



# 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>

In Reply Refer To:  
3100 (NV920)

CERTIFIED MAIL 9171 9690 0935 0138 2969 21

## DECISION

The Wilderness Society : Protest of Parcels in the  
Ben Tettlebaum : June 30, 2022  
1660 Wynkoop Street, Suite 1150 : Competitive Oil and Gas Lease Sale  
Denver, CO 80202

### Protest Dismissed Parcels Offered For Sale

On May 18, 2022, The Wilderness Society, et al (TWS) sent the Bureau of Land Management (BLM), Nevada State Office (NVSO) a letter protesting parcels to be included in the planned June 2022 competitive oil and gas lease sale. While this protest<sup>1</sup> was delivered to the Wyoming State Office, who forwarded the hardcopy protest to the NVSO<sup>2</sup>, the NVSO had knowledge of the protest contents as it had been sent to each of the offices that had posted Notices of Competitive Lease Sale. As such, this protest is accepted by the NVSO; our response<sup>3</sup> is provided below.

TWS protested all five parcels located in the Battle Mountain District scheduled to be offered at the June 2022 Competitive Oil and Gas Internet Lease Sale (the Sale). The five protested parcels rely on the Battle Mountain District Office's (BMDO) Environmental Assessment (EA), DOI-BLM-NV-B000-2021-0007-Other and Finding of No Significant Impact (FONSI).

## **BACKGROUND**

The BLM posted the Sale Notice on April 18, 2022 offering five parcels for the June 2022 Lease Sale. The five nominated parcels included land in federal mineral estate located in the BLM

---

<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> Received on June 3, 2022

<sup>3</sup> BLM is in receipt of a number of protests from private individuals or as part of an electronic protest campaign (i.e. Friends of The Earth); these protests expressed general disagreement rather than providing specific arguments that the BLM could respond to. As such, BLM will not be providing a specific answer.

Nevada's Battle Mountain District. After the NVSO completed preliminary adjudication<sup>4</sup> of the nominated parcels, the NVSO screened each parcel to determine compliance with national and state BLM policies, including BLM's efforts related to the management of Greater Sage Grouse on public lands.

On October 30, 2021, the NVSO sent a preliminary parcel list to the BMDO for review. This interdisciplinary parcel review included internal scoping by a team of BLM specialists; review of geographic information system (GIS) data; satellite imagery and other previously collected wildlife, habitat and other resource data; field visits to nominated parcels (where appropriate); review for conformance with the Land Use Plans (LUP); and preparation of an EA documenting National Environmental Policy Act (NEPA) compliance.<sup>5</sup>

The EA tiered to the existing Land Use Plans,<sup>6</sup> in accordance with the BLM's NEPA Handbook, H-1790-1, and with the Code of Federal Regulations (CFR) at 40 CFR 1502.1-24.

The federal action, an oil and gas lease sale, is not a planning level action making resource allocation decisions (which are analyzed in a Resource Management Plan NEPA document), nor a specific implementation action (e.g., a permit to drill, analyzed in a site specific NEPA document).<sup>7</sup> The federal action is to conduct an oil and gas lease sale and is supported by its own or existing NEPA documents.

The purpose for the federal action is to provide opportunities for private individuals or oil and gas companies with new areas to explore and potentially develop. Leasing is authorized under the Mineral Leasing Act of 1920 (MLA), as amended and modified by subsequent legislation, and regulations found at 43 CFR part 3100. Oil and gas leasing is recognized as an acceptable use of public lands under the Federal Land Policy and Management Act (FLPMA). BLM authority for leasing public mineral estate for the development of energy resources, including oil and gas, is described in 43 CFR 3160.0-3.

The need for the proposed action is to respond to the nomination of parcels by Expressions of Interest (EOIs) for leasing, consistent with the BLM's responsibility under the Mineral Leasing Act, as amended, to promote the development of oil and gas on the public domain. The public, BLM, or other agencies may nominate parcels for leasing. The BLM is required by law to consider leasing of areas that have been nominated for lease if leasing is in conformance with the applicable BLM land use plan, FLPMA, and other applicable laws, regulations, and policies. Offering parcels for competitive oil and gas leasing provides for the orderly development of fluid mineral resources under BLM's jurisdiction in a manner consistent with multiple use

---

<sup>4</sup> Preliminary adjudication is the first stage of analysis of nominated lands conducted by the State Office to prepare preliminary sale parcels for District/Field Office review. During preliminary adjudication, the State Office confirms availability of nominated lands for leasing pursuant to 30 U.S.C. § 181 *et seq.*, 43 CFR 3100 *et seq.*, and BLM policies. Once the State Office completes preliminary adjudication, it consolidates the nominated land available for leasing into a preliminary parcel list to send to the District/Field Office for National Environmental Policy Act (NEPA) analysis and leasing recommendations.

<sup>5</sup> See BLM, H-1601-1, *Land Use Planning Handbook*, (Mar. 2005) (p. 42): "after the RMP is approved, any authorizations and management actions approved based on an activity-level or project-specific EIS (or EA) must be specifically provided for in the RMP or be consistent with the terms, conditions, and decisions in the approved RMP." See also 43 CFR 1610.5-3.

<sup>6</sup> The EA is in conformance with the Tonopah RMP, approved in 1997, the associated Record of Decision, and all subsequent applicable amendments.

<sup>7</sup> See BLM, H-1624-1, *Planning for Fluid Minerals Handbook*, (Feb. 2018)

management and consideration of the natural and cultural resources that may be present. This requires that adequate provisions are included with the leases to protect public health and safety and assure full compliance with the spirit and objectives of NEPA and other federal environmental laws and regulations.

The EA considered three (3) alternatives:

- Alternative A- The “Proposed Action” alternative, which included offering all nominated parcels that were sent for review, with stipulations from the existing Resource Management Plans (RMPs).
- Alternative B- Alternative B removes parcels overlapping the Railroad Valley Wildlife Management Area (WMA). Under this alternative, parcels 1499, 1502, 1503, 1512, and 6909 would not be offered. Parcels 1508, 1510, 1513, 6910, and 6912 would be offered, totaling 2,560 acres, with stipulations from the existing RMPs.
- Alternative C- The “No Action” alternative, which considered rejecting all parcels nominated for the lease sale. This alternative is included as a baseline for assessing and comparing potential impacts.

The EA analyzed the proposed action, an alternative removing parcels overlapping the Railroad Valley WMA, and the no action alternative. These alternatives provided a spectrum of effects for analysis and comparison, ranging from no parcels offered to offering all nominated parcels. Additional alternatives were proposed in internal scoping and public comments; however, they were not carried forward for further analysis as they would not provide a basis for evaluation of effects not encompassed by the analyzed range of alternatives. The additional proposed alternatives did not meet the Purpose and Need for the federal action and were not in compliance with BLM policy regarding the land use planning process and the oil and gas leasing process. These alternatives were discussed in the EA in Public Involvement, Public Comments and Responses, and Alternatives sections.

On April 18, 2022, the NVSO published a *Notice of Competitive Oil and Gas Internet Lease Sale for June 30, 2022*<sup>8</sup> (Notice), resulting in a total of five parcels offered for lease. This protest challenges the Sale, BMDO EA (DOI-BLM-NV-B000-2021-0007-Other), FONSI, and the five parcels described in the Notice.<sup>9</sup>

## **ISSUES**

The TWS protest generally alleges that the BLM failed to comply with NEPA 42 U.S.C. § 4321 *et seq.*, the Clean Air Act (CAA), 42 U.S.C. § 7401 *et seq.*, and the Federal Land Policy and Management Act of 1976 (FLPMA), 43 U.S.C. § 1701 *et seq.* The following addresses TWS’s protest related to the Sale.

The BLM has reviewed TWS’s protest in its entirety; the substantive protests are numbered and provided in bold with BLM responses following.

### **A. *Louisiana v. Biden* Does Not Require Holding a Lease Sale or Issuing Any Leases.**

<sup>8</sup> The Notice contains a memorandum of general sale information, the final parcel list, and the final stipulations.

<sup>9</sup> The June 2022 Competitive Oil and Gas Lease Sale Protests and Protest Decisions are posted on the BLM website, located at: <https://www.blm.gov/programs/energy-and-minerals/oil-and-gas/leasing/regional-lease-sales/nevada>

BLM Response:

The Proposed Action was triggered by the authorities listed in the Purpose and Need. The purpose of the proposed action alternatives is to respond to the public nominations as EOIs for oil and gas leasing on specific federal mineral estate through a competitive leasing process and either lease or defer from leasing, pending additional information. The need for the proposed action is to consider the action alternatives is established by the BLM's responsibility under the MLA of 1920, as amended, the Mining and Minerals Policy Act of 1970 as amended, the Federal Onshore Oil and Gas Leasing Reform Act of 1987 as amended, and Federal Land Policy and Management Act of 1976 as amended. These lease sales, which represent an exercise of the Secretary's broad discretion under the MLA, are consistent with applicable law, including any applicable injunctive relief from federal courts.

For these reasons, the above TWS protest is dismissed.

**B. BLM Failed to Analyze the Cumulative or Reasonably Foreseeable Impacts of All the Lease Sales It Announced Concurrently in this National Action, which Requires Preparing an EIS.**

BLM Response:

BLM oil and gas lease sales are administered on a State Office by State Office basis for important statutory, policy, and administrative reasons, with the respective Director of each State Office acting as delegated authority over sales administered by that office. It is therefore necessary for effective decision making that the NEPA analysis for a lease sale focus on the jurisdictional area of the administering State office. The offering of leases for different states at the same time does not constitute a connected action under NEPA. BLM recognizes the national and global impact potential of greenhouse gas (GHG) emissions and the likewise broad scope of climate change impacts related to them and has therefore prepared annual BLM Specialist Reports on Annual Greenhouse Gas Emissions and Climate Trends. These reports account for current and projected future agency wide GHG emissions related to fossil fuel actions on Public Land, national and global GHG emission trends, and potential climate impacts related to these emissions. The report is specifically referenced in and incorporated into each State Office lease sale NEPA analysis and provides the information necessary to properly assess agency wide, nationwide, and global reasonably foreseeable cumulative impacts of each State Office lease sale.

The BLM has prepared multiple Environmental Impact Statements (EIS) covering the lands the BLM is considering making available for competitive auction. If/when a proposed action for development is submitted, the BLM can determine appropriate mitigation measures to reduce/offset GHG emissions that are not already required by law or proposed by the operator. Climate impacts are one of many factors that are considered in the NEPA analysis to evaluate the significance of a proposed action and the BLM's exercise of its discretion in deciding leasing actions.

For these reasons, the above TWS protest is dismissed.

**C. Resource Management Plans (RMPs) Must Be Revised or Amended to Account for and Address Climate Change before Any Leasing Could Occur.**

BLM Response:

The BLM has prepared multiple EISs, including the Tonopah RMP, as amended, covering the lands BLM is considering making available for competitive auction. The BLM considered direct, indirect, and cumulative impacts from the June 2022 Lease Sale within the context of previous land-planning documents to which the EA analysis is tiered (*see* EA section 1.5). In addition, The BLM has quantified and disclosed potential emissions from this lease sale based on the methodologies outlined in the 2020 Specialists Report using the best available data and in accordance with the requirements of Secretarial Order 3399. The report provides a cumulative assessment of potential GHG emissions from the federal mineral estate relative to several metrics and analysis levels at various scopes and scales. The report also identifies potential mitigation options that can be applied to any subsequent lease development via conditions of approval once specific plans of development are submitted for analysis and permitting. If and when a proposed action for development is submitted, the BLM can determine appropriate mitigation measures to reduce/offset GHG emissions that are not already required by law or proposed by the operator. The analysis BLM has prepared appropriately supports the analysis in the underlying RMPs and is in accordance with NEPA

For these reasons, the above TWS protest is dismissed.

**D. BLM Failed to Determine Whether GHG Emissions and Climate Impacts Are Significant, in Violation of NEPA.**

BLM Response:

The EA and FONSI have disclosed the reasonably foreseeable future emissions of GHG emissions from the leases proposed to be offered for sale and has provided additional context for that information both as a proportion of reasonably foreseeable future emissions at the national and state levels and as an assessment using the Social Cost of Greenhouse Gases metrics. The EA also incorporated by reference the Specialists Report on Greenhouse Gases (2020), which includes an assessment of emissions from other Federal onshore oil and gas development, and national and global projections.

The BLM also added additional information to the EA to provide additional context surrounding existing GHG emission levels at the state scale from potential oil and gas related sources, including Federal and non-Federal, just prior to posting of the Notices of Competitive Lease Sales and opening of the protest period required by 43 CFR 3120.4 [*see* EA Section 3.2.2].

Given the information available to the agency, BLM can only analyze the reasonably foreseeable GHG emissions from the lease sales and other reasonably foreseeable actions: as BLM disclosed in the EA, future development of the leases is speculative. As such, any analysis of GHG emissions and future development involves a degree of uncertainty. To be conservative, the analysis of impacts assumes that all of the lands will be developed at some time during the initial 10-year life term and subsequently held by production. This “held by

production” assumption necessarily assumes that (1) each lease will actually be sold and a lease issued and (2) that the leases hold economically and technically recoverable reserves based on current understanding of reservoir environmental conditions. There is no guarantee that any or all of the aforementioned actions will occur, but because the lands are being made available for competitive lease under the Proposed Action, for purposes of this analysis it is assumed that the lands will be developed to their full RFD.

Additional environmental analysis is required prior to any development. This later analysis of proposed development will consider the technical aspects of such proposals in the context of those future, existing conditions. To the extent that GHGs can influence changes in climates across various scales, the EA and the associated Specialists Report on GHGs has analyzed and disclosed those relationships. As detailed in the Specialists Report on GHGs, which BLM incorporated by reference, the BLM also looked at other tools to inform its analysis, including the MAGICC model (see Section 7.0 of the Specialists Report). This model run suggests that “30-plus years of projected federal emissions would raise average global surface temperatures by approximately 0.0158 °C., or 1% of the lower carbon budget temperature target.” BLM may apply additional analysis in the future as more tools become available. Consistent with our response to comments (*see* EA Supplemental Information, Section 16) to the argument that the lease sales should be considered together because they are connected actions, BLM maintains that there is no interdependency between the actions as each action is delegated to the Authorized Officer in each administrative BLM unit, subject to the allocation decisions in the Record of Decision for each of the controlling RMPs.

Further, the BLM has evaluated the cumulative impacts of projected lease sales based on a 5-year average in the Specialists Report, which would encompass the leasing proposed in this sale. As of the publication of this EA, there is no scientific data in the record, including scientific data submitted during the comment period for these lease sales, that would allow the BLM, in the absence of an agency carbon budget or similar standard, to evaluate the significance of the greenhouse gas emissions from this proposed lease sale. Because of the issues raised in this protest, BLM has added additional information to its EA (*see* EA Section 3.2.2) and FONSI consistent with our response above (*see* Section 16, EA Supplemental Information, comment response TWS-5).

For these reasons, the above TWS protest is dismissed.

**E. BLM Failed to Determine Whether Leasing Is Necessary and Will Comply with the Federal Land Policy and Management Act (FLPMA) Anti-Degradation Mandate.**

BLM Response:

The BLM has taken many steps throughout the leasing process to ensure that, if the parcels are leased, undue and/or unnecessary degradation would not occur. The BLM analyzed the potential impacts of oil and gas leasing on resources in the project and affected area and determined that the impacts were not significant enough to warrant additional analysis under NEPA in an EIS. If during the analysis process BLM determined that undue and/or unnecessary degradation would occur, this would have been stated, and an EIS would have been prepared. Based on the analysis of the proposed sales, BLM does not believe that undue or unnecessary degradation, as defined in FLPMA, would occur as a result.

For these reasons, the above TWS protest is dismissed.

**F. The EA Arbitrarily Ignored Whether There Are Any Benefits from the Lease Sale that Warrant Incurring the Enormous Social and Environmental Costs of the Sale.**

BLM Response:

Section 16, Comment Response CBD-13 of the EA Supplemental Information analyzes how the future potential development of nominated lease parcels would contribute to GHG emissions and climate change.

In addition, a full cost benefit analysis utilizing the Social Cost of Carbon (SCC) would be beyond the scope of this document because the calculations provided in Section 3.2.2.3 of the EA reflect a global effect, which is why it is included in the climate change section. The affected area considered in Section 3.2.2.2 is northern Nye County, where all the proposed lease parcels are located. The SCC calculation tool is not designed to calculate effects to a particular area. Additionally, royalties to the Federal government comprise only a fraction of the economic benefits of oil and gas development.

If a full cost benefit analysis was conducted, it may be appropriate to consider the option value in the context of that analysis. But, as indicated, in the context of a lease sale EA the cost benefit to the affected area would have to be extracted from the overall calculation. The narrower the scope of the calculation, the more speculative the assumptions become. It has not been demonstrated that such a calculation can yield information that would be useful to the decision maker. The SC-GHG numbers are included for context in BLM's analysis and does not constitute the basis for our decision-making.

For these reasons, the above TWS protest is dismissed.

**G. The EA Failed to Adequately Analyze Mitigation to Address the Impacts of GHG Emissions.**

BLM Response:

The BLM conducted the Lease Sale NEPA analyses and made decisions for the proposed leasing actions in compliance with applicable federal laws, including FLPMA, NEPA, and the MLA. It was determined through review and evaluation of the potential GHG emissions levels that could occur as a result of the proposed action and the potential impacts of those emissions to cumulative levels using the 2020 BLM Specialists Report on Annual Greenhouse Gas Emissions and Climate Trends that an environmental assessment was the appropriate NEPA path to take with respect to GHGs and Climate Change as no significant impacts to cumulative (global) GHG levels and climate change are projected to occur as a result of the proposed action. Following the FLPMA mandate to consider unnecessary or undue degradation (UUD), no UUD or excessive GHG emissions are projected to occur as a result of the proposed action as future oil and gas operations on the subject parcels would be subject to and follow stringent Federal and State requirements and best management practice requirements, as well as appropriate mitigation, included in future BLM project-level NEPA.

Therefore, it was determined that no additional mitigation would be needed in support of the FONISIs. The EA provided details for current (or foreseeable upcoming) Federal and State regulations and best management practices that would apply to future oil and gas development and operations, and potential additional emissions controls that could be required as a result of new analysis that informs different projected Federal oil and gas impacts (different than those for the Lease Sale EAs) or new policy.

For these reasons, the above TWS protest is dismissed.

**H. BLM’s Argument that Not Issuing New Federal Onshore Leases May Lead to an Even Greater Rise in Oil and Gas Consumption Is Arbitrary and Capricious.**

BLM Response:

In the EA, the BLM provides an appropriate qualitative discussion of the potential short term (30 years) impacts of reducing the output, domestic or otherwise, of oil and gas. There is no assertion that the no action alternative would result in lower, the same, or higher emissions relative to worldwide emissions over the same period. This is supported by the incorporation of the U.S. Energy Information Administration’s (EIA) short-term energy outlook (STEO) and annual energy outlook (AEO). While the selection of the No Action alternative prevents additional Federal GHG emissions from the subject leases it does not change the domestic or global demand for oil and gas forecasted by the EIA. The EA has been edited to clarify that the STEO is not projecting that Federal production will "remain static or even increase," but rather that total U.S. production levels are expected to increase.

For these reasons, the above TWS protest is dismissed.

**I. The Environmental Justice Analysis in the EA is Inadequate.**

BLM Response:

The BLM is committed to fair treatment and meaningful involvement with all the people on public lands when making decisions on preservation, protection and sustainable development of the natural resources managed by BLM. The BLM received no comments during the public comment period from individuals or Tribal affiliates expressing environmental justice (EJ) related concerns with the parcels to be offered. Furthermore, where tribal consultation was determined to be necessary and had not been completed, those parcels have been deferred from sale. Specific letters were sent to local tribes by the offices having administrative jurisdiction for their lease sales to ensure they were aware of the parcels proposed to be offered, and to request any feedback they may have. The EA has disclosed which EJ populations are within the area of effect and disclosed the potential impacts to those populations from reasonably foreseeable future development of the parcels should they be sold and leases issued. For the work area of environmental justice (Executive Order 12898 published in 1994; guidance issued by the Council on Environmental Quality in 1997), the BLM is committed to using best practices. For example, the BLM has been actively upgrading databases, methodologies, tools, and analysis guidance and working with BLM offices at all levels as well as other federal agencies to collectively improve the analyses involving socioeconomic inputs.

For these reasons, the above TWS protest is dismissed.

**J. BLM Failed to Take a Hard Look at Impacts to Resources, Other Than Climate, from Reasonably Foreseeable Development of the Proposed Leases.**

**i. Groundwater quality and water demands.**

BLM Response:

When a specific parcel is sold, the BLM does not know certain specific details of development. These include; drill rig type (e.g. a Tier II or Tier IV rig) how a proposed well may be developed (e.g. will the well be hydraulically fractured or not, vertical, directional, or horizontal wellbores), the mineral resources a well might target (oil vs. gas), where water for drilling activities may be obtained (e.g. town water supplies, water well, recycled water from previous drilling activities), or even if fresh water zones will be encountered when drilling. Until there is a specific application that provides more detailed information regarding the proposed development of the Federal mineral estate, more precise analysis is not feasible. Such an approach (use of a White Paper) was recently affirmed in: *Ctr. for Biological Diversity v. United States BLM*, No. 3:17-CV-553-LRH-WGC, 2019 U.S. Dist. LEXIS 7525 (D. Nev. Jan. 15, 2019): "As the Court stated in the previous section, BLM was not required to conduct a site-by-site analysis of the impacts of fracking at the leasing stage because at the time the leases were sold, BLM did not know what parcels would be sold, what type of ground development the lessees would choose to pursue, and if fracking would even take place."

For these reasons, the above TWS protest is dismissed.

**ii. Big game.**

BLM Response:

The BLM has concluded that big game habitats are sufficiently protected by available measures. The Nevada Department of Wildlife (NDOW) reviewed all of the proposed lease parcels to assist the BLM in evaluating how future development of parcels may affect wildlife species in Nevada. The BLM also conferred with NDOW regarding wildlife population and habitat distribution when identifying the appropriate lease stipulations from the RMPs to apply for protection of wildlife. The RMPs in the BMD analyze big game habitats in each of the resource areas and the application of timing limit stipulations (TLs) to minimize or eliminate impacts to big game habitats. For the protection of big game habitats, TLs apply to parcels within big game winter range and concentration areas, severe winter habitat, and production areas, and Controlled Surface Use (CSU) stipulations and lease notices (LNs) apply to high value wildlife habitats and priority sagebrush habitats.

At the time of the lease sale, it is unknown whether the proposed parcels will be leased, whether a future lessee would propose to develop the lease, or what specific locations and operating procedures may be proposed. Currently, neither the BLM,

nor BMD, has further information about potential future operations. If oil and gas operations are proposed for any of the leases, the BLM would verify site-specific NEPA compliance of the proposal using the best available tools and most current data. If any sensitive species and habitat are identified during the site-specific evaluation at the APD stage, and the BLM determines that additional habitat conservation measures (beyond the BLM's lease stipulations) are needed, the BLM has discretion to incorporate those measures into the permit to drill as conditions of approval. If the analyses indicate the proposed action may affect listed species or critical habitat, the BLM will consult with U.S. Fish and Wildlife Service (USFWS), in compliance with Section 7 of the Endangered Species Act (ESA).

For these reasons, the above TWS protest is dismissed.

**K. BLM Failed to Analyze and Evaluate Mitigation for the Impact of Methane Emissions.**

BLM Response:

The BLM will conduct analysis and make decisions regarding leasing actions in compliance with applicable federal laws, including FLPMA, NEPA, and the Mineral Leasing Act. Should development occur as a result of the lease, the BLM will complete additional NEPA for site-specific proposed actions that may include additional mitigation measures for GHGs that are not already required by law or proposed by the operator. The BLM may also limit the scale and intensity of proposed development based on the site-specific NEPA analysis that is completed for the proposed action. The BLM has disclosed the GHG emissions from the Proposed Action and provided context for those emissions compared to existing federal GHG emissions in the state and nationally. The BLM has included an evaluation of the climate change impacts that could result from the proposed action and incorporated by reference the 2020 BLM Specialists Report on Annual Greenhouse Gas Emissions and Climate Trends which provides a more robust assessment of cumulative emissions, climate change impacts, and reputable climate science sources. If/when a proposed action for development is submitted, the BLM can determine appropriate mitigation measures to reduce/offset GHG emissions that are not already required by law or proposed by the operator.

Additionally, please refer to the mitigation strategies analysis in Section 3.2.2.7 of the EA.

For these reasons, the above TWS protest is dismissed.

**DECISION**

To the extent that TWS has raised any allegations not specifically discussed herein, they have been considered in the context of the above response and are found to be without merit. For this reason, and for those previously discussed, TWS's protest of the Sale, Battle Mountain District EA, and FONSI is dismissed, and five parcels were offered for sale on June 30, 2022.

**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 Justin Abernathy, Deputy State Director, Division of Energy and Minerals, at (775) 861-6585.

Justin Abernathy  
Deputy State Director, Energy and Minerals  
Nevada State Office

Enclosure:

1- Form 1842-1

cc: Rocky Mountain Wild  
Matt Sandler, Staff Attorney  
1536 Wynkoop St, Suite 900  
Denver, CO 80202

Wild Montana  
Aubrey Bertram, Staff Attorney  
80 S. Warren St.  
Helena, MT 59601

Coalition to Protect America's National Parks

Michael B. Murray, Chair  
2 Massachusetts Ave. NE, Unit 77436  
Washington, DC 20013

Barbara Vasquez  
Citizen Scientist  
P.O. Box 54  
Cowdrey, CO 80434

cc (electronic):

WO310  
NVB0000  
NVB0100  
NVB0200  
NV0920 (J. Abernathy)  
NV0922 (A. Jensen, F. Kaminer, J. Menghini, J. Estrella)

bcc: Kathryn Brinton, Office of the Solicitor, Pacific Southwest Region,  
2800 Cottage Way, Room E-1712, Sacramento, California, 95825  
Lease Sale Book June 2022  
Reading File: NV-922