



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 91 7199 9991 7039 9487 4335

DECISION

The Wilderness Society : Protest of Parcels in the
Bruce Pendery : October 1, 2019
440 East 800 North : Competitive Oil and Gas Lease Sale
Logan, Utah 84321

Protest Denied Parcels Offered For Sale

On September 27, 2019, the Bureau of Land Management (BLM), Nevada State Office (NVSO), untimely received a protest¹ from The Wilderness Society, et al (TWS). TWS protested the leasing of all 142 parcels scheduled to be offered at the October 1, 2019 Competitive Oil and Gas Lease Sale (the Sale). TWS also protested BLM's reliance on the following National Environmental Policy Act (NEPA) documents:

- a) Battle Mountain District Office: DOI-BLM-NV-B000-2019-0004-EA and FONSI
- b) Elko District Office: 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)

The BLM provided notice on August 16, 2019 that 142 parcels of land would be offered in a competitive oil and gas lease sale scheduled for October 1, 2019. 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 September 16, 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.*

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>

- *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 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 the BLM must receive a protest within 30 calendar days of the posting date of the Sale Notice and that a protest filed by electronic mail will be dismissed. The protest period for the October 1, 2019 Competitive Oil and Gas Lease Sale ended at 4:00 pm PDT on September 16, 2019, and BLM received the TWS protest on September 27, 2019 via electronic mail.

This protest filed by TWS was not filed timely 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 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: Friends of Nevada Wilderness
Shaaron Netherton
Executive Director
1360 Greg St., Suite 111
Sparks, NV 89431

cc (electronic):

WO310
NVB0000
NVB0100
NVB0200
NVE0000
NVE0200
NVE0300
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