



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Wyoming State Office

P.O. Box 1828

Cheyenne, WY 82003-1828

www.blm.gov/wy



In Reply Refer To:
3100 (921 Gamper)
November 2014 Protests

NOV 03 2014

CERTIFIED – RETURN RECEIPT REQUESTED

Juli Slivka
The Wilderness Society
1660 Wynkoop St., Suite 850
Denver, CO 80202

DECISION

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NOVEMBER 2014 OIL AND GAS SALE PROTEST OF 34 PARCELS

PROTEST DENIED, RECEIVED UNTIMELY

On September 5, 2014, the Bureau of Land Management (BLM), Wyoming State Office (WSO), received a protest to the offering of 34 parcels at the November 4, 2014 Competitive Oil and Gas Lease Sale from The Wilderness Society (TWS). TWS protests the inclusion of lease sale parcels WY-14-11-015, 017, 021, 022, 023, 027, 028, 029, 030, 032, 033, 034, 035, 036, 037, 038, 039, 043, 044, 045, 046, 047, 048, 054, 055, 056, 057, 061, 062, 063, 064, 066, and 084, because “BLM is obligated to update its inventory of lands with wilderness characteristics in response to new information submitted by the public, evaluate impacts of this lease sale on lands with wilderness characteristics and address information previously submitted by TWS and other parties regarding lands with wilderness characteristics in the Rawlins Field Office.”

The public comment and protest periods for BLM’s oil and gas lease sale and parcel review process are primarily governed by BLM’s oil and gas leasing regulations (43 CFR Part 3100), and the procedural guidance established in WO IM 2010-117, Oil and Gas Leasing Reform – Land Use Planning and Lease Parcel Reviews.

Additional BLM policy regarding protest submittal is found in Handbook H-3120-1 – COMPETITIVE LEASES, which states in part:

“When a party has filed a protest under 43 CFR 3120.1-3, the following requirements must be met. A protest that does not meet these requirements will be dismissed” (H-3120-1, II.B.22).

“The protest must be received within 30 calendar days of the posting date of the sale notice. If the office is not open on the 30th day, a protest received on the next day the office is open to the public will be accepted. The protest must be received during the hours the Information Access Center is open.”¹ (H-3120-1, II.B.22a).

Also, the regulations contained in 43 CFR § 3000.6, Filing of documents, states: “All necessary documents shall be filed in the proper BLM office. A document shall be considered filed when it is received in the proper BLM office during regular business hours (see § 1821.2 of this title).”

In conformance with IM 2010-117, the WSO posted the November 4, 2014 Sale Notice, 90-days prior to the sale date. The Sale Notice clearly informed the public that any person wishing to protest the sale or a specific parcel must submit their protest by mail in hardcopy form or by telefax. A protest filed by electronic mail will be dismissed. The BLM must receive the protest no later than 4:00 pm local time on September 5, 2014.

According to BLM Wyoming records, TWS protest letter was received via telefax on September 5, 2014, at 4:12 pm, 12 minutes after the close of the protest period.

DECISION: TWS protest was received by the BLM after the close of the protest period. TWS protest is hereby denied. *See* National Wildlife Federation, et al., 162 IBLA 252 (2004).

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 (copy attached).

If an appeal is taken, your notice of appeal must be filed in this office 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 on the attached document. Copies of the notice of appeal and petition for a stay must be submitted to the Interior Board of Land Appeals and the appropriate Office of the Solicitor (see 43 CFR §4.413) at the same time the original documents are filed with this office. Copy of the notice of appeal and petition for a stay must also be submitted to each adversely affected party named in this decision 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

¹ The WSO public information room is open 9am to 4pm, Monday through Friday, excluding Federal holidays.

Except as otherwise provided by law or other pertinent regulations, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

- (1) The relative harm to parties if the stay is granted or denied,
- (2) The likelihood of the protesters' success on the merits,
- (3) The likelihood of the 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

1 Attachments:

1 - Appeal Form (1842-1)

cc:

High Desert District

HDD Field Offices

DSD (920)

DSD (930)

C. Hite (923)

S. Moberley (923)

M.Gamper (921) e-mail of final and a letterhead copy