

United States Department of the Interior Bureau of Land Management

Decision Record Environmental Assessment DOI-BLM-UT-9100-2011-0005-EA

February 2012

February 2012 Oil and Gas Lease Sale

Location: Canyon Country District Office
San Juan and Grand Counties, Utah

Applicant/Address: U.S. Department of the Interior
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DECISION RECORD

It is my decision to select the proposed action alternative from the February 2012 Oil and Gas Lease Sale environmental assessment (EA) prepared by the Canyon Country District Office (DOI-BLM-UT-9100-2011-0005-EA). It is also my decision to offer leases to the successful bidders with protective measures as analyzed in the EA and as identified in the Notice of Competitive Lease Sale Oil and Gas issued on November 22, 2011. The leases will be issued with the protective stipulations and notices as defined in the EA at Appendix A and Errata issued on February 21, 2012.

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

ALTERNATIVES

The EA considered two alternatives: the No Action and the Proposed Action.

The No Action alternative (not to offer any of the nominated parcels for sale) was not selected from the EA because it does not meet the purpose and need for agency action. The sale of oil and gas leases is warranted and needed to meet the growing energy needs of the United States. Furthermore, it is a stated goal in each governing land use plan to provide for exploration, development, and use of minerals on public land consistent with applicable laws and regulations. In addition, this alternative does not prevent indirect impacts relating to rights of way authorizations to support oil and gas operations on adjacent leased parcels.

BLM considered a total of 35 parcels that were nominated but deferred leasing on 22 parcels (in whole or in part) that were not conducive to leasing at this time (such as subject to current litigation, occurring within an master leasing plan area, and the presence of rocky mountain bighorn sheep habitat and wilderness characteristics). Additional detail is available within the EA at section 2.4 and Appendix D, deferred parcel list.

PLAN CONFORMANCE AND CONSISTENCY

The proposed action has been reviewed and found to be in conformance with the Moab Field Office Record of Decision and Approved Resource Management Plan (Moab ROD/RMP, 2008) and the Monticello Field Office Record of Decision and Approved Resource Management Plan (Monticello ROD/RMP, 2008).

Oil and gas leasing categories are identified in each ROD/RMP. The Moab ROD/RMP [Decision MIN-19 (page 76 and map 12)] and Monticello ROD/RMP [Decisions MIN-23 through MIN-27 (pages 83-84 and map 18)] categorize lands for the oil and gas leasing within the planning areas that are available for leasing. Surface disturbing stipulations, best management practices and committed measures are contained within the governing land use plans. Pursuant to 40 CFR 1508.28 and 1502.21, this EA tiered to and incorporated by reference the information and analysis contained in the RMPs.

The nominated parcels were offered with additional resource protection measures consistent with the Moab and Monticello Field Office RODs/Approved RMPs, as maintained. The stipulations and lease notices attached to each parcel are identified within the EA at Appendix A and Errata issued on February 21, 2012.

Coordination with stakeholders (private landowners, United States National Park Service, the United States Forest Service and the State of Utah) was completed. Consultation with the United States Fish and Wildlife Service, the State Historic Preservation Officer and affected Tribes was also completed. As per the Memorandum of Understanding among US Department of Agriculture, US Department of the Interior and the Environmental Protection Agency (Regarding Air Quality Analyses and Mitigation for Federal Oil and Gas Decisions Through the National Environmental Policy Act Process, 2011), BLM worked closely with the technical committee in analyzing the effects to air quality and developing mitigation appropriate for leasing actions.

This EA (DOI-BLM-UT-9100-2011-0005-EA) fulfills the requirements outlined in the Washington Office Instruction Memorandum-2010-117 (leasing reform).

One protest was received via email on December 22, 2011 from the Living Rivers Colorado Riverkeepers. The merits of the protest were considered and dismissed as improperly filed. The BLM's Instruction Memorandum (IM) 2005-176 (Filing of Protests on Lands Included in Oil and Gas Lease Sales) requires that a protest to the inclusion of parcels in an oil and gas lease sale must be submitted "either in hardcopy form or by telefax to an acceptable fax number" and provides that "The BLM will not consider an electronic mail message an acceptable method of filing a protest." These and other requirements set forth in the IM were included in the Notice of Competitive Lease Sale scheduled for February 21, 2012.

APPEAL LANGUAGE

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR Part 4 and the enclosed Form 1842-1. If an appeal is taken, the notice of appeal must be filed in this office (at the address shown on the enclosed Form) within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition for a stay pursuant to 43 CFR Part 4, Subpart B § 4.21, during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay must show sufficient justification based on the standards listed below. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulations, a petition for a stay of a decision pending appeal shall be evaluated based on the following standards:

1. The relative harm to the parties if the stay is granted or denied;
2. The likelihood of the appellant's success on the merits;
3. The likelihood of immediate and irreparable harm if the stay is not granted; and
4. Whether the public interest favors granting the stay.

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

/s/ Kent Hoffman

Authorized Officer

3/14/2012

Date

Enclosure:
Form 1842-1