

**United States Department of the Interior
Bureau of Land Management
Elko District, Tuscarora Field Office**

DECISION RECORD

Oil and Gas Exploration Operations

**Huntington Valley Oil and Gas Exploration Project
DOI-BLM-NV-E020-2014-0003-EA**

It is my decision to authorize Nobel Energy's Huntington Valley Oil and Gas Exploration Project Proposed Action with attached mitigation measures incorporated as stipulation as described in environmental assessment DOI-BLM-NV-E020-NV-2014-0003-EA.

Stipulations and Conditions of Approval

The BLM would require the following mitigation measures to further reduce effects to geology and minerals in the Project Area:

- If Noble were to obtain an Underground Injection Control Permit and if broadband stations ELK and LB_BMN were to detect microearthquakes that seismologists had reason to believe could have been caused by Noble's activities, then BLM would work with Nevada Division of Minerals and the University of Nevada Reno Seismological Lab to determine if installation of a seismograph in the vicinity of the Huntington project would be warranted.
- Where possible microseismic events shall be recorded and data provided to the BLM; method for data collection would be either by a seismic listening tool downhole or a microseismic array on the surface near the well or other appropriate technology.

The BLM has identified the following mitigation measures in addition to the Project Design Features (Section 2.2.1.6) to further minimize potential impacts to surface water resources.

Based on the MOU with the DRI to collect and analyze monitoring wells (1 monitoring well per drill site) in the Project Area for 0, 2, and 12 months after the fracking process, BLM requires that the Project continue to sample these locations until the wells are plugged and abandoned, using the same criteria as outlined in the DRI MOU (the analyte list may be adjusted at the discretion of the BLM Authorized Officer (AO)). In addition to the MOU provisions, the BLM requires the following be added:

- During testing, monitoring well samples shall be collected bi-annually (spring and fall).

- The five wells and eight springs sampled in the base level study shall continue to be sampled bi-annually (spring and fall).
- A sample site shall be established on Huntington Creek. The site will have stream discharge measured and stream samples collected bi-annually (spring and fall).
- All water samples (well, spring, and stream) shall be analyzed for parameters outlined in the DRI MOU.
- Results of the monitoring shall be submitted to the BLM semi-annually as well as any results submitted to the regulatory State agencies (i.e., NDOM and NDEP).
- Monitoring and reporting shall continue until one year after the last oil production well is plugged and abandoned.
- In the event that the above sampling sites have credible “hits” to analyte constituents, then the following shall occur:
 - The BLM shall be notified by letter within two weeks of the sampling event.
 - Sampling frequency shall increase to monthly to determine if the “hits” are present. BLM shall be notified of the monthly sampling results.
 - After six months, if the concentrations of constituents drop below the maximum threshold, then sampling shall return to the normal sampling schedule.
 - If the constituent(s)’ concentration remain above the maximum threshold, then mitigation plans shall be implemented. BLM and Noble shall meet to discuss options, including technologies of pump-and-treat either onsite or offsite.

In response to public comments we are clarifying the following water quality issues.

- Water supply wells on private land may be used by the landowner during Noble’s activities and turned over to the landowner for agricultural use once Noble’s activities conclude. There would be no recovered agricultural water used for drilling (2.2.1.1.3).
- The construction of every exploration well would meet specifications for a disposal/injection well, including proven isolation of the injection zone from all aquifers.” The proven isolation would not be limited to just drinking water aquifers (2.2.1.2.3).

In addition to the Project Design Features (see Section 2.2.1.6), the BLM has identified the following mitigation measures to further minimize impacts to groundwater resources:

- Noble shall provide BLM with well logs, pump tests, monitoring of nearby water sources, and any other information needed to confirm that new diversions would not impact existing water resources.
- All water wells shall be fitted with back-flow preventers to prevent contamination of the aquifer.
- Should Noble require supplemental water due to timing of on-site water development and drilling, Noble shall provide copies of agreement with water

rights holder to the BLM prior to use of water supplied by that water rights holder.

- A list of all chemicals (see Table 2.2-5 in Chapter 2 of the EA) to be used in a hydraulic fracturing operation shall be provided. The list shall include the following: trade name, supplier, purpose, ingredients, Chemical Abstract Service Number (CAS#), maximum ingredient concentration in additive (% by mass) and/or (% by volume), and maximum ingredient concentration in hydraulic fracturing fluid (% by mass) and/or (% by volume), as directed by FracFocus data entry. The amount and type of chemicals used in the hydraulic fracturing operation shall be reported to www.fracfocus.org within 30 days of hydraulic fracturing completion for public disclosure.
- Chemical use shall also be in compliance with Nevada Administrative Code. Proposed new regulation would require that chemicals proposed for hydraulic fracturing must be on the Division of Minerals reference list before use, and disclosure of all chemicals and amounts used on a public web site: www.fracfocus.org.
- Noble shall ensure that all pressures applied during the hydraulic fracturing process shall be monitored and recorded. Recorded hydraulic fracturing pressures shall be provided to the AO and the NDOM, if requested.
- Hydraulic fracturing fluids that are flowback from the wellbore at the conclusion of the fracturing procedure shall be placed and stored in “Baker” tanks or similar storage containments. Prior approval by the AO or NDEP shall be obtained if an alternative storage is to be utilized. The method and location for final disposal of the flowback fluids must be approved along with the fluid quality analysis to be done.
- Prior to the hydraulic fracturing completion process Noble shall provide the BLM and NDOM the following:
 - The number of stages to be utilized.
 - Measured depth/true vertical depth to each stage.
 - The length of each stage.
 - All intervals to be perforated in measured depth/true vertical depth.

In addition to the Project Design Features (see Section 2.2.1.6), the BLM has identified the following mitigation measure to further reduce potential impact to migratory birds:

- Raptor and corvid perching and nesting deterrents shall be placed on all aboveground structures to reduce potential predation on migratory birds and their nestlings, including Bird of Conservation Concern (BCC).

In addition to the Bird and Bat Conservation Strategy (BBCS) and Project Design Features including Noble’s Greater Sage-Grouse BMPs (EA Appendix I), the BLM has identified the following mitigation measures to further reduce potential impacts to Special Status Animal Species:

- In more densely populated pygmy rabbit areas, the BLM shall require a biological monitor to precede construction to ensure that an adequate buffer is maintained.

- Raptor perching and nesting deterrents shall be placed on all aboveground structures to reduce potential predation on BLM-sensitive species including greater sage-grouse, burrowing owls, and pygmy rabbits.
- Where proposed disturbance is within 100 feet of pygmy rabbit burrows, the area shall be brush-hogged or mowed within 72 hours of ground disturbance to encourage pygmy rabbits to leave the area.
- Highly visible markers shall be placed on fence wires to reduce sage-grouse collisions with fences.
- To consolidate disturbance, pad density shall be maintained into the smallest area practical to maintain viable and safe operations. Pads shall be located to one concentration area per square mile. The initial two well pads were placed to meet the consolidation criteria; if/or when additional well pads are submitted for construction, they shall be located at a minimum 1 mile from the two initial well pads. The new well pads shall be consolidated into as small an area as possible and outside the square mile of influence of any other concentration area. This format shall be followed throughout the continued development of the project.
- NDOW will determine whether Noble will monitor trend leks. This monitoring effort has been determined to be unnecessary due to NDOW preference to internally monitoring trend leks. Mitigation identified in the EA was to be as follows: *Noble shall be responsible for monitoring lek attendance on active leks (Branzell, Carville Creek and possibly Green Mountain, Achurra and Little Cottonwood) where the 3 mile no-disturbance buffer zone intersects with the Project Area boundary throughout the life of the exploration project. Noble contractors shall adhere to NDOW lek monitoring protocols and annual monitoring reports will be utilized to determine the presence or absence of project impacts to said lek sites. Reduction in lek attendance as determined by monitoring will be addressed by a wildlife working group. NDOW will determine whether Noble will monitor trend leks.*
- Noble shall complete interim reclamation at well pad sites that have been deemed unacceptable for the limited development associated with the exploration phase. Noble has agreed to reclaim all well pads to 3.5 acres after drilling and hydraulic fracturing on well pads to be produced. No pad shall be left unreclaimed to any extent after these initial steps. Area to be reclaimed shall be appropriately recontoured and seeded with a BLM-approved sage-grouse habitat seeding. The reclaimed areas shall be fenced until habitat criteria have been met. Noble shall be responsible for maintaining these fences.
- BLM, NDOW, and Noble will conduct a habitat evaluation that will take place before each well pad construction to determine which conditions of approval (incorporated into the EA sections) are appropriate for resource protection. This evaluation will determine habitat values to sage-grouse and other species and the appropriateness of well pad location in regard to data collected from other monitoring efforts recommended. Noble shall submit well pad location selection as early as possible to allow the evaluation to take place in construction timeframes.

- Noble shall conduct noise monitoring at lek sites and within the 3 mile buffer if/or when hydraulic fracturing occurs on well pads that have a noise influence within the 3 mile no disturbance zone of said lek sites. Monitoring shall be set up at the lek and at intervals within the nesting and/or brood rearing habitat at the onset of hydraulic fracturing (generator use) to determine attenuation and if there are 10dBa or greater increases above ambient noise levels within the 3 mile buffer. A noise monitor will be placed at lekking sites and within brood rearing habitats. If noise generated at the well pad shows 10 dBa above ambient levels or greater within the 3 mile buffer (using L50 to determine the 10dBa threshold), steps shall be taken to reduce noise at the well pad location. Such steps shall include erecting baffling around equipment or sinking the power sources of hydraulic fracturing equipment below ground level to decrease noise impacts to the surrounding areas. Any additional responses to impacts will be addressed by a wildlife working group. Noise monitoring can be discontinued after initial data collection as long as there will be no operational changes at future well pad sites and if working group members are satisfied with noise data results.
- No drilling shall occur during lekking season if well pad noise levels are determined to be 10 dBa or greater above ambient within the 3 mile no disturbance buffer. Though the initial Noble noise report indicated that there is attenuation of drill activities before reaching the lek, impact dBa's of greater than 10 dBa above ambient were recorded within nesting and/brood rearing habitat that may influence hens attendance at the leks. Noble shall phase drilling to avoid potential noise disturbance within the 3 mile buffer of leks. Drilling that does not intersect the 3 mile buffer zone can occur within the lekking dates. No well pad construction shall take place during lekking season, if construction equipment will have noise impacts determined to be 10 dBa or greater above ambient within the 3 mile buffer of a lek site. Noble shall phase pad construction to avoid potential noise disturbances within the leks 3 mile influence. Well pad construction noise that does not intersect the 3 mile buffer zone can occur within lekking season dates.
- Noble shall hire a contractor to monitor hen movements throughout the life of the exploration project through a collaring effort in cooperation with BLM and NDOW. The collaring effort allows the opportunity to determine the responses of hens to increased anthropomorphic features, increased human presence and habitat fragmentation. Hens will be the focus of this measure as males have numerous measures, BMP's and applicant committed measures already in place throughout the EA. Collaring would be used in nesting and brood rearing habitat adjacent to constructed well pads and the initial collaring shall occur concurrent to the construction of the two initial well pads and take place in the vicinity of the Branzell lek. As the project progresses, potentially additional hens in additional areas shall be collared and added to the data set. Satellite collars would be most efficient and limit disturbance to the birds. Noble shall interact closely with NDOW in efforts to collar on trend leks. Annual reports (submitted by September 15) on hen movement while the project is on-going will allow regulators a chance to determine if existing

measures are working and provide an expedient time frame to adjust measures to reduce unforeseen reactions.

- An MOU will be developed within 60 days of signing the DR between Noble, BLM, and NDOW to form a wildlife working group. This wildlife working group will be established to apply adaptive management techniques for the project by evaluating monitoring data, adjusting protocols, and responding to impacts that have been documented due to the implementation of monitoring efforts. Group discussions will insure how best to address impact issues, deal with modifications Noble deems necessary as their exploration progresses and deal with any future unexpected outside influences that may have an effect on wildlife or Noble's ability to protect wildlife resources. The AO will retain final regulatory decision authority in the event that group members cannot come to a consensus.

In addition to the Project Design Features (see Section 2.2.1.6), the BLM has identified the following mitigation measures to further reduce potential impacts to wildlife and fisheries:

- Garbage shall be removed at frequent intervals to avoid attracting scavengers and predators to the pad vicinities. No vehicles will be parked off pad or road disturbance to avoid contamination or fire starts. Employees must stay on pad areas for the duration of shift.
- Any direct mortality within the project footprint shall be reported immediately to the local NDOW Eastern Region Mining Biologist and/or local NDOW wildlife enforcement officer. For migratory birds, and eagles, USFWS must also be notified.
- Vehicle-related mortality shall be reported immediately to the local NDOW Eastern Region Mining Biologist and/or local NDOW wildlife enforcement officer.
- The use of hunting equipment including calls, bow/arrow, traps, snares, firearms, baits, scents, etc. shall be prohibited on-site.
- Noble shall reroute 0.04 mile of proposed new road within the 400-foot riparian and stream buffer.
- Depending on weather conditions, disturbance may be restricted between November 15 and March 16 for Pronghorn crucial winter range. No pad construction or drilling will be allowed in crucial winter habitat if winter conditions meet or exceed 6 inches of snow in the Project Area. If Noble requires pad construction or drilling to take place during such a period, a monitoring measure will come into effect.
- If Noble deems it necessary to either construct pads or drill during adverse winter conditions that may affect Antelope Crucial Winter habitat use (at or above 6 inches of snow in the Project Area). Noble will effect a monitoring effort that will determine impact dispersal of the herd. This monitoring effort could include aerial surveys, ground surveys, collaring, or other methods that are deemed appropriate by BLM, NDOW, and Noble representatives.

The following mitigation measures are designed to minimize the potential for direct effects to accidental finds, previously unrecorded sites, or indirect effects to known Historic Properties or sites of undetermined eligibility. These mitigation measures would apply to the entire Project Area:

- A 100 foot (30 meter) buffer zone shall be established around the exterior perimeter of sites 26EK14537, 26EK14555, 26EK13518, and 26EK13524. The buffer zone external boundary, including all internal areas, shall be off limits to all ground disturbing activities, including but not limited to driving, parking, grading/blading, excavation, equipment or supply storage, or any other activity that can break, damage, relocate, reposition, disturb or move archaeological surface artifacts or deposits. Any such activities are prohibited unless authorized in writing by the BLM AO.
- Noble shall not disturb, alter, injure or destroy any NRHP eligible and/or scientifically important historic or archaeological site, structure, building, object or artifact within the Project Area. Noble shall be responsible for ensuring that its employees, contractors or any others associated with the Proposed Action do not collect artifacts, or damage or vandalize archaeological, historical or paleontological sites or the artifacts within them. Should damage to cultural resources occur within the above areas during the period of construction, operation, maintenance or rehabilitation due to the unauthorized, inadvertent or negligent actions of Noble, Noble's contractors, or any other project personnel, Noble shall be responsible for costs of rehabilitation or mitigation. Individuals involved in illegal activities would be subject to penalties under the Archaeological Resources Protection Act (16 United States Code [USC] 470ii), the FLPMA (43 U.S.C. 1701), Native American Graves Protection Act - NAGPRA (16 USC 1170) and other applicable statutes.
- Noble shall provide training to ensure that all its personnel and all the personnel of its contractors and subcontractors are directed not to engage in the illegal collection of historic and prehistoric materials. Subsequent hires shall also be required to have similar training. Training can be in association with Noble's safety and or related job training and project orientation. Noble shall cooperate with BLM to ensure compliance with the Archaeological Resources Protection Act of 1979 (16 USC 470) on Federal lands and with Nevada Revised Statutes (NRS) 381 and 383 for private lands.
- An archaeological and/or Tribal monitor, funded by Noble, may be required during active construction at historic properties located within close proximity to ground disturbing activities. BLM would make determinations regarding monitoring needs on a case-by-case basis.
- When previously unidentified cultural resources are discovered or an unanticipated impact situation occurs, all project activities within 328 feet (100 meters) of the discovery/impact shall cease immediately and Noble or its authorized representative shall secure the location to prevent vandalism or other damage. Pursuant to 43 CFR §10.4(g), Noble shall notify the BLM AO, by telephone and with written confirmation, immediately upon the discovery of human remains, funerary objects, sacred objects, or objects of cultural

patrimony (as defined in 43 CFR §10.2), and any previously undocumented archaeological or historic sites. Activity at the location shall be suspended until after the discovery has been evaluated, any necessary mitigation measures completed and the BLM AO has issued a written Notice to Proceed. Human remains, funerary objects, sacred objects, or objects of cultural patrimony found on federal land would be handled according to the provisions of NAGPRA and its implementing regulations (43 CFR §10). Human remains and funerary objects found on state or private land shall be handled according to the provisions of Nevada statute NRS 383.150 to 383.190.

- Noble shall not knowingly disturb, alter, injure, or destroy any scientifically important historical or archaeological site, structure, building or object; or cave related site on public lands. If any previously unidentified cultural, or cave related resource is discovered that might be altered or destroyed by construction, all activity shall immediately stop in the vicinity of the discovery and the procedures outlined in the preceding paragraph shall be implemented regarding unanticipated discoveries pursuant to 43 CFR §10.4(g).
- Mitigation of any potential indirect effects to the CNHT will be defined within an MOA between the Elko District BLM, the Nevada State Historic Preservation Officer, the National Park Service Trails, and other invited signatories and concurring parties as appropriate prior to Project implementation.

In addition to the Project Design Features, the BLM has identified the following mitigation measures to reduce potential effects to the California National Historic Trail:

- Noble will provide funding in the amount of \$150,000 to a BLM Contribution account prior to any ground-disturbing project-related activities in proximity to the Hastings Cutoff that are associated with the Huntington Valley Oil and Gas Exploration Project. These funds will be used by BLM solely to mitigate for the indirect visual adverse effects as described in the in the EA.
- Monitoring of the indirect adverse effects of the planned activities to the CNHT shall include auditory survey(s) of the trail corresponding to the protocol and locations of the original 2013 auditory survey, data collection, and modeling (Hayden Wing, 2013). Each auditory survey will occur within 6 months of the completion of the installation of four (4) well pads. For each monitoring auditory survey, the determination of previously established Key Auditory Points (KAPs) to be utilized will be determined by BLM in consultation with SHPO, NPS, and Noble and will take into consideration the newly installed well pad locations' potential impact to the CNHT. This could include selecting specific KAPs to one or more stretches along the CNHT which are of moderate to high potential for indirect impact to the CNHT with the inclusion of an established KAP outside the moderate to high potential area(s) as scientific control, if appropriate. If the monitoring data indicates a detrimental increase of indirect impacts to either the recreation experience as defined by National

Park Service recreation experience auditory standards or National Register of Historic Places eligibility the as defined by the NPS standards, BLM in consultation with SHPO, NPS, and Noble, will reassess the off-site mitigation needs. The organization implementing the off-site mitigation priority activities will provide the BLM with progress reports as each priority activity is accomplished. Such reports shall include any scheduling demands, any problems encountered, and any disputes and objections received.

In addition to the Project Design Features (see Section 2.2.1.6), the BLM has identified the following mitigation measures to reduce potential effects to Native American Concerns:

- Noble shall not disturb, alter, injure or destroy any NRHP eligible and/or scientifically important historic or archaeological site, structure, building, object or artifact within the Project Area. Noble shall be responsible for ensuring that its employees, contractors or any others associated with the Proposed Action do not collect artifacts, or damage or vandalize archaeological, historical or paleontological sites or the artifacts within them. Should damage to cultural resources occur within the above areas during the period of construction, operation, maintenance or rehabilitation due to the unauthorized, inadvertent or negligent actions of Noble, Noble's contractors, or any other project personnel, Noble shall be responsible for costs of rehabilitation or mitigation. Individuals involved in illegal activities would be subject to penalties under the Archaeological Resources Protection Act (16 United States Code [USC] 470ii), the FLPMA (43 U.S.C. 1701), Native American Graves Protection Act - NAGPRA (16 USC 1170) and other applicable statutes.
- When previously unidentified cultural resources are discovered or an unanticipated impact situation occurs, all project activities within 328 feet (100 meters) of the discovery/impact shall cease immediately and Noble or its authorized representative shall secure the location to prevent vandalism or other damage. Pursuant to 43 CFR §10.4(g), Noble shall notify the BLM AO, by telephone and with written confirmation, immediately upon the discovery of human remains, funerary objects, sacred objects, or objects of cultural patrimony (as defined in 43 CFR §10.2), and any previously undocumented archaeological or historic sites. Activity at the location shall be suspended until after the discovery has been evaluated, any necessary mitigation measures completed and the BLM AO has issued a written Notice to Proceed. Human remains, funerary objects, sacred objects, or objects of cultural patrimony found on federal land would be handled according to the provisions of NAGPRA and its implementing regulations (43 CFR §10). Human remains and funerary objects found on state or private land shall be handled according to the provisions of Nevada statute NRS 383.150 to 383.190.
- Noble shall not knowingly disturb, alter, injure, or destroy any scientifically important historical or archaeological site, structure, building or object; or cave related site on public lands. If any previously unidentified cultural, or

cave related resource is discovered that might be altered or destroyed by construction, all activity shall immediately stop in the vicinity of the discovery and the procedures outlined in the preceding paragraph shall be implemented regarding unanticipated discoveries pursuant to 43 CFR §10.4(g).

The BLM has identified the following measure to mitigate effects to paleontological resources:

- Should paleontological resources be discovered during any phase of the Proposed Action, Noble shall cease operations and notify the AO.

The BLM has identified the following mitigation measures in addition to the Project Design Features (see Section 2.2.1.6) to further reduce effects to livestock grazing:

- The BLM Rangeland Specialist and allotment permittees shall be consulted to communicate timing and locations of activities.
- Gates used for access shall be closed immediately after passing through them.
- Fences and/or gates that are replaced shall meet BLM standards.

In addition to the Project Design Features (see Section 2.2.1.6), the BLM has identified the following mitigation measures to further reduce potential effects to adjacent Wilderness Study Areas:

- No vehicles shall be allowed in the Red Springs or Cedar Ridge Wilderness Study Areas. Noble shall utilize all appropriate means to inform project personnel of the Wilderness Study Area boundaries and the limitations.
- If infringement upon the Wilderness Study Areas occurs, Noble shall immediately contact the BLM project lead with a description of the occurrence and report to the AO concerning the status and activities of the project and compliance with these measures.

The BLM has identified the following mitigation measure to further reduce potential impacts to existing right-of-way holders.

- Agreements allowing construction and maintenance shall be obtained with all existing right-of-way holders, authorized users, and pipeline/transmission line operators prior to surface disturbance or construction of locations or access across or adjacent to any existing or approved rights-of-way or pipelines.

In addition to the Project Design Features (see Section 2.2.1.6), the BLM has identified the following mitigation measure to further reduce effects to fire management:

- If a fire is caused by the Proposed Action, Noble shall be responsible for fire suppression costs.

This decision is contingent on meeting all conditions of approval and monitoring requirements as described for the proposed action in the environmental assessment.

Rationale

This decision will enable environmentally sound exploration of federal oil and gas resources and prevent or minimize damage to other natural resources.

The Project is in conformance with the Elko Resource Management Plan (RMP), as approved March 11, 1987, and the December 2005 Oil & Gas Lease Sale Environmental Assessment, which amended the RMP. The Record of Decision (ROD) for the Elko RMP, page 35, provides, "Maintain public lands open for exploration, development, and production of mineral resources while mitigating conflicts with wildlife, wild horses, recreation and wilderness resources." The Project is also consistent with other applicable federal, state and local land use policies and plans.

The proposed action with attached stipulations has been designed to incorporate features to prevent undue environmental degradation or harm by avoiding cultural resources, pygmy rabbit borrows, Greater Sage-Grouse habitat and wilderness study areas. This decision includes all practical measures to conserve and protect resources in the interest of the public.

The Consultation and Coordination section of the EA describes the scoping and coordination with applicant and the Nevada Department of Wildlife (NDOW), Bureau of Indian Affairs Eastern Nevada Agency, Western Shoshone Committee, Western Shoshone Defense Project, Western Shoshone Descendants of Big Smoky. NDOW provided input into the biological section of the Environmental Assessment which was prepared for this project. BLM also informally consulted with Battle Mountain Band Council, Confederate Tribes of the Goshute Indian Reservation, Duckwater-Shoshone Tribe, Elko Band Council, Ely Shoshone Tribe, Shoshone-Paiute Tribes of the Duck Valley Indian Reservation, South Fork Band Council, Te-Moak Tribe of Western Shoshone, Wells Band Council, Yomba-Shoshone Tribe.

One hundred seventeen (117) comment letters were received, of these 103 were form letters in support of the project. The 132 comments contained in these letters were numbered and responded to. Based on comments, four minor changes were made to the EA.

Appeals

If you do not agree and are adversely affected by this decision, in accordance with 43 CFR 3150 may appeal that decision to the Interior Board of Land Appeals as set forth in part 4 of this title.

All decisions and approvals of the authorized officer under this part shall remain effective pending appeal unless the Interior Board of Land Appeals determines otherwise upon consideration of the standards stated in this paragraph.

If you wish to file a petition for stay pursuant to regulations 43 CFR 4.21 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 this 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 granting the stay.

Richard E Adams,
Field Manager
Tuscarora Field Office

Date