

**UNITED STATES DEPARTMENT OF THE INTERIOR
OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF LAND APPEALS**

IBLA 2017-140

**ION/GX TECHNOLOGY
CORPORATION**

E14-003

**Offshore Oil & Gas Exploration
Permit Denial**

APPELLANT’S RESPONSE TO BOEM’S MOTION FOR REMAND

Appellant Ion/GX Technology Corporation (“Appellant”) supports the Bureau of Ocean Energy Management’s (“BOEM”) Motion for Remand filed on May 10, 2017. The denial of the permit application at issue in this appeal was a politically calculated decision, rushed into effect in the waning days of the previous executive administration without administrative rigor or regard for applicable legal standards. BOEM’s decision to fix the agency’s plain error, as described in the Motion for Remand, will help to ensure that Appellant’s permit applications is considered by BOEM through an appropriate and legally compliant administrative process.

If BOEM’s Motion for Remand is granted, the pending motions to intervene in this appeal will be moot and, therefore, the filing of responses to those motions would be premature. If BOEM’s Motion for Remand is not granted, Appellants intend to file responses opposing the pending motions to intervene because, among other deficiencies, all of the pending motions to intervene fail to demonstrate that the movants are adversely affected by the decision challenged in this appeal—BOEM’s original blanket denial of the permit applications. Accordingly, for the reasons stated in the Motion for Remand, Appellant also joins in BOEM’s alternative request that the Board allow ten (10) business days from issuance of its order on BOEM’s Motion for Remand for the filing of responses to the pending motions to intervene, if such responses are necessary.

DATED: May 12, 2017.

Respectfully submitted,



Teri Donaldson
1000 Louisiana Street, Suite 2800
Houston, Texas 77002-5005
teri.donaldson@dlapiper.com
T 713.425.8455
F 713.300.6025
Counsel for Ion/GX Technology Corporation

CERTIFICATE OF SERVICE

I certify that on May 12, 2017 the foregoing Response to BOEM's Motion for Remand was sent via electronic mail to:

Pedro Melendez-Arreaga
Office of the Solicitor
U.S. Department of the Interior
1849 C Street, N.W.
MS 5358
Washington, DC 20240
pedro.melendez-arrea@sol.doi.gov



Teri Donaldson