



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 (MT922.AG)

September 14, 2016

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

DECISION

Mr. Edward B. Arnett
Theodore Roosevelt Conservation Partnership
1660 L Street NW
Suite 208
Washington, DC 20036

PROTEST AFFIRMED

I. INTRODUCTION

On July 20, 2016, a Lease Sale Notice for the Montana Statewide, October 18, 2016, Competitive Oil and Gas Lease Sale was posted, which initiated a 30-day protest period. At the same time, the HiLine Oil and Gas Leasing Environmental Assessment (EA), updated after a 30-day public comment period, was made available to the public.

In a fax to the Bureau of Land Management (BLM) dated August 19, 2016 (Enclosure 1), the Theodore Roosevelt Conservation Partnership [(TRCP) Protestor] submitted a timely protest to the inclusion of one (1) parcel located in Valley County, Montana, identified as Parcel Number MTM 102757-GW. This parcel is located in the Glasgow Field Office (GFO) in Sections 19, 20, 21, 27, 28, 29 Township 32 North, Range 37 East. PMM, MT. See Table 1 below for a parcel description.

II. BACKGROUND

Public scoping for this lease sale was conducted from March 22 through April 6, 2016. This scoping period was advertised on the BLM Montana State Office website. The HiLine District also posted National Environmental Policy Act (NEPA) notification log, reference number DOI-BLM-MTM-0020-2016-0006-EA. In addition, the Montana State Office mailed surface owner notification letters explaining the oil and gas leasing and planning processes. The surface owner notification letters requested written comments regarding any issues or concerns that should be addressed in the EA being prepared for the parcel.

The HiLine District received 35 scoping comments regarding NEPA, wildlife, human safety, hydraulic fracturing, air quality, climate change and cultural resources. No comments were received from the TRCP at that time.

On May 16, 2016, the BLM Montana/Dakotas released the HiLine Oil and Gas Leasing EA for a 30-day public comment period. The EA analyzed the potential effects from offering 86 nominated lease parcels in Montana containing 17,630.06 acres of Federal Mineral Estate in the October 18, 2016, Competitive Oil and Gas Lease Sale. Relevant public comments received during this process were addressed in the EA, as appropriate. The EA was updated and posted, along with the competitive sale list, on July 20, 2016, on the BLM's ePlanning website for a 30-day protest period.

After a review of potential environmental impacts presented in the EA and the public comments, the HiLine District Manager recommended that 86 parcels be included in the October 18, 2016 lease sale. As a result of the Decision Record, a total of 86 nominated HiLine lease parcels (17,630.06 acres of Federal minerals) would be offered for lease at the October 18, 2016, Montana Statewide, Competitive Oil and Gas Sale with lease stipulations and/or lease notices as necessary for the proper protection and conservation of the resources associated with the lease issuances.

III. PROTEST ANALYSIS

Protest Summary: The TRCP submitted a timely protest (via fax) dated August 19, 2016, to the inclusion of one (1) parcel identified as Parcel Number MTM 102757-GW in the Montana Statewide, October 18, 2016, Competitive Oil and Gas Lease Sale.

Protest Contentions and BLM Response:

The BLM should defer the lease parcel in question because it is located partially within BLM-designated Priority Habitat Management Area (PHMA) for greater sage-grouse and partially within the Valley County Connectivity Area.

BLM Response: It is the State Director's discretion to not carry forward parcels within habitat for greater sage-grouse pending implementation guidance on the 2015 approved HiLine District Resource Management Plan (RMP).

Therefore, the protest is affirmed on the contention that the parcel in question is partially located within PHMA. Due to pending BLM implementation guidance on the September 2015 HiLine RMP, this lease parcel will be deferred.

IV. CONCLUSION

The Protestor requested that the BLM withdraw one (1) parcel identified as MTM 102757-GW, in the October 18, 2016, Competitive Oil and Gas Lease Sale. The Protestor contends that the

parcel is located partially within BLM-designated PHMA. Due to pending BLM implementation guidance on the September 2015 HiLine RMP, this lease parcel will be deferred. The BLM, in accordance with existing regulations and policies, will defer leasing actions and not include the lands shown in Table 1 on the October 18, 2016, Competitive Oil and Gas Lease Sale.

For the reasons stated above, the BLM affirms this protest. The outcome of this Decision on the specific areas subject to this protest is identified below.

Table 1- Lease Parcel Description

MTM 102757-GW Defer T. 32 N, R. 37 E, PMM, MT SEC. 19 SENW; SEC. 20 SWSE; SEC. 21 N2NE, NESW, S2SW SEC. 27 NWNW, S2N2 SEC. 28 S2N2 SEC. 29 SESW VALLEY COUNTY 680.00 AC PD

Administrative Review and Appeal


This Decision may be appealed to the Interior Board of Land Appeals (IBLA), Office of the Secretary, in accordance with the regulations contained in 43 C.F.R. §4 and 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 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 must show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for stay must be submitted to the IBLA and the appropriate Office of the Solicitor (see 43 C.F.R. §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 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.



Jamie E. Connell
State Director

2 Enclosures

1-Protest Letter Dated August 19, 2016 (3 pp)

2-Form 1842-1 (2 pp)