



# United States Department of the Interior



BUREAU OF LAND MANAGEMENT  
Utah State Office  
P.O. Box 45155  
Salt Lake City, UT 84145-0155  
<http://www.blm.gov>

IN REPLY REFER TO:  
3100  
(UT-922)

SEP 30 2009

CERTIFIED MAIL – 7008 1140 0000 3705 4811  
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## DECISION

William Love : Protest to the Inclusion of Certain  
2871 E Bench Road : Parcels in the March 24, 2009  
Moab, Utah 84532 : Competitive Oil and Gas Lease Sale

### Protest Denied

On February 6, 2009, the Bureau of Land Management (BLM) provided notice that 109 parcels of land (159,861.98 acres) would be offered in a competitive oil and gas lease sale on March 24, 2009. The notice also indicated that the protest period for the lease sale would end on March 9, 2009. By letter received at the BLM on February 19, 2009, you protested the inclusion of 95 parcels in the sale, which parcels are located on public lands administered by the BLM's Moab, Monticello, Price, Richfield and Vernal Field Offices (FOs), as follows:

#### Moab Field Office

- |                       |                       |
|-----------------------|-----------------------|
| UTU87185 (UT0309-112) | UTU87205 (UT0309-155) |
| UTU87187 (UT0309-121) | UTU87206 (UT0309-156) |
| UTU87188 (UT0309-123) | UTU87207 (UT0309-157) |
| UTU87189 (UT0309-124) | UTU87208 (UT0309-158) |
| UTU87190 (UT0309-126) | UTU87209 (UT0309-159) |
| UTU87191 (UT0309-129) | UTU87210 (UT0309-160) |
| UTU87192 (UT0309-130) | UTU87211 (UT0309-161) |
| UTU87193 (UT0309-132) | UTU87212 (UT0309-163) |
| UTU87194 (UT0309-134) | UTU87213 (UT0309-165) |
| UTU87195 (UT0309-137) | UTU87214 (UT0309-166) |
| UTU87196 (UT0309-139) | UTU87220 (UT0309-174) |
| UTU87197 (UT0309-140) | UTU87221 (UT0309-175) |
| UTU87202 (UT0309-152) | UTU87222 (UT0309-176) |
| UTU87203 (UT0309-153) | UTU87223 (UT0309-177) |
| UTU87204 (UT0309-154) |                       |

Monticello Field Office

UTU87198 (UT0309-141)	UTU87219 (UT0309-171)
UTU87199 (UT0309-142)	UTU87224 (UT0309-178A)
UTU87200 (UT0309-143)	UTU87225 (UT0309-180)
UTU87201 (UT0309-145)	UTU87226 (UT0309-181)
UTU87215 (UT0309-167)	UTU87227 (UT0309-182)
UTU87216 (UT0309-168)	UTU87228 (UT0309-183)
UTU87217 (UT0309-169)	UTU87229 (UT0309-184)
UTU87218 (UT0309-170)	

Price Field Office

UTU87150 (UT0309-051)	UTU87168 (UT0309-074)
UTU87151 (UT0309-052)	UTU87169 (UT0309-075)
UTU87152 (UT0309-053)	UTU87170 (UT0309-077)
UTU87153 (UT0309-054)	UTU87171 (UT0309-078)
UTU87154 (UT0309-055)	UTU87172 (UT0309-079)
UTU87155 (UT0309-056)	UTU87173 (UT0309-080)
UTU87156 (UT0309-057)	UTU87174 (UT0309-081)
UTU87157 (UT0309-058)	UTU87175 (UT0309-082)
UTU87158 (UT0309-059)	UTU87176 (UT0309-083)
UTU87159 (UT0309-060)	UTU87177 (UT0309-084)
UTU87160 (UT0309-061)	UTU87178 (UT0309-087)
UTU87161 (UT0309-062)	UTU87179 (UT0309-088)
UTU87162 (UT0309-063)	UTU87180 (UT0309-089)
UTU87163 (UT0309-065)	UTU87181 (UT0309-091)
UTU87164 (UT0309-066)	UTU87182 (UT0309-092)
UTU87165 (UT0309-067)	UTU87183 (UT0309-093)
UTU87166 (UT0309-068)	UTU87184 (UT0309-094)
UTU87167 (UT0309-070)	

Richfield Field Office

UTU87130 (UT0309-002)	UTU87143 (UT0309-040)
UTU87131 (UT0309-003)	UTU87144 (UT0309-041)
UTU87132 (UT0309-004)	UTU87145 (UT0309-042)
UTU87133 (UT0309-005)	UTU87146 (UT0309-043)
UTU87134 (UT0309-006)	UTU87147 (UT0309-044)
UTU87135 (UT0309-008)	UTU87148 (UT0309-045)
UTU87136 (UT0309-009)	UTU87149 (UT0309-046)
UTU87142 (UT0309-039)	

Vernal Field Office

UTU87186 (UT0309-120)

The BLM deferred leasing on parcel UT0309-141 by errata notice dated February 20, 2009. Consequently, the protest as to this parcel is denied as moot. For the reasons set forth below, your protest as it pertains to the remaining 94 protested parcels is denied.

Your protest addresses big game habitat, cultural resources and air quality/ozone pollution. Each of these topics is addressed below.

Your protest alleges that thousands of Utah residents will be adversely affected by the reduction of the deer and elk herds due to leasing. However, mitigation measures and stipulations are applied to leases to address these potential impacts. The BLM works with the Utah Division of Wildlife Resources (DWR) on each oil and gas lease sale to ensure that proper mitigation measures for big game are in place. The DWR also considers recreational hunting opportunities and considers lease parcels in this context. The past and present cooperative relationship between the BLM and DWR has ensured that recreational hunting and fishing opportunities throughout the state are appropriately considered. The expansion of these opportunities will continue as current partnerships and initiatives, like the Healthy Lands Initiative and the Utah Partnership for Conservation and Development (which work to enhance habitats) move forward. The results of these efforts continue to improve the health of existing habitats and provide for expansion and improvement of habitats for important and sensitive species of wildlife.

Your protest raises concerns about cultural resources and lack of inventory for parcels being offered but fails to reference any specific statute or regulation where compliance is lacking. The BLM has complied with the National Historic Preservation Act (NHPA) for the March 2009 lease sale. BLM completed NHPA Section 106 consultation using the best available information regarding historic and cultural properties located in the relevant areas and on the individual parcels. The BLM also attached the following cultural resources protection stipulation to each oil and gas lease parcel, which assures appropriate consideration of future potential effects from development with the following language:

*"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." (Washington Office Instruction Memorandum 2005-03).*

Your protest also raises concerns over possible air quality and ozone pollution without providing any specific information. By your own admission, the BLM is not in violation of the relevant standard and it is mere speculation that at sometime in the future, could be in violation.

Your protest provides only general, conclusory allegations about the potential impact of leasing without alleging that the BLM violated any specific law or policy in offering the subject parcels. At best, the protest expresses mere disagreement with the BLM's land use planning allocation of these lands as available for oil and gas leasing. As such, the protest demonstrates no error in the inclusion of the protested parcels in the lease sale. The BLM has received offers on all of these parcels and will issue leases for these parcels subsequent to issuing this decision and any other necessary protest decisions.

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 C.F.R. 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 above address) 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 C.F.R. 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

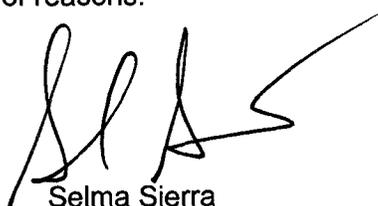
your notice of appeal. A petition for a stay must show sufficient justification based on the standards listed below. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

#### 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 each party named in this decision and to the Office of the 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. You will find attached a list of those parties who purchased the subject parcels at the March 2009 sale and therefore must be served with a copy of any notice of appeal, petition for stay, and statement of reasons.



Selma Sierra  
State Director

#### Enclosures

1. Form 1842-1 (2pp)
2. List of Purchasers (2pp)

cc: James Karkut, Office of the Solicitor, Intermountain Region,  
125 South State Street, Suite 6201, Salt Lake City, UT 84138  
Alker Exploration, LLC, 5360 Vine Hill Road, Sebastopol, CA 95472  
Anderson Oil LTD, 5005 Woodway, #300, Houston, TX 77056  
Bro Energy, LLC, 4824 S. Highland Circle, #200, Salt Lake City, UT 84117  
Castle Valley Holdings, LLC, 3300 S. Parker Road, # 310, Aurora, CO 80014  
Central Petroleum, Inc., P.O. Box 1823, Jackson, MS 39215  
GADECO LLC, 5299 DTC Blvd., #500, Greenwood Villa, CO 80111  
Harison Properties, LLC, 27567 E 191<sup>st</sup> St., Suite 5, Haskell, OK 74436  
Impact Energy Resources, LLC, 621 17<sup>th</sup> St., Suite 1630, Denver, CO 80293  
International Petroleum, 4824 S. Highland Circle, #200, SLC, UT 84119  
Jeff T. Obourn, 5585 Cherryville Way, Greenwood Villa, CO 80121  
Kenneth K. Farmer, P.O. Box 2895, Casper, WY 82602  
Par Five Exploration LLC, 1411 East 340 North, Orem, UT 84097  
Petroleum Investment LLC, 58 Toppler Drive, Castle Rock, CO 80293  
Pioneer Oil & Gas, 1206 W So Jordan Pkwy, # B, South Jordan, UT 84095-4551  
Robert L. Bayless Producer, 621 17<sup>th</sup> St., #2300, Denver, CO 80293  
Sonja V. McCormick, 1481 S Preston St, Salt Lake City, UT 84108

Thames River LLC, 3402 Evergreen PL, Salt Lake City, UT 84106  
Titan Energy Resources, 8765 N. Silver Spur Road, Park City, UT 84098  
Vern K. Jones, P.O. Box 753, Salt Lake City, UT 84117  
Wes State Lands, 301 Thelma Dr., #412, Casper, WY 82609-2325

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

**INFORMATION ON TAKING APPEALS TO THE INTERIOR BOARD OF LAND APPEALS**

**DO NOT APPEAL UNLESS**

1. This decision is adverse to you,  
AND
2. You believe it is incorrect

**IF YOU APPEAL, THE FOLLOWING PROCEDURES MUST BE FOLLOWED**

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| <b>1. NOTICE OF APPEAL.....</b> | A person served with the decision being appealed must transmit the notice of appeal in time for it to be filed in the office where it is required to be filed within 30 days after the date of service. If a decision is published in the FEDERAL REGISTER, a person not served with the decision must transmit a notice of appeal in time for it to be filed within 30 days after the date of publication (43 CFR 4.411 and 4.413). |
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| <b>2. WHERE TO FILE NOTICE OF APPEAL.....</b><br><b>WITH COPY TO SOLICITOR...</b> | Bureau of Land Management, Utah State Office, P. O. Box 45155, Salt Lake City, Utah 84145-0151 or<br>Bureau of Land Management, Utah State Office, 440 West 200 South, Suite 500, Salt Lake City, Utah 84101<br>and<br>Regional Solicitor, Room 6201, 125 South State Street, Salt Lake City, Utah 84111 |
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| <b>3. STATEMENT OF REASONS</b><br><br><b>WITH COPY TO SOLICITOR.....</b> | Within 30 days after filing the Notice of Appeal, File a complete statement of the reasons why you are appealing. This must be filed with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. If you fully stated your reasons for appealing when filing the Notice of Appeal, no additional statement is necessary (43 CFR 4.412 and 4.413).<br><br>and<br>Regional Solicitor, Room 6201, 125 South State Street, Salt Lake City, Utah 84111 |
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| <b>4. ADVERSE PARTIES.....</b> | Within 15 days after each document is filed, each adverse party named in the decision and the Regional Solicitor or Field Solicitor having jurisdiction over the State in which the appeal arose must be served with a copy of: (a) the Notice of Appeal, (b) the Statement of Reasons, and (c) any other documents filed (43 CFR 4.413). If the decision concerns the use and disposition of public lands, including land selections under the Alaska Native Claims Settlement Act, as amended, service will be made upon the Associated Solicitor, Division of Land and Water Resources, Office of the Solicitor, U.S. Department of the Interior, Washington, D.C. 20240. If the decision concerns the use and disposition of mineral resources, service will be made upon the Associated Solicitor, Division of Mineral Resources, Office of the Solicitor, U.S. Department of the Interior, Washington, D.C. 20240. |
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| <b>5. PROOF OF SERVICE.....</b> | Within 15 days after any document is served on an adverse party, file proof of that service with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. This may consist of a certified or registered mail "Return Receipt Card" signed by the adverse party (43 CFR 4.401(e)). |
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| <b>6. REQUEST FOR STAY.....</b> | Except where program-specific regulations place this decision in full force and effect or provide for an automatic stay, the decision becomes effective upon the expiration of the time allowed for filing an appeal unless a petition for a stay is timely filed together with a <i>Notice of Appeal</i> (43 CFR 4.21). If you wish to file a petition for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Interior Board of Land Appeals, the petition for a stay must accompany your notice of appeal (43 CFR 4.21 or 43 CFR 2804.1). A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the <i>Notice of Appeal</i> and Petition for a Stay <b>must</b> also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.<br><br>Standards for Obtaining a Stay. Except as other provided by law or other pertinent regulations, a petition for a stay of a decision pending appeal shall show sufficient justification 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. |
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Unless these procedures are followed your appeal will be subject to dismissal (43 CFR 4.402). Be certain that all communications are identified by serial number of the case being appealed.

**NOTE:** A document is not filed until it is actually received in the proper office (43 CFR 4.401(a)). See 43 CFR Part 4, subpart b for general rules relating to procedures and practice involving appeals.

## 43 CFR SUBPART 1821--GENERAL INFORMATION

Sec. 1821.10 Where are BLM offices located? (a) In addition to the Headquarters Office in Washington, D.C. and seven national level support and service centers, BLM operates 12 State Offices each having several subsidiary offices called Field Offices. The addresses of the State Offices can be found in the most recent edition of 43 CFR 1821.10. The State Office geographical areas of jurisdiction are as follows:

### STATE OFFICES AND AREAS OF JURISDICTION:

Alaska State Office ----- Alaska  
Arizona State Office ----- Arizona  
California State Office ----- California  
Colorado State Office ----- Colorado  
Eastern States Office ----- Arkansas, Iowa, Louisiana, Minnesota, Missouri  
and, all States east of the Mississippi River  
Idaho State Office ----- Idaho  
Montana State Office ----- Montana, North Dakota and South Dakota  
Nevada State Office ----- Nevada  
New Mexico State Office ---- New Mexico, Kansas, Oklahoma and Texas  
Oregon State Office ----- Oregon and Washington  
Utah State Office ----- Utah  
Wyoming State Office ----- Wyoming and Nebraska

(b) A list of the names, addresses, and geographical areas of jurisdiction of all Field Offices of the Bureau of Land Management can be obtained at the above addresses or any office of the Bureau of Land Management, including the Washington Office, Bureau of Land Management, 1849 C Street, NW, Washington, DC 20240.

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(Form 1842-1, September 2005)

## List of Purchasers for William Love

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Alker Exploration, LLC  
5360 Vine Hill Road  
Sebastopol, CA 95472

Anderson Oil LTD  
5005 Woodway, #300  
Houston, TX 77056

Bro Energy, LLC  
4824 S. Highland Circle, #200  
Salt Lake City, UT 84117

Castle Valley Holdings, LLC  
3300 S. Parker Road, Suite 310  
Aurora, CO 80014

Central Petroleum, Inc.  
P.O. Box 1823  
Jackson, MS 39215

GADECO LLC  
5299 DTC Blvd., #500  
Greenwood Villa, CO 80111

Harison Properties, LLC  
27567 E 191<sup>st</sup> St., Suite 5  
Haskell, OK 74436

Impact Energy Resources, LLC  
621 17<sup>th</sup> St., Suite 1630  
Denver, CO 80293

International Petroleum  
4824 S. Highland Circle, #200  
Salt Lake City, UT 84119

Jeff T. Obourn  
5585 Cherryville Way  
Greenwood Villa, CO 80121

Kenneth K Farmer  
P.O. Box 2895  
Casper, WY 82602

Par Five Exploration LLC  
1411 East 340 North  
Orem, UT 84097

Petroleum Investment LLC  
58 Toppler Drive  
Castle Rock, CO 80293

Pioneer Oil & Gas  
1206 W South Jordan Pkwy, # B  
South Jordan, UT 84095-4551

Robert L Bayless Producer  
621 17<sup>th</sup> St., #2300  
Denver, CO 80293

Sonja V. McCormick  
1481 S Preston St  
Salt Lake City, UT 84108

Thames River LLC  
3402 Evergreen PL  
Salt Lake City, UT 84106

Titan Energy Resources  
8765 N Silver Spur Road  
Park City, UT 84098

Vern K Jones  
P.O. Box 753  
Salt Lake City, UT 84117

Wes State Lands  
301 Thelma Dr., #412  
Casper, WY 82609-2325