



# 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 0739 24

## DECISION

The Wilderness Society : Protest of Parcels in the  
Juli Slivka, Assistant Director : July 30, 2019  
11050 Pioneer Trail, Suite 202 : Competitive Oil and Gas Lease Sale  
Truckee, CA 96161

### Protest Denied Parcels Offered For Sale

On July 1, 2019, the Bureau of Land Management (BLM), Nevada State Office (NVSO), timely received a protest<sup>1</sup> from The Wilderness Society (TWS). TWS protested the July 30, 2019 Competitive Oil and Gas Lease Sale (the Sale), the Elko District Office's (EDO) Environmental Assessment (EA), DOI-BLM-NV-E000-2019-0001-EA, and Battle Mountain District Office's (BMDO) EA, DOI-BLM-NV-B000-2019-0006-EA.<sup>2</sup>

The BLM provided notice 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*

<sup>1</sup> 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>

<sup>2</sup> 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. TWS did not identify or reference any specific parcel serial numbers, identify any subset of a specific parcel, or state their intention to protest all of the parcels in the July 30, 2019 Competitive Oil and Gas Lease Sale.

This protest filed by TWS does not reference specific parcel serial numbers or state an intent to protest all parcels. 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 your protest as it was not submitted in accordance with the Sale Notice, therefore, for these reasons TWS's 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 (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