

**United States Department of the Interior
Bureau of Land Management**

March 13, 2006



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

May, 2006 Oil and Gas Lease Sale

Location: Summit, Rich, Tooele, Utah 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: May, 2006 Oil and Gas Lease Sale

Location of Proposed Action: Summit, Rich, Tooele, Utah and Wasatch Counties, Utah (See 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 28 parcels of public land comprising a total area of 39,072.39 acres for oil and gas leasing in a competitive lease sale to be held in May, 2006. The analysis area is illustrated on the attached map M:\projects\pf_data\mford\minerals\May 2006 Oil & Gas Lease Map.pdf. The 28 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 (see attachment 1).

The Salt Lake Field Office is recommending that all 15 parcels in the Pony Express planning area be deferred until further environmental analysis can be completed. The Utah State Historic Preservation Office has concurred that parcel UT0506-118 also be excluded from the May 2006 lease sale (see attachment 2). Parcel UT0506-118 is being deferred because of a potential adverse effect to cultural resources. It is not possible to determine if a well could be drilled on either of the two 40 acre tracts due to their small size and due to the likelihood that drillable areas are restricted to drainage bottoms where cultural resources are more likely to occur. Cultural inventory would be required before these parcels could be leased. The 12 parcels in Rich, Summit and Wasatch Counties recommended for leasing are analyzed in the remainder of this document.

A portion of the lands within the 12 parcels would be offered as category 2 leases, open for leasing with special stipulations and another portion would be offered as category 3 leases, open for leasing with no surface occupancy. The remainder of lands within these 12 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	Date Approved 1994

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.

A Park City Management Framework Plan minerals decision allows for oil and gas leasing.

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 decisions allow for oil and gas leasing.

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

Salt Lake District Oil & Gas EA	Date Approved 1975
Bear River East Plan Amendment EA	Date Approved 1994

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. 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): Salt Lake District Office Riparian Strategic Plan (1989); Management Guidelines for Greater Sage Grouse and Sagebrush-Steppe Ecosystems (2000); Utah’s Non-Point Source Pollution Management Plan (2000); Utah’s 303(d) List of Water (2004) Utah’s Standards and Guidelines for Healthy Rangelands (1997) and Vegetation Treatment on BLM Lands Thirteen Western States (May 1991).

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 Salt Lake District oil & gas EA and the Bear River East Plan Amendment EA. The proposed action analyzed in those documents is to lease federal minerals within the district. 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 EA analyzed the impacts of oil and gas leasing under the Proposed Action Alternative to compare impacts of different degrees of development. 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. 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 checklist (see attachment 3). The description of the affected environment in the Salt Lake District oil and gas EA and the Bear River East Plan Amendment EA describe the resource values that could be affected by the proposed leasing.

Cultural Resources

The total acres within the 12 parcels located in Rich, Summit 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 Area of Potential Effect (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 (see attachment 4) made a determination "No Historic Properties Adversely Affected" for the 12 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 State Historic Preservation Office (SHPO) was notified on February 3, 2006 regarding the parcels offered in BLM's May 2006 oil and gas lease sale (see attachment 5). The SHPO concurred with our affect determinations on February 27, 2006 (see 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 12 parcels.

Based on a review of the 12 parcels located in Rich, Summit 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 Northwestern Band of Shoshoni Nation, Eastern Shoshone, Skull Valley Gosiute, Confederated Tribes of the Goshute Reservation, and Ute tribes were notified via certified letter on February 2, 2006 (see attachment 7); only one response was received from the Confederated Tribes of the Goshutes, who had no objections to the project. Based on this information, we have determined that the May, 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 (see B; Land Use Conformance section of this DNA), and potential lynx habitat, it is concluded that no Federally listed threatened, endangered or candidate species, or its critical habitat, occur in the action area; there will be "No Effect" on species protected under the Endangered Species Act. The analysis is summarized on the threatened, endangered and sensitive species clearance (see attachment 8). 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 EA, 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.

Several relevant NEPA and/or planning documents were reviewed in order to determine the adequacy of previous environmental analysis relevant to current wildlife issues and concerns. The Bear River East Plan Amendment EA portrayed and analyzed relevant decisions and in a programmatic manner that included consideration of threatened and endangered species, and candidate species. This document also relates 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 (see attachment 9).

Numerous wildlife issues and concerns were addressed in the Bear River East Plan Amendment EA. 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 May, 2006 sale. The stipulation would allow modifications to existing management decisions relating to threatened, endangered or special status species as found necessary during any subsequent environmental analysis.

Other Resources

The 12 parcels located in Rich, Summit 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 in some manner. 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 from water sources.

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

Since publication of the relevant NEPA documents, 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 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 changed substantially since 1994. 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 below.

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 Salt Lake District oil & gas EA and Bear River East Plan Amendment EA analyzed the potential impacts from oil and gas leasing on the 12 parcels located within Rich, Summit 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 Bear River East Plan Amendment EA analyzed a cumulative impact of 440 acres over 10 years or 44 acres annually.

Lands within the Salt Lake Field Office are categorized so that the Federal mineral estate will be in the least restrictive category which would adequately protect the resources. Areas containing the most valuable, rare, and/or unique resource values were placed in more restrictive categories, where conflicts could be mitigated by using special stipulations and/or allowing no surface occupancy.

To date, no oil and gas wells have been drilled on public lands covered by the Bear River East Plan Amendment since its approval in 1994. Since the proposed action is essentially the same (see the answer to 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 Plan Amendment. Briefly summarized, impacts analyzed in the Bear River East Plan Amendment

EA included temporary impacts on big game habitat, sage grouse habitat, raptor sites and riparian areas.

The Bear River East Plan Amendment EA included analysis of a varied program of leasing and no leasing in the study area as follows:

- Category 1 – 102,139 acres open to leasing with standard stipulations
- Category 2 - 330,723 acres open to leasing subject to standard and special stipulations
- Category 3 - 530 acres open to leasing subject to no surface occupancy
- Category 4 - 0 acres closed to leasing

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 analyzed a cumulative impact of 440 acres over 10 years or 44 acres annually. The Bear River East Plan Amendment EA Bear River East Plan Amendment EA, leasing levels and leasing 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 Bear River East Plan Amendment since its approval in 1994. Since the level of cumulative impacts described in the EA 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 Salt Lake District oil and gas EA and the Bear River East Plan Amendment EA.

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 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 January 25, 2006. No issues have been brought forward at this time, including wild horses, or

WSA/other wilderness concerns. 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
Lori Hunsaker	Archaeologist (Native American Consultation)
Laird Naylor	Archaeologist
Mike Nelson	Realty Specialist
JuLee Palette	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 (see 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.”

CONCLUSIONS

Based on the review documented above, I conclude that:

Plan Conformance:

- This proposal conforms to the applicable land use plans.
- This proposal does not conform to the applicable land use plan

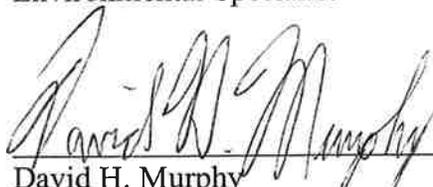
Determination of NEPA Adequacy

- The existing NEPA documentation fully covers the proposed action and constitutes BLM's compliance with the requirements of NEPA.
- The existing NEPA documentation does not fully cover the proposed action. Additional NEPA documentation is needed if the project is to be further considered.



 Environmental Specialist

3/14/06
 Date



 David H. Murphy
 Assistant Field Office Manager
 Nonrenewable Resources

14 MARCH 2006
 Date

Attachments:

Preliminary Oil and Gas Lease Sale Parcels
 Deferred Parcel Table
 Interdisciplinary Team Analysis Record Checklist
 Cultural Resource Assessment
 SHPO Consultation Letter
 SHPO Concurrence Letter
 Native American Consultation Letter
 Threatened, Endangered and Sensitive Species Clearance
 Habitats Needing Special Consideration Table
 Map showing Lands Proposed for Leasing
 Individual Maps of Parcels