United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Eastern States
7450 Boston Boulevard
Springfield, Virginia 22153
http://www.es.blm.gov

In Reply Refer To:
3100(934)KKAA
September 2013 Lease Protest

CERTIFIED-RETURN RECEIPT REQUESTED

DECISION

Jackie Schmitz	:	Protest to the Inclusion of Parcels
7584 Bowens Mill Road	:	in the September 12, 2013 Competitive
Middleville, MI 49333	:	Oil and Gas Lease Sale

On June 14, 2013, Bureau of Land Management - Eastern States Office (BLM-ESO) provided notice (Notice of Competitive Lease Sale) that 26 parcels of land would be offered in a competitive oil and gas lease sale scheduled for September 12, 2013. The Notice specifies that protest must be received by the BLM in hardcopy form or by fax no later than the close of business on the July 15, 2013. The Notice further specifies that electronic mail may not be used to file a protest, and provides that name of a contact for more information.

BLM-ES received a letter from you on August 5, 2013 protesting the inclusion of twenty-one (21) parcels.[1] The letter was received after the protest period ended and the contact person identified in the Notice did not receive any phone calls from Ms. Schmitz regarding having issues in submitting the protest timely.

After careful review, BLM-ES has discussed the protest filed by Ms. Schmitz for being untimely filed. BLM-ES must follow the established rules as they are published in the Notice of Competitive Oil and Gas Lease Sale. BLM-ES cannot accept your protest as it was not submitted in accordance with this sale notice (late filing). We will accept it as a comment and review it for any new substantive information.

This decision will become final 30 days from receipt in absence of an appeal.

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 the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in this office (at the letterhead address) within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

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[1] The September 12, 2013 Competitive Lease Notice lists parcels located in the Allegan State Game Area as Parcels ES-001-09/13 through ES-021-09/13 (MIES 057798 ACQ through MIES 057818 ACQ).

If you wish to file a petition (request) pursuant to regulation 43 CFR 4.21 (58 FR 4939, January 19, 1993) 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 the 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 granted the stay.

Copies of the notice of appeal, petition for stay, and statement of reasons also must be submitted to each party name in this decision and to the Office of the Regional Solicitor, Northeast Region, U.S. Department of the Interior, One Gateway Center, Suite 612, Newton, MA 02458, at the same time the original documents are filed in this office.

Sincerely,

/s/ Tony J. Herrell

Tony J. Herrell
Associate State Director
Eastern States Office

Attachments:
Copy of the Protest filed
Form 1842-1

cc: ESRF; ESCR; NNSO; State of Michigan DNR; Sale Folder; WO-310