



United States Department of the Interior



BUREAU OF LAND MANAGEMENT
Schell Field Office
HC33 Box 33500 (702 N. Industrial Way)
Ely, Nevada 89301-9408
http://www.blm.gov/nv/st/en/fo/ely_field_office.html

In Reply Refer To:
2830 (NVL0200)
N-87411, N-83880
N-84476, N-84477

JUN 11 2012

CERTIFIED MAIL NO. 7011 2000 0002 2948 4505- RETURN RECEIPT REQUESTED

DECISION

Wilson Creek Wind Company, LLC	:	
c/o Nevada Wind	:	FLPMA Title V
Attn: John Johansen	:	Wind Energy Development
330 Moonbeam Drive	:	Right-of-Way
Spanish Springs, NV 89436	:	

APPLICATION REJECTED

On April 3, 2012, the Bureau of Land Management (BLM) sent a letter to Wilson Creek Wind Company LLC, (WCWC) requesting an updated Plan of Development (POD) as well as additional Due Diligence requirements for the Type 3 WCWC generation project as outlined in Washington Office Instruction Memorandum (IM) 2008-043, Wind Energy Development Policy, and under regulations found in 43-CFR, 2804.12.

On May 2, 2012, the BLM received an updated POD and revised application with maps and legal descriptions for the project. Also received were the Sunfire, Nevada Wind, and Wilson Creek Wind Company's Business Entity Information showing the companies as being a Domestic Limited-Liability Company.

On May 18, the BLM sent a second letter to WCWC requesting the information that wasn't received as outlined in the April 3, 2012 letter. This information was requested within 15 days of receipt. The Certified Mail card shows the letter was received on May 21, 2012. As of June 6, 2012, no additional information has been received; therefore, your application for the WCWC generation project, case file N-87411, located on and near the Wilson Creek Range in Nevada has been rejected.

There are three wind monitoring project right-of-way grants, N-83880, N-84476 and N-84477 that were issued to acquire monitoring data required for the wind generation development project, N-87411. All three of these grants have expired based on the due diligence requirements not being met for the N-87411 application for wind generation development.

N-83880, Wilson Creek/Table Mountain: Rent was not paid for the year 2012, so no refund will be authorized.

N-84476, Wilson Creek Atlanta Summit: Rent was not paid for the year 2012, so no refund will be authorized.

N-84477, Wilson Creek White Rock: Rental was paid in the amount of \$5,221 on February 23, 2012, due to a request to renew the authorization for an additional 3 years, which was dependent upon acceptance of the WCWC generation project application. This rent will be refunded upon closure of the casefile.

You have 30 days in which to remove all of the anemometers installed for these projects. It is my understanding no anemometers were installed on the Atlanta Summit Project, but please provide verification along with pictures of the sites where the anemometers have been removed from the other two projects. Upon receipt of this information and a field examination by the BLM, the above 3 casefiles will be closed.

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 above address) 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 pursuant to regulation 43 CFR 4.21 (58 FR 4939, January 19, 1993) or 43 CFR 2804.1 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 the notice of appeal and petition for a stay must also be submitted to each party named on 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.

We appreciate your cooperation regarding these projects. If you have any questions, please contact Brenda Linnell at (775) 289-1808 or blinnell@blm.gov.

Sincerely,



Mary D'Aversa
Field Manager
Schell Field Office