

DECISION RECORD
Determination of NEPA Adequacy
DOI-BLM-CO-SO10-2016-0012-DNA
Lease Parcel Review May 2016

The US Forest Service (USFS) San Juan National Forest, and the Bureau of Land Management (BLM) Tres Rios Field Office jointly prepared the *San Juan National Forest and Proposed Tres Rios Field Office, Land and Resource Management Plan and Final Environmental Impact Statement, September 2013* (LRMP/FEIS) to consider oil and gas leasing on certain lands in the San Juan National Forest and Tres Rios Field Office that are legally open to leasing. The BLM jointly prepared the LRMP/FEIS as a co-lead agency in accordance with Title 40 Code of Federal Regulations (CFR) Part 1501.6. In accordance with Title 40, CFR, Part 1506.3(c), the BLM Tres Rios Field Office adopted the USFS fluid mineral leasing decisions from the LRMP/FEIS for the USFS decisions outlined in the September 2013 Record of Decision, Oil and Gas Leasing Availability, San Juan National Forest, for the purpose of issuing oil and gas leases and approving operations on lands within the administrative boundaries of the San Juan National Forest.

The BLM and USFS Jointly prepared the LRMP/FEIS. The LRMP/FEIS was adopted without re-circulating as the BLM concurred that its comments and suggestions have been incorporated during the National Environmental Policy Act (NEPA) process (40 CFR 1506.3(c)). Furthermore, the LRMP/FEIS meets the requirements of the regulations for implementing the Federal Land Policy and Management Act of 1976 (Title 43 CFR, Part 1600). This decision was documented in the Tres Rios Field Office Approved Resource Management Plan Record of Decision dated February 2015. This decision will allow the BLM, with the consent of the USFS, to lease the federal mineral estate underlying the National Forest System lands of the San Juan National Forest.

It is my decision to implement a portion of the **Proposed Action** as identified in the May 2016 Competitive Oil and Gas Lease Sale, Determination of National Environmental Policy Act (NEPA) Adequacy (DNA), **DOI-BLM-CO-SO10-2016-0012-DNA**, in which **four (6147.410 Acres combined)** parcels of land will be offered for lease in the May 2016 oil and gas competitive lease sale. The USFS manages the surface estate of all of these parcels within the SJNF.

It is also my decision to deny a portion of the **Proposed Action** as identified in the May 2016 Competitive Oil and Gas Lease Sale, Determination of National Environmental Policy Act (NEPA) Adequacy (DNA), **DOI-BLM-CO-So10-2016-0012-DNA**, in which **one (1760.00 Acres)** simultaneous (simo) lease (COC45608) will not be offered for lease in the May 2016 oil and gas lease sale. The USFS manages the surface estate of all portions of this parcel within the SJNF.

Terms/Conditions/Stipulations:

For all parcels, standard terms and conditions, as well as the lease notices and stipulations identified by parcel in Attachment C in the DNA, would apply to the lease parcels.

AUTHORITIES:

The authority for this decision is contained in 43 CFR Part 3100.

PLAN CONFORMANCE:

The proposed action has been reviewed and found to be in conformance with the San Juan National Forest's LRMP/FEIS Record of Decision, (September 2013).

The proposed action has been reviewed, and found to be in conformance with the BLM's Tres Rios Approved Resource Management Plan, Record of Decision, (February 2015).

COMPLIANCE WITH MAJOR LAWS:

The proposed decision and proposed oil and gas leases with stipulations are in compliance with all applicable law, regulations, and policies, including the following:

- Endangered Species Act
- Migratory Bird Treaty Act
- Clean Water Act
- National Historic Preservation Act
- Clean Air Act
- Multiple-Use Sustained Yield Act
- Federal Onshore Oil and Gas Leasing Reform Act

MONITORING:

No monitoring would be required in the sale and issuance of the lease parcels. Should the parcels be developed, monitoring may be required.

PROPOSED ACTION:

The proposed action is to lease 6147.410 acres of federal mineral estate within the San Juan National Forest. The mineral estate in the proposed project area is administered by the BLM, Tres Rios Field Office (TRFO) and the US Forest Service manages the surface estate. Of the four lease parcels, parcel 7441 is located entirely in LaPlata County, while the remaining three (7442, 7443, and 7444) straddle both LaPlata and Archuleta Counties. The act of leasing does not authorize any development or use of the surface of lease lands without further application, and approval by the BLM. The legal descriptions, acreages per parcel and applicable land use stipulations are identified in Attachment C in the DNA.

RATIONALE FOR DECISION:

The decision to approve the proposed action is based upon the following: 1) consistency with the approved LRMP/FEIS (September, 2013); 2) national policy; 3) agency statutory requirements; 4) relevant resource and economic issues; 5) application of measures to avoid or minimize environmental impacts.

1. This decision is in conformance with the San Juan National Forest LRMP/FEIS Record of Decision (September 2013).
2. It is the policy of the Bureau of Land Management as derived from various laws, including the Mineral Leasing Act of 1920, as amended [30 U.S.C. 181 *et seq.*] and the Federal Land Policy and Management Act of 1976, to make mineral resources available for disposal and to encourage development of mineral resources to meet national, regional, and local needs.
3. The decision is consistent with all federal, state, and county authorizing actions required for implementation of the Proposed Action.
4. Economic benefits derived from implementation of the proposed action are considered important and have been analyzed in the LRMP/FEIS (September 2013).

5. Standard terms and conditions as well as special stipulations would apply. Lease stipulations (as required by 43 CFR § 3131.3) were added to each parcel in accordance with the LRMP/FEIS (September 2013).

PUBLIC COMMENTS:

A notice of intent (NOI) to prepare an environmental impact statement was published in the Federal Register on February 11, 2016. The NOI requested comments and described the proposed action, purpose and need, decision to be made, and provided a contact for further information. A scoping letter was mailed to interested and affected individuals on April 2, 2013. This letter described the proposed action, purpose, and need, decision to be made and provided instructions on how to comment. The USFS received about 3,000 comments.

In February 2016, the draft environmental impact statement was available for a 45-day public comment period. Approximately 12 comments were received by the BLM during the comment period. The LRMP/FEIS and ROD were released to the public to provide the public information on alternative selection; the legal notice was published in February 12th, 2016 initiating a 45-day objection period that ended on March 29th, 2016. 12 timely objections were received, which were responded to in writing by the BLM. Project implementation may begin pursuant to regulations at 36 CFR 218.12.

In addition, a notice of the competitive lease sale was posted on February 12, 2016, ninety days prior to the May 12, 2016 sale on the BLM web site, www.co.blm.gov/oilandgas/leaseinfo.html. This lease sale notice initiated a 30-day protest period for the lease sale. BLM received 12 letters of protest.

APPEALS:

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 CFR, Part 4 and Form 1842-1 (copy attached). 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 appellant 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 stay must accompany your notice of appeal. A copy of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the IBLA and to the appropriate Office of the Solicitor (see 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. A petition for a stay is required to show sufficient justification based on the standards listed below.

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 appellant's success of 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.

Approved by:

Date:

A handwritten signature in blue ink that reads "Lonny R. Bagley". The signature is written in a cursive style and is positioned above a horizontal line.

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

A handwritten date in blue ink that reads "May 11, 2016". The date is written in a cursive style and is positioned above a horizontal line.