.
[87] 43 U.S.C. § 1732(a)
[88] 43 C.F.R. § 1610.5-3(a) (2005).
[89] EA at 4.

BLM's Cross-Motion for Summary Judgment is DENIED. The Final Decisions are set aside.

CHRISTOPHER PRANDONI 2024.11.12 09:51:14 -08'00'

Christopher D. Prandoni
Administrative Law Judge

See page 15 for distribution.

Appeal Information

Any person who has a right to appeal under 43 C.F.R. § 4.410 or other applicable regulation may appeal this order to the Interior Board of Land Appeals. The notice of appeal must be filed with the office of the Administrative Law Judge who issued the order within 30 days of receiving the order, and a copy of the notice must be served on every other party. In accordance with 43 C.F.R. § 4.478(c), the Board will issue an expedited briefing schedule and decide the appeal promptly.

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