

Chapter 7 – Appeals



Maintaining successful working relationships can be accomplished by keeping the lines of communication open. In most cases, up-front and frequent phone calls, e-mails, meetings, and field tours can generate understanding, lead to agreement, and eliminate the delay, cost, and frustration of the administrative appeals process.

Bureau of Land Management Administrative Relief

All actions and decisions of the Bureau of Land Management (BLM), related to the oil and gas program as governed by 43 CFR 3160 and all Onshore Oil and Gas Orders and Notices to Lessees (NTLs) are subject to State Director Reviews (SDRs), appeals, or both upon request.

SDRs are conducted according to 43 CFR 3165.3. Appeals are processed according to 43 CFR 3165.4. An SDR must be conducted before pursuing an appeal under this set of regulations. SDRs apply to decisions related to Application for Permit to Drill (APD) conditions of approval or stipulations, inspection and enforcement actions, and APD or Sundry Notices. SDRs and appeals must be filed in the appropriate office according to the regulatory timeframes prescribed.

Forest Service Appeals

Forest Service (FS) decisions approving use of National Forest System lands are subject to agency appeal procedures in accordance with 36 CFR 215 or 251. Decisions governing Surface

Use Plan of Operations (SUPO) and Special Use Authorization (SUA) approvals based on analysis, documentation, and other requirements of the National Environmental Policy Act (NEPA) are subject to agency appeal procedures under 36 CFR 215. Decisions solely affecting the business relationship between the FS and holders of written instruments regarding occupancy and use of National Forest System lands can be appealed by permit holders under 36 CFR part 251, subpart C, or under 36 CFR 215, but not under both regulations.

Appeals under either 36 CFR 215 or 251 must be filed within 45 days of the date of written notice of the decision being appealed. Generally, a response to appeals will be issued within 30 days following the close of the appeal period for appeals filed under 36 CFR 251, and within 45 days following the close of the appeal period for appeals filed under 36 CFR 215.

Bureau of Indian Affairs Appeals

Decisions of the Bureau of Indian Affairs (BIA) may be appealed under 25 CFR 2.

