



United States Department of the Interior



BUREAU OF LAND MANAGEMENT

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November 25, 2008

Memorandum

To: Regional Director, Intermountain Region, National Park Service

From: Director, Utah State Office, Bureau of Land Management

Subject: Discussions and Agreements Regarding December 19, 2008 Competitive Oil and Gas Lease Sale of Lands Proximal to Arches National Park, Canyonlands National Park and Dinosaur National Monument

Thank you for the opportunity to visit with you and your staff yesterday regarding your concerns about certain parcels proposed for the December 19, 2008 geothermal and oil and gas lease sale.

Yesterday's discussion was very productive. I believe we were able to provide vital information about our newly approved resource management plans, BLM's policy and legal mandates and their relationship to the decisions and agreements reached. I am grateful for your willingness to come to Salt Lake City and respond in person to your concerns which I believe provided greater opportunities for collaboration and positive results.

I recognize that the NPS had requested I defer the parcels the day they were posted, but I wanted to have the opportunity to engage in dialogue to discuss the newly approved resource management plans and the much stricter environmental protections included in our decisions before making an arbitrary decision to defer parcels. Moreover, the process we are currently following allows for dialogue and I believe in our case, the process worked as intended.

In addition, I mentioned that I would be consulting further with other partners that BLM collaborates with on a regular basis. As you know based on BLM's regulatory requirements, we also maintain a consulting agency relationship with State and County agencies directly affected by land management decisions on public land. These State and County officials also participated in formulating the resource management plans on which leasing decisions are based and they have invested much time and effort in the decisions these documents represent. Participation of these state agencies, as well as full and open public participation, ensures not only broad participation in decision-making, but that the concerns of all public land partners are taken into account.

The result of this extensive collaboration and cooperation, as well as applying best available science and analysis, has been a dramatic improvement in BLM's ability to apply principles of environmental stewardship to public lands with the updated resource management plans. While we recognize the singular beauty of many of the National Park lands, BLM, too, is steward of some spectacular vistas. BLM's stewardship mission is played out in complexity of our multiple use mission.

As is well documented in our administrative record, BLM has worked extensively and collaboratively with NPS to develop the newly released resource management plans and the improved environmental stewardship those plans represent. Throughout the planning process, there was extensive input from the National Park Service regarding many issues and NPS played a significant role in developing safeguards to protect a range of resources included in the RMPs.

I would like to review the agreements made yesterday and to outline decisions not finalized yesterday. First, we agreed that the 1993 agreement addressing the working relationship between the BLM and the NPS should be reviewed and renewed for the purpose of strengthening communication and collaboration. We will be working to complete the task before the end of the year.

You raised concerns about air quality, water resources, and natural sound. Regarding air quality analysis, we explained in the meeting that at the land use planning level there is a lack of specific parameters from which to develop inputs for air dispersion modeling. While lands are open to lease, the presence of the specific locations, types and sources of emissions have to be factored in for a model to have any validity. Oil and gas lease decisions may have adequate information in the situation of a developed field, but in most cases leasing decisions exploration and development proposals and do not have adequate information regarding the specific location and types of emission sources. In pre-lease situations, the air analysis is necessarily more qualitative such as an emissions comparative method. The quantitative air analysis is generally deferred to full field development Environmental Impact Statements. BLM is fully engaged in air quality analysis at the programmatic level when a project is proposed. It is at this level that your concerns would be further and more appropriately addressed. Even so, in each of the new resource management plan environmental impact statements, BLM took a hard look and reasonable look at potential impacts to air quality based on best available information from various monitoring networks, existing emission inventories, and predicted emissions from reasonable foreseeable actions. The level of detail for proposed activities with regard to emission types, sources, and amounts were assessed. We agreed to further discuss air quality issues between NPS and BLM.

In our water quality discussion, we agreed that existing laws regarding oil and gas drilling in water tables would protect those areas from any incursion. We are required to provide that protection now to all public lands including the parcels identified by your agency.

Regarding natural sound, we agreed that a lease notice would be added to the appropriate parcels that would not only require reducing sound from potential oil and gas operations but would also include night lighting restrictions where appropriate.

Your concern for exceptions, waivers and modifications to stipulations attached to a lease would be addressed by each of the park unit managers and BLM managers. A process for collaboration on this concern would be developed at the field level.

BLM has many responsibilities which are not discretionary. For example, as we discussed yesterday, BLM is bound to protect royalties from federal oil and gas resources from “drainage,” a term which refers to federal minerals being removed from beneath non-federal lands without a royalty payment to the federal government. This factors into our decision especially in areas where state or private lands are already leased for oil and gas development. Some of the parcels near and around Arches National Park have been leased by non-Federal mineral owners. As a matter of responsible mineral management, I am required to consider drainage when developing a lease sale.

Specific to parcels that will be deferred from the upcoming lease sale I have already announced the decision to defer a split estate parcel in Spanish Valley (southern portion of parcel 225). In addition, as I informed you yesterday, I have engaged in discussion with the Governor’s office and a representative of the Governor’s taskforce on Outdoor Recreation regarding their parcels of concern and those that are included in the list submitted by NPS. I am deferring from the lease sale parcel 200 (southwest of Arches National Monument), parcels 224, 223, 222, 221, 219, 217, 218 and northern portion of parcel 225 (south of Arches and adjacent to the park on the east). BLM Utah recognizes the state is a premier outdoor recreation destination. Working with groups like the Governor’s taskforce on Outdoor Recreation provides opportunities to continue the dialogue for recreational opportunities that make Utah so unique, while making energy resources on some of those same lands available for responsible development. In those discussions I agreed to defer these parcels while we work to develop ways to accommodate recreation and responsible energy development.

BLM is pleased at NPS’s acknowledgment that, for the vast majority of parcels where NPS expressed concern, protective stipulations and lease notices are adequate to address NPS concerns. NPS had originally identified 43 lease parcels of concern but in a letter delivered at the November 24 meeting, a total of 95 parcels of concern were identified. The result of that meeting was that we reached consensus on 85 parcels that would move forward for the December 19 lease sale. Today I have decided to defer an additional eight parcels as requested by NPS (parcels 189, 190, 191, 192, 193, 194, 215, 216) and VRM Class II portions of 242, 243, and 244.

The following is a discussion of the parcels and the basis for our consensus to move forward. These parcels are categorized as per NPS park or monument unit:

Category 1 lease parcels

Near Dinosaur National Monument: 121, 122, 124, 125, 119

Near Arches & Canyonlands: 170,171,172,173, and western portion of 174, 175, 176, 177, 178, 179, 161, 162, 163, 164, 165, 166, 167, 168, 169, 200, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371 (erroneously listed, not intended for lease sale: parcels 231, 361)

National Park Service requested to defer these parcels unless there is full implementation of existing stipulations, without exceptions, modifications, or waivers. This concern is addressed earlier in this letter. BLM and NPS reached consensus to move forward with the sale of these parcels. We agreed to do a site visit on parcel 119 as well as BLM deferring 121,122,124,125 for other reasons.

Category 2 lease parcels

Near Dinosaur National Monument: 101, 130, 131, 132, 143, 144, 145, 146, 147

Near Arches & Canyonlands: 180, 181, 182, 183, 184, 185, 186, 198, 199, 201, 202, 203, 204, 205, 206, 207, 208, 214, east portion of 174, parts of 196 and 197

NPS requested the same requirement for coordination on exception, modification and waiver as in Category 1. In addition NPS requested additional consideration be given to concerns for night lighting, restricted access over park lands or roads, provisions to protect surface and ground water, controls over sound levels to minimize sound impacts.

BLM agreed to add lease notices on light and noise controls that would apply even at the implementation stage as potential conditions of approval (derived from site-specific NEPA analysis) on Applications for Permit to Drill. We also discussed that no access was guaranteed as part of the lease sale and specifically no access across NPS lands. Finally, we also discussed that under the regulations and onshore orders that all development is required to protect both groundwater and surface water resources.

BLM and NPS reached consensus and agreed to move forward with sale of these parcels. BLM is deferring northern portion of 101 for other reasons and we agreed to have a site visit on parcels 143,144.

Category 3 lease parcels

Near Dinosaur National Monument: 102, 128, 129

Near Arches & Canyonlands: northeastern quarter of 196, eastern portion of 197, 189, 190, 191, 192, 193, 194, 215, 216 portions of 242, 243, and 244

NPS requested additional time to review these parcels to conduct additional analysis. Some issues expressed for consideration of additional analysis were National Park viewsheds, light and noise, wildlife, water concerns, wilderness recommendations on Arches National Park and groundwater protection. As discussed above consensus was reached on parcels to move forward with sale. The consensus on the remaining ten parcels was to defer them for further analysis.

Based on regulatory provisions for groundwater protection, we reached consensus to include all of parcels 196 and 197 in the lease sale. The remaining parcels in this category will be deferred except for the No Surface Occupancy requirement for portions of 242, 243, and 244.

For the parcels near Arches and Canyonlands, we discussed the extensive protective measures such as Visual Resource Management Classifications (II) which would retain the existing character of the landscape, while allowing for a limited degree of management activity. The level of change to the characteristic landscape must be low and should not attract the attention of the casual observer. In addition, we have included requirements of No Surface Occupancy on parcels where appropriate to protect the surface of the land from energy development operations. These two protective measures along with others included in parcels for oil and gas leasing will

be further discussed as we move forward in our coordination and collaborative efforts. I am attaching for your review specific stipulations for the parcels we have agreed to defer. Thank you for the opportunity to address your concerns. I look forward to further discussions and follow up to our commitments.