United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Colorado State Office
2850 Youngfield Street
Lakewood, Colorado 80215-7210
www.co.blm.gov

In Reply Refer To:
3120 (CO-922)

NOV 1 2 2015

CERTIFIED MAIL – Return Receipt Requested

Decision

Ms. Meghan Belaski
1212 Southridge Drive
Fort Collins, Colorado 80521

November 12, 2015, Competitive Oil & Gas Lease Sale
Protest of One Hundred Twenty-One Parcels Dismissed

All Protested Parcels Will be Offered for Sale

The protest period for the November 12, 2015, Competitive Oil and Gas Lease Sale began August 14, 2015, and closed at 4:00 p.m. MT on September 14, 2015. On September 14, 2015, this office received a protest from Ms. Meghan Belaski regarding all one hundred twenty-one (121) parcels to be offered in the November 2015 lease sale.

The Bureau of Land Management (BLM) received nominations for the November 2015 lease sale until November 12, 2014. The parcels considered for the November 2015 lease sale include federal fluid mineral estate located in the Arapaho-Roosevelt National Forest's Pawnee National Grassland (PNG) and the BLM Colorado's Royal Gorge Field Office (RGFO). The United States Forest Service (USFS) manages the surface estate of the PNG parcels. The BLM administers the mineral estate of all of the parcels. After preliminary adjudication of the nominated parcels by the BLM Colorado State Office, the parcels were reviewed by the RGFO, including an interdisciplinary review, field visits to nominated parcels (where appropriate), review of conformance with the Resource Management Plan decisions for the planning area and preparation of a Documentation of National Environmental Policy Act (NEPA) Adequacy (DNA) for the PNG parcels and an Environmental Assessment (EA) for the RGFO parcels.

The Lease Sale Notice for the November 2015 lease sale provided notice that one hundred twenty-one (121) parcels containing 89,534.300 acres of federal lands in the State of Colorado would be offered for oil and gas leasing. The Lease Sale Notice and the review versions of the NEPA documents were released on August 14, 2015, initiating a 30-day protest period.

The BLM has reviewed your protest arguments in their entirety. The RGFO prepared a DNA, DOI-BLM-CO-F020-2015-0061-DNA, to confirm the sufficiency of the analysis of the impacts of leasing the parcels in the PNG and to formally adopt the US Forest Service Record of Decision and the Final Environmental Impact Statement for the PNG Oil and Gas Leasing Analysis (PNG FEIS), February 2015. The BLM participated in the preparation of the PNG FEIS as a cooperating agency in accordance with Title 40 C.F.R. Part 1501.6. The PNG FEIS addresses oil and gas leasing on certain lands in the PNG that are legally open to leasing. The DNA confirms that the PNG FEIS adequately analyzed the proposed action of leasing the PNG parcels. The signed DNA adopts the PNG FEIS, as provided in 40 C.F.R. 1506.3(a):

An agency may adopt a federal draft or FEIS or portion thereof provided that the statement or portion thereof meets the standards for an adequate statement under [the NEPA implementing] regulations.

An EA, DOI-BLM-CO-F020-2015-0021-EA, was prepared by the RGFO to evaluate the impacts of leasing the parcels in the RGFO planning area in the November 2015 lease smpacts not previously analyzed in an Environmental Impact Statement. The RGFO carefully reviewed each nominated parcel to determine if it can be successfully managed under existing land use planning decisions.

The effects of specific proposed development will be assessed through the NEPA process at the Application for Permit to Drill (APD) stage. A lessee must submit an APD (Form 3160-3) to the BLM for approval and must possess an approved APD (i.e. a drilling permit) prior to any surface disturbance on a federal lease in preparation for drilling. Based on the NEPA analysis done for the APD, the BLM may require certain Conditions of Approval, beyond the minimum protection required by current regulations and law, as applicable, to minimize potential adverse impacts.

For these reasons, we dismiss your protest.

DECISION

The decision to offer the one hundred twenty-one (121) parcels was made in accordance with the BLM policy and regulations. For the reasons described above, your protest of the sale of these parcels is dismissed.

This decision may be appealed to the Interior Board of Land Appeals (IBLA), Office of the Secretary, in accordance with the regulations contained in 43 C.F.R., Part 4 and Form 1842-1 (enclosed). If an appeal is taken, your notice of appeal must be filed in this office (at the above address) within 30 days from your receipt of this decision. The person appealing the decision has the burden of showing that the decision appealed from is in error.

If you wish to file a petition for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must be submitted to each

party named in this decision, to the IBLA, and to the appropriate Office of the Solicitor (see 43 C.F.R. 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied;

2. The likelihood of the protestor's success on the merits;

3. The likelihood of immediate and irreparable harm if the stay is not granted; and

4. Whether the public interest favors granting the stay.

If you have any questions regarding this response, contact Barbara Sterling, Natural Resource Specialist, at (303) 239-3642.

Lonny R Bagley

Lonny R. Bagley
Deputy State Director
Division of Energy, Lands and Minerals

1 Enclosure:
1 – Form 1842-1 "Information on Taking Appeals to the Interior Board of Land Appeals" (2 pp)

cc: Field Manager, RGFO

Form 1842-1
(September 2006)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

INFORMATION ON TAKING APPEALS TO THE INTERIOR BOARD OF LAND APPEALS

DO NOT APPEAL UNLESS
1. This decision is adverse to you,
AND
2. You believe it is incorrect

IF YOU APPEAL, THE FOLLOWING PROCEDURES MUST BE FOLLOWED

1. NOTICE OF APPEAL..... A person who wishes to appeal to the Interior Board of Land Appeals must file in the office of the officer who made the decision (not the Interior Board of Land Appeals) a notice that he wishes to appeal. A person served with the decision being appealed must transmit the *Notice of Appeal* in time for it to be filed in the office where it is required to be filed within 30 days after the date of service. If a decision is published in the FEDERAL REGISTER, a person not served with the decision must transmit a *Notice of Appeal* in time for it to be filed within 30 days after the date of publication (43 CFR 4.411 and 4.413).

2. WHERE TO FILE

NOTICE OF APPEAL..... Bureau of Land Management, Colorado State Office
Division of Energy, Lands, and Minerals (CO-920)
2850 Youngfield Street, Lakewood, Colorado 80215

WITH COPY TO SOLICITOR... U.S. Department of the Interior, Regional Solicitor, Rocky Mountain Region
755 Parfet Street, Suite 151, Lakewood, Colorado 80215

3. STATEMENT OF REASONS Within 30 days after filing the *Notice of Appeal*, file a complete statement of the reasons why you are appealing. This must be filed with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. If you fully stated your reasons for appealing when filing the *Notice of Appeal*, no additional statement is necessary (43 CFR 4.412 and 4.413).

WITH COPY TO SOLICITOR..... U.S. Department of the Interior, Regional Solicitor, Rocky Mountain Region
755 Parfet Street, Suite 151, Lakewood, Colorado 80215

4. ADVERSE PARTIES..... Within 15 days after each document is filed, each adverse party named in the decision and the Regional Solicitor or Field Solicitor having jurisdiction over the State in which the appeal arose must be served with a copy of: (a) the *Notice of Appeal*, (b) the Statement of Reasons, and (c) any other documents filed (43 CFR 4.413).

5. PROOF OF SERVICE..... Within 15 days after any document is served on an adverse party, file proof of that service with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. This may consist of a certified or registered mail "Return Receipt Card" signed by the adverse party (43 CFR 4.401(c)).

6. REQUEST FOR STAY..... Except where program-specific regulations place this decision in full force and effect or provide for an automatic stay, the decision becomes effective upon the expiration of the time allowed for filing an appeal unless a petition for a stay is timely filed together with a *Notice of Appeal* (43 CFR 4.21). If you wish to file a petition for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Interior Board of Land Appeals, the petition for a stay must accompany your *Notice of Appeal* (43 CFR 4.21 or 43 CFR 2801.10 or 43 CFR 2881.10). A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the *Notice of Appeal* and Petition for a Stay **must** also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay. Except as otherwise provided by law or other pertinent regulations, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards: (1) the relative harm to the parties if the stay is granted or denied, (2) the likelihood of the appellant's success on the merits, (3) the likelihood of immediate and irreparable harm if the stay is not granted, and (4) whether the public interest favors granting the stay.

Unless these procedures are followed, your appeal will be subject to dismissal (43 CFR 4.402). Be certain that all communications are identified by serial number of the case being appealed.

NOTE: A document is not filed until it is actually received in the proper office (43 CFR 4.401(a)). See 43 CFR Part 4, Subpart B for general rules relating to procedures and practice involving appeals.

(Continued on page 2)

43 CFR SUBPART 1821--GENERAL INFORMATION

Sec. 1821.10 Where are BLM offices located? (a) In addition to the Headquarters Office in Washington, D.C. and seven national level support and service centers, BLM operates 12 State Offices each having several subsidiary offices called Field Offices. The addresses of the State Offices can be found in the most recent edition of 43 CFR 1821.10. The State Office geographical areas of jurisdiction are as follows:

STATE OFFICES AND AREAS OF JURISDICTION:

Alaska State Office ---------- Alaska
Arizona State Office --------- Arizona
California State Office ------- California
Colorado State Office -------- Colorado
Eastern States Office --------- Arkansas, Iowa, Louisiana, Minnesota, Missouri
and, all States east of the Mississippi River
Idaho State Office ---------- Idaho
Montana State Office --------- Montana, North Dakota and South Dakota
Nevada State Office ---------- Nevada
New Mexico State Office ---- New Mexico, Kansas, Oklahoma and Texas
Oregon State Office ---------- Oregon and Washington
Utah State Office ---------- Utah
Wyoming State Office -------- Wyoming and Nebraska

(b) A list of the names, addresses, and geographical areas of jurisdiction of all Field Offices of the Bureau of Land Management can be obtained at the above addresses or any office of the Bureau of Land Management, including the Washington Office, Bureau of Land Management, 1849 C Street, NW, Washington, DC 20240.

Form 1220-1
(July 1994)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

CLEARANCE SHEET

- ☐ Manual Release
- ☐ Handbook
- ☐ Instruction Memorandum
- ☐ Information Bulletin
- ☐ Regulation
- ☑ Other

INSTRUCTIONS TO ORIGINATING OFFICE

Attach to copies of documents being submitted for clearance. List all reviewing officials by office code and office title. For Bureauwide Directives, list (WO-560) IRM Policy & Directives both before and after signing official.

Brief Description of Issuance *(include Subject-Code Number and Heading)*

In Reply Refer To:
3120 (CO-922)

DecisionDecision

Ms. Meghan Belaski

NOV 1 2 2015

SIGN ALL DOCUMENTS IN BLACK INK

ROUTING (Begin with Originator)			NON-CON-CUR-RENCE (✓)	COMMENTS
TO	SURNAME OR INITIAL	DATE		
Barb Sterling	bas	11/10/15	☐	
Sue Mehlhoff	SMM	11/10/15	☐	
Lonny Bagley	LRB	11/12/15	☐	
Christy Lively			☐	
Barb Sterling			☐	
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