

**UNITED STATES DEPARTMENT OF THE INTERIOR
MINERALS MANAGEMENT SERVICE**

NTL No. 2009-N12

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NOTICE TO LESSEES AND OPERATORS OF FEDERAL OIL AND GAS LEASES AND
PIPELINE RIGHT-OF-WAY HOLDERS
OUTER CONTINENTAL SHELF

Appeals

The purpose of this Notice to Lessees and Operators and Pipeline Right-of-way Holders (NTL) is to clarify the procedures you can use to appeal any decision or order issued by the Minerals Management Service (MMS).

You can find the procedures for appeals pertaining to MMS Offshore Energy and Minerals Management (OEMM) decisions and orders in 30 CFR 290.1 through 290.8.

Informal Resolution

Pursuant to 30 CFR 290.6(a), you may seek informal resolution of a decision or order with the issuing officer's next-level supervisor during the 60-day period after you receive the decision or order. Seeking an informal resolution does not require payment of a service fee. In your request for informal resolution, provide a copy of the decision or order, a discussion of the reasons you believe the decision or order is inappropriate or in error, and a suggested remedy.

Be advised that seeking an informal resolution does not affect the 60-day deadline for filing a formal Notice of Appeal with the Interior Board of Land Appeals (IBLA). Further, you may pursue an informal resolution concurrently with a formal appeal to the IBLA.

Formal Appeal

If you wish to appeal a decision or order issued by the MMS OEMM to the IBLA, you may do so by filing a Notice of Appeal under the procedures outlined in 30 CFR 290.2 through 290.5 and 43 CFR Part 4, Subpart E. Make sure that you file the Notice of Appeal within 60 days after you receive the decision or order with the MMS regional or district office that issued the decision or order (Issuing Office). In accordance with 43 CFR 4.413(a) and (c)(1)(i), you must also provide a copy of the Notice of Appeal to the Department of the Interior (DOI) Associate Solicitor for the Division of Mineral Resources (see address below).

Pursuant to 43 CFR 4.412(a), you must file a Statement of the Reasons for your appeal within 30 days after you file the Notice of Appeal. You must file such statement with the IBLA (see address below). Pursuant to 43 CFR 4.413(a) and (c)(1)(i), you must also provide copies of your Statement of Reasons to the Issuing Office and to the (DOI) Associate Solicitor.

The specific steps for filing a formal appeal to the IBLA are:

1. Pay the \$150 nonrefundable processing fee (appeal fee) required by 30 CFR 290.4(b) through the *Pay.gov* Web site using the "MMS Fee for Appeals" form.
2. Send your Notice of Appeal to the Issuing Office along with a copy of the decision or order you are appealing. Include a copy of the *Pay.gov* confirmation receipt page with your Notice of Appeal. You may also submit your Statement of Reasons with your Notice of Appeal (see item No. 4 and 5 below).
3. Send a complete copy of your submittal to the IBLA and to the DOI Associate Solicitor at the following addresses:

IBLA Address

U.S. Department of the Interior
Office of the Hearings and Appeals
Board of Land Appeals
801 North Quincy Street, Suite 300
Arlington, VA 22203

DOI Associate Solicitor Address

Associate Solicitor, Division of Mineral Resources
U.S. Department of the Interior
1849 C Street, NW
Washington, DC 20240

4. Send your Statement of Reasons to the IBLA at the address stated above within 30 days after you file the Notice of Appeal. You may submit your Statement of Reasons with your Notice of Appeal (see item No. 2 above).
5. Send a copy of your Statement of Reasons to the Issuing Office and to the DOI Associate Solicitor at the address stated above.
6. If the Issuing Office chooses to provide the IBLA with a response to your Statement of Reasons, you will be provided a copy of that response when it is sent to the IBLA. The response is called an "answer" in the IBLA regulations, 43 CFR 4.414. You may file a rebuttal (a "reply") to the "answer" to the IBLA and the Issuing Office as long as you do so within 15 days after you receive the response.

Appeals of Civil Penalty Decisions

If you formally appeal a final decision in a civil penalty case, you must also follow the appeals process as outlined in the "Payment and Appeal" attachment to your civil penalty final decision.

Guidance Document Statement

The MMS issues NTLs as guidance documents in accordance with 30 CFR 250.103 to clarify, supplement, and provide more detail about certain MMS regulatory requirements and to outline the information you must provide in your various submittals. Under that authority, this NTL sets forth a policy on and an interpretation of a regulatory requirement that provides a clear and consistent approach to complying with that requirement.

Paperwork Reduction Act of 1995 Statement

The requirements referenced under 30 CFR 290.1 through 290.8 are exempt from the Paperwork Reduction Act under 5 CFR 1320.4(a)(2), (c); therefore, the collection of information referred to in this NTL is not subject to review and approval by the Office of Management and Budget.

Contact

Please contact Joanne McCammon by e-mail at joanne.mccammon@mms.gov or by telephone at (703) 787-1292 if you have any questions regarding this NTL.



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