



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>

DEC 20 2019

In Reply Refer To:
3100 (NV920)

CERTIFIED MAIL 91 7199 9991 7039 9487 4076

DECISION

Marilyn Kirkpatrick : Protest of Parcels in the
Clark County Government Center : November 12, 2019
500 S. Grand Central Pky : Competitive Oil and Gas Lease Sale
Box 551601
Las Vegas, NV 89155-1601

Protest Denied Parcels Offered For Sale

On October 17, 2019, the Bureau of Land Management (BLM), Nevada State Office (NVSO), untimely received a protest¹ from Clark County. Clark County protested the November 12, 2019 Competitive Oil and Gas Lease Sale (the Sale), which relies on the Ely District Office's (EYDO) Environmental Assessment (EA), DOI-BLM-NV-L000-2019-0004-EA and FONSI.

The BLM provided notice on September 13, 2019 that 263 parcels of land would be offered in a competitive oil and gas lease sale scheduled for November 12, 2019². The Sale Notice specifies the requirements of all protests (at pages xi-xii):

- *We must receive a protest within 30 calendar days of the posting date of this Notice. All protests must be received no later than 4:00 pm PDT on October 13, 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 include a statement of reasons to support the protest. We will dismiss a protest filed without a statement of reasons.*
- *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 association authorizes an individual member of its group to act on their behalf, the individual cannot make a protest in the group's name.*
- *The protest document must be signed. Unsigned protest documents will be dismissed.*
- *Please be advised that all protest information and correspondence shall be made publically available.*

The Sale Notice specifies that all protests must be received no later than 4:00pm PDT on October 13, 2019, and if the BLM NVSO 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. Additionally, the sale notice specifies that a late-filed protest or protest filed by electronic mail will be dismissed, and a protest must reference the specific serial number of the parcel(s) being protested. The protest period for the November 12, 2019 Competitive Oil and Gas Lease Sale ended at 4:00pm PDT on October 15, 2019, and the BLM received the Clark County protest via electronic mail on October 17, 2019 at 11:33am PDT.

This protest filed by Clark County was not filed timely, did not reference specific parcel serial numbers or state their intent to protest all parcels, and was submitted via electronic mail. The BLM NVSO cannot accept your protest as it was not submitted in accordance with the Sale Notice, therefore, for these reasons Clark County'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

NVL0000

NVL0100

NVL0300

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 November 2019
Reading File: NV-922