DECISION RECORD
Determination of NEPA Adequacy
DOI-BLM-CO-F020-2015-005-DNA
Lease Parcel Review May 2015

The US Forest Service (USFS) recently prepared the Pawnee National Grasslands Oil and Gas Leasing Analysis Final Environmental Impact Statement (PNG FEIS) to consider oil and gas leasing on certain lands in the PNG that are legally open to leasing. The BLM participated in preparation of the PNG FEIS as a cooperating 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 is adopting the PNG FEIS for the purpose of issuing oil and gas leases and approving operations on lands within the administrative boundaries of the PNG, Arapaho and Roosevelt National Forests.

The BLM adopts the PNG FEIS completed by the USFS. As provided in 40 CFR 1506.3(a), "An agency may adopt a Federal draft or final EIS or portion thereof provided that the statement or portion thereof meets the standards for an adequate statement under their [the CEQ] regulations." BLM affirms that this FEIS adequately assesses the environmental effects of the proposed action and reasonable alternatives, and meets all requirements of the Council on Environmental Quality (CEQ), Department of Interior and BLM for preparation of an Environmental Impact Statement. The BLM has identified no new circumstances, new information or changes in the action or its impacts that were not previously analyzed that could result in significantly different environmental effects from those described in the PNG FEIS. Per 40 CFR 1506.3(c), the BLM adopts the FEIS without re-circulating, as the BLM has concluded that its comments and suggestions were incorporated during the NEPA process. 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 Pawnee National Grassland.

It is my decision to implement the **Proposed Action** as identified in the May 2015 Competitive Oil and Gas Lease Sale, Pawnee National Grasslands (PNG) Parcels Determination of National Environmental Policy Act (NEPA) Adequacy (DNA), **DOI-BLM-CO-F020-2015-005-DNA**, in which **forty-four (44)** parcels of land will be offered for lease in the May 2015 oil and gas competitive lease sale. The USFS manages the surface estate of all of these parcels within the PNG.

Terms/Conditions/Stipulations:
For all parcels, standard terms and conditions, as well as the lease notices and stipulations identified by parcel in Attachment A 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 USFS's Record of Decision for the PNG FEIS (February 2015).

The proposed action has been reviewed and found to be in conformance with the BLM's Northeast Resource Management Plan (September 1986) as amended (November 1991).

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 25,215.28 acres of federal mineral estate within the PNG. The mineral estate in the proposed project area is administered by the BLM, Royal Gorge Field Office (RGFO) and the US Forest Service manages the surface estate. All of the proposed lease parcels are located in Weld County, Colorado. 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 A in the DNA.

RATIONALE FOR DECISION:
The decision to approve the proposed action is based upon the following: 1) consistency with the approved PNG FEIS (February 2015); 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 PNG FEIS Record of Decision (February 2015).
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 PNG FEIS (February 2015).
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 PNG FEIS (February 2015), all parcels have an umbrella No Surface Occupancy (FS-11) stipulation applied.

PUBLIC COMMENTS:
A notice of intent (NOI) to prepare an environmental impact statement was published in the Federal Register on April 1, 2013. 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 September 2014, the draft environmental impact statement was available for a 45-day public comment period. Approximately 2,500 comments were received by the USFS during the comment period. The PNG FEIS and draft ROD were released to the public to provide the public information on alternative selection; the legal notice was published in December 2014, initiating a 45-day objection period that ended on January 20, 2015. Five timely objections were received, which were responded to in writing by the USFS. 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 13, 2015, ninety days prior to the May 14, 2015 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 two letters of protest; one from Wild Earth Guardians and one from Rocky Mountain Wild, both protests were denied.

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: John D Beck

John D. Beck, Acting
Deputy State Director
Division of Energy, Lands, and Minerals

Date: 5/13/15