

United States Department of the Interior Bureau of Land Management

Decision Record
Environmental Assessments
DOI-BLM-UT-G010-2011-0248-EA
DOI-BLM-UT-G021-2011-0030-EA

November 2011

November 2011 Oil and Gas Lease Sale

Location: Vernal Field Office, Uintah and Duchesne Counties, Utah
Price Field Office, Carbon County, Utah

Applicant/Address: U.S. Department of the Interior
Bureau of Land Management
Utah State Office
440 West 200 South, Suite 500
Salt Lake City, Utah 84145-0155

Utah State Office
440 West 200 South, Suite 500
Salt Lake City, Utah 84145-0155
Office (801) 539-4001
FAX (801) 539-4237



DECISION RECORD

It is my decision to select the proposed action alternative from the November 2011 Oil and Gas Lease Sale environmental assessments (EAs) prepared by the Vernal and Price field offices (DOI-BLM-UT-G010-2011-0248-EA and DOI-BLM-UT-G021-2011-0030-EA, respectively). It is also my decision to offer leases to the successful bidders with protective measures as analyzed in the EAs and as identified in the Notice of Competitive Lease Sale Oil and Gas issued on August 15, 2011. The leases would be issued with the protective stipulations and notices as defined in Appendix A within each EA.

Parcels that are not sold at auction will be available for filing for noncompetitive lease for a 2-year period beginning November 24, 2011 [Notice of Competitive Lease Sale¹ (43 CFR. § 3120.6)].

Oil and gas leasing is a principal use of the public lands as identified in Section 102(a) (12), 103(1) of the Federal Land Policy and Management Act of 1976 (FLPMA), and it is conducted to meet requirements of the Mineral Leasing Act of 1920, as amended, the Mining and Minerals Policy Act of 1970, and the Federal Onshore Oil and Gas Leasing Reform Act of 1987 (Reform Act). My authority to make this decision is granted in 43 CFR subpart 3100 (Onshore Oil and Gas Leasing: General).

ALTERNATIVES

Each EA considered two alternatives: the No Action and the Proposed Action.

The No Action alternative (not to offer any of the nominated parcels for sale) was not selected from either EA because it does not meet the purpose and need for agency action. The sale of oil and gas leases is warranted and needed to meet the growing energy needs of the United States. Furthermore, it is a stated goal of each ROD/RMP to provide for exploration, development, and use of minerals on public land consistent with applicable laws and regulations. In addition, this alternative does not prevent indirect impacts relating to rights of way authorizations to support oil and gas operations on adjacent leased parcels.

PLAN CONFORMANCE AND CONSISTENCY

The proposed action from each EA has been reviewed and found to be in conformance with the Vernal Field Office Record of Decision and Approved Resource Management Plan (VFO ROD/RMP, 2008) and the Price Field Office Record of Decision and Approved Resource Management Plan (PFO ROD/RMP, 2008).

Oil and gas leasing categories are identified in each ROD/RMP. The VFO ROD/RMP [Decision MLE-6 (pages 98-99 and figure 8a)] and PFO ROD/RMP [Decision MLE-9 (page 126 and map R-25)] categorize lands for the oil and gas leasing within the planning areas that are available for leasing. Surface disturbing stipulations, best management practices and committed measures are contained within the governing land use plans.

¹ The Notice of Competitive Lease Sale is available online at:
http://www.blm.gov/style/medialib/blm/ut/lands_and_minerals/oil_and_gas/november_2011.Par.23518.File.dat/Notice%20for%20Sale%20November%202011.pdf

Pursuant to 40 CFR 1508.28 and 1502.21, these EAs tiered to and incorporated by reference the information and analysis contained in the RMPs as well as West Tavaputs Plateau Natural Gas Full Field Development Plan Environmental Impact Statement and Record of Decision (2010) and/or Greater Natural Buttes Supplement to the Draft Environmental Impact Statement (2011).

The nominated parcels were offered with additional resource protection measures consistent with the Vernal and Price Field Office RODs/RMPs, as maintained. The stipulations and lease notices attached to each parcel are identified within each EA at Appendix A.

Coordination with stakeholders (private landowners, State of Utah, United States Fish and Wildlife Service Ouray Wildlife Refuge, National Park Service and the United States Forest Service) was completed. Consultation with the United States Fish and Wildlife Service, the State Historic Preservation Officer and affected Tribes was also completed..

These EAs (DOI-BLM-UT-G010-2011-0248-EA and DOI-BLM-UT-G021-2011-0030-EA) also fulfill the requirements outlined in the Washington Office Instruction Memorandum-2010-117 (leasing reform).

One protest was received from the Southern Utah Wilderness Alliance (SUWA)² challenging the inclusion of seven parcels in the lease sale. The merits of the protest were considered and denied. The protest alleged that in offering the parcels for lease, the BLM had violated the National Environmental Policy Act (NEPA) and the Federal Land Policy and Management Act (FLPMA).

APPEAL LANGUAGE

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 address shown on the enclosed Form) 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.

² The SUWA protest also included the following groups: The Wilderness Society, Natural Resources Defense Council, Grand Canyon Trust, and Rocky Mountain Wild.

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 the Office of the Regional 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.

/s/ Roger L Bankert

Acting for Kent Hoffman

Authorized Officer

12/23/11

Date

Enclosure:
Form 1842-1

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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- 1. NOTICE OF APPEAL**..... A person who wishes to appeal to the Interior Board of Land Appeals must file in the office of the officer who made the decision (not the Interior Board of Land Appeals) a notice that he wishes to appeal. 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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- 2. WHERE TO FILE** Bureau of Land Management, Utah State Office, P.O. Box 45155, Salt Lake City, Utah 84145-0151
- NOTICE OF APPEAL..... or
- Bureau of Land Management, Utah State Office, 440 West 200 South, Suite 500, Salt Lake City, Utah 84101
- and
- WITH COPY TO SOLICITOR... Regional Solicitor, Room 6201, 125 South State Street, Salt Lake City, Utah 84111
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- 3. STATEMENT OF REASONS** 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).
- WITH COPY TO SOLICITOR..... Regional Solicitor, Room 6201, 125 South State Street, Salt Lake City, Utah 84111
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- 4. ADVERSE PARTIES**..... 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).
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- 5. PROOF OF SERVICE**..... 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(c)).
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- 6. REQUEST FOR STAY**..... 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 *Notice of Appeal* (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 2801.10 or 43 CFR 2881.10). A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the *Notice of Appeal* and Petition for a Stay **must** 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.
- 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 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.

(Form 1842-1, September 2006)