



SDR-922-91-11
3165.3 (922.L)

APR 24 1991

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

DECISION

Blackfeet Tribe of the)	
Blackfeet Indian Reservation)	
P.O. Box 850)	SDR No. 922-91-11
Browning, Montana 59847)	

DISMISSED

The Blackfeet Tribe of the Blackfeet Indian Reservation (Tribe) has requested a State Director Review (SDR) on the Record of Decision (ROD) issued February 19, 1991, on the Fina Oil and Chemical Company (Fina) Federal South Glacier No. 1-26 well and the Final Environmental Impact Statement (FEIS) for proposed oil and gas drilling near Badger Creek and Hall Creek in the Badger-Two Medicine area of the Lewis and Clark National Forest in Montana. The request was dated April 17, 1991 (Enclosure 1), and was timely received by this office on April 22, 1991. An appeal has also been filed with the U.S. Forest Service, Region 1, Missoula, Montana (Enclosure 2). A copy of the Notice to Appeal was received by this office on April 19, 1991.

The Area Manager of the Great Fall Resource Area (GFRA) approved the Fina application for permit to drill (APD) on March 8, 1991. The site for the proposed Federal South Glacier No. 1-26 well is located in the SE~~1/4~~NE~~1/4~~ section 26, T. 30 N., R. 13 W., PMM, Glacier County, Montana. The FEIS was prepared to assess the probable environmental impacts of drilling this well and the Chevron well, located in the SW~~1/4~~NE~~1/4~~ of section 35, T. 29 N., R. 12 W., PMM, Pondera County, Montana which is approximately 10 miles to the northwest. The FEIS was completed in November 27, 1990, and the ROD on the Fina well was issued February 19, 1991.

A review of the Statements of Reasons indicate that there are no issues which can be specifically addressed by the Bureau of Land Management (BLM) in this SDR request. As stated in the ROD, Part XI, Appeal Procedures, page 25, the decisions made by the BLM related to the approval of the Drilling Plan and the Hydrogen Sulfide Contingency Plan are appealable to the State Director, Montana State Office, pursuant to 43 CFR 3165.3.

Because the SDR request does not specifically address any issues related to the Drilling Plan and the Hydrogen Sulfide Contingency Plan, we hereby dismiss the SDR filed by the Tribe. Also, your request for a stay on the drilling of the well is denied.

This Decision may be appealed to the Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR 4.400 and the enclosed Form 1842-1 (Enclosure 3). If an appeal is taken, a Notice of Appeal must be filed in this office at the aforementioned address within 30 days from receipt of this Decision. A copy of the Notice of Appeal and of any statement of reasons, written arguments, or briefs must also be served on the Office of the Solicitor at the address shown on Form 1842-1. It is also requested that a copy of any statement of reasons, written arguments, or briefs be sent to this office. The appellant has the burden of showing that the decision appealed from is in error.

/s/ Donald L. Gilchrist

Donald L. Gilchrist
Deputy State Director
Division of Mineral Resources

3 Enclosures

- 1-Tribe's letter to BLM,
Montana State Office dated April 17, 1991 (5 pp)
- 2-Tribe's letter to USFS,
Regional Forester dated April 15, 1991 (8 pp)
- 3-Form 1842-1 (1 p)

cc: (w/o encls.)

Mr. John W. Mumma, U. S. Forest Service, Region 1, P.O. Box 7669
Missoula, Montana 59807

Ms. Jeanne S. Whiteing, Whiteing & Thompson, Attorneys At Law,
1136 Pearl Street, Suite 203, Boulder, Colorado 80302

DM, Lewistown
AM, GFRA

bc: (w/o encls.)

WO(610), PRE, Rm. 601

DM, Dickinson

DM, Miles City

MT-(922)

All State Offices

CERTIFIED MAIL
No. 2440

AUG 30 1991

SDR-922-91-11
3165.3 (922.H)

RETURN RECEIPT REQUESTED

CERTIFIED-RETURN RECEIPT REQUESTED

DECISION

Earl Old Person)
Chairman)
Blackfeet Nation)
P.O. Box 850)
Browning, Montana 59417)

SDR No. 922-91-11

REVERSED

The Blackfeet Nation (Appellants) requested a State Director Review (SDR) on April 17, 1991, of the Great Falls Resource Area (GFRA) Manager's decision approving the Fina Oil and Chemical Company (Fina) application for permit to drill (APD). The request was timely received by this office on April 22, 1991.

On April 24, 1991, this office dismissed the SDR because the request did not specifically address any issues related to the Drilling or Hydrogen Sulfide Contingency Plan (Enclosure 1).

In a request dated May 22, 1991, Appellants filed an appeal with the Interior Board of Land Appeals (IBLA) over the April 24, 1991, SDR decision.

On July 18, 1991, Counsel for the BLM requested the case be remanded to the BLM for further review (Enclosure 2). On July 31, 1991, the BLM notified Fina that the decision to approve the APD was stayed until further notice (Enclosure 3). IBLA approved the BLM request for remand on August 5, 1991 (Enclosure 4).

We have determined that your appeal to the State Director dated April 17, 1991, and the May 22, 1991, appeal to IBLA needs to be addressed by the GFRA.

Therefore, we are reversing the Area Manager's (AM) record of decision (ROD) which approved the Fina APD. Approval of the Application for Permit To Drill has been rescinded. We are directing the AM to conduct an independent review of the surface-related issues in the EIS. If this independent review concludes that the surface resources in the EIS have been adequately addressed, the AM will issue a new BLM ROD. This ROD would then be appealable for up to 20 business days to the State Director

/s/ Thomas P. Lonnie

Thomas P Lonnie

4 Enclosures

- 1-SDR decision dated April 24, 1991 (2 pp)
- 2-Request for remand dated July 18, 1991 (2 pp)
- 3-Letter to Fina dated July 31, 1991 (1 p)
- 4-IBLA approval of remand request dated August 5, 1991 (2 pp)

cc: (w/o encls.)

Mr. John W. Mumma, U.S. Forest Service, P.O. Box 7669, Missoula,
Montana 59807
DM, Lewistown

cc: (w/encls.)

AM, GFRA
Regional Solicitor

bc: (w/o encls.)

Mr. Keith Sandifer, U.S. Forest Service, P.O. Box 869, Great Falls,
Montana 59403

WO(610), PRE Rm. 601

DM, Dickinson

DM, Miles City

MSO (922)

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