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**WELBORN SULLIVAN
MECK & TOOLEY, P.C.**
ATTORNEYS AT LAW

1125 17th Street Suite 2200
Denver, CO 80202
MAIN: 303/630-2500
FAX: 303/632-2366

123 W. 1st Street, Suite 100
Casper, WY 82601
MAIN: 307/234-6907
FAX: 307/234-6908

299 S. Main Street, Suite 2070
Salt Lake City, UT 84111
MAIN: 801/410-8111
FAX: 801/364-3010

April 6, 2015

Kent Hoffman
Branch of Minerals
Bureau of Land Management
440 West 200 South, Suite 500
Salt Lake City, Utah 84101-1345

Re.: Expression of Interest, February 2016 Canyon Country Federal Oil and Gas Lease Sale
Submitted via fax to: (801)-539-4237; and e-mail to khoffman@blm.gov; jwhitloc@blm.gov;

Dear Mr. Hoffman:

We represent a number of clients who are actively engaged in environmentally responsible exploration and production of oil and natural gas resources in Southeastern Utah. On behalf of these clients, please accept this expression of interest for the following parcels located in the Monticello Field Office for the upcoming February 2016 Canyon Country (Moab and Monticello Field Offices) oil and gas lease sale:

Parcel No.	Township	Range	Section	Aliquot
WSMT 1	34S	26E	3	S2NW
WSMT 2	34S	26E	5	S2NW, NWNW
WSMT 3	34S	26E	9	N2NE
	34S	26E	10	NW
WSMT 4	34S	26E	11	ALL
	34S	26E	14	N2
	34S	26E	15	N2NE
WSMT 5	34S	26E	19	N2SE
WSMT 6	34S	26E	20	NENE
WSMT 7	34S	26E	20	SEnw

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Parcel No.	Township	Range	Section	Aliquot
WSMT 8	34S	26E	22	NESE
WSMT 9	34S	26E	33	SWNE
WSMT 10	34S	26E	33	SESW, NWSW
WSMT 11	34S	26E	35	ALL
WSMT 12	35S	26E	3	NWNE
WSMT 13	35S	26E	4	NWSW
WSMT 14	35S	26E	7	S2N2
	35S	26E	8	NWNE, S2NW
WSMT 15	35S	26E	11	S2S2
WSMT 16	36S	25E	1	ALL
	36S	25E	12	NW, NWNE
	36S	26E	7	N2NW
WSMT 17	36S	26E	8	N2NE
	36S	26E	9	N2, N2SW, NWSE
	36S	26E	10	N2N2, SWNW
WSMT 18	36S	26E	18	SE
WSMT 19	36S	26E	27	SE
	36S	26E	33	SENE, SE, SESW
	36S	26E	34	S2, NE, S2NW, NENW
WSMT 20	36S	26E	28	S2, W2NW
	36S	26E	29	E2, N2NW
WSMT 21	36S	26E	30	SW, W2SE
	36S	26E	31	N2, N2S2, S2SW, SWSE
WSMT 22	37S	25E	3	ALL

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Parcel No.	Township	Range	Section	Aliquot
WSMT 23	37S	25E	10	ALL
	37S	25E	11	ALL
	37S	25E	15	ALL
WSMT 24	37S	25E	12	SW
	37S	25E	13	ALL
	37S	25E	14	ALL
	37S	26E	18	ALL
WSMT 25	37S	26E	3	ALL
	37S	26E	4	ALL
	37S	26E	5	E2, E2W2
	37S	26E	8	W2, SE
	37S	26E	9	SWSW
	37S	26E	10	NE4
WSMT 26	37S	26E	17	ALL
	37S	26E	19	ALL
	37S	26E	20	W2
	37S	26E	29	NENW
WSMT 27	37S	26E	30	W2, W2NE
WSMT 28	36S	25E	4	ALL
	36S	25E	5	ALL
	36S	25E	9	ALL
	36S	25E	15	N2
WSMT 29	35S	25E	6	Lot 1, 2, 6, 7, SE, S2NE, E2SW, SENW
	35S	25E	7	All

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Parcel No.	Township	Range	Section	Aliquot
WSMT 29 (cont'd)	35S	25E	8	S2S2, W2NW, SENE, NESE
WSMT 30	35S	25E	17	All
	35S	25E	18	All
WSMT 31	35S	25E	28	W2W2
	35S	25E	29	All
	35S	25E	30	All
	35S	25E	31	All
WSMT 32	35S	25E	27	SE, W2SW, SESW
	35S	25E	28	E2SE
	35S	25E	33	All
	35S	25E	34	All
WSMT 33	34S	24E	2	All

All Parcels are Legally Available for Leasing

All parcels identified above are legally available for leasing. The United States owns all of the minerals underlying these parcels, and all are Public Domain lands. We note that some of the lands identified above are split estate; we are in the process of identifying the owner of the private surface estate and will provide this information, along with the owners' mailing addresses, to BLM in the next fourteen (14) days.

For all parcels identified above that are not split estate, the BLM is the surface management agency. None of the parcels identified above have been offered for competitive lease in the last two years. Further, none of the minerals underlying the parcels have been withdrawn from mineral leasing, and none of the lands are within incorporated cities, towns or Indian Reservations or have patented mining claims or pending mineral entry applications. As such, all parcels identified herein are legally available for leasing at the February 2016 Canyon Country sale.

The Monticello RMP

Under the Monticello Field Office Resource Management Plan ("RMP"), all of the parcels identified herein are open for oil and gas leasing, either with standard stipulations or controlled

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surface use/timing stipulations. None of the parcels identified herein contain no surface occupancy stipulations.

In selecting the above parcels for inclusion in this expression of interest, we have carefully studied the RMP. These parcels were selected for inclusion because they conform to the requirements for leasing discussed in the RMP and contain limited resource conflicts. For example, we have been careful to ensure that none of the lands identified herein embrace Areas of Critical Environmental Concern, Wilderness Study Areas, lands with Wilderness Characteristics, Wild and Scenic Rivers, Special Management Areas, or contain critical habitat for any species listed under the Endangered Species Act, 16 U.S.C. §§ 1531-1599. We have also endeavored to ensure that all parcels are outside of State of Utah-designated core sage grouse habitat and sage grouse management areas.¹

As outlined by the Federal Land Policy and Management Act ("FLPMA"), 43 U.S.C. § 1701(a)(12), BLM's governing statute, oil and gas leasing is a principal use of public lands. Indeed, FLPMA's policy statement clearly sets out that it is the policy of the United States that "the public lands be managed in a manner which recognizes the Nation's need for domestic sources of minerals . . . including implementation of the Mining and Minerals Policy Act of 1970," an Act which, as to public lands, calls on the federal government to "foster and encourage private enterprise in . . . the development of domestic mineral resources." 30 U.S.C. § 21a. Congress reaffirmed this commitment to responsible energy development on public lands with the passage of the Energy Policy Act of 2005, 42 U.S.C. §§ 15921-15928, which aimed to streamline the oil and gas permitting process on federal lands. Accordingly, Congress has made clear numerous times that BLM must take its multiple use mandate seriously and, when appropriate under the governing land use plan, prioritize energy development on public lands.

The FLPMA RMP is a comprehensive statement of land management priorities that provides a "rational, consistently applied set of regulations and procedures." 43 C.F.R. § 1601.0-2. The RMP determines whether an area is open for oil and gas leasing and establishes the baseline protections necessary for resource conservation. Under section 202 of FLPMA, 43 U.S.C. § 1711, management decisions regarding lease parcel offerings must be guided by the governing RMP.

We recognize that the Secretary retains considerable discretion in determining which lands to offer for competitive lease. However, as set forth in FLPMA, the RMP must govern these leasing decisions, 43 U.S.C. § 1711, and BLM is not free to defer lands from leasing on an ad hoc basis.

Here, the 2008 Monticello Field Office RMP is the document that must govern BLM decisions as to whether certain parcels should be offered for lease. All of the parcels identified in this expression of interest conform to, and are designated as open to leasing under, the Monticello RMP. Therefore, we anticipate that all parcels identified herein will be included in the NEPA

¹ See Conservation Plan for Greater Sage Grouse in Utah, February 14, 2013, available at: https://wildlife.utah.gov/uplandgame/sage-grouse/pdf/greater_sage_grouse_plan.pdf

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analysis, and, ultimately, the Notice of Competitive Lease Sale ("NCLS"), for the February 2016 Canyon Country lease sale.

Prior Deferrals

Portions of several of the parcels identified herein were previously deferred from the February 2015 Canyon Country oil and gas lease sale. Specifically, portions parcels WSMT 21, 23, and 24 were deferred from the February 2015 lease sale for "insufficient time to analyze new wilderness submission." Here, because by the time of the February 2016 sale, over one year will have passed since the BLM's 2014 decision to defer these lease parcels, BLM will have had ample opportunity to analyze the new wilderness submissions referenced in the February 2015 deferred lands list. We further note that, as discussed above, it is the RMP that should guide the BLM in determining which lands will be offered for competitive sale. Because parcels WSMT 21, 23, and 24 are currently "open" for leasing under the Monticello RMP, and BLM will now have had sufficient time to analyze the wilderness submissions, we see no reason that these parcels should not be included in the February 2016 NCLS.

We also note that parcel WSMT 22 was deferred from the 2015 lease sale for "Native American Consultation and Cultural Site Density." As with parcels WSMT 21, 23, and 24, we believe that adequate time has passed since the 2014 deferral of this parcel for BLM to have completed the required Native American consultation. We are also confident that, if consultation or additional evidence demonstrates that a high number of cultural resources are located on parcel WSMT 22, BLM can craft and apply stipulations that will adequately protect these resources against harm caused by surface disturbing activities. Further limitations on surface disturbance aimed at protection of these resources can additionally be imposed at the site-specific NEPA analysis phase. As such, we believe that, although previously deferred, parcel WSMT 22 can and should be offered at the February 2016 oil and gas lease sale.

Conclusion

We ask that you please include the above identified parcels in the NCLS for the February 2016 Canyon Country oil and gas lease sale and accompanying NEPA analysis.

If you have any questions, please do not hesitate to contact me.

Sincerely,



Nora R. Pincus, Esq.

Cc: Jenna Whitlock; Donald Hoffheins