



United States Department of the Interior
BUREAU OF LAND MANAGEMENT

Fillmore Field Office
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June 30, 2009

Memorandum

To: State Director, UT-924
Attention: Teresa Thompson, Terry Catlin

From: Field Manager, Fillmore Field Office

Subject: August 2009 Competitive Oil and Gas Lease Sale Parcel Recommendations

The Fillmore Field Office (FFO) has 21 parcels on the preliminary list for the August oil and gas lease sale. All are recommended for the August 2009 oil and gas lease sale. The Fillmore Field Office has advisory precautions on some of these parcels – particularly parcels partially or entirely on split estates and parcels with existing and/or proposed energy corridors.

Four parcels (UT0809-005, 020, 022, and 023) are at least partially within the private property where the Intermountain Power Project (IPP) plant is located. There is a fifth parcel, UT0809-021, that has common boundary with the private property where the Intermountain Power Project (IPP) plant is located. The Fillmore Field Office recommends that bidders and/or the successful leaseholders be informed that any exploratory and developmental drilling needs to be coordinated with IPP and/or the Los Angeles Department of Water Resources. There is equipment at IPP that is sensitive to drilling.

Although there is some controversy surrounding the four parcels that include the IPP power plant facilities and the private land that the facilities are on, the Fillmore Field Office still favors the inclusion of these parcels on the final list of oil and gas parcels to be offered in the August 2009 lease sale. When IPP took possession of these private properties, the BLM reserved the minerals rights and the option to offer minerals on these lands for sale. The sale of oil and gas mineral rights is consistent with federal multiple-use mandates and policies and direction to offer oil and gas lease parcels for sale.

The BLM has retained the minerals rights and, if oil and gas resources were discovered during exploration, these are resources that a lease holder would have a right to so long as other resources are properly mitigated for or protected.

Bidders interested in bidding on parcels UT0809-001 through 0010, and 020 through 023 should be aware that there are existing and proposed energy corridors within or near some of these oil and gas lease parcels. There are existing water and power lines from DMAD Reservoir to the Intermountain Power Project (IPP) Plant that run through proposed parcels UT0809-007 and 010. This Right-of-Way is 1,500 feet wide. The West Wide Energy Corridor is 3,500 feet wide and passes through the grouping of proposed parcels UT0809-001 through 005 and 020 and 022. The proposed UNEV transmission line is in the final EIS stage and the EIS may be approved at about the time that the August 2009 oil and gas lease parcels are offered for sale. Two companies, Magnum (natural gas pipeline) and Transwest (transmission lines) currently have proposed energy corridors. All three of the above projects would be constructed within the West Wide Energy Corridor. More energy corridors are anticipated in the future within the area of these parcels. The Fillmore Field Office believes that well pads, wells, and associated infrastructure can still be located within these parcels, so long as existing and known planned energy corridors are taken into consideration.

A Determination of NEPA Adequacy (DNA) Worksheet was prepared to determine if the existing NEPA analysis is adequate for the leasing of oil and gas parcels within the administrative boundaries of the FFO for August 2009 competitive oil and gas lease sale. The recommended parcels and attached stipulations and lease notices are found in attachment DNA 1 of the DNA. The following 21 parcels on the preliminary list for the August 2009 sale have been determined to be in conformance with existing Land Use Plans, and are recommended to go forward in the lease sale.

Parcels Recommended For Sale

UT0809-001 (formerly UT0509-001 and UT0309-013)
UT0809-002 (formerly UT0509-002 and UT0309-014)
UT0809-003 (formerly UT0509-003 and UT0309-015)
UT0809-004 (formerly UT0509-004 and UT0309-016)
UT0809-005 (formerly UT0509-005 and UT0309-017)
UT0809-007 (formerly UT0509-007 and UT0309-019)
UT0809-008 (formerly UT0509-008 and UT0309-020)
UT0809-009 (formerly UT0509-009 and UT0309-021)
UT0809-010 (formerly UT0509-010 and UT0309-022)
UT0809-013 (formerly UT0509-013 and UT0309-025)
UT0809-014 (formerly UT0509-014 and UT0309-026)
UT0809-015 (formerly UT0509-015 and UT0309-027)
UT0809-016 (formerly UT0509-016 and UT0309-028)
UT0809-017 (formerly UT0509-017 and UT0309-029)
UT0809-018 (formerly UT0509-018 and UT0309-030)
UT0809-019 (formerly UT0509-019 and UT0309-031)
UT0809-020 (formerly UT0509-020 and UT0309-032)
UT0809-021 (formerly UT0509-021 and UT0309-033)
UT0809-022 (formerly UT0509-022 and UT0309-034)
UT0809-023 (formerly UT0509-023 and UT0309-035)
UT0809-148 (formerly UT0509-092 and UT0309-197) – Acquired Lands

The recommended parcels and attached stipulations are found in attachment DNA 1 of the DNA. In accordance with WO-IM 2002-174 the following Endangered Species Act Section 7 consultation stipulation is to be added to all recommended lease parcels.

"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."

In accordance with WO-IM 2005-003 Cultural Resources and Tribal Consultation for Fluid Minerals Leasing, the cultural stipulation which states the following has been added to all offered lease parcels:

"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."

Please be sure to attach the lease notices for noxious weeds and migratory birds, as advocated by Robin Naeve, to each of the Fillmore oil and gas lease parcels that will be on the Final August 2009 Oil and Gas Lease Sale List.

Please contact George Cruz, Natural Resource Specialist, at (435)-764-3126 if you have any questions.

Sincerely,



Patricia M. Bailey
Acting Field Office Manager

Worksheet
Determination of NEPA Adequacy (DNA)

U.S. Department of the Interior
Utah Bureau of Land Management (BLM)

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. Office: Fillmore Field Office.

Tracking Number: DOI-BLM-UT-W020-2009-033-DNA

Proposed Action Title: August 2009 Competitive Oil and Gas Lease Sale

Location of Proposed Action: Parcels within Juab and Millard Counties, Utah. Attachment DNA 1 contains legal descriptions for each parcel and special stipulations.

A. Description of the Proposed Action and Any Applicable Mitigation Measures:

The Utah State Office of the Bureau of Land Management proposes to offer nominated lands for oil and gas leasing in a competitive lease sale to be held August 18, 2009. The lands will be offered as the parcels described in attachment DNA 1. If a parcel is not taken by competitive bidding, then it may be leased by non-competitive sale for the two years following the competitive offer.

A lease may be held for 10 years (43 CFR 3120.2-1), 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 of oil or gas.

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, unless the lease has a non-surface occupancy stipulation. 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 Environmental Assessment must be prepared and a Finding of No Significant Impact made prior to APD approval. Compliance with lease stipulations must be demonstrated prior to the approval of the APD. Following BLM's approval of an APD, a lessee may produce oil and gas from a lease in a manner approved by BLM in the APD or in subsequent notices. The operator must notify the appropriate authorized officer 48 hours before starting any surface disturbing activity approved in the APD.

The four oil and gas lease categories discussed in the Proposed Action and alternatives are as follows:

*Category 1 – Open to oil and gas leasing, subject to standard stipulations. Standard stipulations provide for the analysis of and protection of 1) cultural resources and 2) Threatened and Endangered animal and plant species, and animal and plant species listed as sensitive. The analysis of cultural resources includes consultation with all tribal groups in Utah. The analysis of T&E and sensitive animal and plant species may include consultation with the U.S. Fish and Wildlife Service. There are 4,472,683 acres in the House Range and Warm Springs Resource Management Plans (RMPs) in this category.

*Category 2 – Open to oil and gas leasing, subject to standard and special stipulations. This category incorporates the standard stipulations discussed under Category 1 as well as special stipulations in Utah that provide protection to specific resources or a special group of resources. There are 107,096 acres in the House Range and Warm Springs Resource Management Plans (RMPs) in this category.

*Category 3 – Open to oil and gas leasing, subject to standard and special stipulations and no surface occupancy. This category incorporates the standard and special stipulations discussed under Category 2. There are 98,549 acres in the House Range and Warm Springs Resource Management Plans (RMPs) in this category.

*Category 4 – Not open to oil and gas leasing. There are 21,672 acres in the House Range and Warm Springs Resource Management Plans (RMPs) in this category.

The parcels nominated for leasing include lands in Categories 1, 2, and 3.

This DNA will tier to the references listed under C. “applicable NEPA documents and other related documents that cover the proposed action”. The most recent of these documents is the Fillmore Oil and Gas Leasing Environmental Assessment, which was prepared in early 2009. In this NEPA document, this referenced will be referred to as the Fillmore Oil and Gas Programmatic EA.

Oil and Gas parcels to be offered are listed in DNA 1 in the appendix. Each parcel has corresponding notices and stipulations and descriptions attached and included in DNA 1. DNA 2 includes special stipulations. DNA 3 contains the Interdisciplinary Team Checklist and specialists’ staff reports written in support of the Determination of NEPA Adequacy (DNA) document.

B. Land Use Plan (LUP) and Conformance

LUP Name:

House Range Resource Area Resource Management Plan and Record of Decision Rangeland Program Summary (RMP/ROD), Date Approved: October 28, 1987.

Warm Springs Resource Area Resource Management Plan and Record of Decision Rangeland Program Summary (RMP/ROD), Date approved: March 23, 1987.

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

The House Range Resource Area RMP/ROD (10/87) specifically identifies the entire planning area as being open for leasing with standard stipulations in Decision D.3, page 76 of the RMP, except for 30,780 acres designated as Category 2 lands; 54,740 acres as Category 3 lands; and 58,990 acres as Category 4 lands. The Fillmore Oil and Gas Leasing EA provides additional analysis.

The Warm Springs Resource Area RMP/ROD (13/87) specifically identifies the entire planning area as being open for leasing with standard stipulations on page 47 of the RMP, except for 64,570 acres designated as Category 2 lands and 25,727 acres as Category 3 lands. The Fillmore Oil and Gas Leasing EA provides additional analysis.

C. Identify the applicable National Environmental Policy Act (NEPA) documents and other related documents that cover the proposed action.

Fillmore Oil and Gas Leasing Environmental Assessment, 2009.

Final Environmental Impact Statement and Proposed Resource Management Plan for the House Range Resource Area (HRRMP), August 1986/September 1986.

House Range Resource Area RMP Oil and Gas Leasing Implementation Environmental Assessment (HRRAOGEA), Richfield District, December 21, 1988.

Final Environmental Impact Statement and Proposed Resource Management Plan for the Warm Springs Resource Area (WSRMP), September 1986.

Warm Springs Resource Area RMP Oil and Gas Leasing Implementation Environmental Assessment (WSRAOGEA), Richfield District, December 21, 1988.

D. NEPA Adequacy Criteria

1. Is the new proposed action a feature of, or essentially similar to, an alternative analyzed in the existing NEPA document(s)? Is the project area within the same analysis area, or if the project location is different, are the geographic and resource conditions sufficiently similar to those analyzed in the existing NEPA document(s)? If there are differences, can you explain why they are not substantial?

Yes
 No

The proposed action of leasing lands described in DNA 1 has been considered and analyzed in the above-cited RMPs, Implementation EAs, and the Fillmore Oil and Gas Programmatic EA. The proposed action, leasing for oil and gas in the August 2009 sale, is substantially the same as the proposed action analyzed in the referenced documents. Public land would be offered for leasing, and subsequent exploration and development of oil and gas resources may occur, dependent on specific approval by the BLM and site-specific NEPA analysis. If land is leased, a leasee would be afforded rights to explore for and develop oil and gas, subject to the lease terms, regulations, and statutes.

All of the cited NEPA documents describe the affected environment and the impacts of the proposed action and other alternatives. The project area for proposed leasing is the same geographic area with the resource conditions addressed.

Parcels UT0809-008 and 010 have acreage classified as Visual Resource Management Class 3. Parcel UT0809-015 is adjacent to Pahvant Butte, which is classified as Visual Resource Management Class 3.

Parcels UT0809-001 through 005 and 020 through 023 have acreage with off-road vehicle (ORV) access limited to existing and/or designated roads and trails in the HRRRA Implementation EA. ORVs are to avoid water holes and other animal concentration areas. These parcels are within the Tintic/Sheeprock Competitive Events Area.

The portion of Parcel UT0809-015 along the northern boundary of Section 5 is classified as Category 3 for Oil and Gas Leasing, no surface occupancy. This portion of the parcel is adjacent to Pahvant Butte ACEC. This same parcel (015) and parcels UT0809-016 and 017 have acreage classified as Category 2 for Oil and Gas Leasing, lands available for lease with special lease stipulations. The area is crucial for peregrine falcon nesting.

Special stipulations and notices attached to specific oil and gas lease parcels are included in DNA 1. The HRRMP and WSRMP (1986) were prepared for the House Range and Warm Springs Resource Areas. These Resource Areas have since been consolidated into the current Fillmore Field Office.

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

Yes
 No

The Fillmore Oil and Gas Leasing EA has been prepared as an update to the HRRAOGEA and WSRAOGEA and the two corresponding Resource Management Plans completed in 1988. It offers a Proposed Action and two alternatives, which is a Proposed Action with a reasonable range of alternatives.

The **Proposed Action** offers the leasing of nominated oil and gas lease parcels with additional resource protection consistent with existing lease categories discussed in the Proposed Action at the introduction of this document. These categories are Category 1 (open to leasing with standard stipulations), Category 2 (open to leasing with standard and special stipulations), Category 3 (open to leasing with standard and special stipulations and no surface occupancy), and Category 4 (not open to leasing).

The **No Action Alternative** offers oil and gas leases consistent with existing land use plans (HRRRA and WSRA Resource Management Plans finished in 1988) including decisions in the Oil and Gas Leasing Implementation EAs. This alternative proposes the continuation of the current management practices, and serves as a baseline for leasing lands within the area administered by the Fillmore Field Office.

The **No Leasing Alternative** offers additional protection for specific resources in the form of application of a no leasing category. This alternative is not in conformance with existing land use plans and therefore not viable for analysis or assessment. In addition, if specific areas with significant potential impacts are identified through this analysis, the BLM could decide to defer such pieces of land until an amendment to the land use plans could be completed.

Two other alternatives were considered during the initial phases of the environmental assessment, but have been dropped from further consideration and the rationale is discussed in the programmatic oil and gas EA.

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 need protection by the current proposal. Issues, concerns, interests and resource values identified and analyzed in the Fillmore Oil and Gas Programmatic EA are discussed in Section D.3 and D.5.

3. Is the existing analysis valid in light of any new information or circumstances (such as rangeland health standards assessment; recent endangered species listings, updated lists of BLM sensitive species)? Can you reasonably conclude that new information and new circumstances would not substantially change the analysis of the new proposed action?

Yes
 No

An interdisciplinary team of BLM specialists reviewed the proposed lease parcels and found that circumstances and conditions are appropriate for oil and gas leasing for the following lands, although mitigations may be required for drilling and other development. That mitigation would be developed during the preparation of a NEPA document in response to an application for a permit to drill (APD). However, notices and some stipulations are attached to the leases to advise the lease as to what may be required for mitigation at the APD stage. The checklist attached to the DNA reflects documents input from the interdisciplinary team of BLM specialists that have reviewed the project.

Conflicts with oil and gas leasing usually occur when there is considerable area within a parcel that cannot be explored without causing significant impact to one or more resources. Resources scrutinized when

determining oil and gas categories during preparation of the RMP/ROD's were the following: riparian, watersheds, critical habitat, significant geologic features, significant historic sites, special recreation management areas, threatened and endangered species, environmental justice, Native American concerns, hazardous and solid waste, and noxious weeds.

Resource impacts have been analyzed and are described in Section D.4 below. Specific concerns and corresponding stipulations are discussed in response to Section D.1 above.

Areas of Critical Environmental Concerns, Wilderness/Wilderness Study Areas, and Wilderness Characteristics: Areas within wilderness study areas (WSAs) are closed by law to fluid mineral leasing. Areas of Critical Environmental Concerns (ACECs) or areas determined by the BLM to possess wilderness characteristics are not offered for lease. The portion of Parcel UT0809-015 along the northern boundary of Section 5 is classified as Category 3 for Oil and Gas Leasing, No Surface Occupancy. This portion of the parcel would not have any surface disturbances on it. Lease parcels UT0809-015 through 019 are just outside the Pahvant Butte ACEC area and no impacts, if leased, should affect this area.

Cultural Resources: The area of potential effect for this undertaking is generally the entire lease parcels as defined in DNA 1.

To assure appropriate consideration of future effects from the August 2009 lease sale, the BLM will add the following "lease stipulation" (WO-IM-2005-003) to all parcels offered for sale.

"This lease may be found to contain historic properties and/or resources protected under the following acts: 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 will 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." (WO-IM 2005-003).

Based on the information provided in the Cultural Staff Report (June 2009), the known and potential sites in the APE of the parcels proposed for leasing will not be adversely affected by adherence to Section 106 of the National Historic Preservation Act of 1966 as amended and other applicable laws and regulations including Onshore Order #1. The Fillmore Field Office has received concurrence from the Utah State Historic Preservation Office on March 23, 2009. This correspondence is part of the administrative record.

Native American Religious Concerns: On February 12, 2009, letters were sent to the following Tribes for Native American consultation: Navajo, Paiute, Hopi, Zuni, White Mesa Ute, Uinta and Ouray Ute, Southern Ute, and Ute Mountain. The tribes have had 30 days to comment on this lease sale. If any concerns are raised, they will be addressed prior to the August 2009 lease sale. Consultation will be considered complete unless tribal response(s) is received and/or objections are presented 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. This correspondence is part of the administrative record.

Invasive, Non-native Species: Weeds are present in the August oil and gas lease offerings. The analysis in the Fillmore Oil and gas Programmatic EA is sufficient to disclose impacts to weeds. The notice on noxious weeds included with all lease offerings from the Fillmore Field Office reflects recommendations to clean equipment before entering and prior to exiting the project area during exploration or development.

Water Quality and Wetlands/Riparian Zones: Mitigation measures that are included in NEPA

documentation and properly-implemented during exploration/development will adequately protect water quality, riparian zones at Four Mile Creek and other areas, and the Sevier River floodplain. This can include coordinating with the Utah Division of Water Quality towards compliance with water quality standards for total dissolved solids at the Sevier River. If an APD is submitted for exploration or development in the Four Mile Creek Watershed (parcel UT0809-148), the potential for impacts to water quality from activities on steeper, mountainous slopes and clayey soils should be discussed during the NEPA process. This may include restrictions on operations when access may be limited by snow accumulations and/or wet clayey road surfaces that may be prone to rutting and unsafe driving conditions.

Lands/access and Geology/mineral Resources: Parcels UT0809-001 through 005 and 020 through 023 are within existing and proposed energy corridors. Magnum proposes to install a natural gas right-of-way pipeline, while two new transmission lines are proposed within these parcels. Coordination during exploratory and developmental phases should resolve any potential conflicts with energy corridors. A bigger concern could be any drilling for oil and gas through a salt dome. This could potentially impact the salt in a salt dome as a marketable resource that is worth extracting, and may limit exploratory work and any development,

Parcels UT0809-005, UT0809-020, UT0809-022, and UT0809-023 are at least partially within split estates where the private land is where the Intermountain Power Project (IPP) plant is located. There are security concerns that involve Homeland Security as well as concerns about equipment within the power plant facilities that is sensitive to drilling. A fifth parcel, UT0809-021, has common boundary with the IPP private property and the same concerns may apply, but probably to a lesser degree.

Visual Resources: Parcels UT0809-008 and 010 have acreage classified as Visual Resource Management Class 3. Parcel UT0809-015 is adjacent to Pahvant Butte, which is classified as Visual Resource Management Class 3.

Recreation: Per the HRRR Implementation EA, Parcels UT0809-001 through 005 and UT0809-020 through 023 have acreage with off-road vehicle (ORV) access limited to existing and/or designated roads and trails. ORVs should avoid water holes and other animal concentration areas. These parcels are within the Tintic/Sheeprock Competitive Events Area.

Livestock and Grazing: The protection and/or repair of range improvements are concerns expressed in the checklist for the August oil and gas leasing sale. Improvements include reservoirs and other water sources. These concerns would be addressed when APDs (Applications for Permit to Drill) are received at the Fillmore Field Office.

Wildlife:

Detailed information on the inclusion of the appropriate lease notices and stipulations are contained in attachments, DNA 1, DNA 2, and DNA 3. Wildlife habitat and criteria are identified for Pronghorn Fawning and Winter Habitat, Bald Eagle Habitat, Burrowing Owl, Waterfowl Nesting and Winter Concentration Areas, Utah Sensitive Species – Yellow-Billed Cuckoo, Pymgy Rabbit, Raptors, Migratory Birds, Riparian Area Protection and Floodplain, and Peregrine Falcon. Utah Division of Wildlife Resources/Utah Natural Heritage Program data were utilized to determine presence and absence of species in addition to field office records. All of these habitats are addressed in the Programmatic EA and provided certain protections through stipulations or notices.

Special Status Wildlife Species: In accordance with Washington Office Instruction Memorandum No. 2002-174, all parcels would be subject to the Endangered Species Act Section 7 Consultation Stipulation. This stipulation is as follows:

“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.”

In December 2004, BLM and U.S. Fish and Wildlife Service personnel completed work on a set of programmatic level, lease notices for federally listed species occurring in Utah, that are to be attached to oil and gas leases offered in the State of Utah. On December 13, 2004, section 7 consultation was initiated with the submission of a memorandum to FWS, containing the lease notices. The FWS responded with a memorandum dated December 16, 2004 concurring with the BLM determination that attachment of the lease notices to appropriate lease parcels would constitute a “may affect, but not likely to adversely affect” determination for listed species in Utah.

Based on the information and analysis provided in Attachment DNA 2, and inclusion of all appropriate lease notices and stipulations, the August 2009 sale of oil and gas lease parcels complies with the 2004 FWS programmatic consultation, so that no listed species are likely to be adversely affected by the proposed action.

Raptors- A general lease notice that identifies if there may be raptors in the area has been added to the appropriate parcels. There are also separate lease notices attached to leases pertaining to peregrine falcon, burrowing owl, and/or bald eagle habitat that include more specific mitigation measures for those raptors. The information is not new or significant because raptors were addressed in the Fillmore Programmatic Oil & Gas EA and therefore was taken into account in the referenced NEPA documents.

Pronghorn Fawning/ Winter Habitat- A notice has been added to the appropriate parcels that have identified pronghorn fawning and winter habitat. The information is not significant because pronghorn fawning and winter habitat was addressed in the Fillmore Programmatic Oil & Gas EA and therefore was taken into account in the referenced NEPA documents.

Other Wildlife Species- Lease notices for pygmy rabbit, waterfowl nesting, waterfowl winter concentration, migratory birds, Utah sensitive species and Utah sensitive species- yellow-billed cuckoo have been added to all parcels for this Fillmore Oil and Gas Lease Sale. The information is not significant because all of these habitats were addressed in the Fillmore Programmatic Oil & Gas EA and therefore was taken into account in the referenced NEPA documents.

Special Status Plant Species: Neese narrowleaf penstemon and giant fourwing saltbush are present within the group of parcels consisting of UT0809-001 through 005. Sensitive plant surveys will have to be completed for these two species before exploration or development can begin. These species are more likely to be found at sand dunes and semi-stabilized dune habitat. Where either of these two species is found to occur, drilling activities that cause surface disturbance will not be allowed or will require certain restrictions. Restrictions would be discussed in NEPA documentation for exploration or development. The use of Notice T&E-05, Listed Plant Species, could serve to notify the potential bidders and/or leasee that parcels UT0809-001 through 005 have listed plant concerns.

Floodplains: All parcels to be offered during the oil and gas lease sale in August 2009 have notices covering floodplains. Parcel UT0809-008 has common boundary with the floodplain of the Sevier River.

Erodible Soils and Steep Slopes: Parcels may contain areas within municipal or non-municipal watersheds that contain steep slopes and erosive soils. The notice protects these resources by requiring that new roads will be constructed to avoid soils that are highly erosive and/or in critical or severe erosion conditions and they will also be constructed with water bars. Riprap may be required. Road grades in excess of 8 percent will normally not be allowed. In special circumstances, where a road grade of more than 10 percent is allowed, its maximum length will be 1,000 feet. In order to prevent erosion, access and grading along with exploration, drilling, construction, or other activities will be prohibited during wet or muddy conditions (usually during spring runoff and summer monsoon rains). Steep slopes in excess of 30 percent may be prohibited.

4. Are the direct, indirect, and cumulative effects that would result from implementation of the new proposed action similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA document(s)?

Yes
 No

The direct, indirect, and cumulative effects of leasing are identical to those analyzed in the Fillmore Oil and Gas Programmatic EA because the proposed action is essentially the same and the existing resource conditions and values have not changed since analyzed in the EA. Oil and gas exploration is discussed. The potential for the occurrence of producible quantities of oil and gas appears to be low. Historically, about one exploration well is drilled every two years per Resource Area and there are no wells producing oil or gas in the area administered by the Fillmore Field Office. The analysis in the Fillmore Oil and Gas Programmatic EA is based on the drilling of one exploration well every year for the entire Field Office.

Since the completion of the HRRAOGEA and WSRAOGEA, two oil and gas exploration wells have been drilled in the House Range Resource Area (HRRA), and two have been drilled in the Warm Springs Resource Area (WSRA). Three other APDs were approved in the HRRA, but the sites were never drilled. These efforts have not demonstrated any quantities of hydrocarbons that are economically feasible. The total disturbance in each planning unit from the two exploration wells totals approximately four acres, which is well within the scenario analyzed in both EAs. Because the Proposed Action is essentially the same and the existing resource conditions and values have not changed, the potential direct and indirect environmental effects of the current lease proposal are substantially unchanged from those addressed in the Fillmore Oil and Gas Programmatic EA.

The Fillmore Oil and Gas Programmatic EA includes categorization of lands within the planning unit pertaining to oil and gas leasing. Category 1 lands are available for lease with standard lease stipulations. Category 2 lands are available for lease, subject to special stipulations dependent on the specific area. Category 3 lands are available for lease subject to a no surface occupancy stipulation. Category 4 lands are unavailable for lease of oil and gas.

Direct and indirect environmental consequences of the proposed Fillmore August 2009 oil and gas lease offerings are discussed on pages 55 to 83 of the Fillmore Oil and Gas Programmatic EA.

5. 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 Fillmore Oil and Gas Programmatic EA is adequate for the proposed lease sale.

Consultation letters to determine Native American Religious concerns in Utah was sent via registered mail to affected tribes on February 12, 2009.

The BLM has been in consultation with the U.S. Fish and Wildlife Service and Utah Division of Wildlife Resources. The BLM received comments about the Fillmore Oil and Gas Programmatic EA from the U.S. Fish and Wildlife Service on February 25, 2009 – including consultation on the yellow-billed cuckoo. Programmatic consultation on all other T&E notices was completed on December 16, 2004. There have been no changes to the T&E list and/or status during the interim period between 2004 and 2009.

The United States Fish and Wildlife Service, National Park Service, United States Forest Service, State of Utah and State Institutional Trust Lands Administration were notified of the proposed action via letter (dated 5/7/2009) regarding the August 2009 Competitive Oil and Gas Lease Sale and were provided a copy of the Preliminary List of Parcels (68 parcels and 99,606.39 acres). This correspondence is part of the administrative record.

Public outreach and notification for this lease sale was initiated on 5/7/2009 by posting on BLM's Environmental Notification Bulletin Board (ENBB) (<https://www.blm.gov/ut/enbb/index.php>). Public information on Oil and Gas Leasing and the current lease sale is also maintained on http://www.blm.gov/ut/st/en/prog/energy/oil_and_gas_lease.html (Utah State Office Oil and Gas web page). ENBB updates and other notices are made part of the administrative record.

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

Steve Bonar, Outdoor Recreation Planner
Dave Mermejo, Natural Resource Specialist
Paul Caso, Rangeland Management Specialist
George Cruz, Oil and Gas Natural Resource Specialist
Justin Johnson, Fuels Program Lead
Jerry Mansfield, Geologist
Joelle McCarthy, Archeologist
Jim Priest, Wildlife Biologist
Robin Naeve, Wildlife Biologist
R.B. Probert, Weeds Specialist
Matt Rajala, Geology Natural Resource Specialist & NEPA Coordinator
Eric Reid, Wild Horse and Burro Specialist
Clara Stevens, Realty Specialist
Bill Thompson, Rangeland Management Specialist & Riparian Lead
Dave Whitaker, Rangeland Management Specialist

The Land Use Plan and National Environmental Protection Act documents listed in Sections B and C above contain the List of Preparers for each document in these two sections.

Conclusion

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 plans.

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.

George L. Cruz
Signature of Project Lead

7/1/2009
Date

[Signature]
Signature of NEPA Coordinator

7/2/2009
Date

[Signature]
Signature of the Responsible Official

7/2/09
Date

Note: The signed Conclusion on this Worksheet is part of an interim step in the BLM's internal decision process and does not constitute an appealable decision. However, the lease, permit, or other authorization based on this DNA is subject to protest or appeal under 43 CFR Part 4 and the program specific regulations.

Attachments:

- DNA 1, August 2009 Oil and Gas Lease Parcels
- DNA 2, special stipulations
- DNA 3, Interdisciplinary Team Checklist and Staff Reports

ATTACHMENT DNA 1

Note: Fillmore list of August 2009 Oil and Gas Lease Parcels

UT0809-001

T. 15 S., R. 6 W., Salt Lake
Secs. 1, 11, 12 and 13: All.
2,527.99 Acres
Millard County, Utah
Fillmore Field Office

Notices

UTSO-S-01: Air Quality
UT-LN-33: Raptors
UT-LN-43: Pygmy Rabbit
UT-LN-52: Utah Sensitive Species
UT-LN-86: Utah Sensitive Species - Yellow-Billed Cuckoo
UT-LN-102: Pronghorn Fawning Habitat
UT-LN-103: Pronghorn Winter Habitat
UT-LN-105: Waterfowl Nesting Areas
UT-LN-106: Waterfowl Winter Concentration Areas
UT-LN-109: Bald Eagle Habitat
UT-LN-112: Riparian Area Protection
UT-LN-113: Erodible Soils And Steep Slopes
UT-LN-114: Steep Slopes
UT-LN-115: Floodplains

UT0809-002

T. 15 S., R. 6 W., Salt Lake
Secs. 3, 4 and 5: All.
1,944.00 Acres
Millard County, Utah
Fillmore Field Office

NOTICES

UTSO-S-01: Air Quality
UT-LN-33: RAPTORS
UT-LN-43: PYGMY RABBIT
UT-LN-52: UTAH SENSITIVE SPECIES
UT-LN-86: UTAH SENSITIVE SPECIES - YELLOW-BILLED CUCKOO
UT-LN-102: PRONGHORN FAWNING HABITAT
UT-LN-103: PRONGHORN WINTER HABITAT
UT-LN-105: WATERFOWL NESTING AREAS
UT-LN-106: WATERFOWL WINTER CONCENTRATION AREAS
UT-LN-109: BALD EAGLE HABITAT
UT-LN-112: RIPARIAN AREA PROTECTION
UT-LN-113: ERODIBLE SOILS AND STEEP SLOPES
UT-LN-114: STEEP SLOPES
UT-LN-115: FLOODPLAINS

UT0809-003

T. 15 S., R. 6 W., Salt Lake
Secs. 6, 7 and 8: All.
1,922.20 Acres
Millard County, Utah
Fillmore Field Office

NOTICES

- UTSO-S-01: Air Quality
- UT-LN-33: RAPTORS
- UT-LN-43: PYGMY RABBIT
- UT-LN-52: UTAH SENSITIVE SPECIES
- UT-LN-86: UTAH SENSITIVE SPECIES - YELLOW-BILLED CUCKOO
- UT-LN-102: PRONGHORN FAWNING HABITAT
- UT-LN-103: PRONGHORN WINTER HABITAT
- UT-LN-105: WATERFOWL NESTING AREAS
- UT-LN-106: WATERFOWL WINTER CONCENTRATION AREAS
- UT-LN-109: BALD EAGLE HABITAT
- UT-LN-112: RIPARIAN AREA PROTECTION
- UT-LN-113: ERODIBLE SOILS AND STEEP SLOPES
- UT-LN-114: STEEP SLOPES
- UT-LN-115: FLOODPLAINS

UT0809-004

T. 15 S., R. 6 W., Salt Lake
Secs. 9, 10, 14 and 15: All.
2,560.00 Acres
Millard County, Utah
Fillmore Field Office

NOTICES

- UTSO-S-01: Air Quality
- UT-LN-33: RAPTORS
- UT-LN-43: PYGMY RABBIT
- UT-LN-52: UTAH SENSITIVE SPECIES
- UT-LN-86: UTAH SENSITIVE SPECIES - YELLOW-BILLED CUCKOO
- UT-LN-112: RIPARIAN AREA PROTECTION
- UT-LN-113: ERODIBLE SOILS AND STEEP SLOPES
- UT-LN-114: STEEP SLOPES
- UT-LN-115: FLOODPLAINS
- UT-LN-102: PRONGHORN FAWNING HABITAT
- UT-LN-103: PRONGHORN WINTER HABITAT
- UT-LN-105: WATERFOWL NESTING AREAS
- UT-LN-106: WATERFOWL WINTER CONCENTRATION AREAS
- UT-LN-109: BALD EAGLE HABITAT

UT0809-005

T. 15 S., R. 6 W., Salt Lake
Secs. 17 and 18: All;
Sec. 19: NW, N2SW, SWSW.

1,560.00 Acres
Millard County, Utah
Fillmore Field Office

NOTICES

UTSO-S-01: Air Quality
UT-LN-33: RAPTORS
UT-LN-43: PYGMY RABBIT
UT-LN-52: UTAH SENSITIVE SPECIES
UT-LN-86: UTAH SENSITIVE SPECIES - YELLOW-BILLED CUCKOO
UT-LN-102: PRONGHORN FAWNING HABITAT
UT-LN-103: PRONGHORN WINTER HABITAT
UT-LN-105: WATERFOWL NESTING AREAS
UT-LN-106: WATERFOWL WINTER CONCENTRATION AREAS
UT-LN-109: BALD EAGLE HABITAT
UT-LN-112: RIPARIAN AREA PROTECTION
UT-LN-113: ERODIBLE SOILS AND STEEP SLOPES
UT-LN-114: STEEP SLOPES
UT-LN-115: FLOODPLAINS

UT0809-007

T. 16 S., R. 6 W., Salt Lake
Secs. 3, 4 and 5: All.

2,345.12 Acres
Millard County, Utah
Fillmore Field Office

NOTICES

UTSO-S-01: Air Quality
UT-LN-33: RAPTORS
UT-LN-43: PYGMY RABBIT
UT-LN-52: UTAH SENSITIVE SPECIES
UT-LN-86: UTAH SENSITIVE SPECIES - YELLOW-BILLED CUCKOO
UT-LN-105: WATERFOWL NESTING AREAS
UT-LN-106: WATERFOWL WINTER CONCENTRATION AREAS
UT-LN-112: RIPARIAN AREA PROTECTION
UT-LN-113: ERODIBLE SOILS AND STEEP SLOPES
UT-LN-114: STEEP SLOPES
UT-LN-115: FLOODPLAINS

UT0809-008

T. 16 S., R. 6 W., Salt Lake

Sec. 6: Lots 1, 2, S2NE, SE;

Sec. 7: E2, SESW;

Sec. 18: Lots 3, 4, E2, SENW, E2SW;

Sec. 19: All;

Sec. 30: Lots 1, 2, NE, E2NW.

2,336.72 Acres

Millard County, Utah

Fillmore Field Office

NOTICES

- UTSO-S-01: Air Quality
- UT-LN-33: RAPTORS
- UT-LN-43: PYGMY RABBIT
- UT-LN-52: UTAH SENSITIVE SPECIES
- UT-LN-86: UTAH SENSITIVE SPECIES - YELLOW-BILLED CUCKOO
- UT-LN-105: WATERFOWL NESTING AREAS
- UT-LN-106: WATERFOWL WINTER CONCENTRATION AREAS
- UT-LN-112: RIPARIAN AREA PROTECTION
- UT-LN-113: ERODIBLE SOILS AND STEEP SLOPES
- UT-LN-114: STEEP SLOPES
- UT-LN-115: FLOODPLAINS

UT0809-009

T. 16 S., R. 6 W., Salt Lake

Secs. 8, 9 and 17: All.

1,920.00 Acres

Millard County, Utah

Fillmore Field Office

NOTICES

- UTSO-S-01: Air Quality
- UT-LN-33: RAPTORS
- UT-LN-43: PYGMY RABBIT
- UT-LN-52: UTAH SENSITIVE SPECIES
- UT-LN-86: UTAH SENSITIVE SPECIES - YELLOW-BILLED CUCKOO
- UT-LN-105: WATERFOWL NESTING AREAS
- UT-LN-106: WATERFOWL WINTER CONCENTRATION AREAS
- UT-LN-112: RIPARIAN AREA PROTECTION
- UT-LN-113: ERODIBLE SOILS AND STEEP SLOPES
- UT-LN-114: STEEP SLOPES
- UT-LN-115: FLOODPLAINS

UT0809-010

T. 16 S., R. 6 W., Salt Lake
Secs. 10,11,14 and 15: All.
2,560.00 Acres
Millard County, Utah
Fillmore Field Office

NOTICES

UTSO-S-01: Air Quality
UT-LN-33: RAPTORS
UT-LN-43: PYGMY RABBIT
UT-LN-52: UTAH SENSITIVE SPECIES
UT-LN-86: UTAH SENSITIVE SPECIES - YELLOW-BILLED CUCKOO
UT-LN-105: WATERFOWL NESTING AREAS
UT-LN-106: WATERFOWL WINTER CONCENTRATION AREAS
UT-LN-112: RIPARIAN AREA PROTECTION
UT-LN-113: ERODIBLE SOILS AND STEEP SLOPES
UT-LN-114: STEEP SLOPES
UT-LN-115: FLOODPLAINS

UT0809-013

T. 17 S., R. 6 W., Salt Lake
Sec. 1: Lots 3, 4, S2NW, SW;
Sec. 10: NE, NESW;
Sec. 12: All;
Sec. 13: N2.
1,478.65 Acres
Millard County, Utah
Fillmore Field Office

NOTICES

UTSO-S-01: Air Quality
UT-LN-33: RAPTORS
UT-LN-43: PYGMY RABBIT
UT-LN-52: UTAH SENSITIVE SPECIES
UT-LN-86: UTAH SENSITIVE SPECIES - YELLOW-BILLED CUCKOO
UT-LN-105: WATERFOWL NESTING AREAS
UT-LN-106: WATERFOWL WINTER CONCENTRATION AREAS
UT-LN-112: RIPARIAN AREA PROTECTION
UT-LN-113: ERODIBLE SOILS AND STEEP SLOPES
UT-LN-114: STEEP SLOPES
UT-LN-115: FLOODPLAINS

UT0809-014

T. 17 S., R. 6 W., Salt Lake

- Sec. 11: SWSW;
- Sec. 14: W2W2, SESW;
- Sec. 15: NE, S2;
- Sec. 22: W2NE, N2NW, SENW;
- Sec. 23: NE, N2NW, E2SE;
- Sec. 24: SWNW, SW;
- Sec. 25: SENW, NESW, N2SE, SESE.

1,640.00 Acres

Millard County, Utah

Fillmore Field Office

NOTICES

- UTSO-S-01: Air Quality
- UT-LN-33: RAPTORS
- UT-LN-43: PYGMY RABBIT
- UT-LN-52: UTAH SENSITIVE SPECIES
- UT-LN-86: UTAH SENSITIVE SPECIES - YELLOW-BILLED CUCKOO
- UT-LN-105: WATERFOWL NESTING AREAS
- UT-LN-106: WATERFOWL WINTER CONCENTRATION AREAS
- UT-LN-112: RIPARIAN AREA PROTECTION
- UT-LN-113: ERODIBLE SOILS AND STEEP SLOPES
- UT-LN-114: STEEP SLOPES
- UT-LN-115: FLOODPLAINS

UT0809-015

T. 20 S., R. 6 W., Salt Lake

Secs. 4, 5 and 6: All.

2,118.57 Acres

Millard County, Utah

Fillmore Field Office

NOTICES

- UTSO-S-01: Air Quality
- UT-LN-33: RAPTORS
- UT-LN-43: PYGMY RABBIT
- UT-LN-52: UTAH SENSITIVE SPECIES
- UT-LN-86: UTAH SENSITIVE SPECIES - YELLOW-BILLED CUCKOO
- UT-LN-105: WATERFOWL NESTING AREAS
- UT-LN-106: WATERFOWL WINTER CONCENTRATION AREAS
- UT-LN-112: RIPARIAN AREA PROTECTION
- UT-LN-113: ERODIBLE SOILS AND STEEP SLOPES
- UT-LN-114: STEEP SLOPES
- UT-LN-115: FLOODPLAINS
- UT-LN-119: PEREGRINE FALCON NEST SITES

UT0809-016

T. 20 S., R. 6 W., Salt Lake
Sec. 7: All;
Sec. 18: NE, NESE.
864.48 Acres
Millard County, Utah
Fillmore Field Office

NOTICES

UTSO-S-01: Air Quality
UT-LN-33: RAPTORS
UT-LN-43: PYGMY RABBIT
UT-LN-52: UTAH SENSITIVE SPECIES
UT-LN-86: UTAH SENSITIVE SPECIES - YELLOW-BILLED CUCKOO
UT-LN-105: WATERFOWL NESTING AREAS
UT-LN-106: WATERFOWL WINTER CONCENTRATION AREAS
UT-LN-112: RIPARIAN AREA PROTECTION
UT-LN-113: ERODIBLE SOILS AND STEEP SLOPES
UT-LN-114: STEEP SLOPES
UT-LN-115: FLOODPLAINS

UT0809-017

T. 20 S., R. 6 W., Salt Lake
Secs. 8, 9 and 17: All;
Sec. 20: E2, E2W2, NWNW.
2,440.00 Acres
Millard County, Utah
Fillmore Field Office

NOTICES

UTSO-S-01: Air Quality
UT-LN-33: RAPTORS
UT-LN-43: PYGMY RABBIT
UT-LN-52: UTAH SENSITIVE SPECIES
UT-LN-86: UTAH SENSITIVE SPECIES - YELLOW-BILLED CUCKOO
UT-LN-105: WATERFOWL NESTING AREAS
UT-LN-106: WATERFOWL WINTER CONCENTRATION AREAS
UT-LN-108: BURROWING OWL HABITAT
UT-LN-112: RIPARIAN AREA PROTECTION
UT-LN-113: ERODIBLE SOILS AND STEEP SLOPES
UT-LN-114: STEEP SLOPES
UT-LN-115: FLOODPLAINS

UT0809-018

T. 20 S., R. 6 W., Salt Lake
Secs. 21, 28 and 33: All.
1,920.00 Acres
Millard County, Utah
Fillmore Field Office

NOTICES

- UTSO-S-01: Air Quality
- UT-LN-33: RAPTORS
- UT-LN-43: PYGMY RABBIT
- UT-LN-52: UTAH SENSITIVE SPECIES
- UT-LN-86: UTAH SENSITIVE SPECIES - YELLOW-BILLED CUCKOO
- UT-LN-105: WATERFOWL NESTING AREAS
- UT-LN-106: WATERFOWL WINTER CONCENTRATION AREAS
- UT-LN-112: RIPARIAN AREA PROTECTION
- UT-LN-113: ERODIBLE SOILS AND STEEP SLOPES
- UT-LN-114: STEEP SLOPES
- UT-LN-115: FLOODPLAINS

UT0809-019

T. 20 S., R. 6 W., Salt Lake
Sec. 29: NE, NESE.
200.00 Acres
Millard County, Utah
Fillmore Field Office

NOTICES

- UTSO-S-01: Air Quality
- UT-LN-33: RAPTORS
- UT-LN-43: PYGMY RABBIT
- UT-LN-52: UTAH SENSITIVE SPECIES
- UT-LN-86: UTAH SENSITIVE SPECIES - YELLOW-BILLED CUCKOO
- UT-LN-105: WATERFOWL NESTING AREAS
- UT-LN-106: WATERFOWL WINTER CONCENTRATION AREAS
- UT-LN-112: RIPARIAN AREA PROTECTION
- UT-LN-113: ERODIBLE SOILS AND STEEP SLOPES
- UT-LN-114: STEEP SLOPES
- UT-LN-115: FLOODPLAINS

UT0809-020

T. 15 S., R. 7 W., Salt Lake
Secs. 1, 12 and 13: All;
Sec. 14: N2, SE.

2,400.00 Acres
Millard County, Utah
Fillmore Field Office

NOTICES

UTSO-S-01: Air Quality
UT-LN-33: RAPTORS
UT-LN-43: PYGMY RABBIT
UT-LN-52: UTAH SENSITIVE SPECIES
UT-LN-86: UTAH SENSITIVE SPECIES - YELLOW-BILLED CUCKOO
UT-LN-102: PRONGHORN FAWNING HABITAT
UT-LN-103: PRONGHORN WINTER HABITAT
UT-LN-105: WATERFOWL NESTING AREAS
UT-LN-106: WATERFOWL WINTER CONCENTRATION AREAS
UT-LN-109: BALD EAGLE HABITAT
UT-LN-112: RIPARIAN AREA PROTECTION
UT-LN-113: ERODIBLE SOILS AND STEEP SLOPES
UT-LN-114: STEEP SLOPES
UT-LN-115: FLOODPLAINS

UT0809-021

T. 15 S., R. 7 W., Salt Lake
Secs. 3, 4, 5 and 6: All.

2,555.23 Acres
Millard County, Utah
Fillmore Field Office

NOTICES

UTSO-S-01: Air Quality
UT-LN-33: RAPTORS
UT-LN-43: PYGMY RABBIT
UT-LN-52: UTAH SENSITIVE SPECIES
UT-LN-86: UTAH SENSITIVE SPECIES - YELLOW-BILLED CUCKOO
UT-LN-105: WATERFOWL NESTING AREAS
UT-LN-106: WATERFOWL WINTER CONCENTRATION AREAS
UT-LN-112: RIPARIAN AREA PROTECTION
UT-LN-113: ERODIBLE SOILS AND STEEP SLOPES
UT-LN-114: STEEP SLOPES
UT-LN-115: FLOODPLAINS

UT0809-022

T. 15 S., R. 7 W., Salt Lake
Sec. 8: NENE, S2NE;
Secs. 9, 10 and 11: All;
Sec. 15: N2N2, SWNW, W2SW.

2,320.00 Acres
Millard County, Utah
Fillmore Field Office

NOTICES

- UTSO-S-01: Air Quality
- UT-LN-33: RAPTORS
- UT-LN-43: PYGMY RABBIT
- UT-LN-52: UTAH SENSITIVE SPECIES
- UT-LN-86: UTAH SENSITIVE SPECIES - YELLOW-BILLED CUCKOO
- UT-LN-105: WATERFOWL NESTING AREAS
- UT-LN-106: WATERFOWL WINTER CONCENTRATION AREAS
- UT-LN-112: RIPARIAN AREA PROTECTION
- UT-LN-113: ERODIBLE SOILS AND STEEP SLOPES
- UT-LN-114: STEEP SLOPES
- UT-LN-115: FLOODPLAINS

UT0809-023

T. 15 S., R. 7 W., Salt Lake
Sec. 24: Lots 1, 2, 5, 7, N2, N2SE.

522.91 Acres
Millard County, Utah
Fillmore Field Office

NOTICES

- UTSO-S-01: Air Quality
- UT-LN-33: RAPTORS
- UT-LN-43: PYGMY RABBIT
- UT-LN-52: UTAH SENSITIVE SPECIES
- UT-LN-86: UTAH SENSITIVE SPECIES - YELLOW-BILLED CUCKOO
- UT-LN-105: WATERFOWL NESTING AREAS
- UT-LN-106: WATERFOWL WINTER CONCENTRATION AREAS
- UT-LN-112: RIPARIAN AREA PROTECTION
- UT-LN-113: ERODIBLE SOILS AND STEEP SLOPES
- UT-LN-114: STEEP SLOPES
- UT-LN-115: FLOODPLAINS

UT0809-148

T. 16 S., R. 6 W., Salt Lake
Sec. 18: Lots 1, 2.

109.28 Acres
Millard County, Utah
Fillmore Field Office

NOTICES

- UTSO-S-01: Air Quality
- UT-LN-33: Raptors

UT-LN-43: Pygmy Rabbit
UT-LN-52: Utah Sensitive Species
UT-LN-86: Utah Sensitive Species - Yellow-Billed Cuckoo
UT-LN-105: Waterfowl Nesting Areas
UT-LN-106: Waterfowl Winter Concentration Areas
UT-LN-112: Riparian Area Protection
UT-LN-113: Erodible Soils And Steep Slopes
UT-LN-114: Steep Slopes
UT-LN-115: Floodplains

ATTACHMENT DNA 2

Note: Descriptions of the special stipulations that correspond to the Fillmore list of August 2009 Oil and Gas Lease Parcels

In accordance with WO-IM 2002-174 the following Endangered Species Act Section 7 consultation stipulation is to be added to all recommended lease parcels.

“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.”

In accordance with WO-IM 2005-003 Cultural Resources and Tribal Consultation for Fluid Minerals Leasing, the cultural stipulation which states the following has been added to all offered lease parcels:

“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.”

ATTACHMENT DNA 3

Note: Interdisciplinary Team Checklist and specialist reports.

INTERDISCIPLINARY TEAM ANALYSIS RECORD CHECKLIST

Project Title: August 2009 Competitive Oil and Gas Lease Sale

NEPA Log Number: DOI-BLM-UT-W020-2009-033-DNA

File/Serial Number: N/A

Project Leader: George Cruz

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DETERMINATION OF STAFF: (Choose one of the following abbreviated options for the left column)

- NP = not present in the area impacted by the proposed or alternative actions
- NI = present, but not affected to a degree that detailed analysis is required
- PI = present with potential for significant impact analyzed in detail in the EA; or identified in a DNA as requiring further analysis
- NC = (DNAs only) actions and impacts not changed from those disclosed in the existing NEPA documents cited in Section C of the DNA form.

Determination	Resource	Rationale for Determination*	Signature	Date
NC	Air Quality	Air Quality within the Fillmore Field Office is generally good. The nearest non-attainment areas are within the SLFO to the north. The Milford Flat Fire continues to impact Air Quality within the areas during periods of high winds. As a whole, utilizing the Reasonably Foreseeable Development Scenario from the previous PEA, the proposed action does not present the potential for impacts to air quality other than isolated fugitive dust.	/s/ Matt Rajala	6/4/2009
NC	Areas of Critical Environmental Concern	<p>Lease parcels UT0809-015, 016, 017, 008, and 009 [see appendix] are approximately one mile south of the Pavant Butte. The lease proposals are just outside the ACEC area and no impacts, if leased, should affect this area. Impacts from leasing on ACECs were analyzed in the Warm Springs and House Range RMPs and also in the Programmatic EA to which this DNA is tiered. Given the low RFD and the Categories as they are established there are no foreseeable impacts to ACECs as a result of leasing.</p> <p>Approximately 170 acres in Sections 5 and 6, T. 20 S., R. 6 W. of parcel UT0809-015 consists of lands within the Pahvant Butte ACEC. Management direction for this ACEC regarding oil and gas leasing is No Surface Occupancy to protect the relevant and important values of scientific, educational values related to volcanic activity (inactive volcano) and peregrine falcon reintroduction and habitat. Oil and Gas activities would not affect the primary ACEC but activities from directional drilling could result in minimal loss of foraging habitat for peregrine falcons, which can extend up to one mile from nesting/roosting sites.</p> <p>This loss would result primarily from the displacement of prey</p>	<p>/s/SBonar</p> <p>/s/D.Mermejo</p>	<p>2-12-09</p> <p>6-15-2009</p>

Determination	Resource	Rationale for Determination*	Signature	Date
		species which would require the falcons to extend their foraging range.		
NC	Cultural Resources	<p>Based on the existing information, the following lease notice should be added to proposed parcel 23:</p> <p>"This parcel is located in an area of high concentrations of cultural resources. Known cultural sites are fragile and many are buried under sandy deposits which migrate due to their susceptibility to wind. These sites, or large portions, are not visible from the surface. Therefore, the following mitigation measures may be applied to any surface disturbance of this parcel: 1) pre-surface disturbance cultural resource inventories; 2) pre-surface disturbance subsurface testing; 3) monitoring of ground disturbance; and 4) post-disturbance monitoring identifying resources as the soils stabilize around a project."</p> <p>The Utah Protocol Part VII.A.B. was applied to the cultural resource review for the May 2009 Oil and Gas Lease Sale. The FFO determination, under the Utah Protocol review threshold at Part VII.A.C(4), is: "No Historic Properties Affected."</p> <p>Known cultural resources are located in such a fashion (size, density and placement) that avoidance is feasible during development of oil and gas resources. The potential for locating additional cultural resources within the proposed lease parcels reviewed for the May 2009 Oil and Gas Lease Sale is low to moderate. A complete inventory of the proposed lease parcels has not occurred; therefore, the following stipulation should be added to each lease parcel:</p> <p><i>"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 and Protection Act, E.O. 13007, or other statutes and executive orders. The BLM will not approve any ground disturbing activities that may affect 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 properties, or disapprove any activity that is likely to result in adverse effects that cannot be successfully avoided, minimized or mitigated."</i></p>	/s/ Joelle McCarthy	4-28-09
NC	Environmental Justice	No minority or economically disadvantaged communities would be disproportionately affected by the proposed leasing.		
NC	Farmlands (Prime or Unique)	The proposed action would not permanently remove any lands from potential agricultural production.		

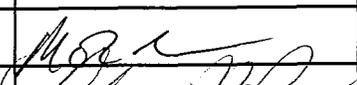
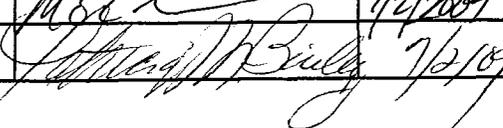
Determination	Resource	Rationale for Determination*	Signature	Date
NC	Floodplains	There is potential the proposed development upon the lease may be located on the 100 yr floodplain. Many of the floodplains within the FFO are not currently mapped. If a proposal for development occurs within a potential floodplain it would have to be mapped and the incorporation of 100 yr flood design would have to be incorporated.		
NC	Invasive, Non-native Species	See specialist staff report for mitigation.	R.B. Probert	2/3/09
NC	Native American Religious Concerns	The Paiute Tribe of Utah (PITU), Confederated Tribes of the Goshute Reservation, Kanosh Band of the Paiute Tribe, Skull Valley Goshute Tribe and the Uinta and Ouray Ute Tribe were notified via certified letter on February 12, 2009. After the 30-day response period, no responses from tribes were received. The FFO contacted each of the tribes to identify any concerns they may have with the project. All tribes expressed no concerns. Based on the information received, the BLM has determined that the August 2009 Oil and Gas Lease Offering has no potential to affect tribes or Traditional Cultural Properties.	/s/ Joelle McCarthy	4-28-09 (rev. 5-21-09)
NC	Threatened, Endangered or Candidate Plant Species	There are no known federally-listed plants within the proposed oil and gas lease parcels Aug 2009.	/s/DWhitaker	1/30/09 (rev. 5-21-09)
NC	Threatened, Endangered or Candidate Animal Species	Since the riparian habitat has not been mapped within the Fillmore Field Office, there may be yellow-billed cuckoo habitat within any parcel therefore a notice has been attached to every parcel. Other than this candidate species, there are no other identified threatened or endangered fish or wildlife species known to occur within or near the proposed project locations.	/s/ Robin Naeve	6/18/09
NC	Wastes (hazardous or solid)	All hazardous materials used or produced must be reported to the FFO. They must be removed and disposed in an appropriately permitted disposal facility. Solid waste must be removed and properly disposed	/s/BCrosland	1/29/09
NC	Water Quality (drinking/ground)	*During exploration and development, the lease holders and/or operators should work with the Utah Division of Water Quality towards compliance with Utah Water Quality Standards, especially towards the restoration of total dissolved solids levels in the Sevier River that comply with state standards.	/s/ GCruz	2/3/2009 (rev. 5-8-09)
NC	Wetlands/Riparian Zones	The statements below were covered in the referenced EA Parcel UT0809-008, [see appendix] is along the Sevier River. Leasing this parcel would not affect riparian vegetation or wetlands. However, any development or disturbance to extract oil and gas in the riparian areas along the river would have an effect. The riparian areas are large enough that portions of this parcel would need to be avoided during oil and gas development to protect riparian areas. Utah Riparian Management Policy States: No new surface disturbing activities will be allowed within 500 feet of riparian areas unless it can be shown that: there are not practical alternatives <u>or</u> , all long term impacts can be fully mitigated <u>or</u> , the activity will benefit and enhance the riparian area. A creek passes through and near portions of parcel UT0809-148 [see appendix]. Any development of Oil and Gas would need to avoid the narrow riparian area along this creek.	/s/ Bill Thompson	6/11/2009/1/29/2009 (rev. 5-21-09)

Determination	Resource	Rationale for Determination*	Signature	Date
		Other parcels may have some riparian areas or small areas of wetlands. Because they are small it should be easy to stay 500 feet from them when development of Oil and Gas occurs. Any development in jurisdictional wetlands would require a 404 permit from the Army Core of Engineers.		
NC	Wild and Scenic Rivers	There are no wild & scenic rivers within the proposed lease areas.	/s/SBonar	2-12-09
NC	Wilderness/WSAs	There are no wilderness/WSAs within the proposed lease areas.	/s/SBonar	2-12-09
NC	Rangeland Health Standards and Guidelines	The statements below were addressed in the referenced EA Any development of Oil and gas would be done in such a manner that #1 Upland Soils would continue to exhibit permeability and infiltration rates that sustain or improve site productivity, considering the soil type, climate and landform; #2 Riparian and wetland areas are in properly functioning condition and #3 desired species including native, threatened, endangered and special status species, are maintained at a level appropriate for the site and species involved; and #4 water quality will continue to comply with state water quality standards, and will fully support designated beneficial uses described in the Utah water Quality standards (R.317-2) for surface and groundwater.	/s/ Bill Thompson	6/11/2009 1/28/2009
NC	Livestock Grazing	If an APD is submitted, mitigation measures may be added to cover any possible damages to range improvements. Therefore there is no change to the impacts of the proposed action in relation to the referenced EA. Oil & Gas Leasing would not affect livestock Grazing. However, development of oil and gas may. Oil and gas development would need to consider Range Improvements (fences, wells, reservoirs, pipeline, corrals & etc.) Development should avoid these facilities and where unavoidable they would need to repair any damaged facilities. Should grazing be in progress during construction activities damaged fences and pipelines may need to be repaired immediately. Grazing may need to be deferred from some areas during rehab of disturbed areas.	/s/ Bill Thompson	6/11/2009 1/28/2009
NC	Woodland / Forestry	No impacts to Forestry. Given the low degree of anticipated exploration and development (one well per year for the next 10 years with a total surface disturbance of 60 acres), low density of well placement, and application of standard operating procedures, along with the ability to require relocation of proposed operations by up to 200 meters, it is anticipated that any impacts to woodland/forestry resources would be negligible.	/s/BCrosland	1/29/09
NC	Vegetation including Special Status Plant Species other than FWS candidate or listed species	Potential impacts to Neese narrowleaf penstemon and giant fourwing saltbush. Surveys need to be completed for these two species so that populations can be avoided. Please see specialist staff report on Special Status plant species.	/s/DWhitaker	1/30/09
NC	Fish and Wildlife Including Special Status Species other than FWS candidate or listed species e.g. Migratory birds.	BLM special status species that could be found in Juab County that could potentially utilize the environment within the vicinity of the proposed parcels include, but are not limited to, golden eagle (<i>Aquila chrysaetos</i>), bald eagle (<i>Haliaeetus leucocephalus</i>), burrowing owl (<i>Athene cunicularia</i>), Ferruginous hawk (<i>Buteo regalis</i>), greater sage-grouse (<i>Centrocercus urophasianus</i>), pygmy rabbit (<i>Brachylagus idahoensis</i>) and kit fox (<i>Vulpes macrotis</i>). Migratory birds that may utilize this area include the black-throated gray warbler	/s/ J. Priest	3/23/09

Determination	Resource	Rationale for Determination*	Signature	Date
		<p>(<i>dendroica nigrescens</i>), Brewer's sparrow (<i>Spizella breweri</i>), broad-tailed hummingbird (<i>selasphorus platycercus</i>), loggerhead shrike (<i>Lanius ludovicianus</i>) northern harrier (<i>Circus cyaneus</i>), pinyon jay (<i>Gymnorhinus cyanocephalus</i>), prairie falcon (<i>Falco mexicanus</i>), sage sparrow (<i>amphispiza belli</i>), and various waterfowl.</p> <p>General wildlife species that could be found near or within the vicinity of the proposed parcels include, but are not limited to, mule deer (<i>Odocoileus hemionus</i>), pronghorn antelope (<i>Antilocarpa Americana</i>), mountain lion (<i>Felis concolor</i>), blacktail jackrabbits (<i>Lepus californicus</i>) and coyote (<i>Canis latrans</i>).</p> <p>The following mitigation measures / stipulations are to apply:</p> <ul style="list-style-type: none"> • Species surveys, such as but not limited to, the above species are to occur prior to the initiation of any exploration and/or the beginning of any construction operations. If species are determined to be within or near the vicinity of the action, applicable mitigation measures/stipulations designed for oil and gas operations are to apply. • All operations are to be in conformance with the notices and stipulations / mitigation measures identified within the <i>Oil and Gas Leasing in the Fillmore Field Office Environmental Assessment</i>. They can be reviewed in their entirety within the Appendices of the Environmental Assessment. • All operations are to be in conformance with the <i>Surface Operating Standards and Guidelines for Oil and Gas Exploration and Development 2007 (The Gold Book)</i>. 		
NC	Soils	Leasing in itself does not present foreseeable impacts to soils. Proposed development would be analyzed on a case by case basis and mitigated as necessary.	/s/ Matt Rajala	6/4/2009
NC	Recreation	There would be no impacts to the casual recreation use within the proposed lease areas. There could be minor impacts to casual recreation. Impacts would revolve primarily with utilization of access roads by both recreationalists and lessee's and in some cases displacement of recreational uses of some dispersed campsites and/or staging areas for OHV use.	/s/SBonar	2-12-09
NINC	Visual Resources	There would be no impacts or changes to the VRM Classes within the lease proposed areas.	/s/SBonar	2-12-09
NC	Geology / Mineral Resources/Energy Production	Leases and lease activity would be according to regulation and the appropriate management plan. However, leasing would not necessarily result in exploration or production activity. Production of oil and gas would result in a permanent removal of these resources. With coordination and collaboration, other minerals could be extracted from the same acres covered in these leases.	/s/GCruz	2-12-09 (rev. 6/8/2009)
NC	Paleontology	The nature of this action and the standard stipulations involved with leasing of oil & gas are such that there will be on impact to paleontological resources.	/s/J Mansfield	05/01/2009
NC	Lands / Access	Oil and gas leasing should not affect access to public land and leases would be subject to valid existing rights-of-way (ROW).	/s/ CStevens	1/28/2009 5/20/2009

Determination	Resource	Rationale for Determination*	Signature	Date
		<p>Existing roads and trails should be used for travel unless otherwise authorized. During wet road conditions, any ruts deeper than four inches remaining on the roads from the project should be repaired at the Authorized Officer's discretion. Generated trash/debris should be removed from public land and discarded at an authorized facility.</p> <p>Subsequent projects would be required to coordinate with existing ROW holders. Use of rights-of-way in proposed operation areas would not be affected because application of standard operating procedures (SOPs), and site specific mitigation applied at the APD stage, including the ability to move operation up to 200 meters, would ensure that communication sites, water projects, pipelines, and power lines etc. would avoided, restored or replaced.</p> <p>Parcels 001-05, 008, 009, 010, 017-019, and 0020 through 023 [see appendix] are within identified right-of-way corridors. Any parcels nominated under or adjacent to the UTTR, would require coordination with the USAF.</p>		
NC	Fuels / Fire Management	Fuels management would not be affected by leasing and application of standard operating procedures and safety measures would minimize the risk of inadvertent ignition. Therefore impacts to fire or fuels management are expected to be negligible.	/s/JJohnson	1/30/09
NC	Socio-economics	The low level of the RFD does not present any foreseeable impacts to the local socioeconomics.	/s/Matt Rajala	6/4/2009
NC	Wild Horses and Burros	No Wild Horse Herds within project areas	/s/Eric Reid	1/30/2009
NC	Wilderness Characteristics	There are no areas determined by BLM to possess wilderness characteristics with the proposed lease areas.	/s/SBonar	2-12-09

FINAL REVIEW:

Reviewer Title	Signature	Date	Comments
NEPA / Environmental Coordinator		7/2/2009	
Authorized Officer		7/2/09	

Appendix A – Cross Reference Fillmore Oil & Gas Lease Parcel Numbers

The following are the parcel numbers assigned on the March 2009 Preliminary Oil and Gas Lease Sale List with a cross reference to the parcel numbers assigned on the May 2009 Preliminary Oil and Gas Lease Sale List, and a cross reference to the parcel numbers assigned on the August 2009 Preliminary Oil and Gas Lease Sale List.

<u>March 2009 Lease Parcel Number</u>	<u>Cross Reference - May 2009 Lease Parcel Number</u>	<u>Cross Reference - August 2009 Lease Parcel Number</u>
UT0309-013 2,527.99 acres	UT0509-001	UT0809-001
UT0309-014 1,944.00 acres	UT0509-002	UT0809-002
UT0309-015 1,922.20 acres	UT0509-003	UT0809-003
UT0309-016 2,560.00 acres	UT0509-004	UT0809-004
UT0309-017 1,560.00 acres	UT0509-005	UT0809-005
UT0309-019 2,345.12 acres	UT0509-007	UT0809-007
UT0309-020 2,336.72 acres	UT0509-008	UT0809-008
UT0309-021 1,920.00 acres	UT0509-009	UT0809-009
UT0309-022 2,560.00 acres	UT0509-010	UT0809-010
UT0309-025 1,478.65 acres	UT0509-013	UT0809-013
UT0309-026 1,640.00 acres	UT0509-014	UT0809-014
UT0309-027 1,118.57 acres	UT0509-015	UT0809-015
UT0309-028 864.48 acres	UT0509-016	UT0809-016
UT0309-029 2,440.00 acres	UT0509-017	UT0809-017
UT0309-030 1,920.00 acres	UT0509-018	UT0809-018
UT0309-031 200.00 acres	UT0509-019	UT0809-019
UT0309-032 2,400.00 acres	UT0509-020	UT0809-020
UT0309-033 2,555.23 acres	UT0509-021	UT0809-021
UT0309-034 2,320.00 acres	UT0509-022	UT0809-022
UT0309-035 522.91 acres	UT0509-023	UT0809-023
UT0309-197 109.28 acres	UT0509-092	UT0809-148
The following oil and gas lease parcels are <u>not</u> included on the May or August 2009 Oil and Gas Lease Sale Lists because the BLM has determined these areas are closed to leasing in the RMP:		
UT0509-006 2,032.80 acres	These three parcels are deferred until the House Range and Warm Springs RMPs are updated.	
UT0509-011 2,240.00 acres		
UT0509-012 2,560.00 acres		

Fillmore August Oil & Gas Wildlife Report

Pronghorn Fawning and Winter Habitat

UT0809-001, 002, 003, 004, 005, 020

Portions of or the entire lease parcels of the above leases are within crucial yearlong habitat which has been covered by two notices. The pronghorn winter habitat and pronghorn fawning habitat notices will protect the important seasonal habitat from being impacted by any exploration.

Bald Eagle Habitat

UT0809-001, 002, 003, 004, 005, 020

Portions of or the entire lease parcels of the above leases are within Bald eagle nesting and/or winter roost habitat. Within the FFO it is more likely to be winter roost habitat that will be protected by the lease notices applied to the above lease parcels. There are no known roost sites located near any of the parcels. This said, there is a substantial wintering population of bald eagles in Utah and with increasing success of the species expansion into new territories, it is reasonable to assume that wintering bald eagles could and often do forage on big game winter ranges, where carrion and other food sources are found. Committed conservation measures are identified in Table 2 as indicated with the extra protection of raptors, and lease notices FFO-LN-13 and FFO-LN-19 will be attached to each parcel that contains big game winter range and therefore, potential foraging habitat for bald eagles. These protective measures will provide notice and guidelines by which future oil and gas exploration and/or development operators can ensure protection of bald eagles on these leases. Based on the best information available, there are not likely to be any adverse impacts to the Bald Eagle as a result of the proposed action.

Peregrine Falcon

UT0809-015

Peregrine falcons are still rare in Utah; it has become much more abundant throughout its range in recent years. This species prefers to nest on cliffs or bluffs where it can create a nest site out of a shallow scrape. Pahvant Butte (a designated ACEC) is a historical peregrine falcon eyrie, and it has been identified by the UDWR as a reintroduction site for the species. Management direction for this ACEC regarding oil and gas leasing is No Surface Occupancy to protect the relevant and important values, and an additional notice with the specific intent of protecting the nest sites of peregrine falcon for the above parcel.

Burrowing Owl

UT0809-017

Burrowing owls are potential summer-time residents in the FFO. The *Utah Field Office Guidelines for Raptor Protection from Human and Land Use Disturbances* (Romin and Muck 2002) identify March through August as the key nesting and reproduction period for this species, although individuals may remain into September before migrating. They typically nest and roost in burrows dug by mammals, specifically Utah prairie dog, badgers, or ground squirrels. Burrowing owls spend much of their time on the ground or

on low perches, such as fence posts or dirt mounds. Additional protection for this species is provided through the implementation of a lease notice on the above listed parcels indicating that burrowing owls have been identified within the lease parcel and activities may need to be altered to protect the species and their habitat.

Waterfowl Nesting and Winter Concentration Areas

All Lease Parcels

Surface waters suitable for waterfowl nesting and/or winter concentration areas are may be present within any parcel within this lease sale. The nesting and winter concentration areas have not been mapped and would be identified on a project specific basis at the APD stage. A notification of a potential timing limitation is attached to these leases for the protection of waterfowl. Disruptive activities near surface waters with nesting waterfowl, wintering waterfowl, or during migration periods (from approximately March 15 through July 15 and/or November 1 through March 15) would likely cause negative impacts and would be discouraged. Specific limitations would be determined on a site-specific basis.

Sensitive Species

All Lease Parcels

Due to the large number of sensitive species throughout the FFO, and a changing species list it is important to have extra protection for sensitive species on each parcel in the form of a lease notice. The lease notice prevents direct disturbance to populations or individual special status plant and animal species, including those listed on the BLM sensitive species list and the Utah sensitive species list. It also provides measures for the conservation of sensitive species habitat. This notice provides additional protection to the Sensitive Species Policy in the BLM Manual 6840 and other regulations. A specific sensitive species notice for yellow-billed cuckoo habitat protection is also attached to all lease parcels.

Pygmy Rabbit

All Lease Parcels

Pygmy rabbits are found in northern and western Utah, where they prefer areas with tall, dense sagebrush and loose soils. Their habitat is widespread and difficult to identify and map, therefore it has not been mapped within the FFO. Due to these circumstances, the pygmy rabbit lease notice preventing certain activities within 300 feet of pygmy rabbit habitat is attached to every lease parcel. Surveys to identify of pygmy rabbit habitat should be conducted at the APD stage and the conditions of the lease notice should be applied accordingly.

Raptors

All Lease Parcels

Raptors, including the, ferruginous hawk, short-eared owl, bald eagle, and other species that are not listed on the BLM's sensitive species list but also are common in the FFO. A raptor notice has been placed on all lease parcels for the March 2009 Oil & Gas Sale since raptors change nesting sites often and there has not been a thorough mapping of raptor species in the FFO. Identification of this resource will be required at the APD stage. Because of the variety of raptor species present in the FFO, all habitat types are protected including fields, sagebrush steppe, and pinyon pine-juniper woodlands. Nesting tends to be concentrated around cliffs, large trees, embankments, and other habitat features. The FWS has developed the *Utah Field Office Guidelines for Raptor Protection from Human and Land Use Disturbances* (Romin and Muck 2002) which outlines appropriate guidelines for spatial and seasonal buffers to protect nesting raptor. Seasonal buffers restrict activity around nests as early as December 1 for great-horned owls, January 1 for golden eagles, February 1 for peregrine falcon, and March or April 1 for other diurnal raptors. The seasonal buffers remain in effect until August, or until a nest is no longer occupied. Although no longer protected under ESA, bald eagles remain protected under the **Bald Eagle Protection Act of 1940** (16 USC 668-668d, 54 Stat. 250).

Riparian Area Protection and Floodplain

All Lease Parcels

Riparian areas and floodplains have not been identified in the FFO, therefore lease notices for these resources have been applied to all lease parcels. These resources would be identified on a site-specific basis at the APD stage. The riparian area protection notice restricts surface disturbing activities within 500 feet of riparian area and wetlands. This indirectly also protects water quality and fisheries resources. The floodplain notice requires surveys to identify the floodplain and development should be located outside of the floodplain.

Erodible Soils and Steep Slopes

All Lease Parcels

Many areas within the FFO are within municipal or non-municipal watersheds that contain steep slopes and erosive soils. The notice protects these resources by requiring that new roads will be constructed to avoid soils that are highly erosive and / or in critical or severe erosion conditions and they will also be constructed with water bars. Riprap may be required. Road grades in excess of 8 percent will normally not be allowed. In special circumstances, where a road grade of more than 10 percent is allowed, its maximum length will be 1,000 feet. In order to prevent erosion access grading along

with exploration, drilling, construction, or other activities will be prohibited during wet or muddy conditions (usually during spring runoff and summer monsoon rains). Steep slopes in excess of 30 percent may be prohibited.

FILLMORE FIELD OFFICE
OIL AND GAS LEASING EA
AUGUST 2009 LEASE SALE

This page contains site specific analysis of potential impacts to Special Designation resources, Visual Resource Management and Recreation resources from leasing proposals for the August 2009 oil and gas lease sale.

Special Designations

Area of Critical Environmental Concern

UT0809-015

Approximately 170 acres in sections 5 and 6 T. 20 S; R. 6 W. consists of lands within the Pavant Butte ACEC. Management direction for this ACEC regarding oil and gas leasing is No Surface Occupancy to protect the relevant and important values of scientific, educational values related to vulcanization activity (inactive volcano) and peregrine falcon reintroduction and habitat. Oil and Gas activities would not affect the primary ACEC but activities from directional drilling could result in a minimal loss of foraging habitat for peregrine falcons which can extend up to one mile from nesting/roosting sites.

This loss would result primarily from the displacement of prey species which would require the falcons to extend their foraging range.

Directional drilling outside of the ACEC would not have an effect on the scientific and educational values of the ACEC since this activity would be occurring offsite from the ACEC. However, access to the ACEC could be affected by leasing activity which would result in visitors to the ACEC sharing access with leasing traffic. This can result in diminished visitation to the ACEC.

Wilderness / Wilderness Study Areas

There are no designated wilderness areas within the analysis area. There are no parcels being offered in Wilderness Study Areas which are closed by law to leasing.

Wild and Scenic Rivers

There are no nominated or designated wild and scenic rivers within the analysis area.

Non WSA Lands with Wilderness Characteristics

There are no nominated parcels being offered in the August 2009 lease sale which include lands determined by BLM to possess wilderness characteristics.

Recreation

Tintic-Sheeprock Mountains ORV area / SRMA

UT0809-001; 002; 003; 004 and a portion of 021. All of these parcels are located in an area that is being utilized for competitive OHV and motorcycle events. These events use numerous combinations of washes and vehicle routes in this area to establish race courses. Oil and gas activities will result in some disruption of portions of these courses requiring some future events to be re routed because oil and gas traffic will be utilizing some of the same vehicle routes. Re routing some race courses may result in requiring new cultural inventories before permit authorizations can be granted.

Since competitive events require special recreation use permits, it would be possible to include in the SRP a requirement to identify some mitigation measures that could allow for safe continued use on portions of the routes.

Pavant Butte ORV area

UT015; 016; 017 and 019. These parcels are located in an area identified in the Warm Springs RMP as limiting OHV use to existing and designated road and trails. Since this area is specifically identified as requiring limitation on OHV activity there is potential that some OHV use will be disrupted by oil and gas exploration activity. This would primarily be a potential conflict in use of existing roads in the area for both OHV and oil and gas activity. Conflict may result in a reduction of OHV activity by displacement of OHV users to other areas in the field office.

Dave Mermejo, Natural Resource Specialist, Utah State Office

Geology and Water Quality Clearance

Fillmore Field Office

Date: June 8, 2009 (rev.)

Examiner: George L. Cruz

Project Name: Fillmore August 2009 Oil and Gas Lease Offerings

Project Location: See proposal. There are four groups of August 2009 oil and gas lease offerings. One group is south of Pahvant Butte. The Sugarville group consists of parcels just north of Delta. A third group is to the east of Delta. The fourth grouping is north of Levan within the Four Mile Creek Watershed.

County: The Pahvant Butte, Sugarville, and Delta East groups of lease offerings are in Millard County. The Levan group of lease offerings is in Juab County.

General Comments and Background: I have taken on the responsibility of commenting on the geology and water quality components of the Fillmore August 2009 Oil and Gas Lease Offerings. Both Jerry Mansfield and Paul Caso have concurred on these responsibilities that they have usually handled to date. In the past, Jerry has commented on geology and Paul has commented on water quality. I do this in my capacity as both an oil and gas natural resource specialist at the Fillmore Field Office and as a formerly practicing hydrologist, particularly as the hydrologist for the BLM Utah State Office prior to taking the position at Fillmore.

Pahvant Butte group of oil and gas lease offerings – There are no geology or water quality concerns regarding the potential offering of this group of lease parcels during the August oil and gas lease sale. If exploratory work is undertaken and there is a hint of potential impacts to the water quality or quantity, or wetlands at the Clear Lake National Wildlife Refuge, any water quality and/or geology concerns would be addressed at that time.

Sugarville group of oil and gas lease offerings – There are no water quality concerns regarding the potential offering of this group of lease parcels during the bidding auction in August. Parcels that incorporate the private land around the Intermountain Power Project (IPP) plant north of Delta are included in the list of parcels that the Fillmore Field Office recommends be added to the August 2009 oil and gas quarterly lease sale. An official of the Los Angeles Department of Water and Power has stated to me that there is equipment on the IPP facilities that is sensitive to drilling. There are, in addition, security concerns that involve Homeland Security. The power plant is considered to be one of the most likely targets for a terrorist attack in Utah. The entire private property is fenced and posted against trespassing with warnings that security cameras are present. I have been talking with an official of the Los Angeles Department of Water and Power and anticipate getting more public feedback from this person, including a letter.

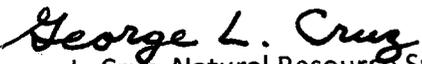
Delta East group of oil and gas lease offerings – If any exploration or development is undertaken within this group of lease parcels, I recommend that the lease owners and/or operators coordinate with the Utah Division of Water Quality plan to maintain or improve the water quality of the Sevier River towards compliance with water quality standards [per the Clean Water Act of 1977, as amended, and BLM Manual Section 7240]. For reaches of the Sevier River just downstream of DMAD Reservoir, the emphasis is on bringing the levels of total dissolved solids back in compliance. Compliance with other water quality parameters should be maintained.

Levan group of oil and gas lease offerings – This group of oil and gas lease offerings consist of one lease parcel made up of 5 pieces of land close to National Forest land within the Four Mile Creek Watershed. The headwaters are in the San Pitch Mountains. The BLM does not have surface ownership, but has retained mineral and coal rights. Other than the need for a lease notice on steep slopes and erodible soils, there are no immediate concerns in offering this parcel (UT0809-148) at the August bid auction. The longer term concern is that if this parcel is explored or developed, I anticipate water quality and oil and gas administrative concerns.

The narrow access road up Four Mile Creek to these parcels appears to accumulate a snow cover through the winter and can be quite muddy during the spring and fall. The road has a native surface that is often to mostly fine-grained within the canyon. Water drainage has not been adequate, particularly at channel crossings. These factors can limit the season of use for oil and gas exploration and/or development. The use of Notice UT-LN-01, Severe Winter Conditions, would serve to notify the potential bidders and/or lessee that oil and gas operations may be limited or halted during winter months and likely into the spring. Should we get to the development or more advanced exploration stage, the BLM may want to require that road drainage be improved with better channel crossings, possibly drainage dips and/or water bars, as well as other measures.

The Left Fork of Four Mile Creek is a naturally unstable channel that has been affected by a number of flash floods with more flash floods anticipated. The reaches of Four Mile Creek that are upstream of this confluence also show evidence of flash floods, but with lesser natural impacts when compared to the Left Fork. Any construction of a road across the Left Fork needs to take this into account, particularly for oil and gas development.

The pieces that comprise this parcel are on and/or accessed by crossing steep, mountainous country where oil and gas exploration might be limited to what can be done with helicopters. Activities on clayey soils will require more cautious soil erosion control.


George L. Cruz, Natural Resource Specialist, Fillmore Field Office

Noxious Weed Clearance Fillmore Field Office

Date: 2/3/09

Examiner: R.B. Probert

Project Name: 2009 Oil and Gas Lease

Project Location: See Proposal

County: See proposal

General Comments and Background: Noxious weeds are those exotic plant species having noxious characteristics and are of economic and/or environmental significance. Noxious weeds are designated and regulated by various State and Federal laws.

Invasive weeds are exotic species that have become naturalized in a location to levels that total control is infeasible due to extensive weed establishment and/or treatment costs.

In Millard County the following species have been identified and documented: White top also known as Hoary Cress (*Cardaria draba*), Squarrose knapweed (*Centaurea virgata*), Russian knapweed (*Centaurea repens*), Scotch thistle (*Onopordum acanthium*), Musk thistle (*Carduus nutans*), Perennial pepperweed (*Lepidium latifolium*), Spotted knapweed *Centaurea maculosa*, and Purple loosestrife (*Lythrum salicaria*).

In Juab County the following species have been identified and documented: White top also known as Hoary Cress (*Cardaria draba*), Squarrose knapweed (*Centaurea virgata*), Russian knapweed (*Centaurea repens*), Scotch thistle (*Onopordum acanthium*), Musk thistle (*Carduus nutans*), Leafy spurge (*Euphorbia esula*), Perennial pepperweed (*Lepidium latifolium*), Spotted knapweed *Centaurea maculosa*, Purple loosestrife (*Lythrum salicaria*), and Dalmation toadflax (*Linaria genistifolia*).

Presently these species have not been documented within Juab or Millard counties. They are a concern due to locations in surrounding areas. Species of concern are Black henbane (*Hyoscyamus niger*), Camelthorn (*Alhagi pseudalhagi*), Yellow starthistle (*Centaurea solstitialis*), Diffuse knapweed (*centaurea diffusa*), and Poison hemlock (*Conium maculatum*).

Noxious Weeds Located Within Project Area: There are known noxious weeds located within the project area. Squarrose Knapweed and White Top/Hoary Cress exists sporadically throughout the Millard and Juab Counties and the proposed lease areas.

Mitigation: To eliminate the spread of noxious/ invasive weeds throughout the field office area one or both mitigation measures will be implemented:

- 1- (x) Equipment will be cleaned prior to entering the proposed project area to minimize the introduction of noxious/invasive weeds in other areas.
- 2- (x) Equipment will be cleaned prior to exiting the project area.

Date// 2/3/09

Signature// 

**Threatened, Endangered & Sensitive Plant Statement
Fillmore Field Office**

DATE: May 21, 2009

EXAMINER: David Whitaker

PROJECT NAME: August 2009 Oil and Gas Lease Parcels

PROJECT LOCATION: See Project Proposal. Parcels are located in four general areas: Levan, Pahvant Butte, Delta East, and Sugarville Areas.

RESOURCE AREA: Fillmore Field Office

VEGETATION TYPE:

Description of Field Work: Literature search of the Fillmore BLM library and Richfield Field Office information.

Reference Sources:

- Utah's Rare Plants Revisited (Great Basin Naturalist Vol.45, No.2)
- Plants From Millard County (BYU 1980)
- MX Final Report 1980
- 1991 Habitat Survey, House Range R.A.
- 1991 Habitat Survey, Warm Springs R.A.
- others

General Comments:

BLM land within the Fillmore Field Office contains no plant species that are federally listed as Threatened, Endangered, or Proposed as such. Therefore, there is no effect on any threatened or endangered plant population.

There are several plants designated as BLM sensitive species in the Fillmore Field Office area. Two of these plant species are known to occur within some of the proposed oil gas lease sale parcels. There are no known sensitive plants on BLM lands within the proposed oil and gas lease parcels in the Levan and Pahvant Butte Areas. However, the other two areas do have known occurrences of BLM Sensitive plants. Habitat for Giant fourwing saltbush (*Atriplex canescens* var. *gigantea*) occurs along sand dunes or semi-stabilized sand dunes in parcels 013, 014, and 016 of the Sugarville Area. There are known occurrences of Neese narrowleaf penstemon (*Penstemon angustifolius* var. *dulcis*) in parcel 022 of the Delta East Area and parcel 017 of the Sugarville Area. In addition to parcels 017 and 022, there is suitable habitat for Neese narrowleaf penstemon in adjoining parcels with the Sugarville and Delta East Areas that is likely to be currently supporting populations these rare penstemon

plants. Both of these plants rely on sand dunes or semi-stabilized dune habitat and may be impacted by drilling activities (including access roads). Prior to any drilling activities, these potential habitat types will require plant surveys to be completed. Where these plants are found to occur, surface disturbance from drilling activities will not be allowed or will require certain restrictions. Relocation of access roads and/or drill pads may be necessary to avoid negative impacts to these two plants.

Threatened, Endangered, or Sensitive Plants Yes X No

(List if Yes): Giant fourwing saltbush (Atriplex canescens var. gigantea) and Neese narrowleaf penstemon (Penstemon angustifolius var. dulcis)

DMW