



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Wyoming State Office
P.O. Box 1828
Cheyenne, Wyoming 82003-1828

In Reply Refer to:
3100 (923Hite)
August 2014 Protests

August 4, 2014

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Powder River Basin Resource Council
Attention: Jill Morrison
934 North Main
Sheridan, Wyoming 82801

DECISION

PROTEST DENIED

An oil and gas lease sale Environmental Assessment (EA, no. WY-070-EA14-51) was prepared by the High Plains District (HPD), along with a draft, unsigned Finding of No Significant Impact (FONSI)¹, and released on January 21, 2014, for a 30-day public review period, ending February 19, 2014. The Powder River Basin Resource Council (PRBRC) provided timely public comments to the HPD, and those comments were addressed in the revised EA (version 2) posted online on May 7, 2014. On July 7, 2014, the Bureau of Land Management (BLM), Wyoming State Office (WSO), received an email from PRBRC expressing dissatisfaction with the comment responses in the revised EA (version 2), resubmitting to the WSO the EA comments submitted to the HPD, and demanding “a full review and response by BLM prior to the issuance of any of these leases.”

The August 2014 Competitive Oil and Gas Lease Sale Notice (Sale Notice) set forth the following requirements for protest of the sale of a listed parcel².

- *We must receive a protest no later than 4:00 p.m. local time on June 6, 2014, the 60th calendar day prior to the date of the sale. If our office is not open on the 60th day prior to the date of the sale, a protest received on the next day our office is open to the public will be considered timely filed. The protest must also include any statement of reasons to support the protest. We will dismiss a late-filed protest or a protest filed without a statement of reasons.*

¹ See the BLM's NEPA Handbook H-1790-1 at page 76. Though the BLM has elected to release draft, unsigned FONSI for public review in this instance, the BLM is not asserting that any of the criteria in 40 CFR 1501.4(e)(2) are met. Since the RMP EISs have already evaluated potentially significant impacts arising from the BLM's land use planning decisions, the BLM anticipates a “finding of no new significant impacts” for each EA. See 43 CFR 46.140(c).

² See pages viii and ix.

- *A protest must state the interest of the protesting party in the matter.*
- *The protest document must be signed. Unsigned protest documents will be dismissed.*
- *A protest must reference the parcel number identified in this sale notice. Use of any other parcel number will result in the protest being dismissed.*
- *You may file a protest either by mail in hardcopy form or by telefax. You may not file a protest by electronic mail. A protest filed by fax must be sent to 307-775-6203. A protest sent to a fax number other than the fax number identified or a protest filed by electronic mail will be dismissed.*
- *If the party signing the protest is doing so on behalf of an association, partnership or corporation, the signing party must reveal the relationship between them. For example, unless an environmental group authorizes an individual member of its group to act for it, the individual cannot make a protest in the group's name.*

The PRBRC submittal is being considered as a protest of the sale of parcels listed in the Sale Notice, since it demands “a full review and response by BLM prior to the issuance of any of these leases.” This protest (1) was not timely filed, (2) was unsigned, (3) did not reference any specific parcel number identified in the sale notice, and (4) was filed by email. Each of these conditions is in violation of the requirements set forth in the August 2014 Sale Notice for the protest of the sale of a listed parcel. As such, this protest is hereby denied.

APPEAL INFORMATION

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 Form 1842-1 (attached). If an appeal is taken, your notice of appeal must be filed in this office (at the above address) within 30 days from your receipt of this decision. The protestor has the burden of showing that the decision appealed from is in error.

If you wish to file a petition for a stay 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 be submitted to each party named in this decision, 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 protestor'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.



Larry Claypool
Deputy State Director,
Minerals and Lands

Attachment

cc:

(email only, no hard copy)

District Manager, High Plains District

Field Manager, Buffalo Field Office

Field Manager, Casper Field Office

Field Manager, Newcastle Field Office

District Manager, Wind River/Bighorn Basin District

Field Manager, Cody Field Office

Field Manager, Lander Field Office

Field Manager, Worland Field Office

District Manager, High Desert District

Deputy State Director, Division of Minerals and Lands (920)

Deputy State Director, Division of Resources (930)

Chief, Branch of Fluid Minerals, Land, and Appraisal (921)

Chief, Branch of Leasing and Adjudication (923) e-mail & final copy on letterhead

Kelly Roberts (923) e-mail & final copy on letterhead