

CERTIFIED MAIL
No. **2436**

RETURN RECEIPT REQUESTED

AUG 30 1991

SDR-922-91-7
3165.3 (922.H)

CERTIFIED-RETURN RECEIPT REQUESTED

DECISION

Donald R. Marble)
P.O. Box 649)
Chester, Montana 59801)

Glacier-Two Medicine Alliance)
P.O. Box 181)
East Glacier, Montana 59434)

CERTIFIED MAIL
No. **2437**

SDR No. 922-91-7

REVERSED RETURN RECEIPT REQUESTED

Mr. Marble, attorney for the Glacier-Two Medicine Alliance (Alliance), requested a State Director Review (SDR), on behalf of the Alliance, 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 dated April 8, 1991, and was timely received by this office on April 10, 1991.

On April 12, 1991, this office dismissed the SDR because the request did not specifically address any issues related to the Drilling and Hydrogen Sulfide Contingency Plans (Enclosure 1).

We have determined that your appeal to the State Director (SD) dated April 10, 1991, 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 Approval of the APD has been rescinded.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 SD.

/s/ Thomas P. Lonnie

Thomas P. Lonnie

1 Enclosure

1-SDR decision dated April 12, 1991 (2 pp)

cc:

Mr. John W. Munn, U.S. Forest Service, P.O. Box 7669, Missoula
Montana 59807 (w/o encls.)

DM, Lewistown (w/o encls.)

AM, GFRA (w/encls.)

Regional Solicitor (w/encls.)

CERTIFIED MAIL
No. 1242

SDR-922-91-07
3165.3 (922.L)

RETURN RECEIPT REQUESTED

April 12, 1991

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

DECISION

Mr. Donald R. Marble)
P.O. Box 649)
Chester, Montana 59801)
Glacier-Two Medicine Alliance)
P.O. Box 181)
East Glacier, Montana 59434)

SDR No. 922-91-07

CERTIFIED MAIL

1248

No.

RETURN RECEIPT REQUESTED

DISMISSED

Mr. Donald R. Marble, Attorney for the Glacier-Two Medicine Alliance ("Alliance") has requested a State Director Review, on behalf of the Alliance, on the Record of Decision (ROD) issued February 19, 1991, on the Fina Oil and Chemical Company (Fina) well. This appeal has also been filed with the U.S. Forest Service, Region 1, Missoula, Montana. The request was dated April 8, 1991 (Enclosure 1), and was timely received by this office on April 10, 1991.

The Area Manager of the Great Falls 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 SE1/4 sec. 26, T. 30 N., R. 13 W., P.M.M., Glacier County, Montana. An Environmental Impact Statement (EIS) was prepared to assess the probable environmental impacts of drilling this well and the Chevron well, located in the SW1/4 of sec. 35, T. 29 N., R. 12 W., P.M.M., Pondera County, Montana, which is approximately 10 miles to the northwest. The Final EIS was completed on November 27, 1990, and the ROD on the Fina well was issued February 19, 1991.

The Alliance objects to the ROD that adopts Alternative 2 approving the Fina APD. A review of the Statement of Reasons attached to the SDR indicate that there are no issues which can be specifically addressed by the Bureau of Land Management (BLM). 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 Alliance.

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 2). 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

2 Enclosures

- 1-Alliance letter dated April 8, 1991 (59 pp)
- 2-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

DM, Lewistown
AM, GFRA