



United States Department of the Interior



BUREAU OF LAND MANAGEMENT
Nevada State Office
1340 Financial Boulevard
Reno, Nevada 89502-7147
<http://www.blm.gov/nv>

AUG 26 2019

In Reply Refer To:
3100 (NV920)

CERTIFIED MAIL 9171 9690 0935 0187 0754 78

DECISION

Sierra Club
Innovation Center
450 Sinclair Street
Reno, NV 89501

: Protest of Parcels in the
: July 30, 2019
: Competitive Oil and Gas Lease Sale

List of Individuals
Attached;

Protest Denied Parcels Offered For Sale

On July 1, 2019, the Bureau of Land Management (BLM), Nevada State Office (NVSO), timely received a protest¹ from a list of individuals identified in a letter sent in an envelope with a return address of The Sierra Club. The individuals protested the July 30, 2019 Competitive Oil and Gas Lease Sale (the Sale).² The BLM provided notice (Notice of Competitive Lease Sale) on May 31, 2019 that 200 parcels of land would be offered in a competitive oil and gas lease sale scheduled for July 30, 2019. The Sale Notice specifies the requirements of all protests (at pages ix-x):

- *We must receive a protest within 30 calendar days of the posting date of the sale, July 1, 2019. If our office is not open on the 30th day after the posting, a protest received on the next day our office is open to the public will be considered timely filed. We will dismiss a late filed protest.*
- *The protest must also include any statement of reasons to support the protest. We will dismiss a protest filed without a statement of reason.*
- *A protest must state the interest of the protesting party in the matter, including the name and address of the protesting party, and reference the specific serial number that is being protested.*
- *You may file a protest either by hand delivery, by telefax, or mailed in hardcopy form. You may not file a protest by electronic mail. A protest filed by fax must be*

¹ The protest is posted on the BLM website, located at: <https://www.blm.gov/programs/energy-and-minerals/oil-and-gas/leasing/regional-lease-sales/nevada>

² The Sale Notice and NEPA documents are posted to the BLM's website with links to the documents located at: <https://www.blm.gov/programs/energy-and-minerals/oil-and-gas/leasing/regional-lease-sales/nevada>

sent to (775) 861-6745. We will dismiss a protest sent to a fax number other than the fax number identified or a protest filed by electronic mail.

- *If the party signing the protest is doing so on behalf of an association, partnership, or corporation, the signing party must reveal the relationship between them. For example, unless an environmental group authorizes an individual member of its group to act on their behalf, the individual cannot make a protest in the group's name.*

The Sale Notice specifies that a protest must reference the specific serial number of the parcel(s) being protested and that if the party signing the protest is doing so on behalf of an association, partnership, or corporation, the signing party must reveal the relationship between them. The protest did not identify or reference any specific parcel serial numbers, identify any subset of a specific parcel, or state an intent to protest all of the parcels in the July 30, 2019 Competitive Oil and Gas Lease Sale. Additionally, the protest letter was not signed by anyone, the relationship between the list of protesters and The Sierra Club was not stated, and no authorization was expressly stated. The BLM NVSO only includes The Sierra Club as an addressee to this protest denial because its return address was handwritten on the envelope in which this protest was received by the BLM.

This protest, sent to the BLM in an envelope with a return address for The Sierra Club of Reno merely listed a number of individuals and their contact information but did not reference any specific parcel serial numbers or state an intent to protest all parcels. Furthermore, the protest was not signed by anyone, and did not state any relationship between the list of alleged protesting individuals and The Sierra Club. It therefore does not conform to requirements established and published in the Notice of Competitive Oil and Gas Lease Sale. The BLM NVSO cannot accept this protest as it was not submitted in accordance with the Sale Notice, therefore, for these reasons this protest is denied.

APPEAL INFORMATION

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 Form 1842-1 (enclosed). If an appeal is taken, a notice of appeal and/or request for stay must be filed in writing, on paper, in this office, either by mail or personal delivery within 30 days after the date of service. Notices of appeal and/or request for stay that are electronically transmitted (e.g., email, facsimile, or social media) will not be accepted as timely filed. The notice of appeal is considered filed as of the date our office receives the hard copy and places our BLM date stamp on the document.

If you wish to file a petition pursuant to regulation 43 CFR 4.21 (58 FR 4939, January 19, 1993) (request) for a stay (suspension) 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 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 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 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.

If you have any questions regarding this decision, please contact Brian C. Amme, Deputy State Director, Minerals Division, at (775) 861-6585.


Jon K. Raby
State Director

Enclosure:

1- Form 1842-1

cc: Attached List

cc (electronic):

WO310
NVB0000
NVB0100
NVB0200
NVE0000
NVE0200
NVE0300
NVL0000
NVL0100
NVL0300

NV0920 (B. Amme)

NV0922 (K. Anderson, F. Kaminer, J. Menghini, A. Reynolds)

bcc: Erica Niebauer, Office of the Solicitor, Pacific Southwest Region,
2800 Cottage Way, Room E-1712, Sacramento, California, 95825
Lease Sale Book July 2019
Reading File: NV-922