

840-6
1996)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

INFORMATION ON TAKING APPEALS TO THE BOARD OF LAND APPEALS

DO NOT APPEAL UNLESS

1. This decision is adverse to you,
AND
2. You believe it is incorrect.

IF YOU APPEAL, THE FOLLOWING PROCEDURES MUST BE FOLLOWED

1. NOTICE OF APPEAL

Within 30 days file a Notice of Appeal in the office which issued this decision (see 43 CFR 4.411 and 4.413). You may state your reasons for appealing, if you desire.

**2. WHERE TO FILE
NOTICE OF APPEAL**

BUREAU OF LAND MANAGEMENT
RESOURCE SERVICES (CO-934)
2850 YOUNGFIELD STREET
LAKEWOOD, COLORADO 80215

**WITH COPY TO
SOLICITOR**

REGIONAL SOLICITOR
ROCKY MOUNTAIN REGION
755 PARFET STREET, SUITE 151
LAKEWOOD, COLORADO 80215

**WITH COPY TO BOARD
OF LAND APPEALS**

DEPARTMENT OF THE INTERIOR
BOARD OF LAND APPEALS
4015 WILSON BLVD.
ARLINGTON, VIRGINIA 22203

**3. STATEMENT OF
REASONS**

Within 30 days after filing the Notice of Appeal, file a complete statement of the reasons you are appealing. This must be filed with the Interior Board of Land Appeals, at the above address (see 43 CFR 4.412 and 4.413). If you fully stated your reasons for appealing when filing the Notice of Appeal, no additional statement is necessary. Copies of your statement of reasons must be filed with the Solicitor at the above address.

ADVERSE PARTIES

Within 15 days after each document is filed, each adverse party named in the decision and the Regional Solicitor or Field Solicitor having jurisdiction over the State in which the appeal arose must be served with a copy of: (a) the Notice of appeal, (b) the Statement of Reasons, and (c) any other documents filed (see 43 CFR 4.413).

PROOF OF SERVICE

Within 15 days after any document is served on an adverse party, file proof of that service with the Interior Board of Land Appeals. This may consist of a certified or registered mail "Return Receipt Card" signed by the adverse party (see 43 CFR 4.401(c)).

6. REQUEST FOR STAY

Except where program-specific regulations place this decision in full force and effect or provide for an automatic stay, the decision becomes effective upon the expiration of the time allowed for filing an appeal unless a petition for stay is timely filed (see 43 CFR 4.21). If you wish to file a petition for a stay 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 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.

Unless these procedures are followed, your appeal will be subject to dismissal (see 43 CFR 4.402). Be certain that all communications are identified by serial number of the case being appealed.

SUBPART 1821.2--OFFICE HOURS; TIME AND PLACE FOR FILING

Sec. 1821.2-1 *Office hours of State Office.* (a) State Offices and the Washington Office of the Bureau of Land Management are open to the public for the filing of documents and inspection of records during the hours specified in the paragraph on Monday through Friday of each week with the exception of those days where the office may be closed because of a national holiday or Presidential or other administrative order. The hours during which the State Offices and the Washington Office are open to the public for the filing of documents and inspection of records are from 10 a.m. to 4 p.m. standard time or daylight saving time, whichever is in effect at the city in which each office is located.

Sec. 1821.2-2(d) Any document required or permitted to be filed under the regulations of this chapter, which is filed under the regulations of this chapter, which is received in the State Office or the Washington Office, either in the mail or by personal delivery when the office is not open to the public shall be deemed to be filed as of the day and hour in office next opens to the public.

(e) Any document required by law, regulation, or decision to be filed within a stated period, the last day of which falls on a day the office is officially closed, shall be deemed to be timely filed if it is received in the appropriate office on the next day the office is open to the public.