



# United States Department of the Interior

## BUREAU OF LAND MANAGEMENT

Elko Field Office  
3900 East Idaho Street  
Elko, Nevada 89801-4611  
775-753-0200  
<http://www.nv.blm.gov>



### 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 of receipt of the decision, file a "NOTICE OF APPEAL" in the office which issued this decision (see CFR secs. 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  
ELKO FIELD OFFICE  
3900 E. IDAHO STREET  
ELKO, NV 89801

and a copy to

OFFICE OF THE REGIONAL SOLICITOR  
PACIFIC SOUTHWEST REGION  
2800 COTTAGE WAY ROOM E-2753  
SACRAMENTO, CA 95825-1890

#### 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  
801 NORTH QUINCY STREET, SUITE 300  
ARLINGTON, VA 22203

(See 43 CFR secs. 4.412 and 4.413). If you fully stated your reasons for appealing when filing the "NOTICE OF APPEAL", no additional statement is necessary.

#### 4. ADVERSE PARTIES:

Within 15 days after each document is filed, each adverse party named in the decision and the Regional Solicitor must be served with a copy of:

- A. THE NOTICE OF APPEAL
- B. THE STATEMENT OF REASONS, AND
- C. ANY OTHER DOCUMENT FILED (See 43 CFR sec. 4.413).

#### 5. PROOF OF SERVICE:

Within 15 days after any document is served on an adverse party, file proof of that service with the BOARD OF LAND APPEALS, at the above address. This may consist of a certified or registered mail "return receipt card" signed by the adverse party (see 43 CFR sec. 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, or other identification, of the case being appealed.

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

In addition, within 30 days of receipt of the decision you have the right to file a petition for a stay (suspension) of the decision together with your appeal in accordance with the regulations at 43 CFR 4.21. The petition must be served upon the same parties identified in items 2, 3, and 4 of the enclosed form titled "Information on Taking Appeals to the Board of Land Appeals". The appellant has the burden of proof to demonstrate that a stay should be granted.

A petition for stay, if filed, must show sufficient justification based on the following standards (43 CFR 4.21):

- (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.