

Worksheet

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

U.S. Department of the Interior
Bureau of Land Management

UT-090-07-27 DNA

This Worksheet is to be completed consistent with 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. BLM Office: Monticello Field Office (U-090)

Lease/Serial/Case File No.: _____

Proposed Action Title/Type: August 2007 Oil & Gas Lease Sale

Location of Proposed Action: As described below.

Description of the Proposed Action:

The Bureau of Land Management (BLM) proposes to offer two parcels in a competitive oil and gas lease sale to be held on August 21, 2007. The two parcels, totaling approximately 1,440.00 acres, are located in the eastern part of the Monticello Field Office area (Figures 1, 2 and 3, Appendix A). The parcels are located on public land administered by the BLM and on split-estate land (private surface and federal minerals). In both cases, the minerals are owned by the federal government and administered by the BLM.

The RMP directs that where federal oil and gas resources underlie lands not administered by the BLM, the "BLM leasing categories do not apply to these areas. The surface owner or administering federal agency manages the surface". However, where leasing is authorized, the "BLM administers the operational aspects of the leases with concurrence of the surface owner or administering agency" (RMP, pg. 27). Parcels would be leased and administered as follows:

BLM administered land

Parcels on BLM administered lands would be offered for lease in accordance with the lease categories and stipulations in the San Juan Resource Management Plan (RMP) of 1991.

Split estate land

Pursuant to the RMP, split estate parcels would be offered for lease with the standard lease terms and conditions. If a lease issues on split estate lands, the BLM Monticello Field Office would oversee lease operations as part of its responsibility to administer the Federal mineral estate. This would be done in accordance with the San Juan RMP and Onshore Oil and Gas Order No. 1. The RMP provides standard operating procedures (SOPs) which would be applied to lease operations on split estate lands as a condition of approval. BLM would also require mitigation measures resulting from site specific environmental analysis conducted at the time surface disturbing operations are proposed. The BLM would maintain flexibility in applying these mitigation measures and the SOPs after consulting with the surface owner.

Appendix B contains the legal description of each lease parcel and the lease stipulations that would be attached as prescribed in the RMP.

If a parcel is not taken by competitive bidding, then it may be taken by a non-competitive sale for two years after the competitive offer. A lease may be held for 10 years (43CFR 3120.2-1), after which the lease would expire unless oil or gas is produced in paying quantities. A producing lease would be held indefinitely by paying production.

A lessee's right to explore and drill for oil and gas, at some location on Category 1 and 2 leases, 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. An appropriate NEPA document is prepared prior to approval of the APD. Following BLM's approval of an APD, a lessee may produce oil and gas from a lease without additional approval.

We have considered the proposed action and find that the existing NEPA documents are adequate because: (1) the current proposed action was previously proposed and analyzed (or is part of an earlier proposal that was analyzed); (2) resource conditions and other relevant circumstances have not changed significantly, and there is no significant new information germane to the proposed action; (3) there is no suggestion by the public of a significant new and appropriate alternative; and (4) the following Critical Elements of the Human Environment were also considered (Appendix C). Any resources that may be affected have been adequately analyzed in the existing NEPA documentation.

Applicant (if any):

B. Conformance with the Land Use Plan (LUP) and Consistency with Related Subordinate Implementation Plans

LUP Name San Juan Resource Management Plan Date Approved March 18, 1991

Other document San Juan Resource Management Plan, Reasonable Foreseeable Development Scenario for Oil and Gas Activity Date Approved May 11, 1993

Other document San Juan County Master Plan Date Approved July 8, 1996

The proposed action is in conformance with the applicable LUPs because it is specifically provided for in the following LUP decisions:

Page 27 of the San Juan RMP: Decision 1. "Lease oil and gas by category as shown below. (See Chapter 3 for Special Management Conditions)"

The category listing of lands shown on page 28 of the RMP is not reprinted here. All BLM administered lands in the resource area were placed in one of four lease categories i.e., open with standard conditions (category 1), open with special conditions (category 2), no surface occupancy (category 3), or no lease (category 4). The RMP prescribes special conditions (lease stipulations) for lands in categories 2 and 3 to protect other resources or resource values.

The RMP also provides that where federal oil and gas resources underlie lands not administered by the BLM, the "BLM leasing categories do not apply to these areas. The surface owner or administering federal agency manages the surface, and where leasing is authorized, BLM administers the operational aspects of the leases with concurrence of the surface owner or administering agency" (RMP, pg. 27).

Page 27 of the San Juan County Master Plan contains an objective for responsible natural resource use and development. With respect to the mineral industry, the county will continue to support the growth and development of these industries as opportunities present themselves and new technologies develop.

C. Identify applicable NEPA document(s) and other related documents that cover the proposed action.

List by name and date all applicable NEPA documents that cover the proposed action.

- 1.) San Juan Resource Management Plan Final Environmental Impact Statement, September 1987
- 2.) Environmental Analysis Record (EAR): Proposed Oil and Gas Leasing in the Canyon and San Juan

Resource Areas, 1975

List by name and date other documentation relevant to the proposed action (e.g., source drinking water assessments, biological assessment, biological opinion, watershed assessment, allotment evaluation, rangeland health standard's assessment and determinations, and monitoring the report).

- 1.) San Juan Resource Area Reasonable Foreseeable Development Scenario For Oil and Gas Activity, A Supplement to the Resource Management Plan, May 1993.

D. NEPA Adequacy Criteria

1. Is the current proposed action substantially the same action (or is a part of that action) as previously analyzed?

Yes

No

Documentation of answer and explanation:

The RMP/EIS analyzed the impacts of oil and gas leasing under five alternatives. The proposed action is part of the preferred alternative (alternative E) and implements the decisions made in the RMP (ROD, 1991).

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, resource values, and circumstances?

Yes

No

Documentation of answer and explanation:

The San Juan RMP/EIS analyzed the impacts of oil and gas leasing on all lands in the resource area under five alternatives to compare impacts of different degrees of development with various category restrictions (lease stipulations) for each alternative. The five alternatives balanced uses and conflicts between various resources and ranged from maximizing oil and gas development to minimizing production in favor of other resource values.

The BLM analyzed one alternative not to allow leasing, as documented in its 1975 Environmental Analysis Record (EAR) for oil and gas leasing in the Canyon and San Juan Resource Areas, which encompass what is now the Monticello Field Office.

3. Is the existing analysis adequate in light of any new information or circumstances (including, for example, riparian proper functioning condition (PFC) reports; rangeland health standards assessments; Unified Watershed Assessment categorizations; inventory and monitoring data; most recent Fish and Wildlife Service lists of threatened, endangered, proposed, and candidate species; most recent BLM lists of sensitive species)? Can you reasonably conclude that all new information and all new circumstances are insignificant with regard to analysis of the proposed action?

Yes

No

Documentation of answer and explanation:

A review of the critical elements and other resources/concerns is documented in the Interdisciplinary Team Analysis Record Checklist for the proposed action (Appendix C). A more detailed discussion is provided below for the following:

Cultural Resources

A cultural resource records search was done by the Monticello Field Office (MFO) archaeologist that covered the Area of Potential Effect (APE). The APE is defined as the total acres within each lease parcel being considered in the August 2007 lease sale. Previous cultural resource surveys and recorded cultural properties were identified from the records search. The results of the records search indicate a low to moderate density of cultural properties in the APE. Based on acres previously surveyed, and due to the expected site type, size, density of occurrence and predicted density clusters, it has been determined that reasonable development could occur on these proposed parcels, without impact to eligible cultural properties (Cultural Resources Class I Inventory Report, Appendix E). It is concluded that at least one well could be located on each parcel without affecting cultural resources because of the ability to avoid or otherwise mitigate potential impacts to cultural properties. This conclusion forms the basis for BLMs determination of no effect which was made to the Utah State Historic Preservation Office (USHPO). Refer to Appendix D.

In addition, lease operations would be subject to the SOPs prescribed in the San Juan RMP. MFO will ensure that all of the requirements of the RMP for the protection of cultural resources are met. This would include a cultural resource survey, Native American consultation, USHPO consultation and other measures to meet BLM's legal responsibility.

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

Documentation of answer and explanation:

The methodology and approach used in the EIS are still appropriate for the current proposed action. A systematic, interdisciplinary process was used to analyze impacts. The methods of extraction, land requirements for exploration and development and the Reasonably Foreseeable Development (RFD) Scenario have not changed substantially since the EIS was completed.

The RFD assumptions for impact analysis in the EIS are still valid. The EIS actually analyzed impacts from drilling up to an average of 50 oil and gas wells per year through the year 2000. The RFD refined the predicted activity levels based on relation to geologic provinces. The subject lease parcels are in the Blanding Basin and Paradox Fold and Fault Belt geologic provinces. The RFD estimated that a combined total average of 39 wells would be drilled each year in these provinces. To date, drilling activity has been far less than predicted.

5. Are the direct and indirect impacts of the current proposed action substantially unchanged from those identified in the existing NEPA document(s)? Do the existing NEPA documents analyze impacts related to the current proposed action at a level of specificity appropriate to the proposal (plan level, programmatic level, project level)?

Yes

No

Documentation of answer and explanation:

Impacts from the current lease proposal and subsequent lease operations would be the same as those analyzed in the EIS. This is because the proposed action is within the purview analyzed under alternative E in the EIS. The existing resource conditions and values have not changed since analysis in the EIS. The EIS used a somewhat general approach in analyzing impacts but these were tied to specific resources/values as present in

specific areas. Leasing categories were established to meet management objectives for protecting certain resources/values in particular areas. Appropriate mitigation (stipulations) was designed for each of these categories.

6. Can you conclude without additional analysis or information that the cumulative impacts that would result from implementation of the current proposed action are substantially unchanged from those analyzed in the existing NEPA document(s)?

Yes

No

Documentation of answer and explanation:

As discussed in the answers to Questions (D.4) and (D.5), the EIS and RFD addressed reasonable future oil and gas activity. This included analysis of the potential collective and cumulative impacts of oil and gas leasing for up to 50 wells per year in the field office area. Because the reasonably foreseeable level of oil and gas activity analyzed previously is still appropriate and additional connected, cumulative or similar actions are not anticipated to exceed the threshold activity level previously analyzed, and because resource conditions and other relevant circumstances have not changed significantly, and there is no significant new information germane to the proposed action, the potential cumulative impacts are substantially unchanged from those analyzed in the RMP/EIS.

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

Yes

No

Documentation of answer and explanation:

The public and other agencies were afforded extensive time for review and comment of the RMP and EIS. Numerous public meetings, agency and government coordination meetings and public comment periods were held during the preparation of the RMP/EIS. Public comment periods for the draft RMP/EIS totaled 5 months and comment periods for the final RMP/EIS totaled 6 months.

The BLM, Utah State Office also posts notification of all oil and gas lease sales on the Environmental Notification Bulletin Board (ENBB).

Native American Religious Concerns

On May 31, 2007 the Monticello Field Office sent letters to the Red Mesa Navajo Chapter, Aneth Navajo Chapter, Cultural Preservation Office of the Hopi Tribe, Pueblo of Santa Clara, Pueblo of Laguna, Pueblo of Acoma, Ute Mountain Ute Tribe, Pueblo of Zia, White Mesa Ute Council, Pueblo of Zuni, (Appendix D). Also, on May 31, 2007 the Monticello Field Office sent letters to the Navajo Nation Historic Preservation Department. To date, no expressions of concern about the lease parcels have come forward from these Native American groups and none are anticipated based on consultation done for previous oil and gas lease parcels in the vicinity of the proposed lease parcels. If any concerns are raised by the tribes, those concerns will be addressed. Consultation will be considered complete if tribal response presents no objection or if response is not received seven (7) days prior to the date of the proposed sale. Additional consultation will be conducted should site-specific use authorization requests for a lease be received.

Utah State Historic Preservation Office (USHPO)

On May 31, 2007 the BLM, Monticello Field Office (MFO) sent a letter to the Utah State Historic Preservation Office (USHPO), in which a determination of *no effect* was made for cultural resources located within the proposed lease parcels (Appendix D). On June 28, 2007 the BLM, Monticello Field office received concurrence

from the USHPO with respect to the cultural resources determination for the August 2007 proposed oil and gas lease sale (Appendix D).

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

Table 1- Interdisciplinary Team

<u>Name</u>	<u>Title</u>	<u>Resource Represented</u>
Brad Colin	Recreation Planner	Wilderness, Recreation, ACEC, Wild and Scenic Rivers
Tammy Wallace	Wildlife Biologist	T&E Animals, Water Quality, Air Quality, Fish and Wildlife
Jeff Brown	Petroleum Engineering Tech.	Hazardous Materials
Nancy Shearin	Archaeologist	Cultural Resources, Paleontology, Native American Religious Concerns
Jed Carling	Range Conservationist	Invasive, Non-native Species, Woodland/Forestry
Nick Sandberg	Lead Range Mgmt. Specialist	Prime or Unique Farmland
Paul Curtis	Range Conservationist	T&E Plants, Floodplains, Wetlands/Riparian Areas, Rangeland Health Standards, Grazing, Vegetation, Soils
Maxine Deeter	Realty Specialist	Visual Resources, Lands/Access
Ted McDougall	Team Leader	Environmental Justice, Socio-economics

F. Mitigation Measures: List any applicable mitigation measures that were identified, analyzed, and approved in relevant LUPs and existing NEPA document(s). List the specific mitigation measures or identify an attachment that includes those specific mitigation measures. Document that these applicable mitigation measures must be incorporated and implemented.

Lease stipulations would be attached in accordance with the lease category restrictions prescribed in the San Juan RMP (Appendix B). Additional mitigation would result from site specific analysis at the time lease operations are proposed. These mitigation measures would be stipulated as conditions of approval consistent with section 6 of the standard lease terms. Lease notices would be attached, where appropriate, to alert potential lessees of mitigation requirements that may be necessary at a future development stage. Appropriate lease notices are described below and summarized in table 2.

UT0807-138 and UT0807-183. The two parcels are within geologic units which have a high potential to yield vertebrate fossils or scientifically significant non-vertebrate fossils. Therefore, both parcels would include Utah Lease Notice UT-LN-21:

"The lessee/operator is given notice that lands in this lease have been identified as having high potential for paleontological resources. Modifications to the Surface Use Plan of Operations may be required in order to protect paleontological resources from surface disturbing activities in accordance with Section 6 of the lease terms and 43 CFR 3101.1-2."

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."

Table 2 Utah Lease Notices for August 2007 Lease Sale		
Parcel #(s)	Utah Lease Notice #	Purpose
UT0807-138 and UT0807-183	UT-LN-21 IM 2002-174 and IM 2005-03	Paleontological Resources T&E Species and Cultural Resources

CONCLUSIONS

Based on the review documented above, I conclude that:

- This proposal conforms 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.

Ashwin N. Sandberg

 Signature of the Responsible Official

acting
 7-3-07

 Date

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