



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Utah State Office
440 West 200 South, Suite 500
Salt Lake City, UT 84101
<http://www.blm.gov/ut/st/en.html>



IN REPLY REFER TO:
3100 / (UT-922000)

February 12, 2016

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DECISION

Meghan Belaski-Ashe : Protest to the November 2015
1212 Southridge Drive : Competitive Oil and Gas Lease Sale
Fort Collins, Colorado 80521 :

Protest Dismissed

On August 17, 2015, the Bureau of Land Management (BLM) issued its Notice of Competitive Lease Sale (NCLS) providing notice to the public that certain parcels of land would be offered in a competitive oil and gas lease sale scheduled for November 17, 2015. In a letter received by the BLM on September 16, 2015, you protested all of the parcels listed in the NCLS.

After posting the NCLS, several parcels for the November 2015 lease sale were deferred from leasing until more National Environmental Policy Act (NEPA) analysis can be conducted. The sale of the remaining 39 parcels was deferred and combined with the February 2016 lease sale. A new NCLS was issued on December 8, 2015, but you did not submit a protest letter for that NCLS. Therefore, this response pertains only to the 39 parcels remaining for sale from the original NCLS.

In your protest letter of September 16, 2015, you contended that the BLM does not have the authority to lease the parcels.

For the reasons set forth below, I have determined that BLM complied with applicable Federal laws and regulations prior to the inclusion of the subject parcels in the November 17, 2015, lease sale.

The BLM's mandate to lease lands for oil and gas development is expressly stated in the Mineral Leasing Act (MLA) of 1920, and decisions made pursuant to the Federal Land Policy and Management Act (FLPMA) of 1976 specifically allow the parceled lands to be leased for oil and gas development.

In addition, your protest fails to provide specific facts or information to show how your allegations apply to specific protested parcels. It is well established that BLM properly dismisses a protest where the protestant makes only conclusory or vague allegations or the protestant's allegations are unsupported by facts in the record or competent evidence. BLM is under no obligation to sort through a protestant's list of alleged errors and attempt to discern which alleged errors the protestant intended to invoke for a particular parcel. Such an unduly burdensome and inefficient process would unreasonably divert the time and resources that the BLM otherwise needs to manage the public lands as mandated by Congress.

For the BLM to have a reasonable basis to consider future protests, you must identify the specific ground for protest and explain how it applies to each protested parcel. Any allegations of error based on fact must be supported by competent evidence. Further, you must consider whether any lease stipulations or notices that apply to a particular parcel may be relevant to your allegations, and explain how such stipulations or notices do not obviate the allegations. Failure to comply with any of the foregoing may result in the summary dismissal of the protest.

As the party challenging the BLM's inclusion of certain parcels in the November 17, 2015 lease sale, you bear the burden of establishing that the BLM's action was premised on a clear error of law or material fact, or that BLM failed to consider a substantial environmental question of material significance. You have not met this burden. To the extent that you have raised any allegations not specifically discussed herein, they have been considered and are found to be without merit. For these reasons, and for those previously discussed, your protest is dismissed.

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 C.F.R. Part 4 and Form 1842-1 (Enclosure 1). If an appeal is taken, the notice of appeal must be filed in this office (at the address shown on the enclosed Form) 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 pursuant to 43 C.F.R. Part 4, Subpart B § 4.21, during the time that your appeal is being reviewed by the Board, the petition must show sufficient justification based on the standards listed below. 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.

Copies of the notice of appeal, petition for stay, and statement of reasons also must be submitted to the Office of the Regional Solicitor, Intermountain Region, 125 South State Street, Suite 6201, Salt Lake City, Utah 84138, at the same time the original documents are filed in this office.

If you have any further questions, please contact Sheri Wysong of this office at (801) 539-4067.

/s/ Kent Hoffman
Deputy State Director,
Division of Lands and Minerals

Enclosure:

1. Form 1842-1

cc: James Karkut, Office of the Solicitor, Intermountain Region,
125 South State Street, Suite 6201, Salt Lake City, Utah 84138

bcc: Lease Sale Book Feb2016
Reading File: UT-920

SWysong Date: 02/12/2016