



United States Department of the Interior



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

In Reply Refer To:
N-94470
2800 (NVS01000)

CERTIFIED MAIL

DECISION

Crescent Peak Renewables, LLC :
7486 La Jolla Boulevard, Suite 276 : Right-of-Way
La Jolla, California 92037 :

Right-of-Way Application Rejected Casefile Closed

On November 16, 2015, the Bureau of Land Management (BLM) received your right-of-way (ROW) application from Crescent Peak Renewables, LLC (Crescent Peak) to construct, operate, maintain, and terminate up to 106 wind turbines and associated facilities on public lands. The ROW application has been assigned serial number N-94470. Please refer to this case number in all future correspondence.

On November 19, 2018, Crescent Peak received a letter from the BLM Assistant Secretary of Land and Minerals Management stating that this application could not be processed due to non-conformance with the approved Las Vegas Resource Management Plan (RMP) and conflicts with resource uses, military training missions, and county development. Therefore, the BLM is hereby rejecting your application pursuant to 43 CFR 2804.25 (e)(2)(ii-iii) and 43 CFR 2804.26 (a)(1-2) and the casefile is 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 (request) pursuant to regulation 43 CFR 2801.10 or 2881.10 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.

If you have any questions, please contact Jamie Moeini, Realty Specialist, by email at jmoeini@blm.gov or by phone at (702) 515-5129.

Boris Poff
Assistant Field Manager
Division of Lands

Enclosures

cc: Mr. Hans-Christian Schulze
Eolus North America, Inc.
5538A La Jolla Boulevard
La Jolla, California 92037