



# United States Department of the Interior

## BUREAU OF LAND MANAGEMENT

New Mexico State Office  
301 Dinosaur Trail  
P.O. Box 27115  
Santa Fe, New Mexico 87502-0115  
[www.blm.gov/nm](http://www.blm.gov/nm)



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3100 (9212)

January 11, 2013

### CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Rio Arriba County  
Planning & Zoning Department  
1122 Industrial Park Road  
Española, NM 87532

Ms. Linda Taylor Hutchison  
HC Ranch  
P. O. Box 266  
Cebolla, NM 87518

Mr. William Clark and Ms. Leah Hoffman  
P. O. Box 267  
Cebolla, NM 87518

Ms. Kaye Raymond  
P. O. Box 624  
Tierra Amarilla, NM 87575

Ms. Georgia Whittaker  
P. O. Box 414  
Canjilon, NM 87515

Ms. Mary Ann Ziobo  
P. O. Box 278  
Chama, NM 87520

Mr. Konnie Andrews  
P. O. Box 869  
Chama, NM 87520

Gretchen and Aadi Taute  
P. O. Box 374  
Tierra Amarilla, NM 87575

Ms. Jean A. Charis  
HC75 #2504  
Chama, NM 98520

Mr. E. Gordon Schlegel  
P. O. Box 309  
Tierra Amarilla, NM 87575-0309

Ms. Maureen Havey  
P. O. Box 241  
Cebolla, NM 87518

Ms. Maureen E. Havey and  
Mr. Edward L. McMillen  
c/o Mr. William Clark  
P. O. Box 267  
Cebolla, NM 87515

Mr. Bruce McIntosh and  
Ms. Maureen Gonzales  
P. O. Box 771  
Chama, NM 87520

**DECISION**  
**PROTEST UPHELD**  
**January 16, 2013, OIL AND GAS SALE**

Between November 9, 2012 and November 16, 2012, the Bureau of Land Management (BLM), New Mexico State Office (NMSO) received 14 protests filed by Rio Arriba County and private citizens from the communities of Cebolla, Tierra Amarilla, Canjilon, and Chama, New Mexico, protesting the offering of eight parcels listed for sale on the January 16, 2013, Competitive Oil and Gas Lease Sale. The eight parcels are all located in Rio Arriba County, New Mexico, within the area managed by the Taos Field Office (TFO). The protests were filed timely.

**BACKGROUND:**

The BLM received 16 Expressions of Interest (EOIs), totaling 13,303.6 acres, to lease Federal fluid mineral estate located within the TFO. These EOIs or nominated parcels were received for inclusion in the January 16, 2013, Competitive Oil and Gas Lease Sale. After preliminary adjudication of the nominated parcels by the NMSO, the parcels were reviewed by the TFO's interdisciplinary team of resource specialists to consider potentially affected resources and associated issues, verify conformance with the Resource Management Plan (RMP) decisions for the area, and prepare an Environmental Assessment (EA) documenting National Environmental Policy Act (NEPA) compliance.

The preliminary parcel list was posted for public scoping on July 23, 2012. One comment was received expressing concerns regarding the potential for subsequent drilling activities to impact ground water quality. The 30 day public review and comment period, which included a posting of the EA and unsigned Findings of No Significant Impacts (FONSI), commenced on August 27, 2012. Comments were received from Rio Arriba County, Canjilon District of Carson National Forest, and a concerned Canjilon community member. The comments provided were considered and incorporated into the EA as appropriate.

Upon completion of the interdisciplinary team review and the public comment period, the TFO recommended to defer 7 of the 16 parcels from the sale for further review of potential impacts to residential, commercial and agricultural developments, and 1 of the 16 parcels for further review of potential impacts to a community water source for a total deferment of 8 parcels.

The January 16, 2013, Competitive Oil and Gas Lease Sale Notice, which was published on October 17, 2012, includes the remaining eight parcels totaling approximately 6,245.18 acres:

| <b>Preliminary Parcel Number</b> | <b>Sale Parcel Number</b> | <b>Legal Description</b>   | <b>Acreage</b> |
|----------------------------------|---------------------------|--|----------------|
| NM-201301-002                    | NM-201301-001             | T.0260N, R.0040E, 23 PM, NM<br>Sec. 005 Lots 3,4, S2NW, SW;<br>Sec. 006 Lots 1-4;<br>Sec. 006 S2N2, N2SW, SE;<br>Sec. 008 NWNW               | 895.360        |
| NM-201301-005                    | NM-201301-002             | T.0260N, R.004E, 23 PM, NM<br>Sec. 019 S2;<br>Sec. 028 E2NE, S2;<br>Sec. 029 NE, E2NW, S2;<br>Sec. 030 NENE, W2E2, W2, SESE;<br>Sec. 031 All | 2480.000       |
| NM-201301-007                    | NM-201301-003             | T.0270N, R.0040E, 23 PM, NM<br>Sec. 010 S2SE;<br>Sec. 015 E2, NWSW, S2SW   | 520.000        |
| NM-201301-008                    | NM-201301-004             | T.0270N, R.0040E, 23 PM, NM<br>Sec. 011 S2SW, SE   | 240.000        |
| NM-201301-010                    | NM-201301-005             | T.0270N, R.0040E, 23 PM, NM<br>Sec. 014 N2, SW, N2SE, SESE   | 600.000        |
| NM-201301-011                    | NM-201301-006             | T.0270N, R.0040E, 23 PM, NM<br>Sec. 021 N2, SW, N2SE, SWSE<br>Sec. 022 NWNE, N2NW  | 720.000        |
| NM-201301-015                    | NM-201301-007             | T.027N, R0040E, 23 PM, NM<br>Sec. 028 NWSW;<br>Sec. 033 NW, NWSW   | 240.000        |
| NM-201301-016                    | NM-201301-008             | T.027N, R.0050E, 23 PM, NM<br>Sec. 006 NESW, N2SE;<br>Sec. 007 Lots 1-3;<br>Sec. 007 E2NE, NESW, SE;<br>Sec. 018 NENE                        | 549.820        |

A 30-day protest period commenced on October 17, 2012. On October 25, 2012, Rio Arriba County hosted a community meeting for the residents and landowners of Cebolla and neighboring communities with BLM representatives present to address questions and concerns of the community members. Between November 9, 2012 and November 16, 2012, the BLM received 14 protests filed by Rio Arriba County and the community members.

The protests requested that the 8 parcels be removed from the sale. Essentially, the protest letters raised numerous issues that the protesters believed were not adequately addressed in the EA and unsigned FONSI.

**BLM RESPONSE:**

The applicable land use plan is the Taos RMP which was approved in May 2012. The RMP designated approximately 343,449 acres of federal minerals 'open for fluid mineral leasing with moderate constraints', which include seasonal timing limitations and other controlled surface use stipulations designed to minimize or alleviate potential impacts to special resource values. All 16 parcels nominated for sale in the January 16, 2013 Lease Sale, are identified as 'open for fluid mineral leasing' in the Taos RMP.

Approval of the Taos RMP was made following a six year land use planning process that included the preparation of an environmental impact statement (EIS). Formal public scoping, during which the BLM identified mineral resource management such as oil and gas leasing as a key planning issue, was conducted from May 26 to August 31, 2006. The Draft EIS was made available for a 90-day public review and comment period beginning June 11, 2010, and the Proposed RMP and Final EIS was made available for a 30-day protest period on December 2, 2011. Concerns regarding potential oil and gas leasing in the area of the 16 nominated parcels were not expressed during these opportunities.

Oil and gas leasing is an implementation decision arising from the approved RMPs, granting certain rights to the lessee. Should a parcel be offered, a successful bid received, a lease issued, and oil and gas exploration and development be proposed, the BLM has the ability to apply protection measures on the Federal oil and gas leases.

Aside from analyzing the environmental consequences of leasing the land in the RMP's EIS, the lease sale EA analyzes and discloses the purpose and need, alternatives, affected environment, and environmental consequences (to the extent reasonably foreseeable) of offering the parcels and issuing leases. While certain site-specific impacts remain unforeseeable at the time of leasing, the analysis in the lease sale EA provides additional disclosure and analysis of the anticipated environmental impacts associated with the BLM's proposed decision to offer leases for these parcels.

**DECISION:**

Despite the environmental analysis already completed on leasing the nominated parcels and any future site specific review if exploration and development were to be proposed, the BLM NMSO is deferring the remaining eight parcels from the January 2013 Sale in order to ensure that all the issues raised in the protest letters are adequately considered. Deferment of the lease parcels will provide the TFO the opportunity to further engage Rio Arriba County and the local communities throughout the lease sale and environmental review process, which will involve the preparation of a new or revised EA. Information on opportunities for public participation and other components of the environmental review process will be forthcoming.

/s/ Jesse J. Juen

Jesse J. Juen  
State Director

cc:  
The Honorable Tom Udall  
United States Senator  
110 Hart Senate Office Building  
Washington DC, 20510