



United States Department of the Interior



BUREAU OF LAND MANAGEMENT

Utah State Office

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Salt Lake City, UT 84101

<http://www.blm.gov/ut/st/en.html>

IN REPLY REFER TO:
3100 (UT922000)

July 30, 2015

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Return Receipt Requested

DECISION

WildEarth Guardians	:	Protest of the Inclusion of Thirteen
1536 Wynkoop, Suite 310	:	Lease Parcels on the May 19, 2015
Denver, CO 80202	:	Competitive Oil and Gas Lease Sale

Protest Denied

On February 13, 2015, the Bureau of Land Management (BLM) Utah State Office posted a Notice of Competitive Oil and Gas Lease Sale (NCLS) that identified parcels of land which BLM offered for oil and gas leasing at a competitive lease auction held on May 19, 2015 (May 2015 Lease Sale). The NCLS also provided formal notice of a 30-day public protest period for the May 2015 Lease Sale which ended on March 16, 2015, at 4:30 p.m.

On March 16, 2015, BLM Utah received a letter, whereby WildEarth Guardians (WEG) protested fourteen parcels proposed for leasing at the May 2015 Lease Sale. This decision addresses protested parcels UTU91055 (UT0515-001), UTU91056 (UT0515-002), UTU91057 (UT0515-003), UTU91058 (UT0515-005), UTU91059 (UT0515-006), UTU91060 (UT0515-007), UTU91065 (UT0515-026), UTU91066 (UT0515-027) and UTU91067 (UT0515-028) within the Richfield Field Office; and UTU91061 (UT0515-012), UTU91062 (UT0515-013), UTU91063 (UT0515-019) and UTU91064 (UT0515-020) within the Cedar City Field Office.

The WEG protest alleges that the BLM failed in the two environmental assessments (EAs) prepared for the May 2015 Lease Sale (Richfield Field Office – DOI-BLM-UT-CO20-2014-036-EA and Cedar City Field Office – DOI-BLM-UT-CO10-2015-009-EA) to analyze the reasonably foreseeable greenhouse gas (GHG) emissions that would result from leasing the parcels for oil and gas. WEG states that the BLM failed to analyze and assess the direct, indirect and cumulative impacts of GHG emissions that would result from issuing the proposed lease parcels.

The protest also asserts that the BLM failed to analyze the costs of reasonably foreseeable carbon emissions using the social cost of carbon (SCC) protocol.

As a report from the National Academy of Sciences states “[i]t is now more certain than ever, based on many lines of evidence, that humans are changing Earth’s climate.” Accordingly, the BLM believes that an assessment under NEPA must address, in an appropriate way, the GHG emissions from a proposed action and the effects of those emissions on the environment. Here the potential impacts of GHG emissions have been addressed in the EAs prepared for the parcels located in the Richfield and Cedar City Field Offices. In the protested EAs, the BLM presents qualitative discussions of the environmental effects of climate change and their socioeconomic consequences. The EAs also qualitatively discuss the potential contribution of the proposed actions’ emissions in relation to state and national GHG emissions.

Determining GHG emissions for a specific project, their relationship to global climatic patterns, and the resulting impacts is still an ongoing and developing scientific process. What is known is that increasing concentrations of GHGs are likely to accelerate the rate of climate change. Further, while leasing the subject parcels, by itself, would not authorize any surface-disturbing or GHG emitting oil and gas operations and would have no direct impacts on the climate, there is an assumption that leasing the parcels would lead to some type of exploration and/or development actions that would have indirect effects on global climate through GHG emissions. However, even with that assumption, it is not possible in this instance to quantify those emissions estimates.

Currently, specific information on the location and methods for oil and gas development operations that may be proposed on the subject lease parcels is not known. The development potential of the oil and gas resource in the area of the leases is still speculative at this time based on the lack of any proven productive wells in the vicinity of the offered lease parcels. At this time the area is considered to be exploratory in nature and the number and location of any future drilling sites, if any, are unpredictable. It is also unknown whether the petroleum resources specific to these parcels are gas or oil or a combination thereof. Since these types of data are unavailable, it would be entirely speculative, and therefore not useful, to quantify potential GHG emissions at this time. Since information regarding the location, extent, and operating procedures and technologies that might be utilized for oil and/or gas development operations on the subject parcels is not currently known, it is currently not feasible to speculate about the net impacts to climate that might result from leasing and any future oil and gas development operations on the proposed lease parcels.

With respect to estimating the SCC, the BLM finds that including monetary estimates of the SCC in its NEPA analysis for this proposed action, which is not a rulemaking action, would not be useful or appropriate. A federal Interagency Working Group on the Social Cost of Carbon (IWG), convened by the Office of Management and Budget, developed an SCC protocol to develop estimates of the SCC, which reflects the monetary cost incurred by the emission of one additional metric ton of CO₂. The SCC was developed specifically for regulatory impact

analyses, and provides potential methodology for cost-benefit analysis. The BLM finds it would not be appropriate to incorporate SCC here for two reasons. First, since GHG emissions were not quantifiable as explained above, there is no basis to calculate SCC. Second, there is no legal mandate or existing guidance requiring the inclusion of the SCC in the NEPA context.

For the reasons set forth above, I have determined that offering the protested parcels at the May 2015 Lease Sale is in compliance with BLM policies, as well as all other applicable laws, regulations and policies. Accordingly, the protest submitted by WEG is denied with respect to the aforementioned parcels within the Cedar City and Richfield Field Offices.

This decision may be appealed to the Interior Board of Land Appeals (IBLA) in accordance with the regulations contained in Title 43 of the Code of Federal Regulations (CFR) Part 4 and as described on the enclosed BLM Form 1842-1. In order for an appeal of this decision to be considered, a written notice of appeal must be filed with this office (as described on the enclosed Form 1842-1) within 30-days from receipt of this decision.

If you wish to file a petition for a stay pursuant to 43 CFR § 4.21 as to the effectiveness of this decision during the time that your appeal is being reviewed by the IBLA, a petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification in accordance with the standards listed in 43 CFR § 4.21(b), which include:

- (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 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 a stay, and a statement of reasons must also be submitted to each party named in this decision and to the Office of the Regional Solicitor, Intermountain Region, U.S. Department of the Interior at Federal Building Room 6201, 125 South State Street, Salt Lake City, Utah 84138, at the same time that the original documents are filed in this office.

Please direct any questions regarding this decision to Becky Hammond, Fluid Minerals Branch Supervisor, at 801-539-4039.

/s/ Jenna Whitlock

Jenna Whitlock
Acting State Director

Enclosures
Form 1842-1

cc: Richfield Field Manager
Cedar City Field Manager