



United States Department of the Interior
Office of Hearings and Appeals
Interior Board of Land Appeals
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January 28, 2019

IBLA 2018-124)	SDR 922-18-004
)	
WILDEARTH GUARDIANS)	Appeal from State Director Decision
)	Affirming APDs
)	
)	Decision Set Aside and Remanded

ORDER

Appellant WildEarth Guardians appealed a March 13, 2018, decision of the Montana State Office, Bureau of Land Management (BLM), Decision No. SDR 922-18-004. That decision affirmed and replaced, on State Director review, BLM's decision of January 30, 2018, to approve two Applications for Permit to Drill (APDs) for the Alta Vista Oil Corporation in Big Horn County, Montana.¹

BLM filed a motion to remand "the subject matter of [the] appeal to BLM for further consideration" so that it "may engage in additional, supplemental environmental review."² Appellant opposed BLM's motion, stating that it wished the Board to retain jurisdiction to rule on the merits of BLM's decision.³ In the alternative, Appellant requested that the Board set aside BLM's decision approving the APD were it to grant BLM's motion.⁴

BLM's motion did not explicitly address setting aside its decision. Given the Board's practice of setting aside a decision when granting a motion to remand, we issued

¹ See 43 C.F.R. § 3809.809(b) ("Once the State Director issues a decision under this subpart, it replaces the original BLM decision, which is no longer in effect, and you may appeal only the State Director's decision.").

² BLM's Motion to Remand (filed Oct. 10, 2018) at 1, 2.

³ Response in Opposition to BLM's Motion for Remand (filed Nov. 1, 2018) at 1.

⁴ *Id.*


an Order on December 10, 2018, directing BLM to clarify whether it would consent to having its decision set aside as part of the remand.

BLM responded to that Order with a clarification that it would consent to the Board setting aside the decision on appeal.⁵ Based on that representation, and pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior,⁶ we grant BLM's motion and set aside BLM's decision approving the APDs, i.e., the State Director's decision issued on March 13, 2018. We remand to BLM for further action and remove this matter from our docket.



K. Jack Haugrud
Administrative Judge

I concur:



Keith Bauerle
Acting Administrative Judge

⁵ BLM's Clarification (Dec. 17, 2018) at 2.

⁶ 43 C.F.R. § 4.1.

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