



United States Department of the Interior



BUREAU OF LAND MANAGEMENT
Southern Nevada District Office
Pahrump Field Office
4701 N. Torrey Pines Drive
Las Vegas, Nevada 89130
<http://www.blm.gov/nevada>

In Reply Refer To:
N-101723
3809 (NVS01000)

CERTIFIED MAIL NO. 9589 0710 5270 0112 4845 11

DECISION

Rover Metals (USA), Inc. :
Attn: John Zimmerman : 43 CFR § 3809
14403 Rattlesnake Road : Notice
Grass Valley, CA 95945 :

RESCISSION OF DETERMINATION OF REQUIRED FINANCIAL GUARANTEE FOR ONGOING OPERATIONS

This Decision is rescinding the Determination of Required Financial Guarantee for Ongoing Operations dated April 6, 2023, that you received from the Pahrump Field Office. Although Rover Metals submitted a financial guarantee, because the BLM is rescinding its determination of required financial guarantee, the financial guarantee is not acceptable, and therefore surface disturbing activities are not allowed to be conducted. 43 C.F.R. §§ 3809.500, 3809.554(b).

On April 6, 2023, the Pahrump Field Office also acknowledged Notice N-101723 and determined that the reclamation cost estimate was \$30,003. Since that time, however, the BLM has received additional information that has led the BLM to conclude that this reclamation cost estimate is not acceptable and additional analysis is necessary. Your Notice acknowledgement is addressed in a separate Decision.

You may file a request for release of the financial guarantee with the Nevada State Office at:

BLM – Nevada State Office
Branch of Minerals Adjudication
1340 Financial Blvd
Reno, Nevada 89502

A copy of this decision has been provided to the adjudication staff in the BLM Nevada State Office and you can coordinate the return of the financial guarantee with David Carvalho, Bond Adjudicator, at (775) 861-6648.

If you have any questions, please contact Michael Evans, Geologist, at (702) 515-5153.

Appeal of a Decision under 43 CFR § 3809

If you are adversely affected by this decision, you may request that the BLM Nevada State Director review this decision. If you request a State Director Review, the request must be received in the BLM Nevada State Office at 1340 Financial Blvd, Reno, Nevada 89502, no later than 30 calendar days after you receive or have been notified of this decision. The request for State Director Review must be filed in accordance with the provisions in 43 CFR § 3809.805. This decision will remain in effect while the State Director Review is pending unless a stay is granted by the State Director under 43 CFR § 3809.808. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

If the Nevada State Director does not make a decision on your request for review of this decision within 21 days of receipt of the request, you should consider the request declined and you may appeal this decision to the Interior Board of Land Appeals (IBLA). You may contact the BLM Nevada State Office to determine when the BLM received the request for State Director Review. You have 30 days from the end of the 21-day period in which to file your Notice of Appeal with the Las Vegas Field Office at 4701 North Torrey Pines Drive, Las Vegas, Nevada 89130 which we will forward to IBLA.

If you wish to bypass a State Director Review, this decision may be appealed directly to the IBLA in accordance with the regulations at 43 CFR § 3809.801(a)(1). Your Notice of Appeal must be filed with the Las Vegas Field Office at 4701 North Torrey Pines Drive, Las Vegas, Nevada 89130 within 30 days from receipt of this decision or when your request for State Director Review is declined. As the appellant you have the burden of showing that the decision appealed from is in error. Enclosed is BLM Form 1842-1 that contains information on taking appeals to the IBLA.

This decision will remain in effect while the IBLA reviews the case unless a stay is granted by the IBLA. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Request for a Stay

If you wish to file a petition 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 Interior Board of Land Appeals (IBLA), 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 IBLA 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 must show sufficient justification based on the following standards:

1. The relative harm to 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.
4. Whether the public interest favors granting the stay.

Angelita S. Bulletts, District Manager
Southern Nevada District

Enclosures (2):

1. Copy of 43 CFR § 3809
2. Form 1842-1

cc: Rover Metals (USA), Inc.
Attn: John Zimmerman
14403 Rattlesnake Road
Grass Valley, CA 95945

ecc: John Zimmerman
Daniel Atkinson
David Carvalho