

Checklist for Reinstatement Petitions

- _____ Verify that the petition for reinstatement has been filed timely, within 60 days of receipt of termination notice, or 24 months of termination of the lease, whichever is earlier.
- _____ Verify that the appropriate fees have been submitted.
- _____ Verify that the petition for reinstatement is filed by all lessees of record. A petition filed by an assignee (i.e., an entity that does not have an interest in a lease but might acquire interest after a pending assignment is approved by the BLM) is not acceptable.
- _____ Verify that the applicant is not on the 17(g) list.
- _____ Verify that the applicant has not been suspended or debarred from doing business with the Federal government (sam.gov). See [Instruction Memorandum Number 2022-042](#), *Guidance on Reviewing the Federal Exclusion List and Verifying Eligibility*.
- _____ Verify that the petition is made for the entire lease. A petition for part of the lease is not acceptable.
- _____ Verify that the rental was paid within 20 days of the lease anniversary date (Class I) or the petition is accompanied with back rental at the higher rate (Class II).
- _____ Verify the reason for termination. It is the responsibility of the authorized officer to verify that missing the rental payment was justified and not due to a lack of diligence (Class I and Class II) or inadvertent (Class II).

What may be Justified/Diligent?	What is NOT Justified/Diligent?
Lessee death or hospitalization around the anniversary date <ul style="list-style-type: none"> • Marian L. Kleiner (129 IBLA 216) • Sandra Lewis (113 IBLA 174) • Norman C. Stroink (44 IBLA 188) 	Inadvertence by lessee or employee (Class I only) <ul style="list-style-type: none"> • Dena R. Collins (86 IBLA 32)
Death of immediate family member just prior to the anniversary date <ul style="list-style-type: none"> • Agnes James (44 IBLA 133) • Billy Wright (29 IBLA 81) • Fredres E. Laubaugh (24 IBLA 306) 	Travel for business/pleasure <ul style="list-style-type: none"> • Michael Morrisroe, Jr. (56 IBLA 49) • James M. Chudnow (62 IBLA 13)
Injury to key employee around the anniversary date <ul style="list-style-type: none"> • David Kirkland (19 IBLA 305) • Ada E. Lundgren (17 IBLA 132) 	Complexity of business dealings <ul style="list-style-type: none"> • David E. Cooley, Jr. (62 IBLA 87)
Bona fide bank error certified by the bank <ul style="list-style-type: none"> • Pauline V. Trigg, John H Trigg (31 IBLA 296) 	Financial difficulties <ul style="list-style-type: none"> • Dena F. Collins (86 IBLA 32) • Paul J. & Lyda R. Stivers (93 IBLA 97)
Acts of God (earthquakes, floods or natural disasters) <ul style="list-style-type: none"> • Genevieve C. Aabye (33 IBLA 285) 	Unapproved assignment by the BLM <ul style="list-style-type: none"> • Victory Land and Exploration Co. (65 IBLA 373) • Interior Reserves Corp. et al. (116 IBLA 73)
ONRR/BLM billing error in writing/delay <ul style="list-style-type: none"> • McClellan Oil Corp. (76 IBLA 322) <p>Note: This does not apply to unofficial erroneous information/advice provided by a BLM employee. Refer to Peter R. Buehler (67 IBLA 242).</p>	Unaware of automatic termination provision <ul style="list-style-type: none"> • Dominic D. Demicco (92 IBLA 378)

_____ Verify that no new lease has been issued for the lands. (If lands have been parceled for a future sale, defer offering lands for leasing until a decision is made on the reinstatement petition.)

_____ Verify that the lands are still eligible for leasing.

_____ Verify that the lands have not become unavailable for leasing under the existing BLM Resource Management Plan (RMP). RMP: _____

_____ Verify that the petition for reinstatement is in the public interest. If the public interest is not met by the petition for reinstatement, the BLM generally should deny the petition for reinstatement. It is expected that a BLM employee, other than the adjudicator, will complete this review, and the authorized officer will weigh the seven factors and decide whether the reinstatement is or is not in the public interest.

Criteria	In the public interest to reinstate the terminated lease	Not in the public interest to reinstate the terminated lease	Effect on Public Interest ¹
1. Current proposed or ongoing operations on the terminated lease. Check AFMSS and with the field office.	Existing drilling operations or an existing permit on the terminated lease.	No existing or proposed operations on the terminated lease.	
2. The terminated lease's potential for oil and gas development. Check O&G potential maps and the reasonable foreseeable development scenarios within the RMP.	High or Very High potential for oil and gas development.	Moderate or Low potential for oil and gas development.	
3. The terminated lease's proximity to existing federal or non-federal oil and gas development or operations (GIS and/or state websites).	Within five miles of the terminated lease.	More than five miles from the terminated lease.	
4. The existing habitats or connectivity corridors surrounding or within the terminated lease. Check RMP and with the Field Office.	No important habitats or connectivity within or adjacent to the terminated lease.	Important habitats or connectivity within or adjacent to the terminated lease (e.g., crucial winter range, priority greater sage grouse habitat management areas, etc.).	
5. The existing cultural resource values and areas surrounding or within the terminated lease. Check RMP and with the Field Office.	No high cultural resource values within or adjacent to the terminated lease.	High cultural resource values within or adjacent to the terminated lease (e.g., historic properties and/or resources protected under the National Historic Preservation Act,	

¹ Such as in the public interest or not in the public interest. Recommended to include notes in an attachment on the rationale for the effect on the public interest.

Criteria	In the public interest to reinstate the terminated lease	Not in the public interest to reinstate the terminated lease	Effect on Public Interest ¹
		American Indian Religious Freedom Act, Native American Graves Protection and Repatriation Act, E.O. 13007).	
6. The existing resources or uses surrounding or within the terminated lease. Check the RMP and with the Field Office.	No other competing uses of the federal lands within or adjacent to the terminated lease.	Other competing uses of the federal lands within or adjacent to the terminated lease that will be curtailed due to reinstating the lease.	
7. Other considerations as determined by the authorized officer	Determined on a case-by-case basis.	Determined on a case-by-case basis.	

_____ Complete NEPA analysis and plan conformance review per Permanent IM 2018-010, *NEPA Compliance for Oil and Gas Reinstatement Petitions*.

_____ Send the lessee a notice of additional requirements to accept the new lease terms (higher rental and royalty rates (Class II) and changes to stipulations (Class I or Class II, if needed)).
Date sent: _____ Response Due: _____

_____ Prepare a Federal Register (FR) Notice (Class II only). If an extension will be granted, include in Notice. FR Notice Citation (and date): _____

_____ Send letters to House and Senate Committees (Class II only). Include copies of the FR Notice, lessee’s petition for reinstatement, lessee’s acceptance of new lease terms, and any other pertinent information.

_____ Prepare a decision to approve the reinstatement. If an extension is granted, approve the reinstatement on the 1st of the month.

_____ Update Mineral & Lands Record System (MLRS).

_____ Complete the accounting advice. Remember to mark as Update and include serial number, dates, status code to reactivate the lease, and any remarks. Print from the MLRS and send to the ONRR’s email (leases.blm@onrr.gov) for a Class I, or Accounts group if monies need to be transferred for a Class II.