United States Department of the Interior
Bureau of Land Management

Documentation of LUP Conformance and Determination of NEPA Adequacy (DNA)
UT-020-2007-041

July 5, 2007

August 2007 Oil and Gas Lease Sale

***Location*:** Summit and Rich Counties, Utah

***Applicant/Address*:** Utah State Office - BLM

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BLM

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, 2007 Oil and Gas Lease Sale

Location of Proposed Action: Summit and Rich 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) Salt Lake Field Office (SLFO) received nominations to lease 4 parcels (UT0807-001 through UT0807-004) of public land comprising a total area of 3,705.62 acres for oil and gas leasing in a competitive lease sale to be held in August, 2007. This analysis area is illustrated on the attached maps (attachment 2). The 4 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.

One parcel would be offered as a category 1 lease, open for leasing with standard stipulations. Three parcels would be offered as category 2 leases, open for leasing with controlled surface use stipulations. No parcels would be offered as category 3 leases, open for leasing with no surface occupancy. 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 for as long as oil and gas is produced in paying quantities. 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.

B. Land Use Plan (LUP) Conformance

Randolph Management Framework Plan	Date Approved 1980
Isolated Tract Planning Analysis	Date Approved 1985
Bear River East Plan Amendment (Oil & Gas Leasing)	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.

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

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

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

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

Salt Lake District Oil & Gas EAR	Date Approved 1975
Bear River East Plan Amendment	Date Approved 1994
Randolph Habitat Management Plan	Date Approved 1982

All of the parcels were analyzed in the Salt Lake District Oil and Gas EAR.

Other documentation relevant to the proposed action (e.g., biological assessment, biological opinion, watershed assessment, allotment evaluation, and monitoring report): SLDO Riparian Strategic Plan (1989), Biological Evaluation (5/2007), BLM Salt Lake Field Office Quarterly Oil and Gas Lease August 2007 (Cultural Resources Assessment) (5/2007), Summit County General Plan (http://www.summitcounty.org/community development/downloads/easter/ESCDC082005.pdf) and Rich County Comprehensive Plan (1996).

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 item C. The proposed action analyzed in those documents is to lease federal oil and gas minerals within the SLFO. The offered parcels in the current proposed action were specifically analyzed in the NEPA documents referenced in item C.

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. Oil and gas leasing was addressed for the Proposed Action Alternative and a reasonable range of other alternatives in the Bear River East Plan Amendment. 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. 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.

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 team analysis record checklist (attachment 3). A description of the affected environment and environmental impacts are provided in the Salt Lake District Oil and Gas EAR and Bear River East Plan Amendment. These documents describe the resource values that could be affected by the proposed action and potential impacts of oil and gas leasing and development. The existing documents identified in item C were reviewed by the interdisciplinary team to determine if the analyses were still valid. No new information or circumstances were brought forward by the public or the interdisciplinary team to invalidate any of the analyses in those documents.

Cultural Resources

The total acres within the 4 parcels located in Summit and Rich Counties are considered the Area of Potential Effects (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 made a determination "No Historic Properties Affected" for the 4 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 Officer (SHPO) a consultation letter on 6/6/07 requesting concurrence with our evaluation of impacts within the APE. The SHPO concurrence was received on 6/11/07. Attachment 4 contains correspondence with the SHPO.

Directives, including Washington Office Instruction Memorandum 2005-003, have been issued that clarify existing oil and gas lease stipulation policy and provide additional 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 4 parcels.

Based on a review of the 4 parcels located in Summit and Rich 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 Shoshone Nation and The Eastern Shoshone Business Council were notified via email and certified letter (respectively) on 5/23/07. Follow-up telephone calls were made and messages left for both Chairmen on 6/1/07. As of this date, one response has been received. The Northwest Band of Shoshone had no objections pertaining to the project. Based on this information, we have determined that the August, 2007 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. If a tribe expresses concerns, before the lease sale date, the parcels would be pulled from this sale. Consultation with that tribe would then be completed prior to offering the parcel(s) on a subsequent lease sale. Additional consultation will be conducted should site-specific use authorization requests for a lease be received. Attachment 5 contains correspondence with the Tribes.

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 Canada Lynx, Black-Footed Ferret, Bald Eagle and Yellow-Billed Cuckoo, it is concluded that only Federally listed threatened, endangered or candidate species, or its critical habitat, occur in the analysis area are the Canada Lynx, Yellow-Billed Cuckoo and Bald Eagle. The analysis is summarized in an August, 2007 biological evaluation on the threatened, endangered and sensitive species (attachment 6). This report documents the effect of leasing the offered parcels on federally listed threatened, endangered or candidate species. Committed conservation measures for bald eagles are identified. Lease Notices are also identified which protect wildlife and plant resources consistent with what is identified in the land use plans, as amended.

Based on the attachment of lease notices UT-T&E-01 for Bald Eagle and UT-T&E-09 for Canada Lynx to the offered parcels, and in accordance with the USFWS 12/16/2004 and 4/4/2007 programmatic consultation and concurrence letters, BLM finds no need to reinitiate consultation on the Bald Eagle and Canada Lynx at this time.

Year long crucial habitat for the snowshoe hare has been identified by UDWR in parcels UT0807-001 and UT0807-002. However, the areas are predominately juniper plant communities with minimal vegetation. Draws within these parcels may serve as a corridor to possible transitional habitat on forested tracts. Habitats within forests do represent more likely habitats or permanent residences for the species. Canada Lynx Lease Notice T&E-09 outlines specific measures. Based on the best information available, there are not likely to be any adverse impacts to the Canada Lynx as a result of the proposed action.

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.

The Randolph HMP provides for protecting critical habitat used by threatened and endangered species and to provide this protection immediately (page 37). At page 48, BLM will monitor threatened and endangered species use for unknown or new use of the public lands. Appendix 2 of the HMP contains an extensive animal species list which includes T&E and special status species.

The planning criteria #5 for Isolated Tracts Planning Analysis (page 2) states that specific legal and regulatory mandates will be properly considered including: a. threatened and endangered species...BLM would still be responsible for mitigating impacted to watershed and threatened and endangered species (page 17).

The Salt Lake District EAR at page 109, states: "Federal agencies must by law, thoroughly protect all known endangered species from any factors that would cause habitat destruction." This document also contains an "anticipated impacts matrix" beginning on page 338, addressing endangered and protected species of plants and animals (aquatic & terrestrial).

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 moose winter and calving 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 or foraging areas.

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.

As per Form 3100-1 (Offer to Lease and Lease for Oil and Gas), rights granted are subject to applicable laws, the terms and conditions and attached stipulations..." Section 6 of this form also identifies a Lessee's responsibility for conducting activities that minimize adverse impacts to resources including T&E and sensitive species.

For each parcel, the following lease notice from IM WO 2002-174 will also be included: "The lease area may now or 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 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."

Directives, including Washington Office Instruction Memorandum 2002-174, have been issued that clarify existing oil and gas lease stipulation policy and provide additional 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, 2007 sale and allow modifications to existing management decisions relating to threatened, endangered or special status species as found necessary during any subsequent environmental analysis.

Visual Resource Management (VRM)

Of the proposed parcels, only parcel UT0807-003 has surface BLM lands. It is within VRM Class IV.

Water Quality

The 4 parcels located in Summit and Rich Counties are within areas that meet water quality standards for the State identified beneficial uses [Utah's 2006 Integrated Report 303(d) List of Impaired Waters (2006)]. 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.

Wilderness Characteristics

The proposed action does not involve lands within the North Stansbury Mountains or Deep Creek Mountains Wilderness Study Areas (WSAs), Cedar Mountains Wilderness or the BLM 1999 Wilderness Inventory Areas. No areas with identified wilderness characteristics occur on any of the 4 parcels.

Other Resources

Since publication of the NEPA documents identified in Items B & C, environmental justice 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. Lease Notices would also be applied for noxious weeds.

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 Salt Lake District Oil & Gas EAR and Bear River East Plan Amendment 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 Salt Lake District Oil & Gas EAR and Bear River East Plan Amendment analyzed the potential impacts from oil and gas leasing on the 4 parcels located within Summit and Rich 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 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. Therefore, the analysis is 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 analyzed a cumulative impact of 41 acres on one seismic line consisting of 34 acres and one drill pad (including roads) consisting of 7 acres. To date no oil and gas wells have been drilled on federal minerals covered by the Bear River East Amendment Area.

Since the level of cumulative impacts described the Bear River East Plan Amendment have not yet been attained, the reasonably foreseeable development (RFD) 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 Bear River East Plan Amendment.

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 NEPA documents identified in Items B & C are adequate for the proposed lease sale. The BLM Utah State Office posts notification of all oil and gas lease sales on the Electronic Notification Bulletin Board/public room. Consultation with the USFWS is addressed in item D.3. Native American and SHPO consultations were conducted and are discussed in item D.3.

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

Name	Title
Michael Ford	Geologist
Laird Naylor	Archaeologist
Mike Nelson	Realty Specialist
Peter Ainsworth	Archaeologist
JuLee Pallette	Outdoor Recreation Planner
Gary Kidd	Rangeland Management Specialist
Cindy Ledbetter	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."

To ensure compliance with Executive Order 13112 (Invasive Species), noxious weeds would be address on all parcels through Lease Notice UT-LN-41.

Additional Lease Notices would be applied to parcel **UT0807- 001:**

UT-T&E-01	Bald Eagle
UT-T&E-09	Canada Lynx
UT-LN-07	Raptor Habitat
UT-LN-19	Crucial Elk Winter Habitat
UT-LN-23	Crucial Deer Habitat
UT-LN-37	Utah Sensitive Species Habitat
UT-LN-41	Noxious Weeds
UT-LN-50	Crucial Mule Deer Winter Range
UT-LN-51	Greater Sagegrouse Habitat – BLM Sensitive Species
UT-LN-82	Crucial Moose Habitat

Additional Lease Notices would be applied to parcel **UT0807- 002:**

UT-T&E-01	Bald Eagle
UT-T&E-09	Canada Lynx
UT-LN-07	Raptor Habitat
UT-LN-19	Crucial Elk Winter Habitat
UT-LN-23	Crucial Deer Habitat
UT-LN-37	Utah Sensitive Species Habitat
UT-LN-41	Noxious Weeds
UT-LN-50	Crucial Mule Deer Winter Range
UT-LN-51	Greater Sagegrouse Habitat – BLM Sensitive Species
UT-LN-82	Crucial Moose Habitat

Additional Lease Notices would be applied to parcel **UT0807- 003:**

UT-LN-07	Raptor Habitat
UT-LN-13	Burrowing Owl Habitat
UT-LN-23	Crucial Deer Habitat
UT-LN-41	Noxious Weeds
UT-LN-44	Sage Grouse Brooding and Wintering Habitat
UT-LN-54	Slopes of 40% or Greater
UT-LN-58	Utah Sensitive Species Habitat (Pygmy Rabbit)
UT-LN-69	Riparian
UT-LN-81	Crucial Pronghorn Habitat

Additional Lease Notices would be applied to parcel **UT0807- 004:**

UT-T&E-01	Bald Eagle
UT-T&E-09	Canada Lynx
UT-LN-07	Raptor Habitat
UT-LN-12	Crucial Elk Habitat
UT-LN-19	Crucial Elk Winter Habitat
UT-LN-23	Crucial Deer Habitat
UT-LN-37	Utah Sensitive Species Habitat
UT-LN-41	Noxious Weeds
UT-LN-44	Sage Grouse Brooding and Wintering Habitat
UT-LN-69	Riparian
UT-LN-82	Crucial Moose Habitat

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.

_____ _____

Michael G. Nelson
Assistant Field Manager
Nonrenewable Resources

Date

Attachments:
1 - Preliminary Oil and Gas Lease Sale Parcels List
2 - Parcel Maps
3 - Interdisciplinary Team Analysis Record Checklist
4 - SHPO Correspondence
5 - Tribal Correspondence
6 - Biological Evaluation