

United States Department of the Interior Bureau of Land Management

Decision Record Environmental Assessment DOI-BLM-UT-W010-2012-0012-EA

August 2012

August 2012 Oil and Gas Lease Sale

Location: West Desert District
Salt Lake Field Office

Applicant/Address: U.S. Department of the Interior
Bureau of Land Management
Utah State Office
440 West 200 South, Suite 500
Salt Lake City, Utah 84145-0155

Utah State Office
440 West 200 South, Suite 500
Salt Lake City, Utah 84145-0155
Office (801) 539-4001
FAX (801) 539-4237



DECISION RECORD

It is my decision to select Alternative C, the No Action alternative for the management of parcels UT0812-152 & UT0812-159 through UT0812-161 and Alternative B, the Proposed Action, Leasing with Additional Protective Measures for the remaining 19 parcels as analyzed in the August 2012 Oil and Gas Lease Sale (DOI-BLM-UT-W010-2012-0012-EA) environmental assessment (EA) prepared by the Salt Lake Field Office. Upon conclusion of the August 21, 2012 lease sale auction, it is my decision to offer leases to the successful bidders with protective measures as analyzed in the EA and as identified in the Notice of Competitive Lease Sale Oil and Gas issued on May 22, 2012. The protective stipulations and notices are listed in the EA at Appendix A and Errata issued on August 20, 2012.

Parcels 023, 025, 028, 147, 162, and 164, contain portions of a railroad right-of-way and would be offered in accordance with the Rights-of Way Act of May 21, 1931 and 43 CFR 3109.1-1 which includes that area under the right-of-way owned by Utah Railway Company. Title 43 CFR 3109.1-3 states that after the Bureau of Land Management (LM) has considered the application of the lease (through this EA), the adjoining land owner or lessee shall be allowed reasonable time, as provided in the notice, to submit a bid for the amount or compensatory royalty, the owner or lessee shall pay for the extraction of the oil and gas underlying the right-of-way through wells on adjoining lands. The owner of the right-of way shall be given the same time period to submit a bid for the sale. The BLM will award the lease to the owner of the right-of-way or a contract for the payment of compensatory royalty by the owner or lessee of the adjoining lands shall be made to the bidder whose offer is determined, by the authorized officer to be the best advantage of the United States, considering the amount of royalty to be received and the better development under the respective means of production and operation (43 CFR 3109.1-4). The term of these leases shall be for no more than 20 years instead of the regular lease which is 10 years unless oil or gas is produced in paying quantities.

Oil and gas leasing is a principal use of the public lands as identified in Section 102(a) (12), 103(1) of the Federal Land Policy and Management Act of 1976 (FLPMA), and it is conducted to meet requirements of the Mineral Leasing Act of 1920, as amended, the Mining and Minerals Policy Act of 1970, and the Federal Onshore Oil and Gas Leasing Reform Act of 1987 (Reform Act). My authority to make this decision is granted in 43 CFR subpart 3100 (Onshore Oil and Gas Leasing: General).

ALTERNATIVES

The EA considered 3 alternatives: Alternative A – Leasing Under the Existing Land Use Plans, Alternative B – Proposed Action, Leasing with Additional Protective Measures and Alternative C – No Action. Other action alternatives were not considered because the issues identified during scoping did not indicate a need for additional alternatives or protective measures beyond those contained in the proposed action. Other alternatives were not suggested by the public as a result of the comment period. The No Action alternative is considered and analyzed to provide a baseline for comparison of the impacts of the Proposed Action.

Alternative A – Leasing Under the Existing Land Use Plans was not selected because it was shown that additional provisions beyond those identified in Table 1 of the EA were warranted.

The No Action alternative (not to offer any of the nominated parcels for sale) was selected for parcels UT0812-152 & UT0812-159 through UT0812-161 because the Pony Express Resource Management Plan (RMP) did not address the impact of its decisions, including oil and gas leasing, on the resources of the California National Historic Trail (CNHT). The Record of Decision for the RMP was approved in 1990. Congress established the CNHT in 1992. As documented in the Comprehensive Management and Use Plan Final Environmental Impact Statement (1999) for the CNHT, the high potential Hastings Cutoff segment crosses these 4 parcels. A planning level analysis of the impacts to trail resources has not been conducted and the SLFO has recommended deferral. The State Historic Preservation Office has also concurred with this approach.

The BLM considered a total of 92 parcels that were nominated but deferred leasing on 69 parcels that were not conducive to leasing at this time (such as containing cave resources or the presence of lands with wilderness characteristics). Additional detail is available within the EA at section 2.5.

PLAN CONFORMANCE AND CONSISTENCY

The proposed action has been reviewed and found to be in conformance with the Pony Express Resource Management Plan (PE RMP, BLM, 1990), as amended; Pony Express Resource Area RMP Oil and Gas Supplemental Environmental Assessment, 1988 (PE O&G Supplemental EA, 1989); and the Bear River East Oil and Gas Amendment (BREO&GA, BLM, 1994).

The PE RMP categorizes all lands in Salt Lake, Utah and Tooele counties that are available for leasing along with any applicable stipulations that would be attached to leases offered for certain areas (BLM 1990; pages 23-24 and Mineral Map 1). The BREO&GA categorizes all lands in Summit and Morgan counties that are available for leasing along with any applicable stipulations that would be attached to leases offered for certain areas (BLM 1994). Pursuant to 40 CFR 1508.28 and 1502.21, this EA tiered to and incorporated by reference the information and analysis contained in these and other documents (EA at section 1.5).

The nominated parcels were offered with additional resource protection measures consistent with the PE RMP and BREO&GA, as amended and maintained. The stipulations and lease notices attached to each parcel are identified within the EA at Appendix A and Errata issued on August 20, 2012.

Coordination with stakeholders (private landowners, United States National Park Service, the United States Forest Service and the State of Utah) was concluded on May 22, 2012. Consultation with the United States Fish and Wildlife Service, the State Historic Preservation Officer and affected Tribes was also completed. The consultation and coordination process is summarized in the EA at Table 7.

This EA (DOI-BLM-UT-W010-2012-0012-EA) fulfills the requirements outlined in the Washington Office Instruction Memorandum-2010-117 (leasing reform).

The Notice of Competitive Lease Sale was issued on May 22, 2012 and initiated a 60 day protest period. Protests to the August 2012 oil and gas lease sale were not received.

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 the enclosed Form 1842-1. If an appeal is taken, the notice of appeal must be filed in this office (at the address shown on the enclosed Form) within 30 days from 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 pursuant to 43 CFR Part 4, Subpart B § 4.21, during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay must show sufficient justification based on the standards listed below. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulations, a petition for a stay of a decision pending appeal shall be evaluated 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 on 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.

Copies of the notice of appeal, petition for stay, and statement of reasons also must be submitted to the Office of the Regional Solicitor, Intermountain Region, 125 South State Street, Suite 6201, Salt Lake City, Utah 84138, at the same time the original documents are filed in this office.

/s/ Kent Hoffman

Authorized Officer

08/23/2012

Date

Enclosure:

1. Form 1842-1