

United States Department of the Interior Bureau of Land Management

Documentation of LUP Conformance and Determination of NEPA Adequacy (DNA)
UT-020-2006-039

June 29, 2006

August, 2006 Oil and Gas Lease Sale

Location: Rich, Summit, Box Elder and Wasatch Counties, Utah

Applicant/Address: Utah State Office - BLM

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Worksheet

Documentation of Land Use Plan Conformance and Determination of NEPA Adequacy (DNA)

This worksheet is to be completed consistent with guidance provided in instructional text boxes on the worksheet and the ‘Guidelines for Using the DNA Worksheet’ located at the end of the worksheet. The signed CONCLUSION at the end of this worksheet is part of an interim step in the BLM’s internal analysis process and does not constitute an appealable decision; however, it constitutes an administrative record to be provided as evidence in protest, appeals and legal procedures.

A. Proposed Action Title/Type: August, 2006 Oil and Gas Lease Sale

Location of Proposed Action: Rich, Summit, Box Elder and Wasatch Counties, Utah
(Attachment 1, a list of Parcel Numbers and involved Townships and Ranges).

Description of the Proposed Action: The Bureau of Land Management (BLM) has received nominations to lease 10 parcels of public land comprising a total area of 10,849.51 acres for oil and gas leasing in a competitive lease sale to be held in August, 2006. This analysis area is illustrated on the attached maps (attachment 2). The 10 parcels are located on both split-estate lands where the lands are private surface/federal minerals administered by the Salt Lake Field Office and on lands in which the BLM manages the surface and subsurface estates.

Parcel UT0806-002 is located on lands in which the mineral estate is not owned by the United States. The Salt Lake Field Office (SLFO) is therefore recommending that this parcel be removed from the final list of parcels offered for oil and gas leasing in the August, 2006 lease sale. The 9 remaining parcels in Rich, Summit, Box Elder and Wasatch Counties recommended for leasing are analyzed in the remainder of this document. The area covered by these 9 parcels is 10,009.51 acres.

Parcel UT0806-001 would be offered as a category 2 lease, open for leasing with special stipulations. A lease notice would be provided that addresses several BLM special status species and a control site for long-term research on the impacts of vegetation treatments to those species. Well development on this parcel could impact the validity of this study. A portion of Parcel UT0806-009 would be offered as category 3 leases, open for leasing with no surface occupancy. The remainder of lands within these 9 parcels would be offered as category 1 leases, open for leasing with standard stipulations. A lease may be held for 10 years, after which the lease would expire unless oil or gas are produced in paying quantities. A producing lease would be held indefinitely by paying production. For category 1 and 2 leases, a lessee’s right to explore and drill for oil and gas at some location on the lease is implied by issuance of the lease. A lessee must submit an application for permit to drill (APD) to the BLM for approval and must possess a BLM approved APD prior to drilling. Following BLM’s approval of an APD, a lessee may produce oil and gas from a lease without additional approval.

B. Land Use Plan (LUP) Conformance

| | |
|--|--------------------|
| Randolph Management Framework Plan | Date Approved 1980 |
| Park City Management Framework Plan | Date Approved 1982 |
| Isolated Tract Planning Analysis | Date Approved 1985 |
| Bear River East Plan Amendment (Oil & Gas Leasing) | Date Approved 1994 |
| Box Elder Resource Management Plan | Date Approved 1986 |
| Box Elder Plan Amendment (Acquired Lands) | Date Approved 1998 |

The proposed action is in conformance with the applicable land use plans since leasing is specifically provided for in the following land use plan decisions:

The Randolph Management Framework Plan decision “minerals m-1.2” allows for oil and gas leasing.

The Park City Management Framework Plan mineral decision 1 suspends all geophysical exploration in the NRL in area G1. Decision 2 applies oil and gas leasing categories: G1- is suspended from oil and gas leasing, OG2-is open to leasing but with special stipulations and OG-2 is open to leasing. Decision 3 states that intentions to drill oil and gas wells will be evaluated.

The Bear River East Management Framework Plan Amendment revised the oil and gas leasing categories in the Randolph and Park City Management Framework Plans.

The Isolated Tract Planning Analysis decision document allows for oil and gas leasing.

The Box Elder Resource Management Plan minerals program decision 3 allows for oil and gas leasing.

The Box Elder Plan Amendment established the Transcontinental Railroad Grade ACEC and changed oil & gas leasing categories.

C. Identify applicable NEPA documents and other related documents that cover the proposed action.

| | |
|---|--------------------|
| Salt Lake District Oil & Gas EAR | Date Approved 1975 |
| Bear River East Plan Amendment EA | Date Approved 1994 |
| Box Elder RMP Oil & Gas Supplemental EA | Date Approved 1989 |
| Box Elder RMP EIS | Date Approved 1985 |
| Box Elder Plan Amendment EA | Date Approved 1997 |

For the list of parcels located in Rich, Summit and Wasatch Counties, the proposed action is in conformance with the Bear River East Plan Amendment Environmental Assessment (EA) (Cache, Davis, Morgan, Rich, Summit, Wasatch, Weber Counties) because it specifically identifies 330,723 acres in the area as being open for leasing with special stipulations. This document identifies 102,139 acres as open for leasing under standard stipulations. Box Elder

County parcels were addressed in the Salt Lake District Oil & Gas EAR and Box Elder RMP Oil & Gas Supplemental EA. The specific locations of the special stipulations are shown on Master Title Plats on file at the Field Office and the BLM Utah State Office.

List by name and date other documentation relevant to the proposed action (e.g., biological assessment, biological opinion, watershed assessment, allotment evaluation, and monitoring report): Management Plan for the Central Pacific Railroad Grade ACEC (1988).

D. NEPA Adequacy Criteria

1. Is the current proposed action substantially the same action (or is a part of that action as previously analyzed)? Is the current proposed action located at a site specifically analyzed in an existing document?

Yes
 No

The proposed action of leasing for oil and gas exploration and development is essentially the same action analyzed in the NEPA documents referenced in items B & C. The proposed action analyzed in those documents is to lease federal minerals within the field office. The associated Master Title Plats identify the locations of the parcels proposed for oil and gas leasing, exploration and development under category 2, special stipulations.

2. Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the current proposed action, given current environmental concerns, interests, and resource values?

Yes
 No

The Salt Lake District Oil & Gas EAR analyzed the impacts of oil and gas leasing under the Proposed Action Alternative to compare impacts of different degrees of development. This document also discussed a no leasing alternative. The Proposed Action Alternative balanced uses and conflicts between various resources and ranged from maximizing oil and gas development to minimizing production in favor of resource values. The Bear River East Plan Amendment EA Alternative 1 placed the Federal mineral estate in Cache, Davis, Morgan, Rich, Summit, Wasatch and Weber Counties into the following four fluid mineral leasing categories: 1) Category 1: open to leasing with standard stipulations; 2) Category 2: open to leasing with special stipulations; 3) Category 3: open to leasing with no surface occupancy; and 4) Category 4: closed to leasing. Analysis of this range of alternatives would respond to any concerns and interests and provides an alternative for protection of any resource values that may be affected by the current proposal. Reasonable foreseeable development scenario for oil & gas activity was also addressed in the Box Elder RMP Oil & Gas Supplemental EA. Issues, concerns, interests and resource values identified and analyzed in the above documents are discussed in Sections D.3 and D.5.

3. Is the existing analysis valid in light of any new information or circumstances?

Yes
 No

The existing analyses in the referenced NEPA documents are adequate to support oil and gas leasing. The analysis is summarized on the interdisciplinary analysis record checklist (attachment 3). The description of the affected environment in the Box Elder RMP Oil & Gas Supplemental EA, Salt Lake District Oil and Gas EAR and the Bear River East Plan Amendment EA describe the resource values that could be affected by the proposed leasing. New information or circumstances were not brought forward by the public or the interdisciplinary team. The existing documents identified in items B and C were reviewed by the ID team for resource impacts due to oil & gas leasing.

Cultural Resources

The total acres within the 9 parcels located in Rich, Summit, Box Elder and Wasatch Counties are considered the Area of Potential Effect (APE) for the proposed actions. A cultural resource records search was done by an archaeologist that covered the APE. Previous cultural resource surveys and recorded cultural properties were identified from the records search. Based on the ability to avoid or otherwise mitigate potential impacts to cultural properties, the cultural resource assessment (attachment 4) made a determination “No Historic Properties Affected” for the 9 parcels. The determination was based on a conclusion that at least one well could be located on each parcel without adversely affecting cultural resources. The SLFO sent the State Historic Preservation Office (SHPO) a consultation letter on June 7, 2006 requesting concurrence with our evaluation of impacts within each APE (attachment 5). The SHPO concurrence was received on June 19, 2006 (attachment 6).

Recent directives, including Washington Office Instruction Memorandum 2005-003, have been issued that clarify existing oil and gas lease stipulation policy and provide new guidance in regard to the use of stipulations for cultural resources. The stipulation communicates BLM’s retained authority to modify or deny lease activities pursuant to nondiscretionary statutes. This stipulation will be attached to all 9 parcels.

Based on a review of the 9 parcels located in Rich, Summit Box Elder and Wasatch Counties, oil and gas leasing is not likely to effect or has no potential for impacts to resource/places of concern to Native American tribes at this time. The Confederated Tribes of the Goshute Reservation, Skull Valley Goshute, Northwestern Band of Shoshoni Nation, Eastern Shoshone, Paiute and Ute tribes were notified via certified letter on May 10, 2006 (attachment 7); two responses were received. The Confederated Tribes of the Goshutes and Paiute had no objections to the project (attachment 8). Based on this information, we have determined that the August, 2006 oil and gas parcel lease sale has no potential to affect tribal lands and resources (air, water, etc.), archaeological sites, burial locations, sacred sites or traditional cultural properties. Additional consultation will be conducted should site-specific use authorization requests for a lease be received.

Wildlife and Plant Resources

After review of the applicable Land Use Plans, as amended (refer to item B; Land Use Conformance section of this DNA), and potential bald eagle, black-footed ferret, Canada lynx, June sucker or Lahontan cutthroat trout habitat, it is concluded that no Federally listed threatened, endangered or candidate species, or its critical habitat, occur in the analysis area; there will be “not likely to adversely affect” on species protected under the Endangered Species Act. The analysis is summarized in a letter to the US Fish and Wildlife Service (5/25/06) on the threatened, endangered and sensitive species clearance (attachment 9). The USFWS concurred with our “not likely to adversely affect” determination in a letter dated June 12, 2006 (attachment 10). Committed conservation measures for bald eagles are identified. Under Utah State Office Instruction Memorandum UT 2003-027, related to subject Utah BLM State Sensitive plant and animal species list, provisions under the existing Land Use Plans, as amended, have provided stipulations to ensure minimal effects on those sensitive species listed. Implementing operating conditions and construction standards provided in the Salt Lake Oil & Gas EAR, as necessary, to address acceptable noise levels, restriction of human activities, timing of exploration or other concerns would ensure protection of wildlife habitat and resource concerns.

NEPA and planning documents identified in Items B & C were reviewed in order to determine the adequacy of previous environmental analysis relevant to current wildlife issues and concerns. The referenced NEPA documents portrayed and analyzed relevant decisions and in a programmatic manner that included consideration of threatened and endangered species, and candidate species. These documents also relate specific protections to other important wildlife habitat values which include BLM’s ability to restrict disturbing activities (including seismic and oil and gas exploration and development) in crucial deer summer, winter and fawning ranges, crucial elk winter ranges, waterfowl areas, raptor nesting sites, sage grouse lek, brood and winter habitats, riparian areas, bighorn lambing areas, antelope fawning areas, and bald eagle roost sites. Additional information is provided on the habitats needing special consideration table (attachment 11).

Numerous wildlife issues and concerns were addressed in the referenced NEPA documents. Wildlife protective measures that were analyzed include both seasonal and spatial restrictions with the following: protection of bald eagle habitat/nesting/roosting areas, protection of crucial seasonal wildlife habitats, protection of sage grouse breeding, brooding and winter habitats, no surface occupancy of white tailed prairie dogs colonies, and no surface disturbance within 600 feet of surface waters.

Recent directives, including Washington Office Instruction Memorandum 2002-174, have been issued that clarify existing oil and gas lease stipulation policy and provide new guidance in regard to the use of stipulations and notices for threatened, endangered, and other special status species. The stipulation communicates BLM’s retained authority to modify or deny lease activities pursuant to nondiscretionary statutes. Thus BLM would require specific lease stipulations on oil and gas leases where these species or their habitat is known or strongly suspected. This stipulation will be attached to all offered leases in the Utah August, 2006 sale and allow modifications to existing management decisions relating to threatened, endangered or special status species as found necessary during any subsequent environmental analysis.

Access

Access within the Transcontinental Railroad Grade ACEC would not be granted due to the no surface occupancy stipulation within the 400 foot ACEC. As described in the management plan for the ACEC, the majority of the users access the Golden Spike site from the east and travel is limited to existing roads and trails.

VRM

Visual resource management classes were identified in the respective land use plans. Oil and gas resource allocations are managed consistent with VRM allocations. Standard operating procedures or best management practices would mitigate impacts to the viewshed.

Concern was expressed by National Park Service regarding Parcel UT0806-009 in Box Elder County for development effects on scenic cultural landscape and historic features. The 1998 Box Elder Plan Amendment (Acquired Lands) designated the Transcontinental Railroad Grade as a visual resource management (VRM) Class III area, which allows for moderate change to the landscape. The areas within the viewshed outside of the Transcontinental Railroad Grade ACEC are designated as a VRM Class IV area, which allows for major modification of the landscape. The BLM will employ oil and gas best management practices to reduce the visual impact of all oil and gas facilities.

Water Quality

The 9 parcels located in Rich, Summit, Box Elder and Wasatch Counties are within areas that meet water quality standards for the State identified beneficial uses [Utah's 303(d) List of Waters (2004)]. Previous NEPA and planning did consider potential affects to water quality and quantity. Analysis suggests that reasonable foreseeable developments would have such a negligible surface impact that no adverse impacts would be expected on a watershed basis. Protection of live water sources is also specifically in effect including activity off sets.

In addition to the water quality and source protections mentioned above, modern standard operating procedures, best management practices and oil & gas operating regulations are designed to preclude adverse impacts to water quality. Such mitigation is applied at the Application Permit to Drill stage that requires further site specific NEPA analysis.

Other Resources

Since publication of the NEPA documents identified in Items B & C, environmental justice, ground water quality, Native American trust assets, and noxious weeds have been added to the list of critical elements of the human environment. No minority or low income groups would be affected by disproportional high and adverse human health or environmental effects. Under standard stipulations or conditions of approval, noxious and invasive weeds would be addressed and mitigated.

4. Do the methodology and analytical approach used in the existing NEPA document(s) continue to be appropriate for the current proposed action?

Yes
 No

The methodology and approach used in the Box Elder RMP Oil & Gas Supplemental EA, Salt Lake District Oil & Gas EAR and Bear River East Plan Amendment EA are appropriate for the current proposed action because the methods of extraction, land requirements for exploration and development, and potential impacts have not substantially changed. The basic analysis assumptions included in the document are still applicable to the current proposal as detailed in the response to Questions D.5 and D.6.

5. Are the direct and indirect impacts of the current proposed action substantially unchanged from those identified in the existing NEPA document(s)? Does the existing NEPA document analyze site-specific impacts related to the current proposed action?

Yes
 No

The Box Elder RMP Oil & Gas Supplemental EA, Salt Lake District Oil & Gas EAR and Bear River East Plan Amendment EA analyzed the potential impacts from oil and gas leasing on the 9 parcels located within Rich, Summit, Box Elder and Wasatch Counties. Reasonably foreseeable impacts were analyzed on the basis of a reasonably foreseeable level of exploration and development, taking into account the known and inferred potential for occurrence and discovery of producible quantities of hydrocarbons.

The proposed action is essentially the same (D.1) and the existing resource conditions and values (Affected Environment) have not changed (D.3), the potential direct and indirect environmental impacts of potential future activity is expected to be substantially unchanged from those addressed in the NEPA documents identified in B & C. Briefly summarized, impacts analyzed in the included temporary impacts on big game habitat, sage grouse habitat, raptor sites and riparian areas.

The stipulations identified and associated with the proposed lease parcel list were keyed to specific areas, and were designed to protect sensitive resources including air quality, water resources, soils, wildlife, threatened and endangered species, visual resources, and recreational resources. These areas were compiled on Master Title Plats located at the field office. The analysis is therefore site-specific and allows specific location and identification of potential impacts of the current leasing proposal.

6. Are the cumulative impacts that would result from implementation of the current proposed action substantially unchanged from those analyzed in the existing NEPA document(s)?

Yes
 No

The Bear River East Plan Amendment EA and Box Elder RMP Supplemental EA analyzed a cumulative impact of 440 acres over 10 years or 44 acres annually and 20 acres over 11 years or 2 acres annually, respectively. Oil and gas procedures were also addressed in the 1998 Box Elder RMP Plan Amendment. Leasing levels and activities are expected to remain at the same level unless significant oil and gas finds are made. To date, no oil and gas wells have been drilled on public lands covered by the Box Elder RMP and Bear River East Plan Amendment. Since the level of cumulative impacts described have not yet been attained, the reasonably foreseeable level of oil and gas activities that were analyzed are still appropriate (D.5). Additional connected, cumulative, or similar actions are not anticipated because potential cumulative impacts are substantially unchanged from those analyzed in the Box Elder Supplemental EA and the Bear River East Plan Amendment EA. RFD's have not been reached.

7. Are the public involvement and interagency review associated with existing NEPA document(s) adequate for the current proposed action?

Yes
 No

The public involvement and interagency review procedures and findings made through the development of the Salt Lake District Oil & Gas EAR and Bear River East Plan Amendment EA are adequate for the proposed lease sale. This DNA was placed on the field office Electronic Notification Bulletin Board/lobby on May 4, 2006. The National Park Service (NPS) expressed concern (via faxed letter) on Parcel UT0806-009 (attachment 12). The SLFO sent a response letter to the NPS on 6/26/06 (attachment 13). The SLFO notified tribal chairs and points of contact for the Ute, Confederated Tribes of the Goshute Reservation, Skull Valley Band of Goshute, Northwestern Band of Shoshoni, Eastern Shoshone, and Kanash Band on May 10, 2006. The Skull Valley Band of Goshutes and Paiute Tribes responded via letters. The SLFO also conducted informal consultation with the US Fish and Wildlife Service. The SLFO sent the State Historic Preservation Office (SHPO) a consultation letter on June 7, 2006 requesting concurrence with our evaluation of impacts within each APE (attachment 5). The SHPO concurrence was received on June 19, 2006 (attachment 6). Refer to the discussion in D.3. No other issues have been brought forward at this time. In addition, the BLM Utah State Office also posts notification of all oil and gas lease sales on their Electronic Notification Bulletin Board/public room.

E. Interdisciplinary Analysis: Identify those team members conducting or participating in the NEPA analysis and preparation of this worksheet.

| Name | Title |
|-----------------|--|
| Michael Ford | Geologist and Team Lead |
| Randy Swilling | Wildlife Biologist |
| Peter Ainsworth | Archaeologist (Native American Consultation) |

| Name | Title |
|----------------|--|
| Laird Naylor | Archaeologist |
| Mike Nelson | Realty Specialist |
| JuLee Pallette | Recreation Planner, Wilderness Coordinator |
| Mike Gates | Rangeland Management Specialist |
| Pam Schuller | Environmental Specialist |

F. Mitigation Measures:

Lease stipulations and lease notices are identified on the preliminary lease sale list (attachment 1). If a lease is issued, the BLM would retain authority to modify or deny lease activities pursuant to nondiscretionary statutes such as the Endangered Species Act of 1973, as amended and the National Historic Preservation Act of 1966, as amended. Pursuant to IM 2002-174 (May 21, 2002) and IM 2005-03 (October 5, 2004), the following two lease stipulations would be attached to all lease parcels:

“The lease areas may now and hereafter contain plants, animals, or their habitats determined to be threatened, endangered, or other special status species. BLM may recommend modifications to exploration and development proposals to further its conservation and management objective to avoid BLM-approved activity that would contribute to a need to list such species or their habitat. BLM may require modifications to approve or disapprove proposed activity that is likely to result in jeopardy to the continued existence of a proposed or listed threatened or endangered species or result in the destruction or adverse modification of a designated or proposed critical habitat. BLM will not approve any ground-disturbing activity until it completes its obligations under applicable requirements of the Endangered Species Act as amended, 16 U.S.C. 1531 et seq. including completion of any required procedure for conference or consultation.”

“This lease may be found to contain historic properties and/or resources protected under the National Historic Preservation Act (NHPA), American Indian Religious Freedom Act, Native American Graves Protection and Repatriation Act, E.O. 13007, or other statutes and executive orders. The BLM will not approve any ground disturbing activities that may affect any such properties or resources until it completes its obligations under applicable requirements of the NHPA and other authorities. The BLM may require modification to exploration or development proposals to protect such properties, or disapprove any activity that is likely to result in adverse effects that cannot be successfully avoided, minimized or mitigated.”

The following lease notice would be applied to Parcel 1:

“This lease is located within a control area for a study underway by Utah State University. This long-term investigation focuses on the impacts of vegetation treatments on sagebrush obligate species and will provide information critical to the management of lands in Rich County. Maintaining the integrity of this control area is necessary to uphold the statistical validity of this study. Well/pad placement shall be closely coordinated to avoid a compromise of this landscape-level study.”

