

LEASE REINSTATEMENTS

Process steps for reviewing and documenting Resource Management Plan Conformance and National Environmental Policy Act Adequacy

Relying on an Existing RMP – When No Ongoing Plan Revision or Amendment	
When Existing NEPA is Adequate, New Stipulations are Not Warranted	
If the RMP and associated leasing NEPA analysis (RMP/EIS or lease sale EA) conducted for the original lease remains adequate, new lease stipulations are not warranted.	
Appropriate NEPA Documentation: DNA	If the lease is eligible for reinstatement, determine whether additional public notification or involvement is warranted. Approve the reinstatement if the petition for reinstatement meets the other requirements in the regulations (43 CFR 3108.2-2 (Class I) or 3108.2-3 (Class II)).
When Existing NEPA is Inadequate, Additional or Modified Stipulations May or May Not Be Warranted	
If the existing NEPA analysis is inadequate, complete the necessary NEPA analysis. Through the analysis, if appropriate, consider adding additional existing RMP lease stipulations to the lease parcel (see H-1601-1, Chapter VI, Section H.3 and 4) or modifying existing stipulations on the lease (see H-1601-1, Chapter VI, Section H.5 and WO-IM-2008-032 “Exceptions, Waivers, and Modifications of Fluid Minerals Stipulations...”).	
Appropriate NEPA Analysis: EA	Based on the EA, if additional or modified stipulations are not warranted, approve the reinstatement if the petition for reinstatement meets the other requirements in the regulations (43 CFR 3108.2-2 (Class I) or 3108.2-3 (Class II)).
	Based on the EA, if additional or modified stipulations are warranted, condition reinstatement on lessee’s agreement to additional or modified stipulations. Justify stipulations provided for in the RMP through plan maintenance. <ul style="list-style-type: none"> ● If the lessee concurs with the new or modified stipulations, approve the reinstatement, if the petition meets all other requirements in the regulations (43 CFR 3108.2-2 (Class I) or 3108.2-3 (Class II)). ● If the lessee rejects the new or modified stipulations, deny the reinstatement and refund the pre-paid rental and publication costs.
Relying on an Updated RMP – When No Ongoing Plan Revision or Amendment	
When NEPA Analysis was Conducted Subsequent to Original Lease Issuance and New or Modified Stipulations are Warranted and the Area Remains Open to Leasing	
If the NEPA adequacy review or a recent NEPA document (e.g., an updated RMP/EIS) identifies the need for new or modified stipulations on the lease, those new or modified stipulations should be included in the reinstated lease.	
Appropriate NEPA Documentation: DNA	If the lease is eligible for reinstatement, determine whether additional public notification or involvement is warranted.

	<ul style="list-style-type: none"> • If the lessee concurs with new or modified stipulations, approve the reinstatement if the petition for reinstatement meets all other requirements in the regulations (43 CFR 3108.2-2 (Class I) or 3108.2-3 (Class II)). • If the lessee rejects the new or modified stipulations, deny the reinstatement and refund the pre-paid rental and publication costs.
<p>When NEPA Analysis was Conducted Subsequent to Original Lease Issuance and All or Portion of the Lease Area Is Closed to Leasing If the existing RMP or RMP revision or amendment was approved after issuance of the lease and closes all or a portion of the lease area to leasing, deny the reinstatement.</p>	
<p>Appropriate NEPA Documentation: DNA</p>	Deny the reinstatement and refund the pre-paid rental and publication costs. (This would not apply to leases that drilled a well or earned a drilling extension, and the lessee failed to pay the rental timely.)
<p>During Ongoing Land Use Planning</p>	
<p>When a RMP Revision or Amendment Has Been Initiated, But Not Yet Completed If the Draft Plan or Plan Amendment has not yet been released for public comment, base the reinstatement decision on the existing RMP.</p>	
<p>Appropriate NEPA Analysis: EA</p>	Based on the EA, determine whether to approve or deny reinstatement using existing plan decisions (see H-1601-1, Chapter VII, Section E).
<p>When a RMP Revision or Amendment Has Been Initiated and a Draft Released for Comment or the RMP is at the Proposed Plan or Proposed Plan Amendment Stage If a draft RMP has been released for public comment or the RMP revision is at the Proposed Plan or Proposed Plan Amendment Stage, base the reinstatement decision on preferred alternative.</p>	
<p>Appropriate NEPA Analysis: EA</p>	<p>If the preferred alternative specifies no leasing for the area, deny the reinstatement petition and refund the pre-paid rental and publication costs. (This would not apply to leases that drilled a well or earned a drilling extension, and the lessee failed to pay the rental timely.)</p> <p>If the preferred alternative would apply new or modified stipulations to the lease area, condition the reinstatement on the lessee’s agreement to the new or modified stipulations.</p> <ul style="list-style-type: none"> • If the lessee concurs with the new or modified stipulations, approve the reinstatement, if the petition meets all other requirements in the regulations (43 CFR 3108.2-2 (Class I) or 3108.2-3 (Class II)). • If the lessee rejects the new or modified stipulations, deny the reinstatement and refund the pre-paid rental and publication costs.