

ANNUAL REPORT

FISCAL YEAR 2017



OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF LAND APPEALS
U.S. DEPARTMENT OF THE INTERIOR



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In Memoriam: Chief Administrative Judge Jones

The Interior Board of Land Appeals respectfully dedicates the Fiscal Year 2017 Annual Report to Chief Administrative Judge Eileen Jones. Chief Jones led the Board for almost four years and because of her vision and leadership, the Board made significant improvements to its customer service and transparency. Because of Chief Jones's commitment to improvement, the Board issued its first ever Annual Report to the public.

Chief Jones unexpectedly passed away in February 2018. This Annual Report is for you, Eileen.

Introduction and Executive Summary

Welcome to the Interior Board of Land Appeals third annual report. The Board remains committed to timely resolving disputes, fostering transparency, and providing a forum for the exercise of due process and substantive concerns relative to the use of public lands and their resources.

This report includes an overview of Board structure and operations. It also contains statistics illustrating the progress we made in fiscal year 2017 (FY17), which runs from October 1, 2016, to September 30, 2017. We also articulate the Board's goals for fiscal year 2018.

In an effort to provide information to the public, this report includes many hyperlinks to corresponding websites. Hyperlinked text is underlined and the mouse cursor will display as a hand pointer and a text balloon will appear with instructions to click on the link.

James F. Roberts
Acting Chief Administrative Judge
Interior Board of Land Appeals

Highlights

The Board's mission is to resolve appeals as efficiently and effectively as we can with the resources we have for the public we serve. At the beginning of each fiscal year, we set goals that will help us achieve our mission. Below are highlights of our achievements and our overall progress towards accomplishing the objectives we set for ourselves for FY17.

TRANSPARENCY

The Board has enhanced transparency by:

Comprehensively addressing common questions on our website

The Board has designed the Frequently Asked Questions (FAQ) section of our website to address the questions asked most often by our customers. By the end of FY17, our website contained answers to 31 commonly asked questions. Members of the public, first-time appellants representing themselves on appeal, and seasoned attorneys practicing before the Board can all benefit from this valuable information resource.

Publishing hundreds of dispositive orders

Since 1970, the Board has resolved some appeals by issuing dispositive orders. These orders are final for the Department, and follow Board precedent, but are not themselves precedential. Unlike Board decisions, which are volumized and disseminated to the public by both the Department and by on-line legal research services, orders have historically been unpublished and hard for the public to obtain.

Making all dispositive orders available to the public on our website is a difficult ongoing project the Board began in FY16. During FY17, the Board published hundreds of dispositive orders dating back to 2014. The orders are indexed by calendar year in ascending docket-number order.

Adding a statistics dashboard to our website

The dashboard includes graphical summaries that track IBLA's caseload by month. Any visitor to the website can see how many cases the Board receives each month and how many cases the Board concludes.

REDUCING INVENTORY

To reduce the number of the Board's pending appeals, the Board must conclude more appeals than it takes in. Looking at the last six years, the Board has received a yearly average of approximately 275 appeals. We adopted this figure as our FY17 "total completed appeals" objective.

In FY17, the Board surpassed this goal and completed 295 appeals, an uptick of about 5 percent from last fiscal year. Still, our inventory increased by 51 appeals from the previous year to end FY17 at 400 appeals in inventory compared to 349 appeals at the end of FY16.

APPEAL PROCESSING TIMES

The Board had a goal of reducing its processing time for all appeals by 10% compared to FY16, where the average length of time to decide a case was 7 months. The Board was unable to accomplish this goal, and the average length of time to decide an appeal in FY17 increased to 8 months.



A decade ago, the Board had 10 members and an inventory consisting of 189 appeals. The Board reduced its inventory to 131 appeals by FY10.

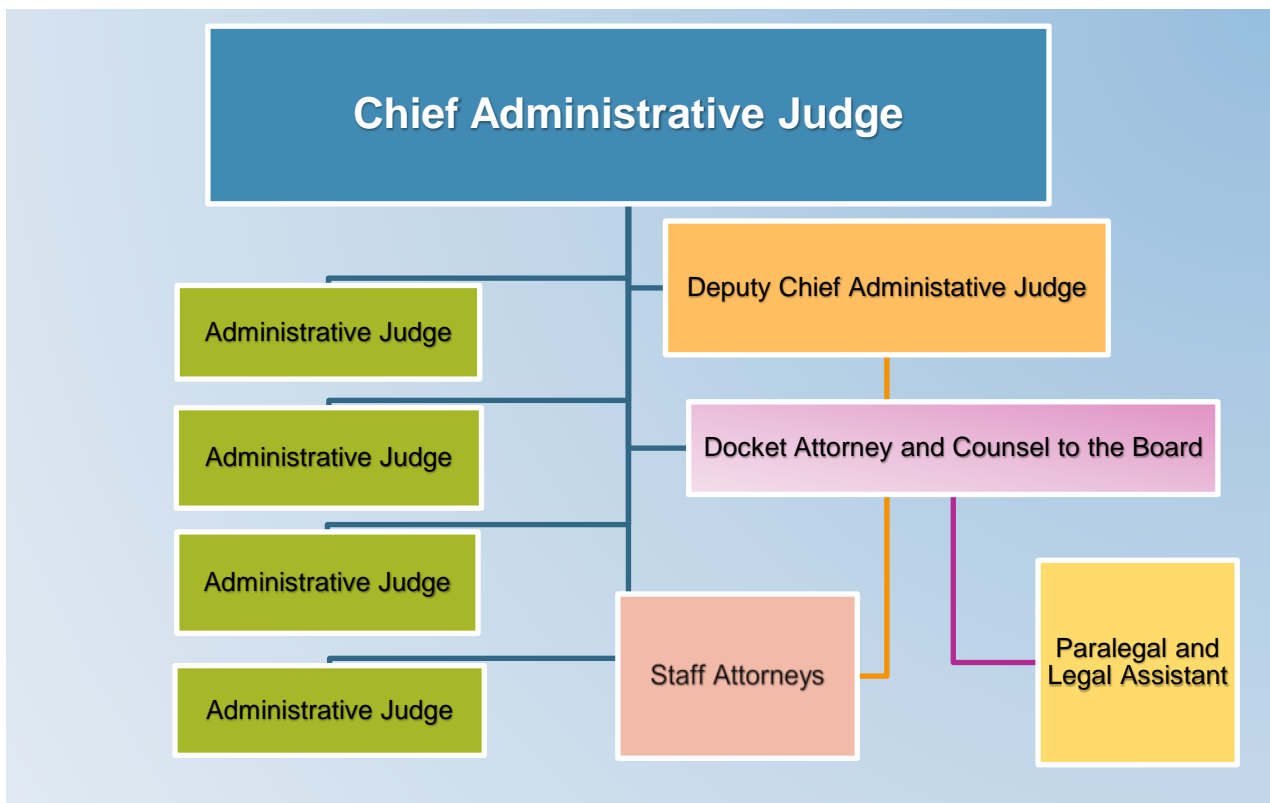
In FY11, Board membership dropped to six and membership has remained at six or fewer since that time. The Board has added 267 appeals to its inventory since FY10.

Organizational Structure and Staffing

Within the Department of the Interior, the Office of the Secretary is organized into multiple offices. The Office of Hearing and Appeals is within the Office of the Assistant Secretary for Policy, Management and Budget. In FY17, the Office of Hearings and Appeals was headed by Director Shayla Freeman Simmons. The Board is one of four units within the Office of Hearings and Appeals.

By regulation, the Board is composed of Administrative Judges who serve as its members. Also by regulation, the Board is managed by a Chief Administrative Judge. During FY17, that position was held by Eileen Jones. James F. Roberts served as Deputy Chief Administrative Judge. Biographical sketches of our judges are available on our [website](#).

Board Organizational Chart for FY17



Function of the Board

THE BOARD

The Board is an appellate review body that exercises the delegated authority of the Secretary of the Interior to issue final decisions for the Department of the Interior. The Board decides finally for the Department appeals from bureau decisions relating to the use and disposition of public lands and their resources, mineral resources on the Outer Continental Shelf, and the conduct of surface coal mining operations under the Surface Mining Control and Reclamation Act.

The Board is separate and independent from the Bureaus and Offices whose decisions we review.

The Board has the authority to consider the following types of cases:



Appeals from a variety of decisions of **the Bureau of Land Management**, including but not limited to decisions regarding mining, grazing, energy development, royalty management, timber harvesting, wildfire management, recreation, wild horse and burro management, cadastral surveys, Alaska land conveyances, rights of way, land exchanges, and trespass actions;

Appeals from decisions of the **Office of Natural Resources Revenue** and the Deputy Assistant Secretary - Natural Resources Revenue regarding royalty management;



Appeals from decisions of the **Bureau of Ocean Energy Management** and the **Bureau of Safety and Environmental Enforcement**;



Appeals from decisions of the **Office of Surface Mining Reclamation and Enforcement** regarding surface coal mining operations; and



Appeals from decisions of administrative law judges in OHA's **Departmental Cases Hearings Division**.

BOARD MEMBERS AND STAFF

The Board is headed by the Chief Administrative Judge, who is assisted by the Deputy Chief Administrative Judge. The Board generally decides appeals by two-administrative judge panels. Petitions for stay may be decided by a single administrative judge.

The Board's staff attorneys assist the administrative judges in all aspects of each appeal. The Board's docket attorney oversees the management of the Board's docket and serves as the Board's liaison with the parties to an appeal and their counsel, the public, and Congress. The docket attorney also functions as the counselor to the Board. The Board also has a paralegal and legal assistant, who is responsible for maintaining the Board's Docket Management System.

The Board's Docketing Process

The Board does not have E-filing software or any other type of paperless filing system. Instead, we use a docket management system (DMS) that requires all data to be manually inputted at this time. Plans are underway to develop and implement an e-filing system.

Once we receive an appeal, we assign to the appeal a docket number, manually input into DMS the appellant's name, which becomes the case name of a docketed appeal, all parties' names and contact information, a brief description of the appeal being docketed, the bureau issuing the appealed decision, and the category of the appeal. Please see the appendix for a list of our docketing categories.

Once an appeal has been filed, every pleading – with limited exception – related to the appeal must be in paper form. As documents are received, they are date stamped, manually inputted into DMS, and placed in the appeal's case file.

After an appeal is docketed, it is reviewed to determine if there are jurisdictional issues, *i.e.*, an untimely-filed notice of appeal or a question about an appellant's standing. We also look to see if there is a stay petition or any other preliminary motions or requests accompanying the appeal that must be addressed.

The docket number

Each case we receive is assigned a docket number. The docket number is generated with eight numbers. The first four numbers indicate the fiscal year we receive the appeal. The next four numbers indicate the chronological number in which we received it. For example, the docket number IBLA 2014-0127 is an appeal we received in FY14 (October 1, 2013 through September 30, 2014) and was the 127th appeal the Board docketed that year. The docket number is unique and will never repeat.

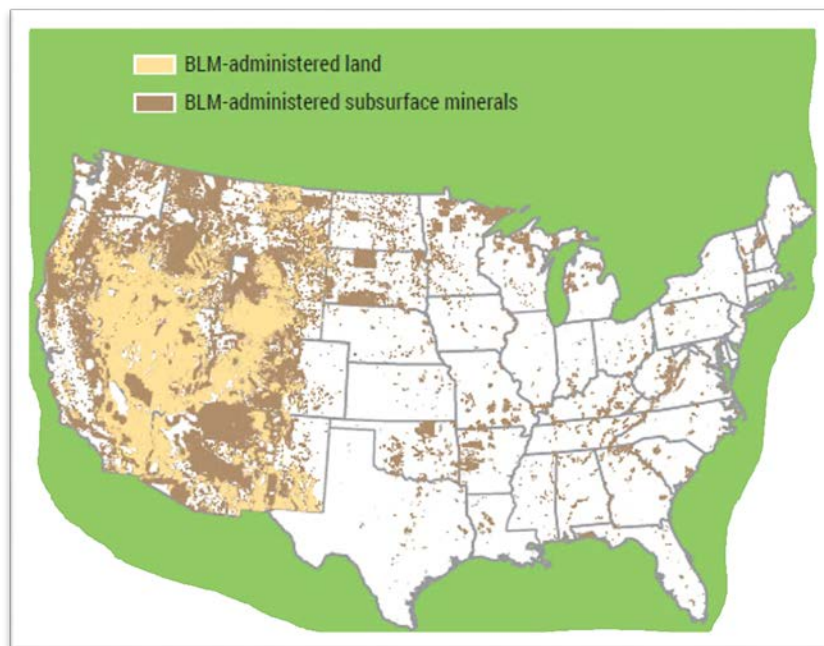
Bureaus and Offices Whose Decisions We Review

The Board hears appeals from decisions issued by:

BUREAU OF LAND MANAGEMENT (BLM)

The BLM manages approximately 258 million acres of land and about 700 million acres of subsurface mineral resources predominately in the western United States.

These lands and minerals encompass forests, mountains, rangelands, arctic tundra, and deserts.



Most of the Board's FY17 caseload consisted of appeals from BLM decisions. These decisions relate to a variety of actions, including mining, grazing, energy development, timber harvesting, wildfire management, special use and recreation

permitting, wild horse and burro management, cadastral surveys, Alaska land conveyances, rights of way, land exchanges, and trespass actions. Departmental regulations provide for most of BLM's decisions to be appealed directly to the Board. Other appeals come to the Board after a second level of agency review, such as State Director Review or after review by an Administrative Law Judge.

Seventy two percent of the appeals the Board concluded in FY17 originated from BLM

BUREAU OF OCEAN ENERGY MANAGEMENT (BOEM)

BOEM manages the development of Outer Continental Shelf (OCS) energy and mineral resources in an environmentally and economically responsible way. Incidents of non-compliance, supplemental bonding orders, and civil penalty assessments issued by BOEM are among the decisions that are appealable to the Board.

Unlike most other bureaus, BOEM regulations provide that an appellant must first pay a fee before appealing to the Board.

Twelve percent of the appeals the Board concluded in FY17 originated from BOEM



BUREAU OF SAFETY AND ENVIRONMENTAL ENFORCEMENT (BSEE)

BSEE exercises the safety and environmental oversight and enforcement functions over offshore energy development on the U.S. Outer Continental Shelf (OCS). This bureau's decisions typically relate to offshore lease decommissioning liability determinations and noncompliance and civil penalty matters for offshore oil and gas operations.



Bureaus and Offices Whose Decisions We Review

Like BOEM, BSEE regulations provide that an appellant must first pay a fee before appealing to the Board.

Eleven percent of the appeals the Board concluded in FY17 originated from BSEE

OFFICE OF NATURAL RESOURCES REVENUE (ONRR)

ONRR collects, accounts for, and verifies natural resource and energy royalties due to the United States, American Indians, and the States from mineral extraction from the U.S.'s mineral estate. Any orders to pay royalties are appealable to the Board. Civil penalty decisions issued by OHA's Departmental Cases Hearings Division in royalties cases are also appealable to the Board.

Five percent of the appeals the Board concluded in FY17 originated from ONRR



OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT (OSM)

OSM focuses on overseeing state programs that protect the environment from the adverse effects of surface coal mining operations. OSM decisions relating to ten-day notices, reclamation bonding, citizens' complaints, and other matters are appealable to the Board. Decisions issued by OHA's



Departmental Cases Hearings Division related to cessation orders are also appealable to the Board.

The Board did not decide any appeals from OSM decisions in FY17

OHA'S DEPARTMENTAL CASES HEARINGS DIVISION (DCHD)

The Departmental Cases Hearings Division serves as the Department's administrative tribunal for cases involving lands and resources under the Department's jurisdiction. The Division conducts formal hearings heard by Administrative Law Judges.

Three percent of the appeals the Board concluded in FY17 originated from DCHD

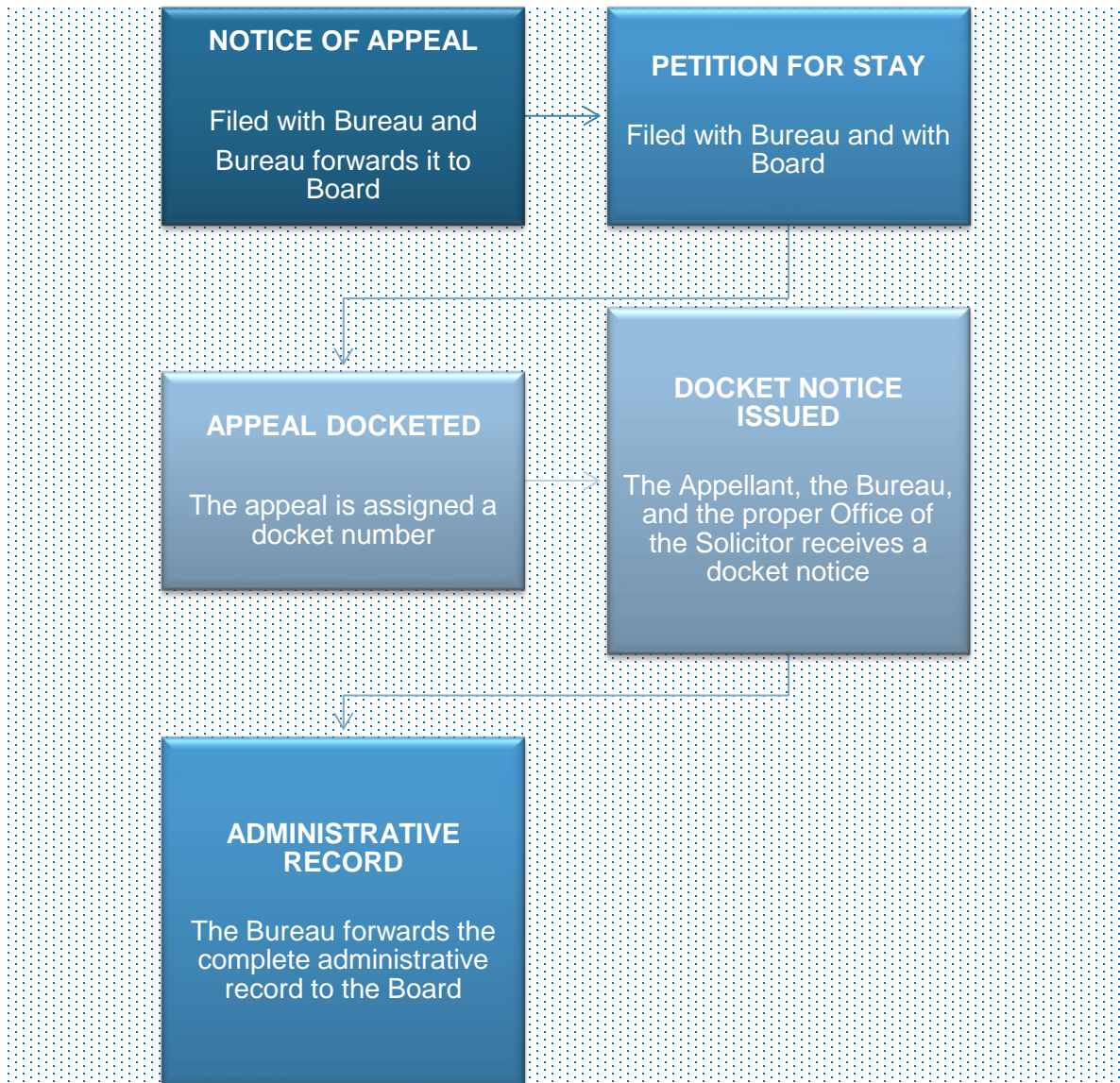
Appeals from the DCHD relate to grazing matters, private and government mining claim contests, surface coal mining matters, and penalties for royalty collection cases. The Board may also refer cases to the DCHD. The Board may refer for hearing use and occupancy questions related to Alaska Native allotment applications and questions of Federal land, fire, or mineral trespass liability. We can also order DCHD to conduct a hearing to resolve specific issues of material fact.



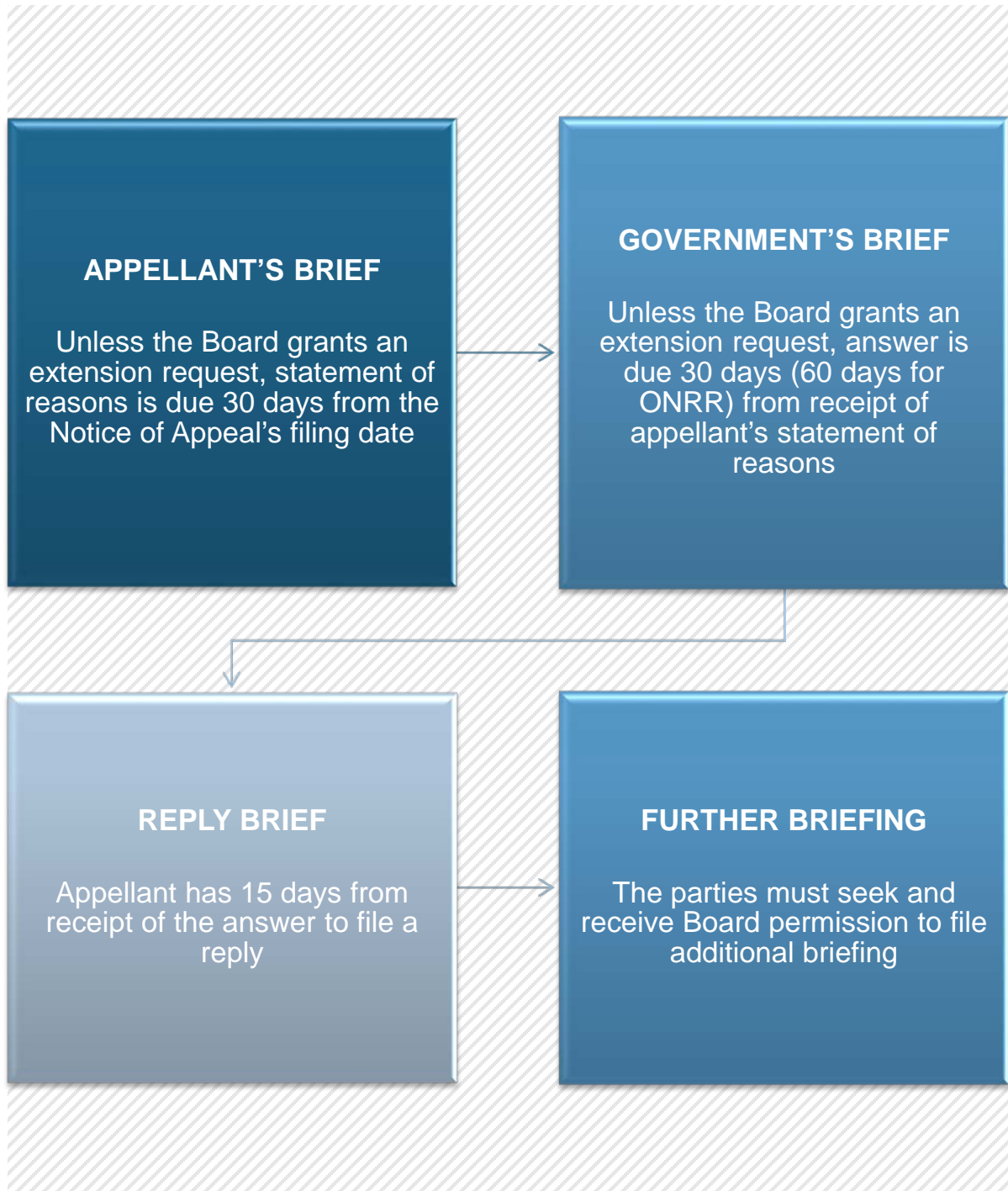
The IBLA Appeals Process

Below are several flow charts illustrating the IBLA appeals process.

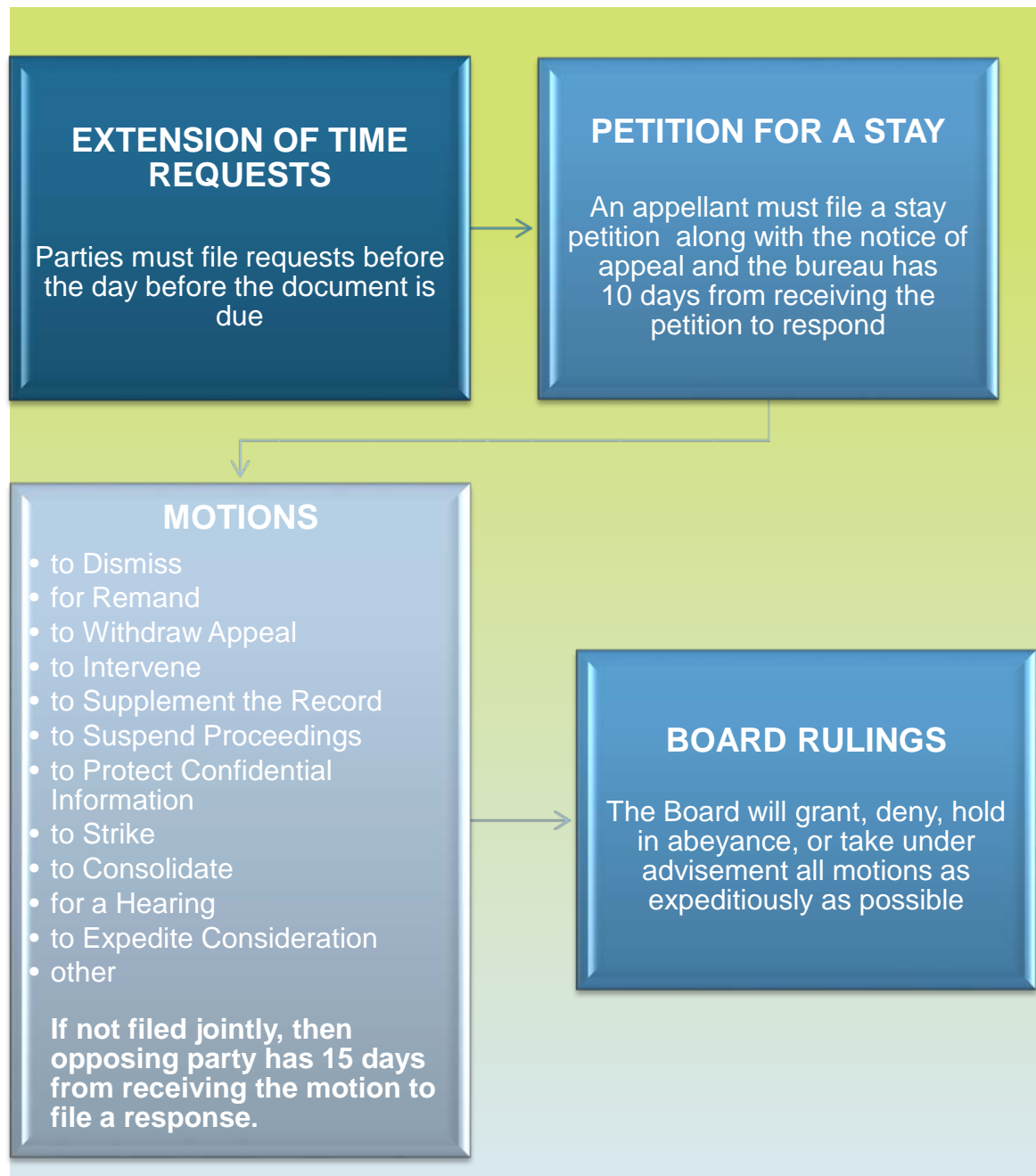
PRELIMINARY MATTERS



BRIEFING SCHEDULE



PROCEDURAL MATTERS



FINAL DISPOSITION

Once the case is ripe (i.e. the bureau filed the administrative record, and the parties have filed all pleadings), the matter is assigned and resolved.

FY17 DISPOSITION/APEAL PROCESSING TIME

Our caseload is very diverse in terms of issues presented, subject matter, and complexity. When each case is ready for review and resolution is based on the unique circumstances presented.

Some cases can be closed in as little as a few weeks, particularly those that involve only procedural issues. For example, cases involve only procedural issues when an appellant wishes to withdraw its appeal, an appellant files its appeal after the regulatory deadline, an appellant is not the proper party to bring an appeal, or a bureau asks for a remand to change its decision.

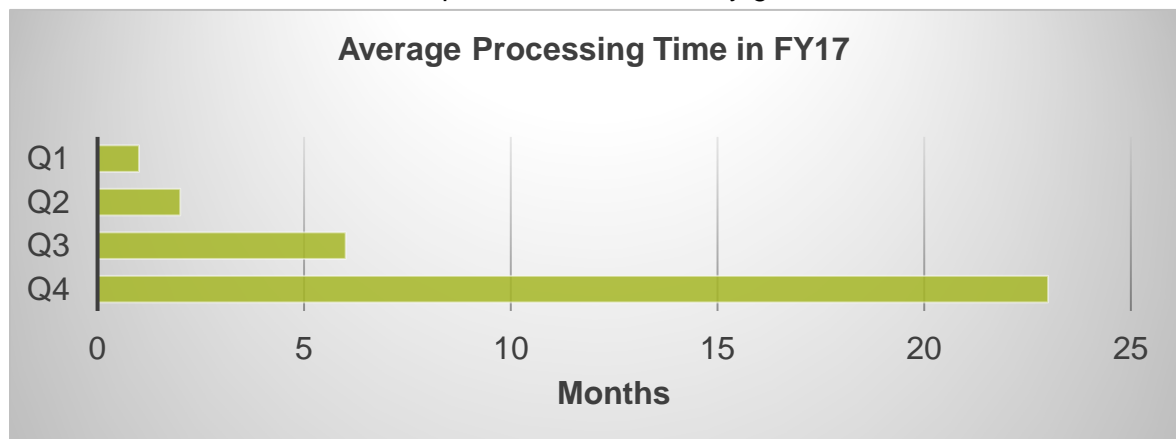
Other cases take months just to become “ripe” or ready for review, as the parties file documents, seek extensions, or engage in settlement negotiations.

The Board’s review process of an appeal once it becomes ripe includes additional legal work before the case is ready for final disposition.

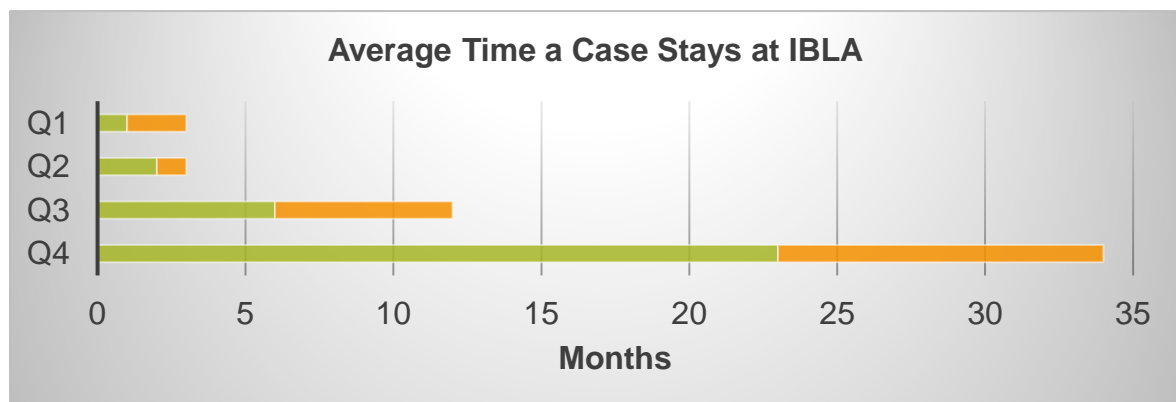
One factor affecting how quickly an appeal is decided is the number of stay petitions the Board receives. The Board is required to grant or deny a petition for a stay within 45 calendar days of the end of the period for filing a notice of appeal. A considerable number of appeals are accompanied by a petition for a stay, requiring the Board to devote substantial time and resources in meeting the 45-day deadline imposed by our regulations.

In FY17, the average length of time to decide a case was 8 months.

The chart below illustrates the 8-month average for processing appeals in FY17. When separated into quartiles, the oldest cases, represented by Q4, took the longest to conclude. The oldest quartile took the Board approximately 23 months from the appeal's ripe date to resolve. The Board resolved the appeals in the remaining 3 quartiles within 6, 2, and 1 month(s), respectively, of when they became ripe. About 144 of the approximately 220 concluded appeals in Q2, Q3, and Q4 were docketed in FY17. The Board resolved these matters on procedural or summary grounds.



The chart below adds to the processing time graph shown above the average time between when the Board received an appeal and when it became ripe for final disposition (the orange portion of the bar). This time demonstrates how long the parties sometimes take to complete their portion of the appeals process so that an appeal is ripe for adjudication. On average, the parties required 5 months to prepare the appeals for review. Based on that data, appeals spent an average of 13 months at the IBLA from start to finish.



The Board's FY17 Caseload

RECEIVED APPEALS

During FY17, we received (docketed) 346 new appeals. The Board's average intake over the last 10 years has been 289 appeals annually. Our number of received appeals in FY17 is a 16% increase of the 10-year average.

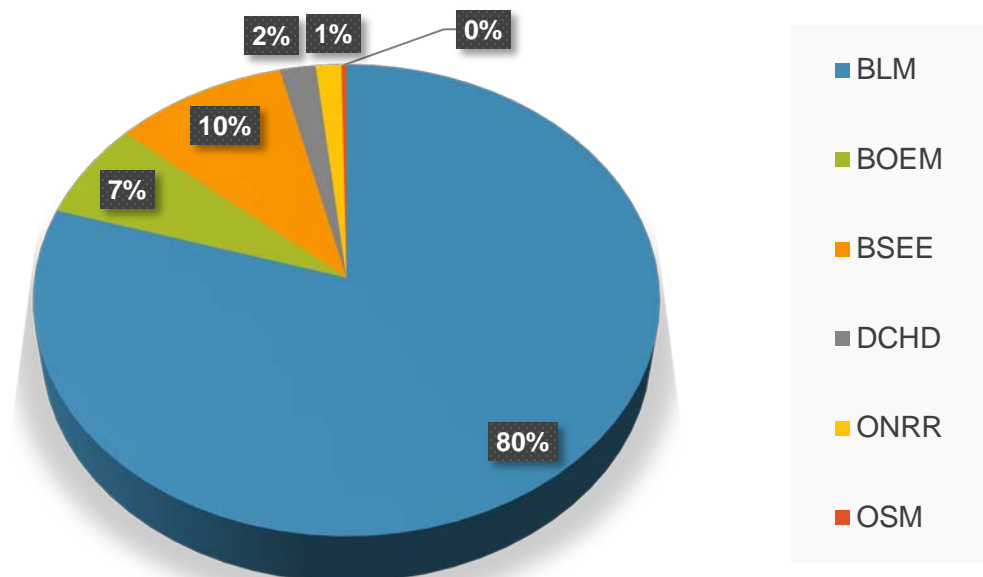
A Breakdown by Bureau/Office and by Subject Matter

Each appeal deals with a decision issued by the bureau or office regarding a subject over which IBLA has jurisdiction. The Appendix to this report lists the topics IBLA used to identify the subject matter of each case.

Most of the Appeals We Received in FY17 were from BLM Decisions

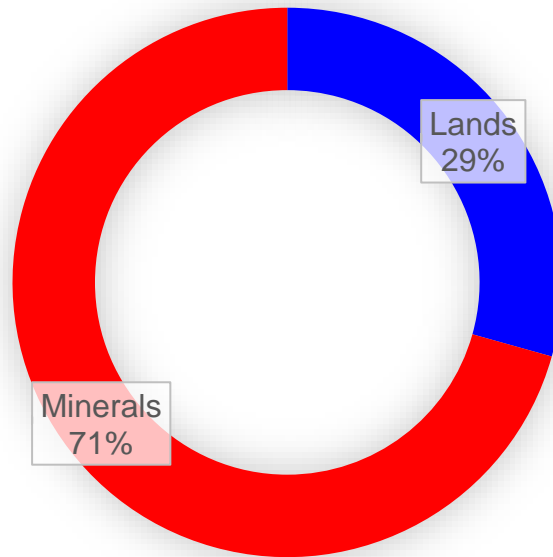
We received 276 appeals from BLM in FY17, which amounted to 80% of our entire intake for that fiscal year.

Received Appeals in FY17



Of those appeals from BLM decisions, 195 concerned minerals, about 71 percent, and 81 appeals, approximately 29 percent included matters related to land use.

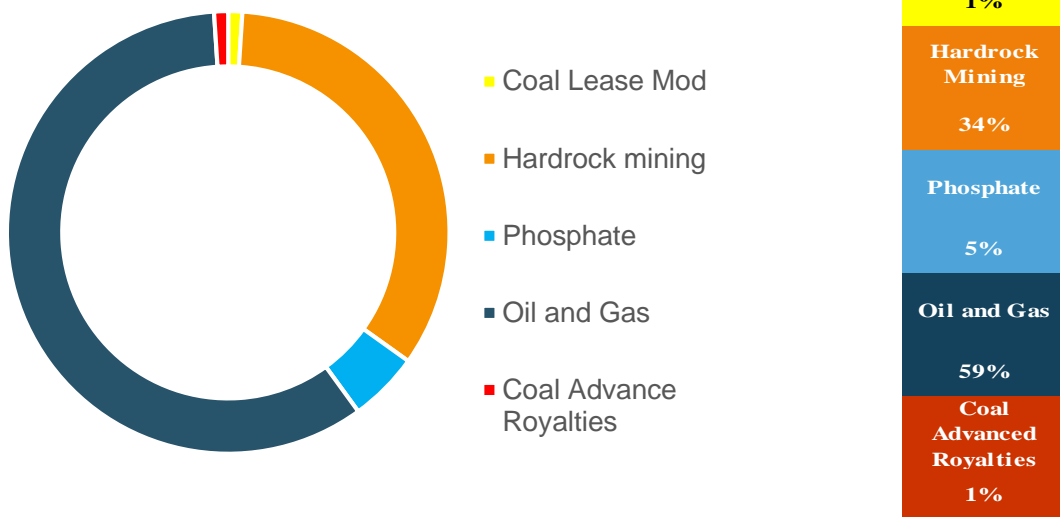
Appeals from BLM Decisions



MINERALS

Onshore oil and gas matters made up around 59% of the total appeals categorized as mineral cases. Of those onshore oil and gas matters, nearly 75% concerned reclamation bonding amounts for onshore oil and gas pipelines.

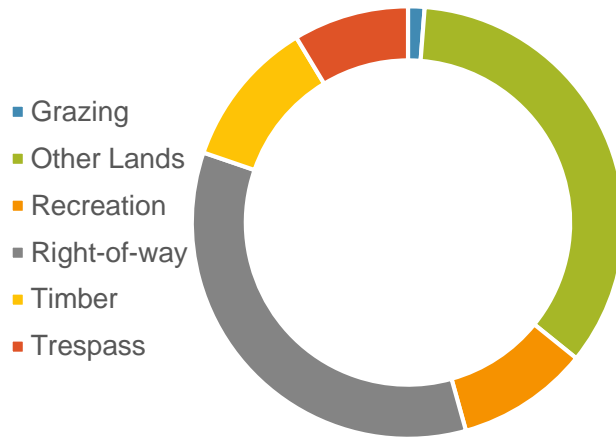
Other matters included operations, communitization, and lease sales.



LANDS

The appeals we received involving lands primarily concerned right-of-way annual rental bills and BLM land use decisions we categorize as Other Lands, such as wild horse and burro decisions, cadastral survey decisions, land conveyance decisions, and vegetation management decisions.

Grazing 1%	Other Lands 35%	Recreation 10%
Rights-of-way 35%	Timber 11%	Trespass 9%
Lands		



Appeals from BSEE and BOEM Decisions Accounted for the Rest of our Intake

We received 34 appeals from BSEE decisions. Approximately 82% of these appeals dealt with decommissioning orders, incidents of noncompliance, or civil penalties cases. The other appeals included BSEE decisions denying suspension-of-operation requests, declaring leases to be terminated, and concerning oil and gas pipelines.

About 82% of appeals from BSEE decisions concerned decommissioning orders, incidents of noncompliance, and civil penalties.

In FY17, BOEM issued 23 decisions that were appealed to the Board. They all concerned supplemental bonding orders for oil and gas lease decommissioning liability.

The subject of BOEM's decisions appealed to the Board in FY17 dealt exclusively with supplemental bonding amounts.

THE BOARD'S PENDING APPEALS

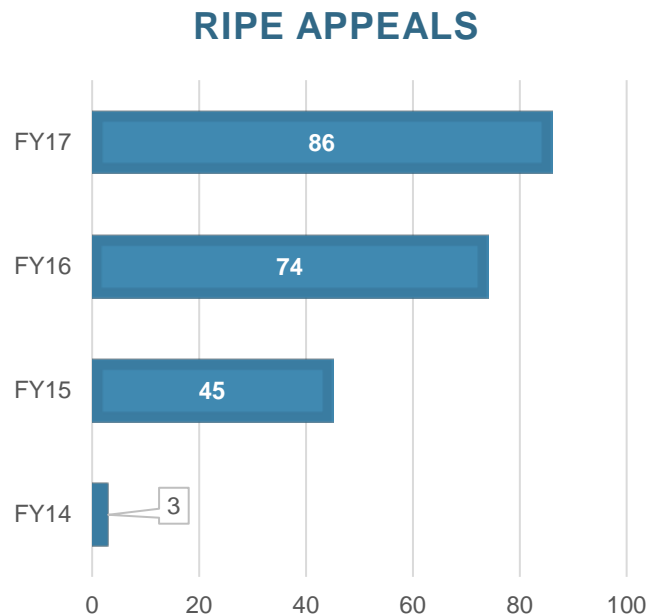
We ended FY17 with 400 appeals in inventory. Of those appeals, 293, about 73% of our inventory, were part of the Board's active docket, which includes both ripe and unripe appeals. The remaining 107 pending appeals were those that the Board suspended from consideration (usually at the parties' request) and constitute our inactive docket.

Active Docket

Ripe Appeals:

The Board's active docket includes all appeals that are ripe for final disposition.

At the end of FY17, we had 208 ripe appeals waiting to be adjudicated. Of those 208 appeals, 3 were docketed in FY14, 45 were docketed in FY15, 74 were docketed in FY16, and 86 appeals from FY17 were ready for final disposition on September 30, 2017.

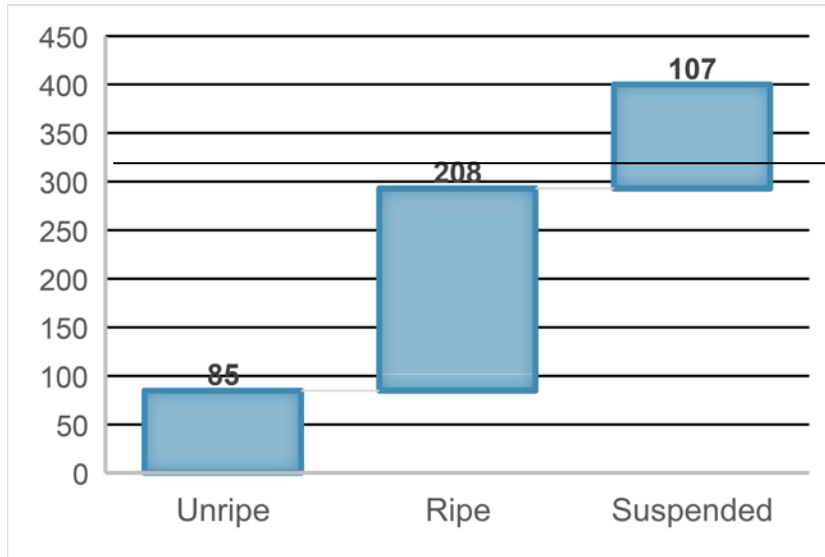


Unripe Appeals:

The Board's active docket also includes appeals that are not yet ready for disposition. These are appeals where the parties are still working to finalize the record or have not yet filed their pleadings. At the end of FY17, the Board's unripe appeals totaled 85 appeals and included appeals received in FY16 (6 appeals) and FY17 (79 appeals).

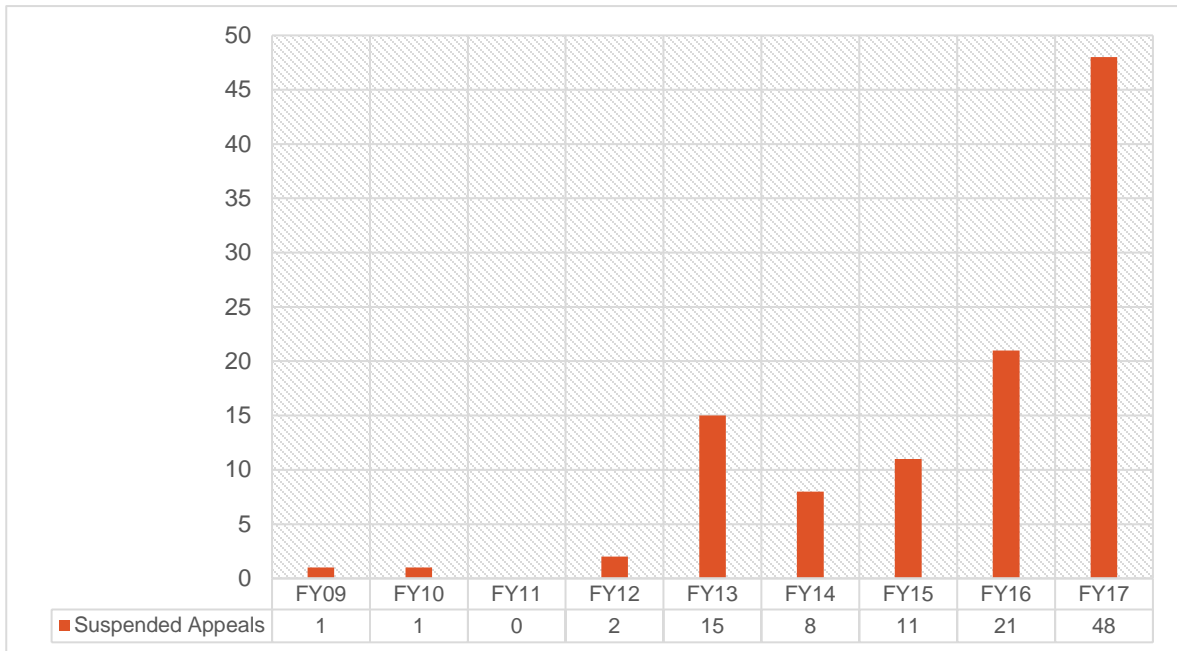
Inactive Docket: Appeals in Suspended Status

Our inactive docket consists of appeals that are not being actively considered, and any filing deadlines in those appeals have been tolled. There are various reasons why a case is in suspended status. Typically, a case is suspended at the request of the



parties, often because the parties are engaging in settlement negotiations. A case may also be placed in suspended status when there is active litigation in Federal court that may affect the outcome of the case. We finished FY17 with 107 appeals in suspended status.

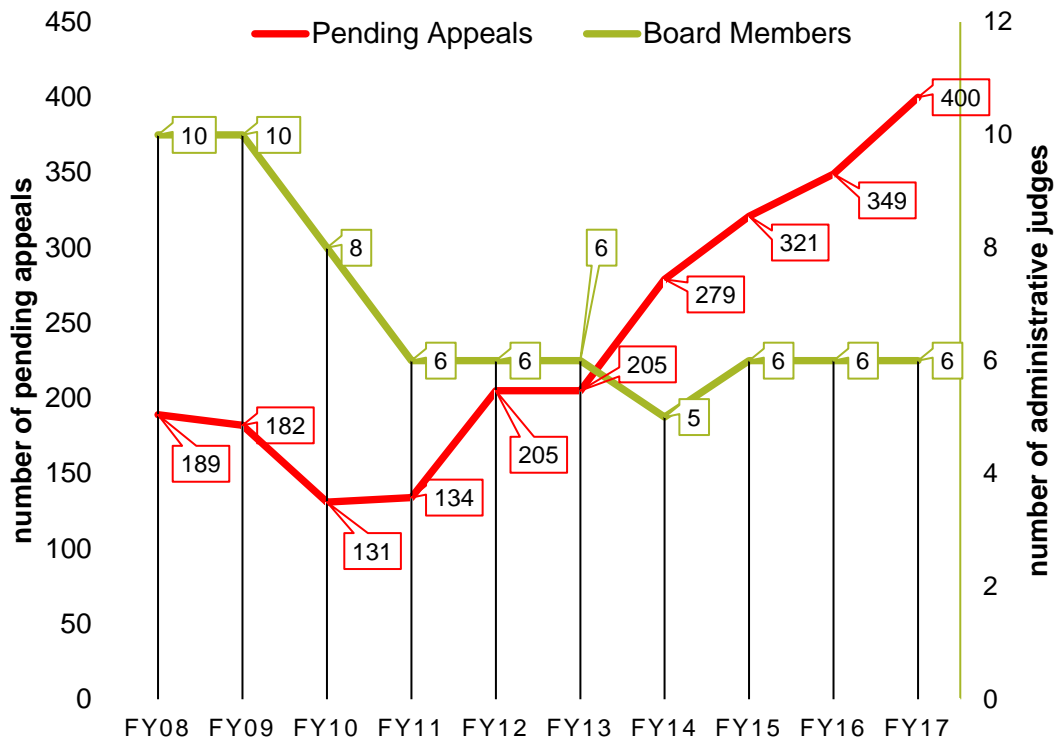
The chart below illustrates the Board's suspended docket at the end of FY17.



We take an active approach to managing our suspended cases. Parties who are granted suspended status to pursue settlement are required to actively work to resolve their disputes and to keep the Board apprised of those efforts. The Board orders regular status reports, and where appropriate, issues orders to show cause why the case should not be returned to the active docket. In FY17, the Board did not place any case in suspension for more than a year. Once a year passed, the parties had to sufficiently justify why the appeal should remain in inactive status.

Pending Appeals and Board Membership: A Comparison

The chart below illustrates the correlation between Board membership and the number of pending appeals the Board carries in its inventory each fiscal year. As Board membership has decreased over the last decade, our pending appeals have increased.



Procedural Docket

If a party would like to make a request to the Board, they must do so in writing. We adjudicate all procedural motions as expeditiously as possible.

Petitions for Stay Pending Appeal

An appellant may petition to stay the effect of bureau decisions during the pendency of the appeal before the Board. The Board is required to grant or deny a petition for a stay within 45 calendar days of the end of the period for filing a notice of appeal. A considerable number of appeals are accompanied by a petition for a stay, requiring the Board to devote substantial time and resources in meeting the 45-day deadline imposed by our regulations.

The Board will not adjudicate a stay petition unless we have jurisdiction over the matter. Once jurisdiction is established, an appellant must show that there is sufficient justification for the Board to grant a stay based on the following four criteria:

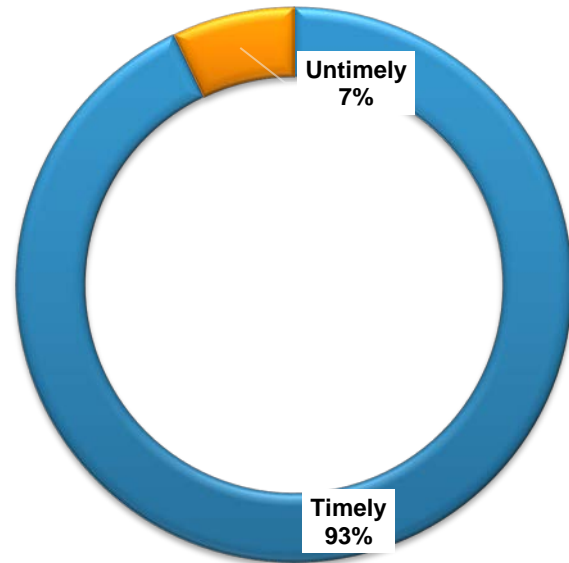
- (i) The relative harm to the parties if the stay is granted or denied,
- (ii) The likelihood of the appellant's success on the merits,
- (iii) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (iv) Whether the public interest favors granting the stay.

In FY17, the Board received 346 appeals and 90 stay petitions. This means that approximately 1 in 4 of all appeals received in FY17 contained a petition for a stay.

We resolved 80 of these stay petitions before the end of FY17. We dismissed or denied as moot 32 of those petitions because we either determined that we did not have jurisdiction over the appeal, or we decided the appeal on the merits. Of the remaining 48 stay petitions, we adjudicated 41 based on the regulatory criteria listed above, denying 34 and granting 7. We also granted another 7 petitions when counsel for the government affirmatively did not oppose them.

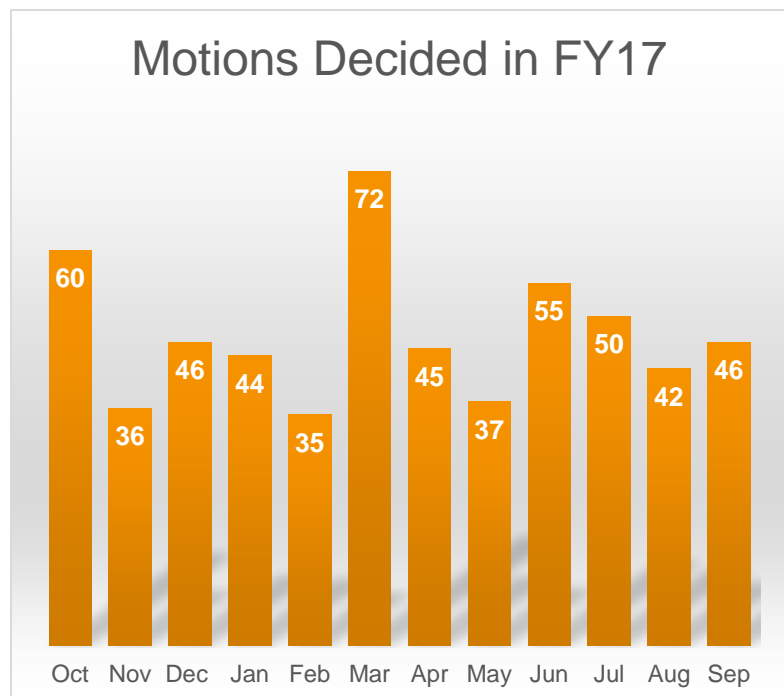
The Board concluded 40% of all appeals that included a stay petition. The other 60% of the appeals with a ruling on the stay remained on our docket pending a decision on the merits.

We timely ruled on the petitions within our regulatory timeframe 93% of the time. The Board ran into timing constraints when we received stay petitions where it was unclear whether the petitioner had standing to file a stay petition. In those cases, we first adjudicated whether the petitioner had standing before we decided the stay petition. This process caused us to resolve 3 stay petitions after our regulatory timeframe.



Other Procedural Motions and Requests

The Board received, and ruled on, approximately 47 procedural motions and requests each month during FY17. Our regulations permit parties to file a variety of motions and requests. The most common requests are from parties seeking additional time to file pleadings.



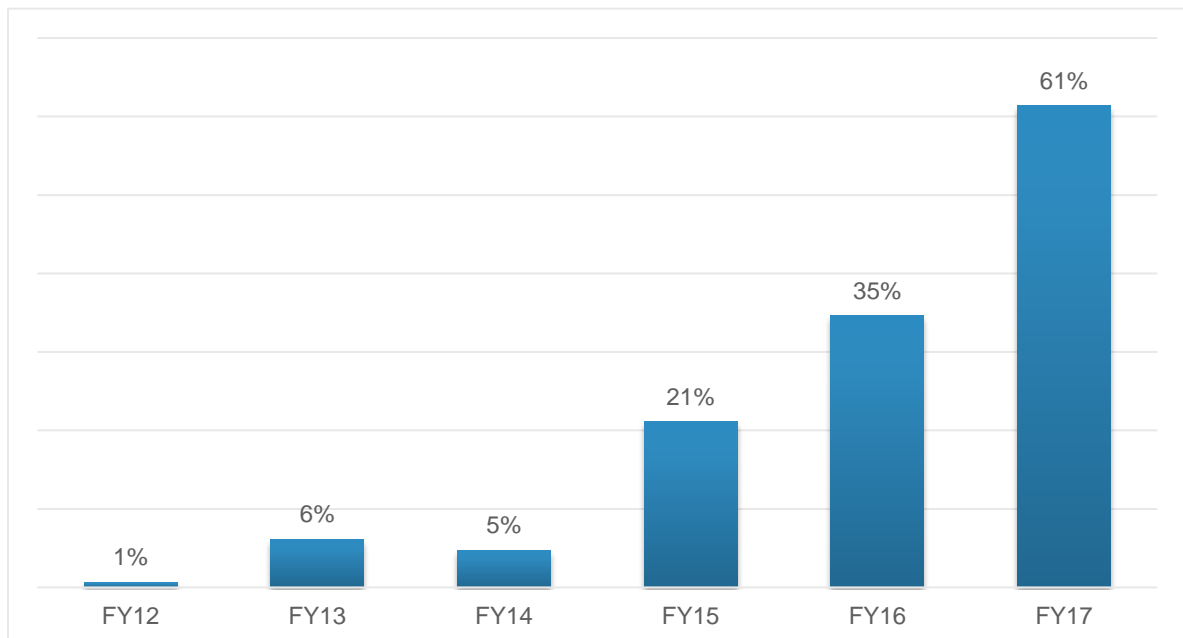
We also receive a variety of other motions, including motions to:

- CONSOLIDATE APPEALS
- INTERVENE
- STRIKE A PLEADING OR EVIDENCE
- EXPEDITE CONSIDERATION OF THE APPEAL
- SUPPLEMENT THE RECORD
- PLACE AN APPEAL ON OUR INACTIVE DOCKET
- SUSPEND THE APPEAL
- DISMISS THE APPEAL FOR LACK OF JURISDICTION

SUMMARY OF THE BOARD'S PENDING APPEALS

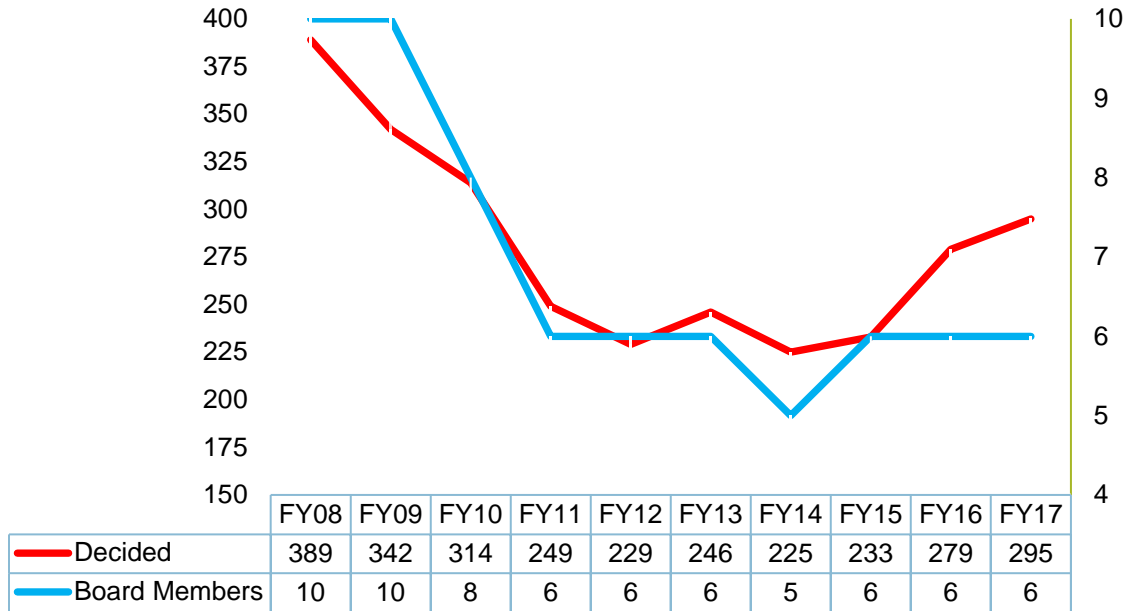
While we ended FY17 with 400 appeals in inventory, only 52% were ready to decide. The other appeals were either unripe or were suspended from consideration.

The following table shows how many appeals remain on our docket compared to total number of appeals we received in that respective year. For example, 61% of all appeals docketed in FY17 remained pending before the Board at the end of FY17.

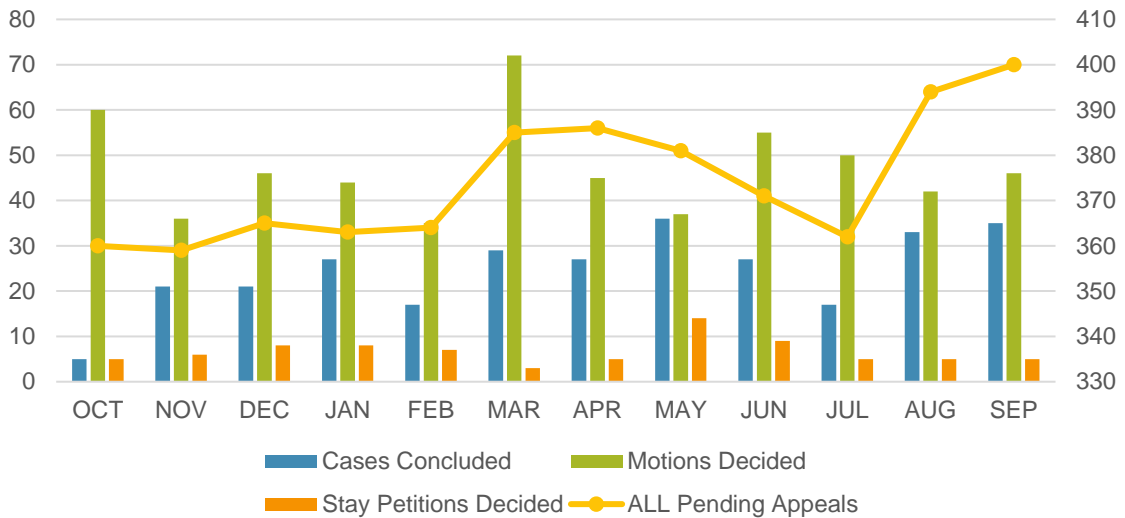


CONCLUDED APPEALS

We concluded a total of 295 appeals in FY17, an increase of about 5% from the previous fiscal year.



We concluded 25 appeals on average each month in FY17. Combined with our concluded appeals, we also decided about 7 stay petitions and 47 motions on average each month. Therefore, the Board issued over 79 Orders each month.



A Breakdown by Outcome and by Bureau / Office

The Board disposes of cases in multiple ways. Below is a description of our common dispositions.

Affirm/Affirm as Modified: When the Board agrees with the decision below, we will affirm. We will affirm, as modified, when we agree with the decision's outcome or result, but we find that the basis for the decision was incorrect in whole or in part.

Set Aside and Remand: The Board sets aside and remands a matter back to the bureau when we cannot determine whether the decision below is correct. Typically, this occurs when the administrative record does not support the bureau's decision. We also set aside and remand an appeal back to the bureau when the bureau seeks to make a correction or a modification to the decision on appeal.

Vacate/Reverse: When the result of the bureau's decision is incorrect, we can vacate it and send it back to the bureau for further adjudication. The Board can also provide the correct result in a way that disposes of the case and a remand is unnecessary.

Dismiss: We can dismiss an appeal without discussing the merits when we do not have jurisdiction to hear the case, when other reasons prevent review of the merits, such as an appellant's failure to file a statement of reasons in support of the appeal, or when the parties request to withdraw the appeal.

Refer for Hearing: We can refer an appeal to DCHD for a hearing on an issue of fact.

Grant or Deny a Motion for Reconsideration: When an appellant moves the Board to reconsider its final decision, we will either grant that motion or deny it. If we grant the motion, we will vacate the Board's original decision and decide the case anew.

CASES CONCLUDED

In FY17, the Board dismissed 46% of our concluded appeals, affirmed 44% of those appeals, and set aside, reversed, or vacated about 7% of all appeals concluded. The other 3% concerned reconsiderations.

The following table breaks down case dispositions in FY17 by bureau:

Disposition Type	OVERALL	BLM	BOEM	BSEE	DCHD	ONRR	AVERAGE
Affirmed	44%	50%	0%	50%	50%	71%	44%
Dismissed	46%	39%	97%	47%	20%	29%	46%
Recon Denied	2%	1%	0%	3%	10%	0%	3%
Recon Granted	1%	1%	0%	0%	0%	0%	0%
Reversed/Vacated	3%	3%	0%	0%	20%	0%	5%
Referred for Hearing	0%	0%	0%	0%	0%	0%	0%
Set Aside and Remanded	4%	5%	3%	0%	0%	0%	2%
Totals	100%	100%	100%	100%	100%	100%	100%

BLM: Of the 211 appeals we concluded regarding BLM decisions, we affirmed 105 of them, or about 50%. We dismissed about 39% of appeals from BLM decisions. Of those dismissals, approximately 49% were dismissed because the parties stipulated to dismissal and 17% were dismissed because the appellant did not have standing to appeal.

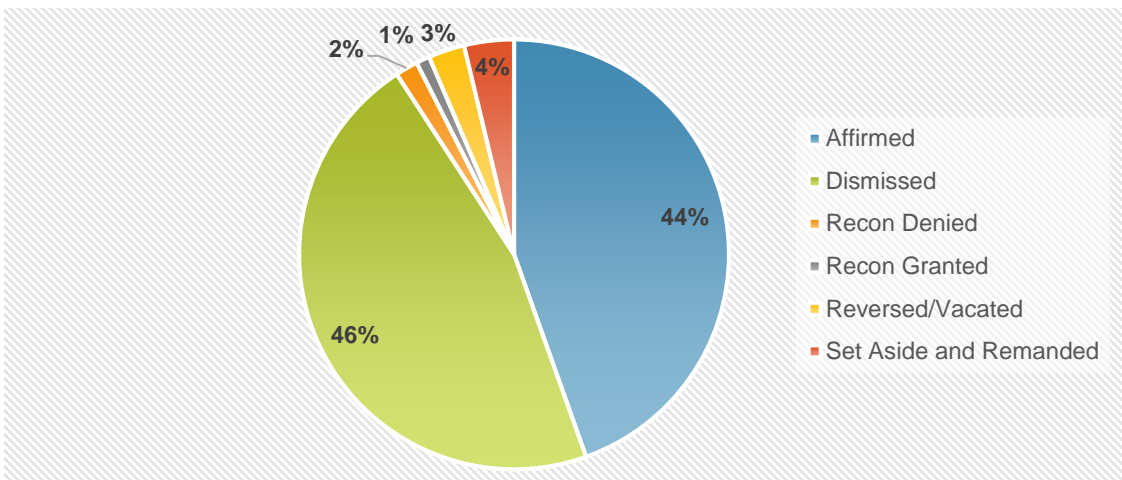
BOEM: We concluded 35 appeals concerning BOEM decisions and only adjudicated 3 of those dispositions because BOEM asked the Board to remand 32 appeals in FY17. In the 3 adjudicated dispositions, we set aside and remanded, dismissed as moot, and dismissed as premature.

BSEE: We concluded 32 appeals from BSEE decisions. We affirmed half of them. We dismissed as premature one appeal and we denied a motion for reconsideration. Otherwise, we dismissed 14 appeals because the parties had settled their disputes.

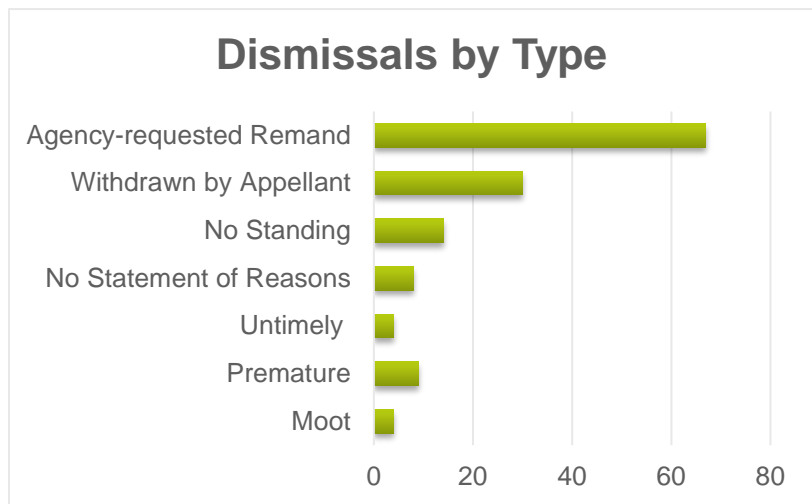
DCHD: Of the 10 appeals we concluded that came to us from the Hearings Division, we affirmed 50% of the time, reversed 20% of the time, dismissed 20% of the time and denied reconsideration 10% of the time.

ONRR: We adjudicated all 7 of the appeals we concluded from ONRR decisions. We affirmed 71% of those decisions and dismissed for lack of jurisdiction 29% of those decisions.

OVERALL: In FY17, approximately 90% of our concluded appeals were affirmed or dismissed. We affirmed 44% and dismissed 46% of our concluded appeals. We concluded the remaining 10% by reversing, vacating, setting aside and remanding, or granting or denying a motion for reconsideration of our final decision.



Dismissals occurred for a variety of reasons. Of the 136 appeals that we dismissed, about 97 (71%) of them were agreed to by the parties and we did not have to adjudicate any legal or factual aspects of the appeal. As for the other 39 appeals we dismissed (28%), we determined that we could not issue a decision on the merits for a variety of reasons, such as lack of jurisdiction, failure to file a statement of reasons, or mootness.

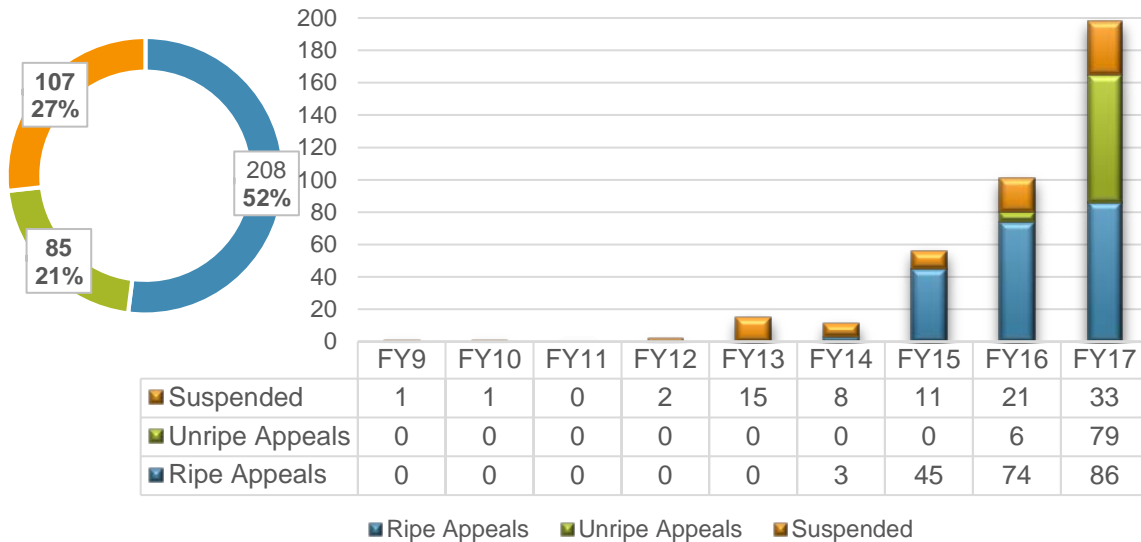


CONCLUSION

Our overall output in FY17 was a testament to our mission: To resolve appeals as efficiently and effectively as we can with the resources we have. We issued a total of 943 dispositive and procedural rulings in FY17, which equates to producing for the public we serve about 79 orders and decisions each month. We concluded 295 total appeals.

Output	Totals	Monthly Average
Cases Concluded	295	25
Motions Decided	568	47
Stay Petitions Decided	80	7

We still carried a total of 400 appeals into the next fiscal year, but only 52% were ripe for final adjudication. Those 400 pending appeals are broken down in the column chart below by the fiscal year in which the Board received them. The pie chart shows the total appeals in each pending-appeals category.



We are issuing decisions on petitions for stay within the regulatory timeframe 93% of the time. The primary reason we did not resolve all stay petitions within the regulatory timeframe is that sometimes we must determine our jurisdiction over the appeal before we may adjudicate the stay. Finally, the average length of time to decide an appeal in FY17 took 8 months.

The Results of our FY17 Goals

1. **Additional Transparency:**
 - **Publishing dispositive orders issued from 1990 to 2015**
 - **Status:** Incomplete. Dispositive orders from calendar years 2013 through now are posted online.
 - While all dispositive orders issued by the IBLA (1970 to current) have been digitized, we experienced a reduction in support staff and did not complete the publication process.
 - **Making public presentations on Board operations and substantive law.**
 - **Status:** Achieved. Chief AJ made several public presentations and Board representatives presented at the Environmental Law Institute.
 - **Publish statistical reports on web.**
 - **Status:** Achieved. Chief AJ implemented a statistics Dashboard that provides information on how many appeals the Board docketed, decided, and are pending each month.
2. **Generate clearer, more concise decisions.**
 - **Status:** Achieved. The Board utilized more modern legal writing in its decisions.
3. **Leverage electronic resources such as email to enhance efficiency.**
 - **Status:** Achieved. The Board emails courtesy copies of all outgoing Board business.
4. **Update the docketing notice to request the parties' email addresses for email service and inform parties of our website tools.**
 - **Status:** Achieved. The docketing notice was updated accordingly.
5. **Close no less than 250 appeals**
 - **Status:** Achieved. The Board closed 295 appeals.

6. **Resolve 85% of stay petitions within regulatory deadlines.**
 - **Status:** Achieved. The Board timely resolved 93% of all decided stay petitions.

7. **Transfer non-active suspended cases to active docket when parties cannot show compelling circumstances for not doing so.**
 - **Status:** Achieved. The Board issued two such orders.

8. **Resolve all of FY13 and FY14 active cases.**
 - **Status:** We had 3 active FY14 still pending at the end of FY17.

9. **Reduce the Board's processing time for cases by 10% compared to FY16.**
 - **Status:** In FY16, the average length of time to decide a case was 7.3 months. In FY17, the average length of time to decide a case was 8.0 months, which was approximately a 9% increase from FY16.

FY18 Goals

The Board will continue to emphasize transparency and public accessibility, and work to reduce our case disposition times. To further these objectives, we have identified the following goals:

1. Conclude all FY14 and FY15 active cases.
2. Adopt and implement e-Service.
3. Continue publishing dispositive orders.
4. Conclude a minimum of 250 cases.
5. Timely adjudicate our stay petitions 90% of the time.
6. Do not exceed an overall average 8-month disposition time.

Appendix

LANDS		MINERALS	
Sub-Category	Type	Sub-Category	Type
Alaska	Selections – ANILCA	EAJA	Attorney Fees - Minerals
	Town sites, T&M sites, etc.		
	Native Allotment	Mining	Rental/Maintenance Fees
	Selections – ANCSA		Recordation
	Other Mining Occupancy		
EAJA	Attorney Fees - Lands		Patent Applications
FLMPA	Disclaimers		Contests
	Patent Correction		
	FLMPA 203 & 302 Sales	MLA - Non O&G	Other MLA Applications Leases/Licenses/Permits
Grazing	Other (including capacity)		
	Lease/Permit Applications	Oil & Gas (Onshore)	Applications
	Tresspass, Violations		Lease
	Stays		Misc.
	Reinstatement		
Land Conveyance	Desert Land Entry		Unitization
	Land Entry - General	SMCRA	APA
	Indian Allotments		Applicant/Violator System
	State Selection		Attorney Fees
	State Indemnity Adjudication		Non-APA
	Land Exchanges		
Recreation	Rec & Public Purpose Special Use Permit	Other	Material Sales Tresspass - Minerals FLPMA Retained Int.
Right-of-Way	Bond/Rent/Stipulation	Royalty	Indian Royalty
	Other ROW		Royalty Fairness Act
Timber	Other Sales/Mgmt.		Royalty - Other (e.g.
	Wildfire Management	Noncompliance and Civil	
	Sourcing Area Application		
Tresspass	Tresspass - Land	Offshore	leases/Unitization/ROW Safety & Environmental
	Tresspass - Fire		
Other Lands	Cadastral Survey		
	Color-of-Title		
	Land Use - Misc.		
	Wild Horses/Burro		
	Payments in Lieu of Taxes		