



# United States Department of the Interior

## BUREAU OF LAND MANAGEMENT

Utah State Office  
P.O. Box 45155  
Salt Lake City, UT 84145-0155  
<http://www.blm.gov/ut/st/en.html>



IN REPLY REFER TO:  
3100 / (UT-922)

CERTIFIED MAIL - 7008 1140 0002 1094 2034  
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November 16, 2009

### DECISION

Red Rock Forests : Protest to the Inclusion of  
Harold Shepherd, Executive Director : Parcels in the November 17, 2009  
P.O. Box 298 : Competitive Oil and Gas Lease Sale  
Moab, Utah 84532 :

### Protest Dismissed

On October 2, 2009, the Utah Bureau of Land Management (BLM) provided notice (Notice of Competitive Lease Sale) that 20 parcels of land would be offered in a competitive oil and gas lease sale scheduled for November 17, 2009. The Notice specifies that protests must be received by the BLM in hardcopy form or by telefax no later than close of business on the 15<sup>th</sup> calendar day prior to the date of the sale. The Notice further specifies that electronic mail may not be used to file a protest, and provides the name of a contact for more information.

An email was received by the BLM on November 2, 2009, from Red Rock Forests (RRF) protesting the inclusion of two parcels, UTU87658 (UT1109-028) and UTU87659 (UT1109-029). The email, which was sent after close of business, was addressed to Deputy Director Hoffman and stated that RRF had tried to fax the protest but "there was no answer". The designated fax machine located in Utah BLM's Public Room was staffed until closing (4:30 pm) on November 2, 2009, and was observed to be properly functioning. The contact person identified in the Notice did not receive any phone calls from RRF or any other parties indicating that the fax machine was not functioning properly.

Because the protest was not timely or properly filed in the BLM Utah State Office, BLM will not consider it.

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 C.F.R. Part 4 and the enclosed Form 1842-1. If an appeal is taken, the notice of appeal must be filed in this office (at the address shown on the enclosed Form) within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition for a stay pursuant to 43 C.F.R. Part 4, Subpart B § 4.21, 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 must show sufficient justification based on the standards listed below. 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 regulations, a petition for a stay of a decision pending appeal shall be evaluated 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.

Copies of the notice of appeal, petition for stay, and statement of reasons also must be submitted to each party named in this decision and to the Office of the Regional Solicitor, Intermountain Region, 125 South State Street, Suite 6201, Salt Lake City, Utah 84138, at the same time the original documents are filed in this office. You will find attached a list of those parties who purchased the subject parcels at the June 2009 lease sale and who therefore must be served with a copy of any notice of appeal, petition for stay, and statement of reasons.

/s/ Selma Sierra

Selma Sierra  
State Director

cc: James Karkut, Office of the Solicitor, Intermountain Region,  
125 South State Street, Suite 6201, Salt Lake City, UT 84138