



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Fillmore Field Office
35 East 500 North
Fillmore, Utah 84631
<http://www.blm.gov>



IN REPLY REFER TO:
3100 (UTW02000)

Memorandum

To: State Director, Utah
Attention: Terry Catlin
Utah State Oil & Gas Lead

From: Patricia M. Bailey
Acting Fillmore Field Office Manager

Subject: May 2010 Competitive Oil and Gas Lease Sale Parcel Recommendations

BLM - UT - 950
2010 MAR 29 AM 10:09

The Fillmore Field Office (FFO) has completed its review of the preliminary list of parcels proposed for the May 2010 oil and gas lease sale.

We recommend parcel # UT0510-026 to be included in the May 2010 lease sale and have prepared the Determination of NEPA Adequacy (DNA) Worksheet to determine if the existing NEPA analysis is adequate for the leasing of the oil and gas lease parcel. The recommended parcel and attached lease notices are found in the DNA. The following parcel on the preliminary list for the May 2010 sale has been determined to be in conformance with existing Land Use Plans, and is recommended to go forward in the lease sale.

Parcel Recommended For Sale

UT0510-026

The attached stipulations are found in the DNA. In accordance with WO-IM 2002-174 the following Endangered Species Act Section 7 consultation stipulation is to be added to the recommended lease parcel:

“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 the offered lease parcel:

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.

Enclosed is the May 2010 lease sale package from the Fillmore Field Office (FFO). The DNA and checklist are included in this package. If you have any questions please contact George Cruz, FFO Natural Resource Specialist, at (435)-764-3126.

Sincerely,



Patricia M. Bailey
Acting Field Office Manager

Attachments:

- Determination of NEPA Adequacy
- Interdisciplinary Team Analysis Record Checklist
- Fillmore May Oil & Gas Wildlife Report
- Tribal Consultation Report
- Concurrence Letter to SHPO
- Noxious Weed Clearance
- Realty Access Report

cc: Glenn Carpenter, Manager, West Desert District

GCruz:bh

**United States Department of the Interior
Bureau of Land Management**

Determination of NEPA Adequacy

February 2010

May 2010 Oil and Gas Lease Parcel

Location: Lots 6-9 in Section 6, lots 1-10 in Section 7, and lots 1-10 in Section 18, T. 17 S., R. 5 W., Salt Lake Meridian

Applicant/Address: Not Applicable

Fillmore Field Office
35 East 500 North
Fillmore, UT 84631
(435) 743-3100
(435) 743-3135



Worksheet
Determination of NEPA Adequacy

U.S. Department of the Interior
Utah Bureau of Land Management

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.

OFFICE: Fillmore Field Office

TRACKING NUMBER:

CASEFILE/PROJECT NUMBER: Not Applicable

PROPOSED ACTION TITLE/TYPE: May 2010 Competitive Oil and Gas Lease Sale

LOCATION/LEGAL DESCRIPTION: One parcel (UT0510-026) on the Preliminary May 2010 Oil and Gas Lease Parcel List as prepared by BLM Utah is within the area administered by the Fillmore Field Office. The parcel consists of lots 6-9 in Section 6, lots 1-10 in Section 7, and lots 1-10 in Section 18, T. 17 S., R. 5 W., Salt Lake Meridian (Attachment 1).

APPLICANT: Not Applicable

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

The Bureau of Land Management (BLM) proposes to offer one nominated parcel for oil and gas leasing in a competitive lease sale to be held May 18, 2010. Applicable stipulations and notices are included in Attachment 1. This parcel consists of lots 6-9 in Section 6, lots 1-10 in Section 7, and lots 1-10 in Section 18, T. 17 S., R. 5 W., T. 17 S., R. 5 W., Salt Lake Meridian. The total acreage in this parcel equals 956.95 acres; acreage is entirely on BLM land. The parcel is in Millard County approximately 7 miles east to southeast of Delta and approximately 7 miles west to southwest of Oak City. The site is accessible from Highway 50, approximately 2 miles east of the junction with Highway 125, or from Highway 125. The parcel is located to the north and south of Highway 125, and is adjacent to and to the north of the lease parcel offered at the oil and gas bid auction held on February 23, 2010.

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), 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 can be prepared and a Finding of No Significant Impact made prior to APD approval. For some APDs, other forms of

NEPA compliance would also be acceptable (i.e. DNA or EIS). Compliance with lease stipulations must be demonstrated prior to the approval of the APD. Following BLM's approval of an APD, the lessee may produce oil and gas from a lease in a manner approved by the 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.

This lease parcel is classified as being in lease Category 1. Oil and gas lease acreage in Category 1 is open to oil and gas leasing, subject to standard stipulations and lease notices. Standard stipulations provide for the protection of 1) cultural resources and 2) Threatened and Endangered animal and plant species, and special status animal and plant species. Lease notices notify the potential bidders of additional resources that may be protected, including specific resources that may already be covered by standard stipulations. The analysis of cultural resources includes consultation with interested tribal groups in Utah. The analysis of T&E and special status 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.

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 the NEPA document, this reference is referred to as the Fillmore Oil and Gas Programmatic EA.

The Oil and Gas parcel to be offered is listed in Attachment 1. This parcel has corresponding notices, stipulations, and descriptions attached and included in Attachment 1. Attachments 2 and 3 contain the Interdisciplinary Team Checklist and specialist staff reports written in support of the Determination of NEPA Adequacy (DNA) document, respectively.

B. Land Use Plan (LUP) Conformance

LUP Name:

House Range Resource Area Resource Management Plan and Record of Decision Rangeland Program Summary (RMP/ROD),

Date Approved: October 28, 1987

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

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 Programmatic 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. In this DNA, this reference document will be referred to as the House Range FEIS.

House Range Resource Area RMP Oil and Gas Leasing Implementation Environmental Assessment, Richfield District, December 21, 1988. In this DNA, this document will be referred to as the Implementation EA.

Other documents include:

- State of Utah Sensitive Species List (2007)
- Lease Sale SHPO Concurrence Letter (2010)
- Lease Sale Cultural Staff Report (2010)
- Lease Sale Wildlife Report (2010)
- Lease Sale Noxious Weed Clearance (2010)
- December 2004 Programmatic Section 7 Consultation, Oil and Gas Lease Sales
- California Condor Lease Notice, Section 7 Consultation (2008)

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 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

Documentation of answer and explanation:

The proposed action of leasing land as described in Section A (Description of the Proposed Action and Any Applicable Mitigation Measures) of this DNA has been considered and analyzed in the House Range Resource Area RMP, Implementation EA, and the Fillmore Oil and Gas Programmatic EA. The proposed action, leasing for oil and gas in the May 2010 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 lessee 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 proposed for leasing is within the same geographic area with the resource conditions addressed.

Special stipulations and notices attached to the lease parcel on the Preliminary May 2010 Oil and Gas Lease Parcel List are included in this DNA. The HRRMP (1986) was prepared for the House Range Resource Area. The House Range Resource Area has 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

Documentation of answer and explanation:

The Fillmore Oil and Gas Programmatic EA was prepared as an update to the Implementation EA and the corresponding Resource Management Plan completed in 1988. It offers a proposed action and two alternatives, which is the 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.

The **No Action Alternative** offers oil and gas leases consistent with the existing land use plan (HRRRA Resource Management Plan finished in 1986) including decisions in the Implementation EA. This alternative proposes the continuation of the current management practice, 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, the alternative is not in conformance with existing land use plans and therefore is 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 or 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 existing analysis adequate in light of any new information or circumstances (such as, rangeland health standards assessment; recent endangered species listings, updated list 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

Documentation of answer and explanation:

An interdisciplinary team of BLM specialists reviewed the proposed lease parcel and found that circumstances and conditions are appropriate for oil and gas leasing, although further mitigation 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 lease to advise the leasee as to what resources may require mitigation at the APD stage. The checklist attached to this DNA reflects

and documents input from the interdisciplinary team of BLM specialists that have reviewed the project (Attachment 2).

Air Quality and Greenhouse Gas Emissions: On 12/7/2009, EPA's administrator signed two distinct findings regarding greenhouse gases (GHG) which were also published* in the *Federal Register* on December 15, 2009.

- **Endangerment Finding:** The Administrator finds that the current and projected concentrations of the six key well-mixed greenhouse gases--carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF₆)--in the atmosphere threaten the public health and welfare of current and future generations.
- **Cause or Contribute Finding:** The Administrator finds that the combined emissions of these well-mixed greenhouse gases from new motor vehicles and new motor vehicle engines contribute to the greenhouse gas pollution which threatens public health and welfare.

As stated at sections III F (Impacts of Potential Future Regulations and Processes that Generate Greenhouse Gas Emissions) and VI H (Statutory and Executive Order Reviews), this action is a stand-alone set of findings regarding endangerment and cause or contribute for greenhouse gases under Clean Air Act (CAA) section 202(a) and is not a "significant energy action" as defined in Executive Order 13211 (66 FR 28355 (May 22,2001)), because it is not likely to have a significant adverse effect on the supply, distribution, or use of energy because it does not impose any requirements.

New engine installations will meet the standard current at the time of installation. Existing engines can be held to the standard applicable at the time of their installation. This is typical of New Source Performance Standards (NSPS).

The assessment of GHG emissions and climate change is still in its earliest stages of formulation. Global scientific models are inconsistent, and regional or local scientific models are lacking so that it is not technically feasible to determine the net impacts to climate due to GHG emissions. Should the leases be issued and development be proposed, the impact of development on air quality would be revisited on a site specific basis.

*Accessed online at: <http://www.epa.gov/climatechange/endangerment.html> and <http://edocket.access.gpo.gov/2009/pdf/E9-29537.pdf>

Cultural Resources: The area of potential effect for this undertaking is generally the entire 956.95 acres in the nominated lease parcel as described in this DNA. To assure appropriate consideration of future effects from the May 2010 lease sale, the BLM will add the following cultural resource "lease stipulation" (WO-IM-2005-003) to this parcel:

"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 statues 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.”

Based on the information provided in the Cultural Staff Report (February 11, 2010), the potential for locating additional cultural resources within the proposed lease parcel reviewed for the May 2010 Oil and Gas lease sale is low. Furthermore, analysis of the reasonably foreseeable impacts of leasing on both identified and unidentified cultural properties and the use of additional stipulations resulted in the determination of “No Adverse Effect”. The Fillmore Field Office received concurrence from the Utah State Historic Preservation Office on March 2, 2010. This correspondence is part of the administrative record.

Native American Tribal Consultation: On February 18, 2010, letters were sent out to the following Tribes for Native American consultation: Paiute, Uinta and Ouray Ute, Kanosh Band of the Paiutes, Goshute Business Council, and Skull Valley Goshutes. The tribes were asked to provide comments on this lease sale by March 22, 2010. If any concerns are raised, they will be addressed prior to the May 2010 lease sale. Consultation will be considered to be 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 Weeds: 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*).

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*).

Because of the high probability of noxious weed presence on and adjacent to this parcel, Lease Notice UT-LN-49 should be added to this parcel. If an APD is submitted for exploration and/or development in this parcel, two actions should be included as a condition of approval. The first would require that equipment be cleaned prior to entering the project area. The second would require that equipment be cleaned prior to leaving the project area.

Special Status Plant Species: None of the plants designated as BLM sensitive species in the Fillmore Field Office area are known to occur within the proposed project area. As such, no impacts to these species are anticipated. If an APD is submitted for exploration and/or development in this parcel, a survey of BLM sensitive plant species will have to be completed as a condition of the NEPA process and prior to BLM approval of the APD.

Livestock and Grazing: Trend study plots and range photo points are located within and near the nominated lease parcel. If the lessee submits an APD for exploration or development that proposes new road construction, the trend study plot may need to be protected.

Migratory Birds: The guidelines set forth in IM 2008-050 are followed for all NEPA procedures. The Migratory Bird Treaty Act of 1918 protects migratory birds and their parts. Executive Order 13186 (Responsibilities of Federal Agencies to Protect Migratory Birds), signed on January 10, 2001, directs federal agencies to evaluate the effects of actions and agency plans on migratory birds, with emphasis on species of concern. *Birds of Conservation Concern* (FWS 2002) identifies the migratory bird species of concern in different Bird Conservation Regions (BCRs) in the United States. The *Utah Partners in Flight Avian Conservation Strategy* (Parrish et al. 2002) also identified 24 priority species. Migratory birds in Utah are primarily present between April and September. Migratory birds occur in a wide variety of habitat types including the pinyon and juniper woodland, sagebrush-steppe, and grasslands found in the project area. A migratory bird notice and sensitive species notice has been attached to the lease parcel which contains habitat for priority species.

Migratory birds that utilize this area include the black-throated gray warbler (*dendroica nigrescens*), Brewer's sparrow (*Spizella breweri*), broad-tailed hummingbird (*selasphorus platycercus*), loggerhead shrike (*Lanius ludovicianus*), northern harrier (*Circus cyaneus*), pinyon jay (*Gymnorhinus cyanocephalus*), prairie falcon (*Falco mexicanus*), and sage sparrow (*amphispiza belli*). **Fish and Wildlife Excluding USFWS Designated Species:** Detailed information on the inclusion of the appropriate lease notices and stipulations are contained in Appendices A (Parcel List), B (ID Team Checklist) and C (Staff Reports). General wildlife species that could be found to utilize sagebrush/steppe and juniper habitat types within the vicinity of the proposed action include mule deer (*Odocoileus hemionus*), pronghorn antelope (*Antilocarpa Americana*), mountain lion (*Felis concolor*), blacktail jackrabbits (*Lepus californicus*), coyote (*Canis latrans*), Great Basin rattlesnake (*Crotalus oreganus lutosus*), greater short-horned lizard (*Phrynosoma hernandesi*) and Great Basin collard lizard (*Chrotaphytus bicinctores*).

BLM fish and wildlife sensitive species that could be found in this portion of Millard County that could potentially utilize the environment within the vicinity of the proposed action include golden eagle (*Aquila chrysaetos*), bald eagle (*Haliaeetus leucocephalus*), burrowing owl (*Athene cucularia*), ferruginous hawk (*Buteo regalis*), and kit fox (*Vulpes macrotis*).

Utah Division of Wildlife Resources/Utah Natural Heritage Program was utilized to determine presence and absence of species in addition to field office records.

All of the habitats for the above listed species have been addressed in the RMP or in the Fillmore Oil and Gas Leasing Environmental Assessment, 2009 which have provided appropriate protections and information about where species or habitat (existing or potential) may exist through stipulations or notices attached to the parcel (Attachment 1).

Threatened, Endangered or Candidate Wildlife Species:

In accordance with Washington Office Instruction Memorandum No. 2002-174, this parcel 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. Another lease notice was developed for the California condor through section 7 consultation that began on June 16, 2008 and was completed on June 20, 2008. The FWS responded with a memorandum concurring with the BLM determination that attachment of the lease notice for California condor to appropriate lease parcels would constitute a “may affect, but not likely to adversely affect” determination for the species in Utah.

The parcel lies within the range of the federally threatened Utah prairie dog (UPD). During the site visit, on March 17, 2010, the wildlife biologist determined that habitat was inadequate and there were no burrows identified that would house Utah prairie dogs (UPDs). The area appeared to be unoccupied historic habitat and it was concluded that the parcel location is not suitable habitat at this time. The ESA lease stipulation will be applied in accordance with BLM IM 2002-174, therefore protecting any UPD habitat if there is any found at the time that development is proposed.

The parcel lies approximately 45 to 50 miles from mapped sage grouse winter and brooding range to the north in the Sheeprock-Tintic Mountains. Historically the parcel location may have been dominated by sagebrush and may have been suitable habitat for sage grouse. However, as the result of years of fires, grazing, range conversions, roads, development, cheat grass invasion etc., cover and forage for sage grouse have been fragmented and lost. Currently the condition and composition of the habitat is unsuitable and the potential of any impacts to sage grouse would be very unlikely.

Based on the information provided in Attachment 3 (staff report), and inclusion of all appropriate lease notices and stipulations, the May 2010 sale of one Fillmore oil and gas lease parcel complies with the Utah 2004 programmatic consultation, so that no listed species are likely to be adversely affected by the proposed action.

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?

Yes
 No

Documentation of answer and explanation:

The direct, indirect, and cumulative effects of leasing are comparable to those analyzed in the Fillmore Oil and Gas Programmatic EA (pages 55-83) because the proposed action is essentially the same and the existing resource conditions and values have effectively not changed since analyzed in the EA. Oil and gas exploration is discussed. The potential to date for the occurrence of producible quantities of oil and gas appears to be low. Historically, about one exploration well has been drilled every two years within the House Range Resource Area. The House Range RMP allows for the drilling of five oil and gas wells over a planning period of 10 years. There are no wells producing oil or gas on lands 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 Implementation EA, two oil and gas exploration wells have been drilled in the House Range Resource Area (HRRA). 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 the HRRA planning unit from the two exploration wells totals approximately four acres, which is well within the scenario analyzed in the implementation EA. Currently, there are two APDs for proposed drilling in the House Range Resource Area (HRRA). The RFD analyzed within the Fillmore Oil and Gas Programmatic EA allows for five wells within the resource area within any given ten year period. Currently there are two APDs within resource area which is within the scope of the previous analysis. While exploration is expected to continue the potential for development remains low and therefore the RFD and previous analysis is adequate in reference to direct, indirect and cumulative impacts.

5. Are the public involvement and interagency review associated with existing NEPA document(s) adequate for the current proposed action?

Yes
 No

Documentation of answer and explanation:

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 18, 2010.

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 December 1, 2009 – including communication for the yellow-billed cuckoo that resulted in the yellow-billed cuckoo notice in the Fillmore Oil and Gas Programmatic EA. 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 2010.

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 1/26/10) regarding the November 2009 Competitive Oil and Gas Lease

Sale and were provided a copy of the Preliminary List of Parcels (11 parcels and 10838.64 acres). This correspondence is part of the administrative record.

Public outreach and notification for this lease sale also occurred by posting the action on January 26, 2010 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](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. Persons/Agencies/BLM Staff Consulted:

Name	Title	Resource Represented
Joelle McCarthy	Archeologist	Cultural Resource and Native American Consultation
Erin Rajala	Outdoor Recreation Planner	Wilderness, Recreation
Jim Priest	Wildlife Biologist	Wildlife, T&E and Special Status Wildlife Species, & Fisheries
Dave Whitaker	Rangeland Management Specialist and Special Status Plant Species Specialist	T&E and Special Status Plant Species
Bill Thompson	Rangeland Management Specialist and Riparian Program Lead	Livestock and Grazing, Riparian Zones, and Soils
Paul Caso	Rangeland Management Specialist, Water Rights and Water Quality Lead	Water Quality
R.B. Probert	Weeds Specialist	Weeds and Invasive Plants
Teresa Frampton	Realty Specialist	Lands/Access
Matt Rajala	Natural Resource Specialist (Geology) and NEPA Coordinator	NEPA Coordination, Air Quality, Greenhouse Emissions, Farmlands
Jerry Mansfield	Geologist	Minerals
George Cruz	Natural Resource Specialist and Fluids Minerals Program	Oil and Gas Leases

Name	Title	Resource Represented
	Lead	

Refer to the ID team checklist (Attachment 2) and list of preparers for the documents identified in Items B and C above.

CONCLUSION

Plan Conformance:

- This proposal conforms to the applicable land use plan.
- This proposal does not conform to the applicable land use plan

Determination of NEPA Adequacy

- Based on the review documented above, I conclude that this proposal conforms to the applicable land use plan and that the NEPA documentation fully covers the proposed action and constitutes BLM's compliance with the requirements of the 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

3-25-2010
Date

[Signature]
Signature of NEPA Coordinator

3-25-2010
Date

[Signature]
Signature of the Responsible Official

3/25/10
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:

- Attachment 1: Legal Descriptions and Recommended Lease Stipulations/Notices for Nominated Parcel
- Attachment 2: Interdisciplinary Team Checklist
- Attachment 3: Staff Reports

ATTACHMENT 1

Legal Descriptions and Recommended Lease Stipulations/Notices for Nominated Parcel

UT0510-026

T. 17 S., R. 5 W., Salt Lake

Sec. 6: Lots 6-9;

Sec. 7: Lots 1-10:

Sec. 18: Lots 1-10.

956.95 Acres

Millard County, Utah

Fillmore Field Office

NOTICES

UT-LN-24:	Waterfowl Nesting Areas
UT-LN-26:	Waterfowl Winter Concentration Areas
UT-LN-33:	Bald Eagle
UT-LN-35:	Ferruginous Hawk
UT-LN-39:	Burrowing Owl Habitat
UT-LN-41:	Raptors
UT-LN-42:	Migratory Birds
UT-LN-49:	Noxious Weeds
UT-LN-46:	Utah Sensitive Species

ATTACHMENT 2
Interdisciplinary Team Checklist

INTERDISCIPLINARY TEAM CHECKLIST

Project Title: May 2010 Oil and Gas Quarterly Lease Offering (of separate parcel # UT0510-026 near Oak City)

NEPA Log Number: DOI-BLM-UT-W020-2010-017-DNA

File/Serial Number: O&G Lease Parcel # UT0510-026

Project Leader: George Cruz, Natural Resource Specialist, Fillmore Field Office, Utah

Determinations in this checklist should reflect whether or not a DNA (Determination of NEPA Adequacy) document is appropriate for this project of an oil and gas lease offering, or is there a need to write an EA (Environmental Assessment) Report. A determination of NC indicates there is effectively no change for a given resource from what is written in the 2009 Fillmore Oil and Gas EA and a DNA document is adequate NEPA documentation prior to offering parcel # UT0510-026 at the sale auction on May 25, 2010. This is a revised date; the original sale date was May 18, 2010. A determination of PI indicates that there is a change in the analysis for a given resource requiring the preparation of a new EA for this project.

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 relevant impact that need to be analyzed in detail in the EA

NC = (DNAs only) actions and impacts not changed from those disclosed in the existing NEPA documents cited in Section D of the DNA form. The Rationale column may include NI and NP discussions.

Determination	Resource	Rationale for Determination*	Signature	Date
RESOURCES AND ISSUES CONSIDERED (INCLUDES SUPPLEMENTAL AUTHORITIES APPENDIX 1 H-1790-1)				
NC	Air Quality	Leasing does not impacts air quality as it does not authorize on the ground activities.	/s/ Matt Rajala	3/3/2010
NC	Areas of Critical Environmental Concern	There are no ACECs within the proposed project area.	/s/ Matt Rajala	3/3/2010
NC	BLM Natural Areas	There are no BLM Natural Areas within the proposed project area (NP).	/s/ Erin Rajala	3/3/2010
NC	Cultural Resources	<p>The Utah Protocol Part VII.A.B. was applied to the cultural resource review for the May 2010 Oil and Gas Lease Sale. The FFO determination, under the Utah Protocol review threshold at Part VII.A.C(4), is: "No Adverse Effect".</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 2010 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</i></p>	/s/ Joelle McCarthy	3/25/2010

Determination	Resource	Rationale for Determination*	Signature	Date
		<i>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>		
NC	Greenhouse Gas Emissions	The leasing of the parcel does not authorize any activities that would impact GHGs.	/s/ Matt Rajala	3/3/2010
NC	Environmental Justice	The leasing of the parcel would not disproportionately impact any minority or low income populations.	/s/ Matt Rajala	3/3/2010
NC	Farmlands (Prime or Unique)	There are no prime or unique farmlands in the project area.	/s/ Bill Thompson	3/25/2010
NC	Fish and Wildlife Excluding USFW Designated Species	General wildlife species such as mule deer may utilize the parcel from time to time. However, the condition of the range is lacking forage and cover sufficient to encourage animals to persist on the parcel for any length of time other than by seasonally movements from the mountain slopes to agriculture fields. Raptors and waterfowl also may forage, winter, and migrate in this area; therefore notices have been attached to the parcel.	James Priest	3-25-10
NC	Floodplains	There are no floodplains within the nominated oil and gas lease parcel and no change from the Fillmore Oil and Gas Programmatic EA.	/s/ George Cruz	2/11/2010
NC	Fuels/Fire Management	There would be no impact to fuels or fire management as a result of the proposed action.	/s/B Crosland	3/5/2010
NC	Geology / Mineral Resources/Energy Production	No current mineral activity foreseen in the near future; leasing for oil and gas can be worked around in any case (NP).	/s/J Mansfield	02/23/2010
NC	Hydrologic Conditions	The leasing of parcel UTU0510-026 would not present hydrologic conditions any different than what has already been analyzed in the Fillmore Programmatic EA. If an O&G APD were approved, the potential for impacts to hydrologic conditions would likely be low.	/s/ George Cruz	2/11/2010
NC	Invasive Species/Noxious Weeds	See attachment for mitigation.	/s/R.B. Probert	3/1/10
NC	Lands/Access	If the proposed project is approved, it would not impact any land use authorizations nor would it affect access to public land. The authorization would be issued subject to valid, existing rights-of-way (ROW), which includes county-maintained roads. Existing roads and trails should be used for vehicle travel. During wet road conditions, any ruts deeper than four inches remaining on the roads from the project would be repaired at the Authorized Officer's discretion. Generated trash/debris should be removed from public land and discarded at an authorized facility. (See attached Realty/Access report.)	/s/ Teresa Frampton	2/11/2010
NC	Livestock Grazing	Leasing this parcel for oil & Gas Development would not affect grazing. However, when ground disturbing activities are approved then depending on how much disturbance of vegetation and timing of disturbance and other unknown factors there may be an effect.	/s/ Bill Thompson	3/25/10

Determination	Resource	Rationale for Determination*	Signature	Date
NC	Migratory Birds.	Migratory birds may use the parcel for nesting and/or foraging. Impacts may occur during construction and road development. Although impacts are anticipated to minimal, construction practice are to be conducted in a manner that does not unnecessarily degrade habitat or harm migratory birds. A migratory bird notice has been attached to the parcel.	/s/ James Priest	3-25-10
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 letters on February 18, 2010.	/s/ Joelle McCarthy	3/25/2010
NC	Paleontology	Surface is Quaternary Deposits with no known significant Paleontological Resources (NP).	/s/J Mansfield	02/23/2010
NC	Rangeland Health Standards	Leasing this parcel would not affect rangeland health. When ground disturbing activities are approved then mitigation may be required to avoid impacting rangeland health.	/s/ Bill Thompson	3/25/2010
NC	Recreation	There are no developed recreational sites or SRP activity that would be affected by this leasing activity.	/s/ Erin Rajala	3/3/2010
NC	Socio-Economics	The leasing of the parcel does not authorize any activities that would impact the local socio-economics.	/s/ Matt Rajala	3/3/2010
NC	Soils	Leasing this parcel would not disturb soil. When ground disturbing activities are approved then mitigation may be required to avoid impacting soils	/s/ Bill Thompson	3/25/2010
NC	Threatened, Endangered or Candidate Plant Species	There are no known federally-listed plant species located within the FFO parcels of the May oil and gas lease sale (NP).	/s/DWhitaker	3/1/10
NC	Threatened, Endangered or Candidate Animal Species	The parcel is located within the range of the federally threatened Utah prairie dog. However, it was concluded that there is no effect to Utah prairie dogs due to the absence of burrows and low habitat quality and therefore no additional notices need to be attached to the parcel for T&E species. The standard T&E stipulation will be attached to the parcel as usual for protection of all T&E species and in the event that new information is presented (NP).	/s/ James Priest	3-25-10
NC	Wastes (hazardous or solid)	No change from current conditions	/s/ B Crosland	3/3/2010
NC	Water Resources/Quality (drinking/surface/ground)	No change from current conditions>	/s Paul Caso	3/2/10
NC	Wetlands/Riparian	There are no riparian areas in the project area.	/s/ Bill Thompson	2/11/10
NC	Wild and Scenic Rivers	There are no Wild and Scenic Rivers within the proposed project area.	/s/ Erin Rajala	3/3/2010
NC	Wilderness/WSA	There are no designated wilderness areas within the field office area. WSAs are closed to leasing and are not affected by this lease sale.	/s/ Erin Rajala	3/3/2010
NC	Woodland / Forestry	No change from current conditions	/s/ B. Crosland	3/3/2010
NC	Vegetation Excluding USFW Designated Species	As per the standard mitigation for oil and gas lease sales, any disturbed areas would be reseeded. Typically, the number of acres disturbed is small relative to large allotment acreages. Given the limited number of acres to be disturbed and the reseeded on those acres, no measurable negative impacts to vegetation are anticipated. There are no known special status plant species located within the FFO parcels of the May oil and gas lease sale (NI).	/s/DWhitaker	3/1/10

Determination	Resource	Rationale for Determination*	Signature	Date
NC	Visual Resources	The area within and surrounding the proposed project area falls within VRM Class IV, and leasing activity would meet with VRM class IV management criteria.	/s/ Erin Rajala	3/3/2010
NC	Wild Horses and Burros	There are no Wild Horse HMAs within project area (NP).	/s/Eric Reid	2/23/10
NC	Areas with Wilderness Characteristics	There are no areas within or surrounding the proposed project area containing Wilderness Characteristics.	/s/ Erin Rajala	3/3/2010

FINAL REVIEW:

Reviewer Title	Signature	Date	Comments
Environmental Coordinator	<i>George L. Cruz</i> SEE MATI RAJALA	3/25/2010	Checklist is complete with signatures and an NC determination for every resource.
Authorized Officer	<i>[Signature]</i>	3/25/10	

ATTACHMENT 3
Staff Reports

1. Wildlife, Threatened and Endangered Species

The parcel is located in a transition zone from a greasewood habitat type to a sage brush habitat type. However, impacts from fires, grazing and cheat invasion have resulted in leaving this parcel in poor condition for wildlife. There is also no water or riparian habitats within or reasonably near the vicinity of the parcel.

Additional information is provided below.

Wildlife Lease Notices and Stipulations - Oil and Gas Leasing						
Resource	Status	No	Yes	Where – Lease Sale ID	Lease Notice or Stipulation to be added to the parcel	Comments
Mexican Spotted Owl	Threatened and Critical Habitat	X				
Utah Prairie Dog	Threatened	X				
Yellow-billed Cuckoo	Candidate	X				
Bald Eagle	Sensitive		X	UT0510-026	UT-LN-33	Wintering / Foraging
Greater Sage Grouse – leks	Candidate	X				
Greater Sage Grouse – nesting	Candidate	X				
Greater Sage Grouse – wintering	Candidate	X				
Swainson's Hawk	Sensitive		X	UT0510-026	UT-LN-41	Foraging
Ferruginous Hawk	Sensitive		X	UT0510-026	UT-LN-35	Foraging
Burrowing Owl	Sensitive		X	UT0510-026	UT-LN-39	Nesting/ Foraging
Raptor			X	UT0510-026	UT-LN-41	Foraging
Migratory birds			X	UT0510-026	UT-LN-42	Nesting / Foraging
Waterfowl	-		X	UT0510-026	UT-LN-24 UT-LN-26	Located between 3 major bodies of water
Natural springs	-	X				
Perennial streams	-	X				

Noxious Weed Clearance Fillmore Field Office

Date: 3/1/10

Examiner: R.B. Probert

Project Name: 2010 Oil & Gas Leases

Project Location: See Proposal

County:

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 no known noxious weeds located within the project area.

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

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

DATE: March 1, 2010

EXAMINER: David Whitaker

PROJECT NAME: May 2010 Oil and Gas Lease Sale Offering

PROJECT LOCATION: SLB&M T. 9 S., R. 3 W., Sections 26, 27, 28, 29, 31, 33, and 34;
and T. 17 S, R. 5 W., Sections 6, 7, and 18.

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. However, none of these plant species are known to occur on FFO lands within the proposed May 2010 oil and gas lease sale parcels. As such, no impacts to those species are anticipated.

If any sensitive species are discovered during construction activities or the project life which may be affected or disturbed, all activities that may affect this resource will cease and notification will be made to the TES plants specialist in the Fillmore Field Office.

Threatened, Endangered, or Sensitive Plants Yes___ No X

(List if Yes):

DMW

*Realty/Access Report
Teresa Frampton, Realty Specialist
February 11, 2010

May 2010 Oil & Gas Lease Offerings
NEPA #

Project Location:

Millard County

T. 17 S., R. 5 W., sec. 6, lots 6-9;
T. 17 S., R. 5 W., sec. 7, lots 1-10;
T. 17 S., R. 5 W., sec. 18, lots 1-10

Mitigation Measures:

- Existing roads and trails would be used for travel to the maximum extent feasible unless otherwise authorized. During wet road conditions, any ruts deeper than four inches remaining on the roads from the project would be repaired at the Authorized Officer's discretion.
- Generated trash/debris should be removed from public land and discarded at an authorized facility.
- The proposed project would be subject to valid prior existing rights-of-way (ROW). The Master Title Plat (MTP) and LR2000 Geo Report show existing ROW's within the project area. The proposed project is subject to this existing ROW. This ROW holder should be contacted and coordinated with if their ROW would be affected by this project.

Rights-of-way in the project area

UTSL-0027231
Central Utah Water CO
%Phil Nielson
Lynndyl, Utah 84640

UTU-051890
Frontier Communications
40 W 100 N
Tremonton, Utah 84337

UTU-051141
Federal Highway Administration
2520 W. 4700 S. #9-A
Salt Lake City, UT 84118-1847

Teresa Frampton