



United States Department of the Interior



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

OCT 25 2019

In Reply Refer To:
3100 (NV920)

CERTIFIED MAIL 9171 9690 0935 0187 0754 85

DECISION

Trout Unlimited	: Protest of Parcels in the
Tasha Sorensen, Western Energy Lead	: October 1, 2019
1808 S. 5 th Ave.	: Competitive Oil and Gas Lease Sale
Cheyenne, WY 82007	

Protest Upheld Remaining Parcels Offered For Sale

On September 16, 2019, the Bureau of Land Management (BLM), Nevada State Office (NVSO), timely received a protest¹ from Trout Unlimited (TU). TU protested the leasing of parcel NV-19-10-131, one of the 142 parcels scheduled to be offered at the October 1, 2019 Competitive Oil and Gas Lease Sale (the Sale). TU also protested BLM's reliance on the Determination of NEPA Adequacy (DNA), Elko District Office, Nevada (DOI-BLM-NV-E000-2019-0007-DNA), which refers to the June 2019 Oil and Gas Lease Sale EA (DOI-BLM-NV-E000-2019-0001-EA), the March 2018 Oil and Gas Lease Sale EA (DOI-BLM-NV-E000-2017-0017-EA), and the March 2017 Oil and Gas Lease Sale EA (DOI-BLM-NV-E000-2016-0004-EA), which cover the proposed action.² The Elko District Office EAs may be collectively referred to herein as the "Referenced EAs" for ease in reading.

TU has protested the inclusion of parcel NV-19-10-131 alleging that the BLM has failed to comply with NEPA 42 U.S.C. § 4321 *et seq.* as no FONSI has been prepared to support the decision to offer this parcel, as the Referenced EAs and FONSI selected an alternative that did not include offering this parcel.

DECISION

The BLM has removed the parcel in question NV-19-10-131 from the October Competitive Oil and Gas Lease Sale for further analysis due to Native American concerns, therefore this protest

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 NEPA documents for the October 2019 Oil and Gas Lease Sale are posted to the BLM's ePlanning website with links to the documents located at: <https://www.blm.gov/programs/energy-and-minerals/oil-and-gas/leasing/regional-lease-sales/nevada>

filed by TU has been upheld, and the remaining 141 parcels were offered for sale on October 1, 2019.

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 (electronic):

WO310
NVB0000
NVB0100
NVB0200

NVE0000

NVE0200

NVE0300

NV0920 (B. Amme)

NV0922 (K. Anderson, F. Kaminer, J. Menghini, J. Estrella)

bcc: Erica Niebauer, Office of the Solicitor, Pacific Southwest Region,
2800 Cottage Way, Room E-1712, Sacramento, California, 95825
Lease Sale Book March 2018
Reading File: NV-922