



# 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**

Erik Molvar  
Wild Earth Guardians  
319 S. 6<sup>th</sup> Street  
Laramie, Wyoming 82070

Matthew Sandler  
Rocky Mountain Wild  
1536 Wynkoop St., Suite 303  
Denver, Colorado 80202

## **DECISION**

### **PROTESTS DENIED: ALL PARCELS WILL BE OFFERED FOR SALE**

On June 6, 2014, the Bureau of Land Management (BLM), Wyoming State Office (WSO), timely received a protest to specific oil and gas lease sale parcels planned to be offered in the August 5, 2014, competitive oil and gas lease sale (August 2014 Sale) from WildEarth Guardians (WEG) and Rocky Mountain Wild (RMW). The parcels the BLM plans to offer are described in the WSO's Notice of Competitive Oil and Gas Lease Sale for August 5, 2014, (Sale Notice) that was published and released to the public on May 7, 2014.

The BLM received nominations for the August 2014 Sale until September 20, 2013. The August 2014 Sale includes Federal fluid mineral estate located in the BLM Wyoming's High Plains District (or HPD, which includes the Buffalo, Casper, and Newcastle Field Offices) and the Wind River/Bighorn Basin District (or WRBBD, which includes the Cody, Lander, and Worland Field Offices). After preliminary adjudication of the nominated parcels by the WSO, the parcels were reviewed by the field offices and District Offices, including interdisciplinary review, field visits to nominated parcels (where appropriate), review of conformance with the Resource Management Plan (RMP) decisions for each planning area, and preparation of an Environmental Assessment (EA) documenting National Environmental Policy Act (NEPA) compliance.<sup>1</sup>

During the BLM's review of the August 2014 parcels, the WSO also independently screened each of the parcels, confirmed plan conformance,<sup>2</sup> coordinated with the State of Wyoming Governor's Office and Game and Fish Department, confirmed compliance with national and state BLM policies, and considered on-going efforts by the BLM in Wyoming to revise or amend RMPs for planning areas subject to this sale, including the BLM's on-going planning efforts related to the management of greater sage-grouse habitat on public lands.

<sup>1</sup> <http://www.blm.gov/wv/st/en/info/NEPA/documents/og-ca/2014/august.html>

<sup>2</sup> See BLM's Land Use Planning Handbook at page 42: "After the RMP is approved, any authorizations and management actions approved... must be specifically provided for in the RMP or be consistent with the terms, conditions, and decisions in the approved RMP." See also 43 CFR 1610.5-3.

The oil and gas lease sale EAs prepared by the HPD (WY-070-EA14-51) and WRBBD (DOI-BLM-WY-020-EA-14-7), along with draft, unsigned Findings of No Significant Impact (FONSIs)<sup>3</sup> were released on January 21, 2014, for a 30-day public review period, ending February 19, 2014. WEG provided public comments to the BLM. The EA tiered to the existing RMPs and their respective Environmental Impact Statements (EISs), in accordance with 40 CFR 1502.20:

*“Agencies are encouraged to tier their environmental impact statements to eliminate repetitive discussions of the same issues and to focus on the actual issues ripe for decision at each level of environmental review... the subsequent ... environmental assessment need only summarize the issues discussed in the broader statement and incorporate discussions from the broader statement by reference and shall concentrate on the issues specific to the subsequent action.”*

### WEG/RMW PROTEST

In their protest, WEG/RMW are protesting, in total, the offering of 31 parcels (out of 77) described in the WSO’s Sale Notice. The following table identifies, and describes the acreages associated with, the protested parcels:

Parcel No. WY-1408		
Preliminary	Final	Notice Offering [Original nomination acreage; deferred/deleted acreages]
-005	-005	400.000 ac [Original nomination of 400.000 ac: No deferral or deletion]
-012	-008	40.000 ac [Original nomination of 40.000 ac: No deferral or deletion]
-015	-009	40.390 ac [Original nomination of 240.390 ac: Deferred 200.000 ac. - Discretion of the State Director pending completion of the GSG 9-Plan RMP Amendments]
-018	-010	315.640 ac [Original nomination of 315.640 ac: No deferral or deletion]
-020	-012	266.940 ac [Original nomination of 266.940 ac: No deferral or deletion]
-024	-014	160.000 ac [Original nomination of 160.000 ac: No deferral or deletion]
-031	-017	72.370 ac [Original nomination of 72.370 ac: No deferral or deletion]
-033	-019	125.870 ac [Original nomination of 125.870 ac: No deferral or deletion]
-038	-024	160.710 ac [Original nomination of 360.710 ac: Deferred 200.000 ac. - Discretion of the State Director pending completion of the GSG 9-Plan RMP Amendments]
-087	-032	40.000 ac [Original nomination of 40.000 ac: No deferral or deletion]

<sup>3</sup> See the BLM’s NEPA Handbook H-1790-1 at page 76. Though the BLM has elected to release draft, unsigned FONSIs 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).

Parcel No. WY-1408		
Preliminary	Final	Notice Offering [Original nomination acreage: deferred/deleted acreages]
-088	-033	120.000 ac [Original nomination of 120.000 ac: No deferral or deletion]
-089	-034	394.580 ac [Original nomination of 599.830 ac: Deferred 205.250 ac. – Pursuant to IM WY-2012-019 Greater sage-grouse screen, pending completion of the GSG 9-Plan RMP Amendments]
-090	-035	45.710 ac [Original nomination of 45.710 ac: No deferral or deletion]
-091	-036	520.000 ac [Original nomination of 520.000 ac: No deferral or deletion]
-092	-037	39.470 ac [Original nomination of 39.470 ac: No deferral or deletion]
-096	-040	1,010.660 ac [Original nomination of 1,010.660 ac: No deferral or deletion]
-097	-041	239.780 ac [Original nomination of 679.780 ac: Deleted 440.000 ac. – Within incorporated town limits of Rolling Hills]
-098	-042	1,361.980 ac [Original nomination of 1,442.790 ac: Deferred 80.810 ac. - Pursuant to IM WY-2012-019 Greater sage-grouse screen, pending completion of the GSG 9-Plan RMP Amendments]
-099	-043	200.000 ac [Original nomination of 200.000 ac: No deferral or deletion]
-100	-044	120.000 ac [Original nomination of 120.000 ac: No deferral or deletion]
-105	-049	240.000 ac [Original nomination of 240.000 ac: No deferral or deletion]
-107	-051	1,600.000 ac [Original nomination of 1,600.000 ac: No deferral or deletion]
-108	-052	1,080.000 ac [Original nomination of 1,400.000 ac: Deferred 320.000 ac. - Pursuant to IM WY-2012-019 Greater sage-grouse screen, pending completion of the GSG 9-Plan RMP Amendments]
-112	-056	1,080.000 ac [Original nomination of 1,080.000 ac: No deferral or deletion]
-113	-057	1,438.690 ac [Original nomination of 1,438.690 ac: No deferral or deletion]
-115	-058	240.000 ac [Original nomination of 240.000 ac: No deferral or deletion]
-116	-059	160.000 ac [Original nomination of 840.000 ac: Deferred 680.000 ac. - Pursuant to IM WY-2012-019 Greater sage-grouse screen, pending completion of the GSG 9-Plan RMP Amendments]

Parcel No. WY-1408		
Preliminary	Final	Notice Offering [Original nomination acreage: deferred/deleted acreages]
-125	-062	860.100 ac [Original nomination of 2,236.090 ac: Deferred 1,375.990 ac. - Pending completion of Bighorn Basin RMP Revision]
-126	-063	1,633.710 ac [Original nomination of 1,720.920 ac: Deferred 87.210 ac. - Pending completion of Bighorn Basin RMP Revision]
-144	-074	760.840 ac [Original nomination of 1,120.840 ac: Deferred 600.000 ac. - Pursuant to IM WY-2012-019 Greater sage-grouse screen and discretion of the State Director, pending completion of the GSG 9-Plan RMP Amendments ; Pending completion of Bighorn Basin RMP Revision]
-145	-075	199.030 ac [Original nomination of 1,551.560 ac: Deferred 1,352.530 ac. - Discretion of the State Director, pending completion of the GSG 9-Plan RMP Amendments ; Pending completion of Bighorn Basin RMP Revision]

## STANDING

The Sale Notice describes the manner in which protests will be considered, and requires (at page viii):

*A protest must state the interest of the protesting party in the matter.*

The BLM's regulations addressing protests of competitive oil and gas lease sales (at 43 CFR §3120.1-3) do not describe any limitations as to who may protest inclusion of lands in a sale notice.<sup>4</sup> Recently, the issue of standing for purposes of appealing a BLM decision to dismiss and deny lease sale protests was addressed by the Interior Board of Land Appeals (IBLA). In *Biodiversity Conservation Alliance et al.* (183 IBLA 97, decided January 8, 2013), the IBLA evaluated the standing of the appellants to challenge the BLM's decisions to dismiss and deny protests related to certain oil and gas lease sale parcels, and determined (183 IBLA 97, 108):

*"...since the BLM decision at issue involves the leasing of several parcels of land for oil and gas purposes, each of the appellants must show an adverse effect as a result of the leasing of each parcel to which it objects, in order to be recognized as having standing to appeal the decision to lease that parcel."*

In their protest of the 31 parcels from the August 2014, WEG/RMW did not provide to the BLM "colorable allegations" of an adverse effect, supported by specific facts, set forth in an affidavit, declaration, or other statement of an affected individual, sufficient to establish a causal relationship between the approved action and the injury alleged, (183 IBLA 97, 107). Nonetheless, given the BLM's directions to the public in the Sale Notice regarding submittal of protests, and the lack of specific agency guidance for adjudicating when an individual or group may have standing to protest lease parcels, the

<sup>4</sup> Other BLM regulations pertaining to administrative reviews of agency decisions do, in some cases, provide an indication of who may bring a request for review of the BLM's decision. For example, the BLM's State Director Review (SDR) regulations for onshore oil and gas operations (at 43 CFR §3165.3(b)) indicate that a requestor must be an "adversely affected party."

BLM has decided to answer the specific arguments made by WEG/RMW. However, the BLM does so with the reservation that WEG/RMW may not have standing to appeal this protest decision to the IBLA.

The remainder of our response will answer the protestors' arguments related to these 31 parcels (final parcel numbers WY-1408-005, -008, -009, -010, -012, -014, -017, -019, -024, -032, -033, -034, -035, -036, -037, -040, -041, -042, -043, -044, -049, -051, -052, -056, -057, -058, -059, -062, -063, -074, and -075). The protestors' substantive arguments are provided in bold, with BLM responses following.

## ISSUES – WILDEARTH GUARDIANS AND ROCKY MOUNTAIN WILD (WEG/RMW)

- 1. Parcels numbered WY-1408-9, 24, 34, 42, 52, 59, 74, and 75 are “under protest because they are within sage grouse Core Areas in the absence of adequate stipulations to prevent significant impacts to sage grouse.” (WEG/RMW Protest at unnumbered page 1)**

### BLM Response

Of the listed parcels, only parcel WY-1408-042 is located within State of Wyoming-designated greater sage-grouse Core Population Area (Core Area)<sup>5</sup>. Greater sage-grouse are a BLM-listed sensitive species<sup>6</sup>.

On August 1, 2008, the Wyoming Governor issued Executive Order 2008-2<sup>7</sup>, establishing a “core population area strategy” for sage-grouse in Wyoming, an approach adopted by the BLM on public lands, as documented in BLM Wyoming Instruction Memorandum (IM) No. WY-2012-019<sup>8</sup>.

The Core Population Area strategy has been endorsed by the U.S. Fish and Wildlife Service (FWS)<sup>9</sup>:

*“The Service does indeed believe the “core population area strategy,” as outlined in the Implementation Team’s correspondence to the Governor, is a sound framework for a policy by which to conserve greater sage-grouse in Wyoming.”*

BLM Wyoming IM No. WY-2012-019 (at pages 13-15 and the IM’s attachment number 7) requires the BLM to conduct a sage-grouse screen on every reviewed oil and gas parcel to determine if the parcel should be offered for sale or deferred pending completion of the on-going sage-grouse RMP amendments and plan revisions in all 10 BLM Wyoming field offices. Screening criteria are described in the IM and the results are provided for all parcels in the August 2014 oil and gas lease sale EAs (Appendix A in HPD’s WY-070-EA14-51 and Appendix C in WRBBD’s DOI-BLM-WY-020-EA-14-7). This screen provides for an objective, repeatable evaluation of nominated parcels to ensure that contiguous blocks of unleased sage-grouse habitat in Core Areas are not leased until the BLM’s public RMP revision or

<sup>5</sup> The State of Wyoming’s current Core Area boundaries are described by the State as “Version 3.” See <http://ef.state.wy.us/vweb2011/wildlife-1000382.aspx>.

<sup>6</sup> See BLM Wyoming IM 2010-027 (“Update of the Bureau of Land Management, Wyoming, Sensitive Species List – 2010”), April 5, 2010.

<sup>7</sup> Wyoming Office of the Governor, Executive Order 2008-2 “Greater Sage-Grouse Core Area Protection.” This Executive Order has since been re-issued (most recently June 2, 2011 as EO 2011-5) and the core population area strategy remains in place.

<sup>8</sup> IM No. WY-2012-019 (“Greater Sage-Grouse Habitat Management Policy on Wyoming Bureau of Land Management (BLM) Administered Public Lands Included the Federal Mineral Estate”), dated February 10, 2012.

<sup>9</sup> Letter from Brian Kelly (FWS Wyoming Field Supervisor) to Ryan Lance (Wyoming Office of the Governor), dated May 7, 2008. By letter to the Wyoming Office of the Governor, dated November 10, 2010, the FWS again supported the Core Area strategy as updated through a subsequent Executive Order (“If fully implemented, we believe the Revised Strategy can provide the conservation program necessary to achieve your goal of precluding listing of the Greater sage-grouse in Wyoming.”).

amendment processes have been completed. This approach recognizes the need (1) to provide energy production from public lands and the jobs energy production provides and (2) to ensure the outcomes of the RMP EISs are not prejudiced and the decision-maker's ability to select from a range of reasonable alternatives designed to protect sage-grouse habitat.

The Council on Environmental Quality's (CEQ's) regulations at 40 CFR 1506.1 describe the limitations on actions during the NEPA process, including (a):

*"Until an agency issues a record of decision... no action concerning the proposal shall be taken which would: (1) Have an adverse environmental impact; or (2) Limit the choice of reasonable alternatives."*

The Department of the Interior's (DOI's) NEPA regulations at 43 CFR 46.160 further explain:

*"During the preparation of a program or plan NEPA document, the Responsible Official may undertake any major Federal action in accordance with 40 CFR 1506.1 when that action is within the scope of, and analyzed in, an existing NEPA document supporting the current plan or program, so long as there is adequate NEPA documentation to support the individual action."*

Lastly, the BLM's NEPA Handbook<sup>10</sup> provides:

*"You must not authorize any action that would limit the choice of alternatives being analyzed under the NEPA until the NEPA process is complete (40 CFR 1506.1). However, this requirement does not apply to actions previously analyzed in a NEPA document that are proposed for implementation under an existing land use plan."*

Offering competitive oil and gas leases at the August 2014 Sale is an implementation decision under the applicable RMPs<sup>11</sup>. Of the parcels nominated and reviewed for the August 2014 Sale, 46 percent of the reviewed lease parcel acreage was deleted or deferred, partly as a result of the BLM Wyoming Greater sage-grouse screen<sup>12</sup>. The EAs describe potential impacts to sage-grouse and their habitats on these parcels. We believe the EAs, and the RMP EISs to which they are tiered, provide adequate disclosure for the decision-maker regarding the potential impacts to sage-grouse and their habitats from leasing the protested parcels.

Oil and gas leasing is an important implementation decision arising from the approved RMPs, granting certain rights to the lessee. However, the BLM also regulates the lessee or operator's actions on the lease (43 CFR 3101.1-2 and 43 CFR 3162.5-1(a)). The BLM also complies with procedural requirements of NEPA and other applicable laws such as the Endangered Species Act and the National Historic

<sup>10</sup> BLM Handbook H-1790-1 (January 30, 2008) at page 3.

<sup>11</sup> See BLM's Land Use Planning Handbook (H-1601-1, dated March 11, 2005) at Appendix C, page 24: "Implementation Decisions: Offer leases with appropriate stipulations."

<sup>12</sup> Of the 152 parcels nominated and reviewed for the August 2014 Sale (comprised of 78,150.913 acres), 77 parcels were carried forward to be offered (comprised of 41,804.803 acres). A total of 36,346.110 acres were deferred or deleted, or 47% of that area nominated and reviewed. Of the 152 parcels nominated and reviewed for this sale, 38 intersected Core Areas (comprised of approximately 10,911 acres located within Core Areas). After completion of the sage-grouse screens by the Wyoming State Office, only one parcel (WY-1408-042) remained that intersected Core Areas (comprised of approximately 1,329 acres within Core Areas) nominated and reviewed.

Preservation Act. As required by law and regulation, the lessee or their operator must first submit a plan and obtain approval from the BLM in order to initiate surface-disturbing activities on their lease<sup>13</sup>. At that time, the BLM will prepare an environmental record of review to determine, among other things, the appropriate terms and conditions of approval for the plan of operations submitted by the operator.

The Core Area strategy also comports with the Secretary of the Interior's recent Secretarial Order 3330<sup>14</sup>, which encourages strategies that include landscape-scale and regional approaches to mitigation. The State of Wyoming's Core Area strategy includes elements of compensatory mitigation over landscape and regional scales, whereby certain land uses are allowed in areas with sage-grouse habitat and populations, if the impacts can be compensated through reducing or limiting certain land uses elsewhere. A similar approach is considered by the BLM in undertaking land use allocation decisions in RMPs, which allocate certain land uses in portions of the planning area while allocating other portions of the planning area to other certain land uses. While the RMP amendments and revisions that will more fully address regional sage-grouse conservation strategies are not yet complete, the BLM will, in the meantime, defer leasing decisions in accordance with existing policies to ensure that we do not limit the range of reasonable alternatives in ongoing planning efforts.

WEG/RMW's position (in their protest at unnumbered page 4) that all leasing in "Priority Habitats" (Core Areas) should be deferred until the RMP amendments are completed would result in the temporary closing of over 10 million acres of BLM-administered oil and gas estate within Core Areas in Wyoming. However, the BLM's multiple-use mandate requires that the BLM also weigh other considerations, to ensure public lands (Section 103(c) of FLPMA):

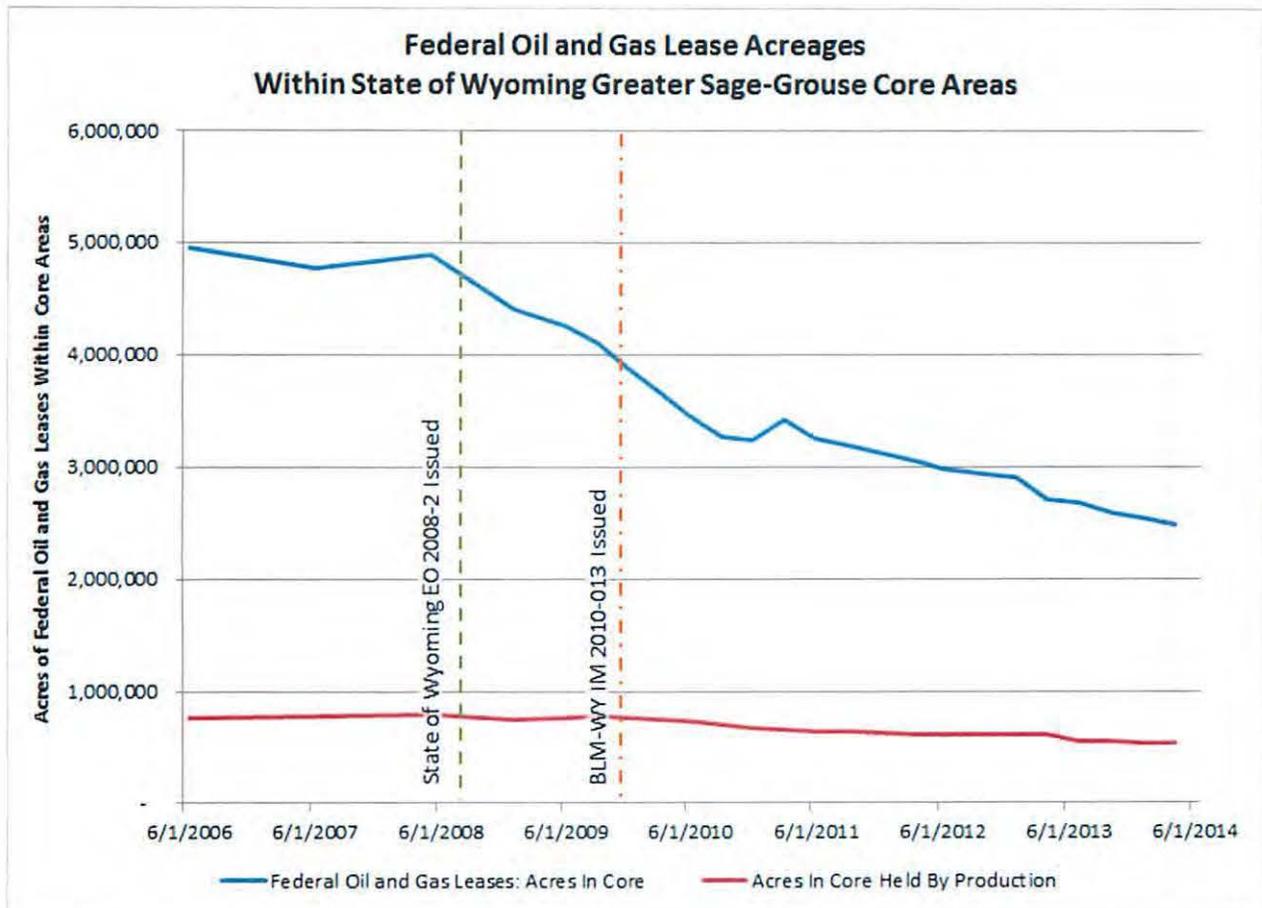
*"are utilized in the combination that will best meet the present and future needs of the American people; making the most judicious use of the land for some or all of these resources or related services over areas large enough to provide sufficient latitude for periodic adjustments in use to conform to changing needs and conditions..."*

WEG/RMW has offered no evidence that the Core Area strategy, including BLM's adoption of an interim approach during the period the land use plans are being revised state-wide, is not effective at reducing potential and actual impacts to sage-grouse and their habitats. In fact, the area encompassed by Federal oil and gas leases within Core Areas is currently the lowest it has been since before the Core Area strategy was issued by the Governor of Wyoming, and as adopted by the BLM<sup>15</sup>:

<sup>13</sup> See the Mineral Leasing Act of 1920, as amended. 30 U.S.C. § 226(g): "No permit to drill on an oil and gas lease issued under this chapter may be granted without the analysis and approval by the Secretary concerned of a plan of operations covering proposed surface-disturbing activities within the lease area." See also Onshore Oil and Gas Order No. 1 parts IV and VII. See also 43 CFR 3162.3-1(c) and 3162.3-3.

<sup>14</sup> "Improving Mitigation Policies and Practices of the Department of the Interior" (October 31, 2013).

<sup>15</sup> These data represent GIS analysis of the BLM's federal oil and gas leasing data from June 1, 2006 through April 1, 2014. To obtain these data, the WSO utilized twenty-three GIS shapefiles representing the extent of federal oil and gas leasing within Wyoming at varying (but generally 3-month) intervals. The shapefiles were clipped to Version 3 Core Area boundaries, and the total acreages of the federal oil and gas leases in Core Areas were calculated, first for all leases and second for those leases held by production. These data indicate that approximately 16% of the 15.3-million acre Core Area is leased (as of April 2014) for federal oil and gas development, down from a high of approximately 32% in May of 2008. These same data indicate that approximately 4% of the Core Area is currently in held by production status under a federal oil and gas lease.



Due to lease expirations, lease terminations, and the reduced pace of new leasing in Core Areas, the amount of Federal oil and gas estate leased by the BLM in Core Areas has fallen by 49 percent since the time the State of Wyoming issued the first sage-grouse Core Population Area Executive Order in 2008. The reduced pace of new leasing in Core Areas is the direct result of the application of the BLM's sage-grouse leasing screen, whereby many parcels in recent sales have been deferred from sale until the sage-grouse RMP amendments and on-going plan revisions are completed.

The BLM's cautious decision-making with regards to leasing in Core Areas has materially and substantially reduced the potential for adverse effects to sage-grouse habitat on public lands in Core Areas, during the period that the BLM is amending or revising its RMPs to ensure appropriate sage-grouse conservation measures are adopted range-wide.

We find that the BLM has provided "reasoned analysis containing quantitative or detailed qualitative information" (BLM's NEPA Handbook at page 131) in the EAs and RMP EISs to which they tier. We believe the BLM has taken a hard look at the effects of offering the protested parcels, and has satisfied NEPA's procedural requirements.

If the protested parcels were offered and successfully sold, the protested acreage located in Core Areas is approximately equal to nine-hundredths of one percent of the total sage-grouse Core Areas; we disagree with WEG/RMW's argument that issuance of these parcels with the stipulations provided under the current RMPs could somehow "foreclose on options for greater protection of sage grouse habitats within

the plan amendments and/or revisions” (WEG/RMW Protest at unnumbered page 4). Offering these parcels is in conformance with the approved RMPs, complies with current BLM policy, and a rational basis exists for offering these parcels while the on-going RMP revisions and amendments are being considered. For the reasons described above, we deny this portion of WEG/RMW’s protest.

2. **Parcels numbered WY-1408- 5, 8, 10, 12, 14, 17, 19, 32, 33, 34, 35, 36, 37, 40, 41, 43, 44, 49, 51 , 56, 57, 58, 59, 62, 63, 74, and 75 are “under protest because they are entirely or partially outside sage grouse Core Areas but within 4 miles of active sage grouse leks, and lack adequate stipulations to prevent significant impacts to sage grouse” (WEG/RMW Protest at unnumbered page 1)**

### BLM Response

WEG/RMW argues that “the prohibition of surface disturbance within 4 miles of a sage-grouse lek is the absolute minimum starting point for sage-grouse conservation” (WEG/RMW Protest at unnumbered page 6). WEG/RMW supports its conclusion that this area is crucial habitat with the assertion that “the National Technical Team, representing BLM’s own experts on sage grouse, has recommended NSO buffers of 4 miles from lek sites.”

In this argument, WEG/RMW refers to the BLM’s National Technical Team (NTT) report, released in BLM – Washington Office IM No. 2012-044. The IM describes the intent of the report:

*“The BLM must consider all applicable conservation measures when revising or amending its RMPs in Greater Sage Grouse habitat. The conservation measures developed by the NTT and contained in [the NTT Report] must be considered and analyzed, as appropriate, through the land use planning process...”*

The NTT Report also emphasizes the intent of the conservation measures in the report for land use planning purposes (at page 5):

*“The conservation measures described in this report are not an end point but, rather, a starting point to be used in the BLM’s planning processes.”*

It would be premature for the BLM to apply alternatives or recommendations from the NTT Report to the August 2014 Sale. As described in the IM and NTT Report, the RMP revisions or amendments will consider the NTT Report’s conservation measures relative to other land use objectives<sup>16</sup>; on a Greater sage-grouse range-wide basis; and including coordination with the states (and the states’ wildlife management agencies), the United States Fish and Wildlife Service, other cooperating agencies, and the public. The conservation measures in the NTT Report must be considered and analyzed through the BLM’s land use planning process, and were not intended or designed to be applied to implementation decisions (such as leasing decisions) prior to their evaluation through the RMP process. Offering lease parcels subject to the numerous conservation measures described in the NTT Report (some of which, we

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<sup>16</sup> Where there are competing resource values in the same area, Section 103(c) of FLPMA (43 U.S.C. §1702(c)) requires that the BLM manage the public lands and their various resource values so that they are utilized in the combination that will best meet our multiple use and sustained yield mandates.

note, are described as “alternatives” in the NTT Report) would not be in conformance with the current, approved RMPs, and so the BLM will not apply those measures until the plan revisions or amendments are completed.

Offering these parcels is in conformance with the current RMP, complies with current BLM policy, and a rational basis exists for offering these parcels while on-going RMP revisions and amendments are being considered. For the reasons described above, we deny WOC’s protest.

**DECISION**

After a careful review, it was determined that all of the 31 protested parcels described in the Notice of Competitive Oil and Gas Lease Sale will be offered at the August 5, 2014 sale. The protests to these 31 parcels are denied for the reasons described, above.

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

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