



United States Department of the Interior



BUREAU OF LAND MANAGEMENT
Montana State Office
5001 Southgate Drive
Billings, Montana 59101-4669
www.blm.gov/mt

In Reply Refer To:

3100 (MT9220.WL)

May 13, 2010

CERTIFIED-RETURN RECEIPT REQUESTED

DECISION

Ms. Sarah McMillan
Western Environmental Law Center
P.O. Box 7435
Missoula, Montana 59807-7435

Mr. Erik Schlenker-Goodrich
Ms. Megan Anderson
Western Environmental Law Center
P.O. Box 1507
Taos, New Mexico 87571-1507

PROTEST DISMISSED

On March 29, 2010, we received your protest dated March 26, 2010. You protested the entire April 13, 2010, Bureau of Land Management (BLM) Montana-Dakotas Competitive Oil and Gas Lease Sale. As you are aware, the BLM made a decision to delay our scheduled oil and gas lease sales, including the April 13 sale, in order to complete additional environmental reviews under the National Environmental Policy Act. Since the April 13 lease sale was not held, we are dismissing your protest as moot. Parcels to be included in future lease sales (which may or may not include the parcels originally listed in the April 13 sale) will be posted, and a new protest period will be applicable for those parcels.

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 4.21(a) (Enclosure 1) and the enclosed Form 1842-1 (Enclosure 2). If an appeal is taken, the Notice of Appeal must be filed in the Montana State 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 for a stay pursuant to 43 CER Part 4, Subpart B §4.21, 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 must show sufficient justification based on the standards listed below. 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 regulations, a petition for a stay of a decision pending appeal shall be evaluated 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.

Copies of the Notice of Appeal, Petition for Stay, and any statement of reasons, written arguments or briefs must also be submitted to the Office of the Solicitor at the address shown on Form 1842-1 at the same time the original documents are filed in this office.

/s/ Howard A. Lemm

Howard A. Lemm
Acting State Director

2 Enclosures

1-43 CFR 4.21(a) (2 pp)

2-Form 1842-1 (1 p)