

United States Department of the Interior Bureau of Land Management

Decision Record
Environmental Assessments
DOI-BLM-UT-G021-2013-0021-EA (Price)
DOI-BLM-UT-G010-2013-133-EA (Vernal)

December 2013

November 2013 Oil and Gas Lease Sale

Location: Price Field Office
Carbon County, Utah

Vernal Field Office
Uintah 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 84101

Utah State Office
440 West 200 South, Suite 500
Salt Lake City, Utah 84101
Office (801) 539-4001
FAX (801) 539-4237



DECISION RECORD
Environmental Assessments
DOI-BLM-UT-G021-2013-0021-EA
DOI-BLM-UT-G010-2013-133-EA

It is my decision to select Alternative A – Proposed Action from the environmental assessments (EAs) prepared by the Price Field Office (DOI-BLM-UT-G021-2013-0021-EA) and the Vernal Field Office (DOI-BLM-UT-G010-2013-133-EA) for the November 19, 2013, oil and gas lease sale. More specifically, it is my decision to issue leases with the protective measures (stipulations and notices), as identified in the EAs and the Notice of Competitive Oil and Gas Lease Sale (NCLS) issued on August 16, 2013, and subject to the changes identified by the errata sheets issued on August 30, November 14 and November 15, 2013, for the following 35 parcels (44,021.020 acres): UTU89902 (UT1113-120), UTU89913 (UT1113-159), UTU89914 (UT1113-160), UTU89915 (UT1113-161), UTU89916 (UT1113-180), UTU89917 (UT1113-181), UTU89918 (UT1113-182), UTU89919 (UT1113-183), UTU89920 (UT1113-184), UTU89921 (UT1113-185), UTU89922 (UT1113-188), UTU89924 (UT1113-190), UTU89938 (UT1113-221), UTU89939 (UT1113-222), UTU89940 (UT1113-223), UTU89941 (UT1113-224), UTU89942 (UT1113-225), UTU89943 (UT1113-226), UTU89944 (UT1113-227), UTU89948 (UT1113-234), UTU89952 (UT1113-237A), UTU89956 (UT1113-287), UTU89957 (UT1113-289), UTU89958 (UT1113-291), UTU89959 (UT1113-294), UTU89960 (UT1113-296), UTU89961 (UT1113-297), UTU89963 (UT1113-321), UTU89965 (UT1113-395), UTU89976 (UT1113-586), UTU89977 (UT1113-587), and UTU89980 (UT1113-591A).

This decision incorporates the documented results presented in the Finding of No Significant Impacts (FONSI) for this lease sale. The FONSI found that based upon the analysis in the EAs and other supporting documentation in the administrative record for the November 2013 lease sale, and considering the criteria for significance provided by 40 Code of Federal Regulations (CFR) 1508.27, leasing the above parcels is not a major federal action and it will not have a significant effect or impact on the quality of the human environment, individually or cumulatively with other actions in the general area, beyond those described in the Price Field Office Final Environmental Impact Statement (FEIS), Record of Decision (ROD) and Approved Resource Management Plan (RMP) (2008, as maintained) and the Vernal Field Office FEIS, ROD and Approved RMP (2008, as maintained) to which the EAs are tiered.

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

PLAN CONFORMANCE AND CONSISTENCY

The Proposed Actions were reviewed and found to be in conformance with the decisions contained in the 2008 (and as maintained) Record of Decisions and Approved Resource Management Plans (ROD/RMPs) for the Price and Vernal Field Offices.

The Proposed Action is in conformance with the Price Field Office ROD/RMP because it is specifically provided for in the following decisions:

MLE-5 (Price Field Office ROD/RMP, pg. 125)

The BLM has identified land use plan leasing allocations for all lands within the Price Field Office. In addition, the Proposed RMP describes specific lease stipulations (Appendix R-3) that apply to a variety of different resources including raptors, greater sage grouse, and big game habitat, as well as program-related Best Management Practices (Appendix R-14) that may be applied on a case-by-case basis, site-specific basis to prevent, minimize, or mitigate resource impacts (Map R-8).

MLE-6 (Price Field Office ROD/RMP, pg. 125)

Review all lease parcels prior to lease sale. If the Price Field Office determines that new resource data information or circumstances relevant to the decision is available at the time of the lease review that warrants changing a leasing allocation or specific lease stipulation, the Price Field Office will make appropriate changes through the plan maintenance or amendment process. The Price Field Office may also apply appropriate conditions of approval at the permitting stage to ensure conformance with the land use plan and all applicable laws, regulations, and policies.

MLE-9 (Price Field Office ROD/RMP, pg. 126)

Oil and gas leasing management will be conducted as shown on Map R-25a.

- Areas open to leasing subject to the standard terms and conditions of the lease form (1,161,000 acres)
- Areas open to leasing subject to moderate constraints (timing limitations; CSU, and lease notices) (467,000 acres)
- Areas open to leasing subject to major constraints (NSO) (282,000 acres)
- Areas unavailable to leasing (569,000 acres)

The combination of all restrictions on oil and gas development is shown on Map R-26a.

The Proposed Action is also consistent with the Price Field Office ROD/RMP decisions and objectives as they relate to the management of the following resources (including but not limited to): air quality, BLM natural areas, cultural resources, recreation, riparian, soils, water, vegetation, fish and wildlife, and Areas of Critical Environmental Concern (ACECs). Additional ROD/RMP decisions are specified in Chapters 1 and 3 and Appendix C (Interdisciplinary Team Checklist) of the Price Field Office EA (DOI-BLM-UT-G021-2013-0021-EA). In addition, site visits were conducted to the Proposed Action parcels in order to verify existing data and consistency with the Price Field Office ROD/RMP.

The Proposed Action is in conformance with the Vernal Field Office ROD/RMP because it is specifically provided for in the following decisions:

- The Vernal Field Office ROD/RMP decisions MIN 6 to MIN 14 (pp. 98-99), along with the corresponding Oil and Gas Leasing map (Figure 8a), identify those specific lands within the Vernal Field Office that are available for oil and leasing as well as the type of conditions/restriction applicable to oil and gas leases in the Vernal Field Office.

- Appendices K (Surface Stipulations to all Surface Disturbing Activities), L (Utah's Threatened and Endangered Species Lease Notices for Oil and Gas and BLM-committed Conservation Measures) and R (Fluid Minerals Best Management Practices) of the Vernal Field Office ROD/RMP contain pertinent stipulations, lease notices and committed measures.

The Proposed Action is also consistent with Vernal Field Office ROD/RMP decisions, and corresponding goals and objectives, related to the management of (including but not limited to) air quality, cultural resources, recreation, riparian, soils, water, vegetation, fish and wildlife and ACECs. Additional ROD/RMP decisions are specified in Chapters 1 and 3 and Appendix C (Interdisciplinary Team Checklist) of the Vernal Field Office EA (DOI-BLM-UT-G010-2013-133-EA). In addition, site visits were conducted to the Proposed Action parcels in order to verify existing data and consistency with the Vernal Field Office ROD/RMP.

ALTERNATIVES AND RATIONALE FOR DECISION

Both EAs considered two alternatives: Alternative A – Proposed Action and Alternative B – No Action. Other action alternatives were not considered because the issues identified during scoping (internal) did not indicate a need for additional alternatives or protective measures beyond those contained in the Proposed Actions. Other alternatives were not suggested by the public as a result of the comment periods provided for the EAs. The No Action alternatives were considered and analyzed to provide a baseline for comparison.

In processing the expressions of interest (EOIs) filed with this office, the Bureau of Land Management (BLM) considered oil and gas leasing on approximately 1,071,911 acres of land within the jurisdiction of the Price and Vernal Field Offices. Based upon a lease parcel review process that was conducted in accordance with the National Environmental Policy Act (NEPA) and BLM Washington Office (WO) Instruction Memoranda (IM) No. 2010-117, *Oil and Gas Leasing Reform – Land Use Planning and Lease Parcel Reviews*, approximately 1,027,890 acres of the nominated lands were either removed or deferred from consideration for offering at the November 19, 2013, oil and gas lease sale.

Lands were removed from leasing consideration, if they were determined to be unavailable for lease. The nominated lands that were determined to be unavailable for lease included lands within wilderness study areas, lands already under an existing oil and gas lease and lands where the United States (US) Government does not own the mineral rights.

The reasons for deferring leasing consideration for certain lands included a need for additional time to complete appropriate analysis regarding the potential impacts of leasing upon sage-grouse, cultural resources, proposed critical habitat for the Graham's and White River penstemon (US Fish and Wildlife Service proposed listing both species as threatened under the Endangered Species Act [ESA] in August 2013) and potentially new information regarding lands with wilderness characteristics. Lands were also deferred on account of being located within the boundaries of a pending Master Leasing Plan (MLP), State Director discretion, and workload limitations associated with the available staff in the Price Field Office. Additional information regarding the deferred lands is documented in the Deferred Lands List maintained on the BLM Utah's oil and

gas lease sale website¹ and in the administrative record compiled and maintained by BLM for the November 19, 2013, oil and gas lease sale.

The NCLS posted on August 16, 2013, identified 82 parcels encompassing approximately 143,981 acres proposed for offering at the November 19, 2013, lease sale. The parcels proposed for lease in the NCLS corresponded with the parcels analyzed in the EAs and recommended for lease by memoranda from the Price and Vernal Field Offices to the BLM Utah State Office.

On August 30, November 14 and November 15, 2013, errata sheets for the NCLS were posted, which deferred leasing consideration for 47 entire parcels and portions of 9 parcels, corrected the legal descriptions and acreage for 3 parcels and applied additional lease notices to 33 parcels. As a result, 35 lease parcels encompassing 44,021.020 acres, which have been referenced on the first page of this decision, were offered for sale during the competitive auction held on November 19, 2013.

Bids were received upon 29 of the 35 parcels offered at the November 19, 2013, lease sale auction. The 6 parcels that were not bid upon became available for noncompetitive lease for a two-year period that commenced on November 20, 2013. All 6 parcels received noncompetitive lease offers on November 20, 2013.

The Proposed Actions, as modified by errata and discussed above, were selected because they best met the BLM's purpose and need for action. Selling oil and gas leases is needed to meet the energy needs of the United States and offering parcels for competitive oil and gas leasing, as has occurred with the November 2013 lease sale, provides for the orderly development of fluid mineral resources under BLM's jurisdiction in a manner that is consistent with multiple use management and the need to consider potential impacts to the environment and other resources that may be present.

The lease parcel review completed by BLM for the November 2013 oil and gas lease sale, which included preparation of the EAs, ensured that adequate provisions were included in the standard lease terms, stipulations and notices to protect public health and safety and assure full compliance with the objectives of the National Historic Preservation Act (NHPA), ESA, NEPA, FLPMA and other federal laws and regulations designed to protect the environment and the multiple use management of public lands.

Under the Proposed Actions, continued interdisciplinary support and consideration would be required to ensure on-the-ground implementation of planning objectives, including the proper implementation of lease stipulations notices and best management practices through the Application for Permit to Drill (APD) process.

Notice, involvement, coordination and consultation with the public and interested stakeholders, which included private surface owners of "split estate" lands (private surface/Federal minerals), the US Fish and Wildlife Service, the US Forest Service, the National Park Service, Indian Tribes, and the State of Utah's State Historic Preservation Office (SHPO), Division of Wildlife Resources (DWR), Public Lands Policy Coordination Office (PLPCO) and School and Institutional Trust Lands Administration (SITLA), has occurred for the November 2013 oil and gas lease sale in full compliance with the requirements imposed by NHPA, ESA, MLA, 43 CFR Subpart 3120, WO IM

¹ Accessed online at:
http://www.blm.gov/style/medialib/blm/ut/lands_and_minerals/oil_and_gas/miscellaneous_oil0.Par.47285.File.dat/Deferred%20Lands%20Master%20List.pdf

No. 2010-117 and other applicable laws, regulations and policies. Detailed information regarding public and stakeholder involvement with the November 19, 2013, oil and gas lease sale has been documented in the EAs and the administrative record compiled and maintained by BLM for the November 2013 lease sale.

As noted, this decision is in compliance with the requirements imposed by NHPA and ESA. Compliance with NHPA, which included consultations with potentially interested Tribes and SHPO and concurrence from SHPO, is documented in Chapter 5 and Appendix C (Interdisciplinary Team Checklist) of the EAs and the administrative record compiled and maintained by BLM for the November 2013 lease sale. Compliance with ESA, which included informal consultation under section 7 of ESA and the subsequent concurrence from US Fish and Wildlife Service with respect to BLM's determination that leasing the 35 parcels offered at the November 2013 lease sale "may affect, not likely to adversely affect" federally listed species, is documented through the administrative record for the November 2013 lease sale and the EAs.

Also as noted, the EAs were prepared in full compliance with the requirements outlined in WO IM No. 2010-117, which included posting drafts of the EAs and unsigned FONSI's for public review and comment from June 14 to July 15, 2013. The comments received and BLM responses and actions as a result of those comments have been documented in Appendix E of the EAs.

Issuance of the NCLS on August 16, 2013, initiated a 30 day public protest period that ended on September 16, 2013. During the protest period, 484 properly filed protests were received. However, based upon a review of those protests, it was determined that only one protest, which was submitted collectively by the Southern Utah Wilderness Alliance, Sierra Club, Grand Canyon Trust, Rocky Mountain Wild, Utah Rivers Council, Natural Resources Defense Council, Wilderness Society, and Great Old Broads (collectively: SUWA, et al.), provided substantive contentions. The protest submitted by SUWA, et al., which, as noted above, was the only properly filed substantive protested received for the November 2013 lease sale, was rescinded, in its entirety, on November 15, 2013. As such, there are no unresolved properly filed substantive protests of the November 19, 2013, oil and gas lease sale.

/s/ Kent Hoffman _____
Authorized Officer

12/20/2013 _____
Date