



December 15, 2014

VIA FAX - (801) 539-4237

Mr. Juan Palma  
Director, Utah State Office  
Bureau of Land Management  
440 West 200 South, Suite 500  
Salt Lake City, UT 84101

**Re: Protest of Eight Parcels Proposed for Utah BLM's Feb. 17, 2015 Oil & Gas Lease Sale**

Dear Mr. Palma:

Pursuant to 43 C.F.R. §§ 3120.1-3 and 4.450-2 the National Parks Conservation Association ("NPCA") protests the following eight parcels proposed for the Utah Bureau of Land Management's February 17, 2015 Oil and Gas Lease Sale:

	<b>PARCEL NUMBER</b>	<b>ACRES</b>
1	UTU90942 (UT0215 - 033)	363.62
2	UTU90952 (UT0215 - 051)	640
3	UTU90953 (UT0215 - 052)	479.31
4	UTU90954 (UT0215 - 053)	2212.18
5	UTU90955 (UT0215 - 054)	1477.56
6	UTU90956 (UT0215 - 055)	40
7	UTU90979 (UT0215 -114)	873.69
8	UTU90980 (UT0215 - 115)	440
	<b>Total</b>	<b>6,526.36</b>

**STATEMENT OF INTEREST**

**National Parks Conservation Association:** The mission of NPCA is to "protect and enhance America's National Park System for present and future generations." Founded in 1919, NPCA has become the leading private voice for the parks working collaboratively with our members and partners to protect our national parks—America's heritage—for our children and grandchildren to experience and enjoy. As an independent voice outside of government, NPCA educates and inspires

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policymakers and the public to ensure that our national parks and historic sites are well-protected, well-funded, and well-managed. We are a national non-profit with headquarters in Washington, DC, and 24 regional and field offices across the country. NPCA represents over 875,000 members and supporters who care deeply about America's shared natural and cultural heritage preserved by the National Park System.

A top priority for NPCA is protecting the resources within parks, the larger landscape in which they are embedded, and the air and water on which they depend, in order to enhance their ecological and cultural integrity. Poorly planned oil and gas development on the landscape adjacent to national park units can result in significant impacts on national park resources including soundscapes, night skies, air quality, and water quality and quantity. In NPCA's Southwest Region we are working to ensure that oil and gas development near national park units is planned with consideration and care for the many non-drilling uses of the land and that the impacts on national park units from resource extraction in the area is considered. It is critical that the BLM continue to seriously weigh the many non-drilling uses of their shared landscapes, including the protection of the ecological, geological, recreational, scenic and economic attributes of these neighboring national parks.

NPCA is particularly concerned with the level of consideration the BLM gave to analyzing and mitigating impacts on night skies, natural sounds and visitor experience related to parcels near Hovenweep National Monument. The National Park Service requested that the BLM consider deferring lease parcels within 15 miles of Hovenweep in order to acquire and analyze new information related to night skies protection. We appreciate that the BLM took this request into consideration and developed a new lease notice regarding mitigation. However, addressing this significant concern and increasingly important resource for national park units and gateway communities all around the Colorado Plateau with a non-binding lease notice rather than a stipulation does not reflect a genuine commitment by the BLM to address those concerns. We ask the BLM to defer the following leases until the BLM can address this issue with the significant new information and develop new lease stipulations to ensure binding protections are in place: UT0215-33, UT0215-35, UT0215-51, UT0215-52, UT0215-53, UT0215-54, UT0215-55, UT0215-90, UT0215-109, UT0215-110, UT0215-114, UT0215-115. We have jointly protested parcels UT0215-35, UT0215-90, UT0215-109, UT0215-110, with the National Trust for Historic Preservation and the Friends of Cedar Mesa and separately protest the remaining eight parcels here.

In addition, we are concerned about the proximity of parcel UT215-110 within 4 miles of the boundary of Hovenweep National Monument on either side of the West entrance road to the Monument. Adding new resource extraction alongside the road as visitors enter the national monument will alter the visitor experience and potentially impact overall visitation. The BLM did not address any siting requirements for oil and gas development within this parcel or acknowledge its proximity to the monument in terms of required mitigation.

NPCA participated in the planning process for this lease sale by filing scoping comments along with the Southern Utah Wilderness Alliance, dated July 25, 2014.

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## **AUTHORIZATION TO FILE THIS PROTEST**

Erika Pollard is Senior Program Manager for the Southwest Region of NPCA. In that capacity, she is authorized to file this protest on behalf of the organization and its members.

## **STATEMENT OF REASONS**

Because the BLM failed to comply with the National Environmental Policy Act ("NEPA") and Instruction Memorandum ("IM") 2010-117, it must defer the protested parcels from the lease sale.

### **I. THE EA DOES NOT COMPLY WITH THE NATIONAL ENVIRONMENTAL POLICY ACT.**

The EA does not take the required "hard look" at the impacts of leasing the protested parcels on Hovenweep National Monument. Specifically, the BLM did not evaluate potential impacts on the monument's soundscape, night skies and entrance road. First, the BLM did not take a "hard look" at the potential impacts on the monument's soundscape. This in spite of the National Park Service specifically requesting such an assessment, and providing the BLM with documentation that drilling operations can impact park resources from as far as six miles away. *See* EA at 169 (letter from NPS stating that noise modeling has shown that drilling operations can be heard from six miles away). At least one of the protested parcels – UTU90975 (UT0215 – 110) – is located within approximately four miles of the monument.

Second, the BLM failed to evaluate impacts on the monument's night skies. This is especially critical because, just this year, the International Dark-Sky Association named the monument an International Dark Sky Park, a designation reserved for parks with "exceptional" and well-preserved night sky resources. Additionally, because this is a new designation, it is not accounted for and addressed in the 2008 Monticello Field Office Resource Management Plan, and, therefore, is new information meriting additional analysis in this EA.

Third, the BLM did not evaluate potential impacts on the monument's entrance road (and associated visitor experiences), even though parcel UTU90975 (UT0215 – 110) is within four miles of the monument boundary. Thus, for the foregoing reasons, the BLM failed to evaluate the impacts of the protested parcels on Hovenweep National Monument. Instead, as it did for cultural resources, the BLM simply adopted mitigation in the EA, in the form of a lease notice, without ever documenting potential impacts on the monument and developing mitigation alternatives, as required by NEPA.

### **II. THE BLM FAILED TO COMPLY WITH IM 2010-117.**

The BLM failed to comply with IM 2010-117, which requires consideration of new lease stipulations to address new and potentially significant information about environmental impacts. IM 2010-117 at III.C.2. That is the case here, because of the monument's recent designation as a "dark sky park." The monument received the highest rating accorded to such parks – the "gold tier" – which means that "full array of visible sky phenomena can be viewed – e.g., aurora, airglow, Milky Way, zodiacal

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light, and faint meteors.”<sup>1</sup> When the BLM finalized the Monticello RMP in 2008, this information was obviously not available, and it is potentially significant in that it underscores the importance of managing oil and gas activity on public lands around the monument with increased sensitivity to the internationally significant night sky resources.

In situations such as this, IM 2010-117 requires the BLM to “evaluate whether oil and gas management decisions identified in the RMP (including lease stipulations) are still appropriate and provide adequate protection of resource values (including, but not limited to, biological, cultural, visual, and socioeconomic resource values).” As explained above, the Monticello RMP does not address, let alone “provide adequate protection” for night skies in Hovenweep National Monument. Thus, while we support the BLM’s recognizing the monument’s night sky resource through the development of a lease notice, we believe that the BLM was required by IM 2010-117 to defer the protested parcels from the lease sale and perform a more thorough analysis of potential impacts on night skies and mitigation alternatives, including possible lease stipulations.

**Conclusion**

Thank you for the opportunity to file this protest. NPCA respectfully requests that the BLM defer the protested parcels from the February 17, 2015 lease sale, pending further evaluation of potential impacts on Hovenweep National Monument. Please let me know if you have any questions.

Sincerely,



Erika Pollard

National Parks Conservation Association

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<sup>1</sup> See International Dark Sky Ass’n, International Dark Sky Parks, *available at* <http://darksky.org/component/content/article?id=86>.

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