

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

SOLENEX LLC,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	Case No. 13-993-RJL
	)	
S.M.R. JEWELL, Secretary	)	
U. S. Department of the Interior, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**RESPONSE TO COURT ORDER**

Pursuant to this Court’s Order of July 27, 2015 (ECF No. 52), the Federal Defendants provide the following schedule for a decision whether to lift the suspension of operations and production for Solenex’s oil and gas lease. Citations to the legal requirement for the tasks are included.

1. The Advisory Council on Historic Preservation (ACHP) has scheduled a public hearing in Montana to provide all consulting parties and the public the opportunity to provide their views as it develops its comments on the undertaking in accordance with Section 106 of the National Historic Preservation Act, 54 U.S.C. § 306108, and its implementing regulations at 36 C.F.R. part 800 (Section 106), in particular 36 C.F.R. § 800.7(c)(1). The meeting is scheduled for **September 2, 2015**.
2. ACHP will submit its comments on the undertaking to the Secretary of Agriculture, with copies to all consulting parties and others in accordance with 36 C.F.R. § 800.7(c)(3). Those comments will be provided on or before **September 21, 2015**.
3. The Forest Service will review the ACHP comments and make a recommendation to the Bureau of Land Management (BLM) regarding the potential for adverse effects

from the undertaking to historic properties and whether measures exist that might avoid, minimize, or mitigate those adverse effects and whether lease cancellation should be pursued. The recommendation will be made by **October 31, 2015**.

4. BLM will decide whether to continue with the Section 106 process for lifting the suspension, or instead to initiate the process for cancellation of the lease, *see* 43 C.F.R. § 3108.3(d). The federal agencies will provide notice to the Court, ACHP, and the parties of this decision by **November 30, 2015**.
5. If BLM initiates the process for cancellation of the lease, *see* 43 C.F.R. § 3108.3(d), that process will be completed by **March 30, 2016**.
6. If the federal agencies determine that additional National Environmental Policy Act (NEPA) compliance is required before lifting the suspension, that process will be completed by **July 15, 2017**. This process would involve decisions by the Forest Service (whether to modify the Surface Use Plan of Operations (SUPO)) and BLM (whether to modify the Application for Permit to Drill). To make these decisions, the federal agencies will conduct a supplemental environmental review pursuant to 40 C.F.R. § 1502.9(c)(1)(ii) according to the following schedule:
  - While the ACHP comments are being reviewed and a decision is made on how to proceed, the federal agencies will identify significant environmental issues that require further study, identify proposed actions and possible alternatives, and identify agency roles and responsibilities for the preparation of necessary environmental analysis.

- The federal agencies will publish a Notice of Intent to Prepare a Supplemental Environmental Impact Statement (EIS) in the Federal Register, requesting public scoping comments, by November 30, 2015.
- The federal agencies will publish the Notice of Availability of the Supplemental Draft EIS in the Federal Register by June 30, 2016, and provide the mandatory 45-day public comment period, in accordance with 36 C.F.R. § 218.24. During the public comment period, the agencies will conduct all consultations required by law. The public comment period will end on August 15, 2016.
- A Supplemental Final EIS (FEIS) and draft Record of Decision (ROD) will be completed by December 15, 2016.
- The federal agencies will publish legal notice and start the Forest Service's 45-day objection period on the Supplemental FEIS and draft ROD beginning December 16, 2016, as required by 36 C.F.R. § 218.7, if applicable. This period will end on February 3, 2017.
- If public objections are filed, the Forest Service will begin the 45-day objection review period with objection resolution meetings, and at the end of the objection review period, the Reviewing Officer will make a decision on the objections as provided by 36 C.F.R. § 218.26(b). This will be completed by March 18, 2017.
- The Forest Service will resolve any Reviewing Officer's objection review and complete any additional analysis or consultation that may be needed. This will be completed by May 31, 2017.
- The Supplemental FEIS will be filed with Environmental Protection Agency as provided by 40 C.F.R. § 1506.10. This will be completed by June 1, 2017.

- The Forest Service will sign the SUPO decision and Supplemental FEIS ROD by July 1, 2017.
- BLM will sign the Supplemental FEIS ROD by July 1, 2017.
- On July 1, 2017, the Secretary of the Interior will notify the ACHP about the final decision on the project, and respond to the ACHP comments in accordance with 36 C.F.R. § 800.7(c)(4), if BLM intends to issue a drilling permit.
- If authorized by the ROD, BLM will issue the drilling permit and lift the suspension by July 15, 2017.

Dated: August 17, 2015

Respectfully submitted,

JOHN C. CRUDEN  
Assistant Attorney General

/s/ Ruth Ann Storey  
Ruth Ann Storey  
United States Department of Justice  
Environment & Natural Resources Division  
Natural Resources Section  
P.O. Box 7611  
Washington, D.C. 20044  
(202) 305-0493  
[ruth.ann.storey@usdoj.gov](mailto:ruth.ann.storey@usdoj.gov)

Counsel of Record for Defendant