

DECISION RECORD
Environmental Assessment
DOI-BLM-CO-F020-2015-0021-EA
Lease Parcel Review November 2015

PROPOSED DECISION:

It is my decision to implement the **PREFERRED ALTERNATIVE** as identified in the RGFO November 2015 Competitive Oil and Gas Lease Sale Environmental Assessment (EA), DOI-BLM-CO-F020-2015-0021-EA, in which **Nineteen (19)** parcels of land will be offered for lease in the November 2015 oil and gas competitive lease sale.

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 EA, would apply to the lease parcels.

AUTHORITIES:

The authority for this decision is contained in 43 Code of Federal Regulations (CFR) § 3100.

PLAN CONFORMANCE:

The proposed action and alternatives have been reviewed and found to be in conformance with the approved Northeast Record of Decision and Resource Management Plan (RMP) (September 1986) as amended (November 1991) and Royal Gorge Record of Decision and Resource Management Plan (RMP) (May 1996).

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

MONITORING:

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

ALTERNATIVES CONSIDERED:

Proposed Action: Lease All Nominated Parcels in Conformance with the RMP -- Under the proposed action alternative (attachment A), all twenty one (21) nominated parcels totaling 11,150.390 acres would be offered for sale and subsequent oil and gas leasing with the standard stipulations recommended at the time of nomination.

Preferred Alternative – The Preferred Alternative analyzes the sale and issuance of nineteen (19) nominated parcels totaling 10,049.63 acres identified in Attachment C with standard stipulations

recommended at the time of nomination as well as additional stipulations identified through analysis. Lease stipulations (as required by 43 CFR§ 3131.3) were added to each parcel as identified by the RGFO to address site specific concerns.

No Action Alternative -- Under the No Action alternative, the BLM would not sell nor issue any of the leases that have been nominated. Surface management would remain the same and ongoing oil and gas development would continue on surrounding federal, private, and state leases.

RATIONALE FOR DECISION:

The decision to approve the proposed action is based upon the following: 1) consistency with the approved resource management plan; 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 Northeast Record of Decision and Resource Management Plan (RMP) (September 1986) as amended (November 1991) and Royal Gorge Record of Decision and Resource Management Plan (RMP) (May 1996).
2. It is the policy of the Bureau of Land Management (BLM) 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 Preferred Alternative.
4. Economic benefits derived from implementation of the proposed action are considered important and have been analyzed in the EA. Parcels 7349 (160 acres) and 7350 (940.760 acres) were deferred because of steep slopes and fragile soils in the parcels. The decision avoids unnecessary impacts to resources and allows for additional inventory information to be collected.
5. Standard terms and conditions as well as special stipulations would apply. Lease stipulations (as required by 43 CFR § 3101.1-3) were added to each parcel as identified by the Royal Gorge Field Office to address site specific concerns or new information not identified in the land use planning process.

FINDING OF NO SIGNIFICANT IMPACT:

Based on the analysis of potential environmental impacts contained in the referenced environmental assessment (EA), and considering the significance criteria in 40 CFR § 1508.27, a Finding of No Significant Impact (FONSI) was prepared. The preferred alternative will not have a significant effect on the human environment. Therefore, preparation of an environmental impact statement is not necessary. This finding is based on the context and intensity of the alternatives as detailed in the FONSI.

PUBLIC COMMENTS:

On May 4, 2015 the EA was made available for a 30-day public comment period. On May 27, the Huerfano County Federal Mineral Lease District commented that they disagreed with the deferral of the entire portions of lease parcels 7349 and 7350 outlined in the preferred alternative, citing economic issues and on June 8, Wild Earth Guardians commented that the EA failed to analyze hydraulic

fracturing, air and climate change issues. These comments were summarized and responded to in attachment F of this EA. In addition, the BLM received comments from Green Rockies Emerging Ecology Network and the Southern Chapter of the Territorial Daughters of Colorado on June 1, supporting the deferral of parcels 7349 and 7350 outlined in the preferred alternative, citing issues with the parcels including steep slopes and unstable, rocky soils, visual resource concerns, and markers indicating the possible location of the Historic Taos Trail. On June 5, The E.M. and Mildred Estes Family Trust also submitted comments supporting the deferral of parcels 7349 and 7350 outlined in the preferred alternative citing steep slopes and unstable soils, wildlife, visual resource, and hazardous materials concerns. On May 5, The Arkansas Valley Audubon Society commented against Oil and Gas leasing in particular on the Pawnee National Grassland, however none of the parcels included in the proposed action or preferred alternative are Pawnee National Grassland parcels. Leasing of lands within the Pawnee National Grassland has been analyzed in a separate document. All comments were received via e-mail. Comments received from the public were reviewed and incorporated into the EA as appropriate.

On August 14, 2015, the Bureau of Land Management provided notice parcels of land would be offered in a competitive oil and gas lease sale on November 12, 2015; this lease sale notice initiated a 30-day protest period for the lease sale on September 14, 2015. This lease sale notice initiated a 30-day protest period for the lease sale. BLM received three letters of protest, one from Wield Earth Guardians, one from Center for Biological Diversity and one from Ms. Meghan Belaski, all three protests were denied.

APPEALS:

This decision may be appealed to the Interior Board of Land Appeals, 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 Interior Board of Land Appeals (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:

Lonny R. Bagley

11/10/2015

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