

# United States Department of the Interior Bureau of Land Management

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## Finding of No Significant Impacts Environmental Assessment DOI-BLM-UT-C020-2012-035-EA

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June 2013

### May 2013 Oil and Gas Lease Sale

Location: Color Country District, Richfield and Kanab Field Offices  
Sanpete and Garfield Counties, Utah

Applicant/Address: U.S. Department of the Interior  
Bureau of Land Management  
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Environmental Assessment  
DOI-BLM-UT-C020-2012-035-EA**

**Introduction**

The Bureau of Land Management (BLM) has completed an environmental assessment (EA), DOI-BLM-UT-C020-2012-035-EA, in order to address nominated parcels within the Richfield and Kanab Field Offices (FOs) for the May 2013 Oil and Gas Lease Sale.

In processing the expressions of interest (EOIs) filed with this office, the BLM considered oil and gas leasing on 16,066.43 acres (13 parcels) within the Richfield and Kanab FOs. Based on the National Environmental Policy Act (NEPA) screening process, 1,406.17 acres were deferred, which included the single parcel located in the Kanab FO and a portion of another in the Richfield FO. As identified in the February 14, 2013, Notice of Competitive Oil and Gas Lease Sale (NCLS), 12 parcels, consisting of 14,614.02 acres, were offered at the May 2013 Oil and Gas Lease Sale.<sup>1</sup>

As documented in the Deferred Lands List,<sup>2</sup> the BLM did not receive the split estate contact information with an EOI, which caused a portion of parcel UT0513-006 to be deferred. The Kanab FO parcel UT0513-013 was deferred in its entirety due to the presence of greater sage-grouse occupied habitat pursuant to Washington Office (WO) Instruction Memoranda (IM) Nos. 2012-043, 2012-044 and 2010-117.

This Finding of No Significant Impacts (FONSI) addresses the following 12 parcels (14,614.02 acres) from the NCLS: UT0513-002, UT0513-003, UT0513-004, UT0513-005, UT0513-006, UT0513-007, UT0513-008, UT0513-009, UT0513-010, UT0513-011, UT0513-012, and UT0513-014. This represents approximately 91% of the acreage received as an EOI.

Oil and gas leasing provides for the orderly development of fluid mineral resources under the BLM's jurisdiction in a manner consistent with multiple use management and environmental consideration for the resources that are present. Adequate protections are included with the leases to protect public health and safety and assure full compliance with the objectives of the NEPA, as amended, and other federal environmental laws and regulations.

Continued leasing is necessary to maintain options for exploration of oil and gas as companies seek new areas for production or attempt to locate and develop previously unidentified, inaccessible or uneconomical reserves. The sale of oil and gas leases will assist in meeting the growing energy needs of the United States.

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<sup>1</sup> By an erratum issued on April 18, 2013, an acreage change was made to parcel UT0513-011.

<sup>2</sup> Accessed online at:

[http://www.blm.gov/style/medialib/blm/ut/lands\\_and\\_minerals/oil\\_and\\_gas/may\\_2013.Par.63867.File.dat/Deferred%20Lands.pdf](http://www.blm.gov/style/medialib/blm/ut/lands_and_minerals/oil_and_gas/may_2013.Par.63867.File.dat/Deferred%20Lands.pdf)

The underlying need for the proposal has been met while accomplishing the following objectives:

1. Lease where doing so is in conformance with the BLM land use plans and consistent with state and local plans.
2. Protect important wildlife habitats.
3. Protect traditional cultural properties and Indian sacred sites.
4. Mitigate impacts on other resource values, including air quality, soils, watershed/water supply wells and socioeconomics.

### **Finding of No Significant Impact Determination**

Based upon a review of the EA and the supporting documents<sup>3</sup>, I have determined that the project is not a major federal action and it will not significantly affect the quality of the human environment, individually or cumulatively with other actions in the general area. No environmental effects meet the definition of significance in context or intensity as defined in 40 Code of Federal Regulation (CFR) 1508.27 and do not exceed those effects described in the Final Environmental Impact Statements (EIS) prepared for the Richfield Field Office Record of Decision and Approved Resource Management Plan (ROD/RMP) (2008, as maintained). Therefore, an environmental impact statement (EIS) is not needed

This finding is based on the context and intensity of the proposal as described:

**Context:** The lease sale involved 12 parcels (14,614.02 acres) of BLM administered lands within the Richfield FO that by themselves do not have international, national, regional, or state-wide importance. In developing the Richfield FO ROD/RMP, the BLM estimated the surface disturbance for all significant reasonably foreseeable oil and gas activities within the planning area during a 20 year period. The BLM verified these projections again during the preparation of this EA.

**Intensity:** The following discussion is organized around the Ten Significance Criteria described in 40 CFR 1508.27 and incorporated into resources and issues considered in the EA (includes supplemental authorities Appendix 1 H-1790-1) and supplemental Instruction Memorandum, Acts, regulations and Executive Orders. The following have been considered in evaluating intensity for this proposal:

**1. Impacts may be both beneficial and adverse.** The proposed leasing would impact resources as described in the EA. Mitigation measures, which include lease stipulations and notices, to reduce impacts to other natural resources were incorporated in the leases and were based on decisions within the RMP, as maintained.

Collectively, the stipulations and notices form the resource protection measures identified in the EA, Appendix A. None of the environmental effects discussed in detail in the EA and associated appendices are considered significant, nor do the effects exceed those described in the RMP. Should all of the offered parcels be developed, they may contribute substantially to local, regional and national energy supplies. Additional, site-

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<sup>3</sup> The May 2013 Oil and Gas Lease Sale EA tiers to, and incorporates by reference, the analysis and information contained in supporting documents as identified in the EA at sections 1.5 and 1.6 and within Appendix C.

specific NEPA analysis and further mitigation (as warranted) to reduce environmental impacts will be required at the Application for Permit to Drill (APD) stage.

**2. The degree to which the selected alternative will affect public health or safety.** Leasing for oil and gas and subsequent exploration and development is an on-going activity on public lands. The stipulations and notices attached to the leases and the additional NEPA analysis and potential protections applied at the APD stage, ensures that development of the leases would occur in a way that protects public health and safety. For example, spill prevention plans would be required and any drilling operations would be conducted under the safety requirements of the Federal Onshore Oil and Gas Orders (Onshore Orders), recommended practices of the American Petroleum Institute, and other industry requirements for the protection of worker safety and public health.

Environmentally responsible oil and gas operations, including health and safety, are outlined within the EA at sections 2.2.1 through 2.2.5. All operations, including well pad and road construction, water handling, and plugging and abandonment, will be conducted in accordance with the “Gold Book,” *Surface Operating Standards for Oil and Gas Exploration and Development*. The Gold Book provides operators with a combination of guidance and standards for ensuring compliance with agency policies and operating requirements, such as those found in 43 CFR Subpart 3160, the Onshore Orders and notices to lessees. Also included in the Gold Book are environmental best management practices; these measures are designed to provide for safe and efficient operations while minimizing undesirable impacts to the environment. For example, handling of produced water is addressed in Onshore Oil and Gas Order No. 7, which prescribes measures required for the protection of surface and ground water sources. During reclamation, if the fluids within the reserve pit have not evaporated within 90 days, the fluid would be pumped from the pit and disposed of in accordance with applicable regulations.

**3. Unique characteristics of the geographic area such as proximity to cultural resources and Traditional Cultural Properties, recreation, visual resources, vegetation, and wildlife.** In an October 11, 2012, letter to the Utah State Historic Preservation Office (SHPO), the BLM made a determination of no historic properties affected. SHPO concurrence was received on October 31, 2012. In all cases, the standard lease notice and the cultural stipulation identified in WO IM 2005-003 are attached to the lease parcels.

The following resources and uses analyzed in the EA (including supplemental authorities, Appendix 1 H-1790-1) are not affected because they are not present in the project area: areas of critical environmental concern, BLM natural areas, non-WSA lands with wilderness characteristics, farmlands (prime or unique), threatened, endangered or candidate plant and animal species, wild and scenic rivers, wilderness/WSA, and wild horses and burros.

In addition, the following resources and uses analyzed in the EA (including supplemental authorities, Appendix 1 H-1790-1), although present, would not be affected by this proposed action for the reasons listed in Appendix C of the EA: cultural resources, environmental justice, fish and wildlife, floodplains, fuels/fire management, invasive species/noxious weeds, lands/access, livestock grazing/range, migratory birds, Native American religious concerns, paleontology, rangeland health standards and guidelines, recreation, Utah sensitive plant and animal species other than U.S. Fish and Wildlife

Service (USFWS) candidate or listed species, vegetation, visual resources, wastes (hazardous or solid), water resources/quality (drinking/surface/ground), wetland/riparian zones, woodland/forestry, and greenhouse gas emissions/climate change.

The Interdisciplinary Team Checklist contains the specialists' determinations and rationale statements for those elements not present or impacted by the proposal. Issues, including changes brought forward by an internal review, are discussed at EA sections 1.7, 5.0-5.3.2, and Appendix C. Significance thresholds were not exceeded for any resource or use of the public land by the proposed action.

The stipulations and notices attached to the lease parcels, including the standard lease terms under the Onshore Oil and Gas Lease Orders, those developed in the RMP and recommended in the EA, take into account the resource values and appropriate management constraints prescribed in the governing land use plan, as amended and maintained.

**4. The degree to which the effects on the quality of the human environment are likely to be highly controversial.** Scientific controversy over the nature of the impacts does not exist. The oil and gas exploration and development that could follow leasing is a common practice on public lands. The nature of the activities and the resultant impacts are understood and have been analyzed and disclosed to the public through existing BLM NEPA documents and within the EA.

**5. The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.** As stated above, leasing and subsequent exploration and development of oil and gas is not unique or unusual. The BLM has experience implementing the oil and gas program, and the environmental effects to the human environment are fully analyzed in existing NEPA documents and within the EA. Therefore, there are no predicted effects on the human environment that are considered to be highly uncertain or involve unique or unknown risks.

**6. The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.** Reasonably foreseeable actions connected to the decision to lease have been considered. A lessee's right to explore and drill for oil and gas, at some location on a lease with standard stipulations and controlled surface use stipulations, is implied by issuance of the lease. A lessee must submit an APD identifying the specific location and drilling plan to the BLM for approval and it must be approved by the BLM prior to drilling. An appropriate NEPA document is prepared prior to approval of the APD. Following the BLM's approval of an APD, a lessee may produce oil and gas from a lease without additional approval. The impacts which may result from oil and gas development from leasing the parcels included in the selected alternative were considered by an interdisciplinary team within the context of past, present, and reasonably foreseeable future actions and, as stated below, significant cumulative effects are not predicted.

**7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts – which include connected actions regardless of land ownership.** The interdisciplinary team evaluated the possible actions in the context of past, present and reasonably foreseeable future actions. Significant cumulative effects are not predicted. A complete disclosure of the effects, including cumulative effects, of leasing the selected parcels is contained in Chapter 4 of the EA.

In summary, the EA established that increased surface disturbance associated with potential operational authorizations resulting from the Proposed Action alternative may impact resources as follows: air quality, socio-economics, and soils/watersheds.

It is anticipated that the respective stipulations and notices associated with the Proposed Action would reduce the impacts to specific resources and areas within the cumulative impact analysis area (CIA). The minimal amount of disturbance associated with the expected level of development in the CIA, in combination with Gold Book standard operating practices, best management practices, and additional protective measures that would minimize development impacts, would result in a negligible cumulative impact on the resources within the CIA.

**8. The degree to which the action may adversely affect districts, sites, highways, structures, or other objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.** Leasing of the parcels, as provided for in the Proposed Action alternative of the EA, will not adversely affect districts, sites, highways, structures, or other objects listed in or eligible for listing in the National Register of Historic Places, nor will it cause loss or destruction of significant scientific, cultural, or historical resources.

A cultural resource records search was completed for the lands within the subject parcels. The Class I survey indicated that the areas around each offered parcel are of sufficiently low site density that the avoidance of historic properties potentially Eligible for the National Register of Historic Places will not preclude surface development within the parcel and extraction of the leased minerals. Known cultural resources are located in such a fashion (size, density and placement) that avoidance is feasible during exploration for oil and gas resources. The potential for locating additional cultural resources within the proposed lease parcels is low. Parcel UT0513-002 has had cultural resource inventories done either within or near it. Within the last few years, seismic line cultural resource inventories have recorded only six archaeological sites within this parcel. Only two sites, 42SP691 and 42SP723, are considered to be eligible for the National Register.

If actual surface-disturbing activities result on the leases, site specific cultural resource inventories will be conducted and appropriate consultation pursuant to section 106 of the National Historic Preservation Act (NHPA) will be done. It is likely that wells could be located on any leased parcel without disturbing any archaeological or historic sites that may be present.

With regard to parcel UTU0513-002 specifically, the scarcity of significant cultural resources on this parcel would allow for the placement of well pads without impacting archaeological sites. Therefore, a Determination of No Historic Properties Affected can be made and any eligible sites present would be avoided by all project activities as

defined by 36 CFR 800. The SHPO concurred with this determination on October 25, 2012.

The BLM's management of Native American Religious concerns is guided through its 8120 Manual: *Tribal Consultation Under Cultural Resources Authorities* and 8120 Handbook: *Guidelines for Conducting Tribal Consultation*.

As discussed in item 3 above, consultation with SHPO has been completed in accordance with section 106 of the NHPA and the SHPO has concurred with the effects determination made by the Richfield FO. Given the requirements of the Onshore Orders, the governing land use plan and the other stipulations placed on the leases, scientific, cultural or historical resources would not be significantly affected. In addition, the following has been included as a formal stipulation WO IM 2005-003 on all of the lease parcels subject to this sale:

*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.*

The following Native American Tribes were notified via certified letter: Paiute Indian Tribe of Utah, Ute Indian Tribe, Hopi Tribe, Navajo Nation, Utah Navajo Commission, Southern Ute Tribe, Ute Mountain Ute, White Mesa Ute, San Juan Southern Paiute, Kaibab Paiute Tribe, Moapa Band of Paiute Indians and the Northwest Band of Shoshone.

The Hopi Tribe responded back to the Richfield FO with a letter (November 1, 2012) recommending that the BLM conduct additional surveys prior to leasing. Additional consultation will be conducted should site-specific use authorization requests be received. As the proposal becomes more site-specific, tribes will again be notified and given further opportunity for comment. Intensive cultural resource surveys would be completed prior to authorizing a well.

Based on the information received and parcel deferrals, the BLM has determined that the May 2013 Oil and Gas Lease offering has no potential to affect Tribes or Traditional Cultural Properties.

**9. The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973, or the degree to which the action may adversely affect: 1) a proposed to be listed endangered or threatened species or its habitat, or 2) a species on the BLM's sensitive species list.** On August 28, 2012, the BLM sent the preliminary parcel list the United States Fish and Wildlife Service (USFWS). This letter initiated the lease sale NEPA process including inviting stakeholders to attend parcel site visits. In a September 14, 2012, letter to the BLM, the USFWS provided information on

greater sage-grouse occupied, brooding and wintering habitat and western yellow-billed cuckoo.

In coordination with the Utah Division of Wildlife Resources (UDWR), the BLM stated in its March 28, 2013, letter to USFWS that after careful review of the parcel locations, it was found that none are located within four miles of an occupied lek. UDWR confirmed by its lek data that two unoccupied leks surround the parcels, but they have not been active in over twenty years. Eight of the parcels are located within mapped occupied habitat. However, these areas have not been occupied for approximately twenty years. This was confirmed during site-visits to the subject parcels and in an October 26, 2012, email from UDWR, in which no current greater sage-grouse occupancy or habitat values are recognized. Accordingly, deferment or additional protections are not warranted for this species. All of the parcels being offered have the Utah sensitive species, golden eagle habitat and migratory bird lease notices attached. The BLM has not identified any threatened or endangered species on any of the parcels.

The BLM programmatically consulted with the USFWS regarding the oil and gas leasing program in 2006, which resulted in the stipulations and notices that were incorporated in the 2008 RMP.

The BLM committed to attaching the appropriate lease notices that were designed to manage and protect specific listed species in conjunction with the authority of the Endangered Species Act (ESA) and the standard terms and conditions of an oil and gas lease. The BLM and USFWS have agreed upon the language of the lease notice which notifies lessees of specific species that require protection under the ESA. The following has been included as a formal stipulation (WO IM 2002-174) on all of the lease parcels subject to this sale:

*The lease may now and hereafter contain plants, animals, and their habitats determined to be threatened, endangered, or other special status species. The BLM may recommend modifications to exploration and development proposals to further its conservation and management objectives to avoid BLM approved activity that will contribute to a need to list such a species or their habitat. The BLM may require modification 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. The BLM will not approve any ground-disturbing activity that may affect any such species or critical habitat until it completes its obligation under 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.*

The BLM consulted with the USFWS in preparing for the lease sale. The BLM also coordinated with the UDWR. Both of these agencies, who have jurisdiction by law and expertise, were involved with the BLM's application of stipulations and notices.

Since appropriate stipulations and notices for protection of plant and wildlife, including special status species, have been identified, as incorporated through interdisciplinary and interagency efforts, the BLM has concluded that special status plant and animal species would not be adversely affected.

**10. Whether the action threatens a violation of a federal, state, local, or tribal law, regulation or policy imposed for the protection of the environment, where non-federal requirements are consistent with federal requirements.** The sale of the parcels included in the May 21, 2013, lease sale does not violate any known federal, state, local or tribal law or requirement imposed for the protection of the environment. State, local, and tribal interests were given the opportunity to participate in the environmental assessment process.

In addition, based on the emissions estimates and consideration of the parcel locations relative to population centers and Class 1 areas, no significant air resource impacts including greenhouse gases, are anticipated. Detailed analysis or modeling is not warranted.

The project is consistent with the applicable resource management plans, policies, and programs as indicated in section 1.5, Conformance with BLM Land Use Plans, included in the EA. Additional consultation and coordination will be required during review and approval of site-specific proposals for oil and gas exploration, drilling and development.

/s/ Michael Stiewig  
Authorized Officer

\_07/09/2013  
Date