

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
NEVADA

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 Sections 4.411 and 4.413). You may state your reasons for appealing, if you desire.

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

U.S. Dept. of the Interior
Office of the Secretary
Office of Hearings & Appeals
Board of Land Appeals
4015 Wilson Blvd.
Arlington VA 22203

U.S. Dept. of the Interior
Office of the Solicitor
6201 Federal Bldg.
125 South State St., Suite 6201
Salt Lake City UT 84138

U.S. Dept. of the Interior
Bureau of Land Management
5100 E. Winnemucca Blvd.
Winnemucca, NV 89445

3. **STATEMENT OF REASONS....** Within 30 days after filing the Notice of Appeal, file a complete statement of the reasons why you are appealing. This must be filed with the **United States Department of the Interior, Office of the Secretary, Board of Land Appeals, 4015 Wilson Blvd., Arlington, VA 22203** (see 43 CFR Sec. 4.412 and 4.413). If you fully stated your reasons for appealing when filing the Notice of Appeal, no additional statement is necessary. Also send a copy to:

U.S. Dept. of the Interior
Office of the Solicitor
6201 Federal Bldg.
125 South State St., Suite 6201
Salt Lake City UT 84138

4. **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 Sec. 4.413). Service will be made upon the Associate Solicitor, Division of Energy and Resources, Washington, D.C. 20240, instead of the Field or Regional Solicitor when appeals are taken from decisions of the Director (WO-100).

5. **PROOF OF SERVICE....** Within 15 days after any document is served on an adverse party, file proof of that service with the United States Department of the Interior, Office of the Secretary, Board of Land Appeals, 4015 Wilson Blvd., Arlington, VA. 22203. This may consist of a certified or registered mail "Return Receipt Card" signed by the adverse party (see 43 CFR Section 4.401(c)(2)).

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

NOTE: A document is not filed until it is actually received in the proper office (see 43 CFR Sec. 4.401(a)).

Petition For A Stay Appeal

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 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.

43 CFR 2804 Appeals

2804.1 Appeals Procedure.

(a) All appeals under this part shall be taken under 43 CFR part 4 from any final decision of the authorized officer of the Office of the Secretary, Board of Land Appeals.

(b) All decisions of the authorized officer under this part shall remain effective pending appeal unless the Secretary rules otherwise. Petitions for the stay of a decision shall be filed with the Office of Hearings and Appeals, Department of the Interior.

[45 FR 44526, July 1, 1980, as amended at 53 FR 17702, May 18, 1988]

43 CFR 1821.2 Office Hours, Time, And Place For Filing

Sec. 1821.2. The Winnemucca Field Office is open to the public for the filing of documents and inspection of records during the hours of 7:30 AM. and 4:30 PM. 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.

Sec. 1821.2-2(d). Any document required or permitted to be filed under the regulations of this chapter, which is received in the Winnemucca Field 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 the office next opens to the public.

Sec. 1821.2-2(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 Winnemucca Field 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.