

United States Department of the Interior Bureau of Land Management

Decision Record
Environmental Assessments
DOI-BLM-UT-G021-2014-029-EA (Price Field Office)
DOI-BLM-UT-G010-2014-093-EA (Vernal Field Office)

January 2015

November 2014 Oil and Gas Lease Sale

Location: Green River District
Price Field Office
Vernal Field Office

Applicant/Address: U.S. Department of the Interior
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DECISION RECORD
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DOI-BLM-UT-G021-2014-029-EA (Price Field Office)
DOI-BLM-UT-G010-2014-093-EA (Vernal Field Office)

DECISION

It is my decision to select the “Alternative A - Proposed Action” alternatives, with modifications as discussed below, from each of the following environmental assessments (collectively “the EAs”): DOI-BLM-UT-G021-2014-029-EA (“Price EA”) and DOI-BLM-UT-G010-2014-093-EA (“Vernal EA”), prepared by the Bureau of Land Management (“BLM”) Price and Vernal Field Offices (“FOs”), respectively, for the competitive oil and gas lease sale held on November 18, 2014 (“November 2014 Lease Sale”).¹ More specifically, it is my decision to issue oil and gas leases for the below-listed sixty-four parcels of land (“lease parcels”), which were analyzed and proposed for oil and gas leasing in the Alternative A – Proposed Action alternatives in the EAs, as configured and with the protective measures (i.e. standard lease terms, stipulations and lease notices) provided for by the Notice of Competitive Oil and Gas Lease Sale (“NCLS”) issued by this office on August 15, 2014 as modified by the errata sheets (“the errata sheets”) issued by this office on November 17 and November 18, 2014.² This decision record (“DR”) addresses oil and gas leasing, as previously described, for the following sixty-four lease parcels:

Price FO parcels (DOI-BLM-UT-G021-2014-029-EA):

UT1114 – 005 (UTU90721), UT1114 – 007 (UTU90722), UT1114 – 009 (UTU90723),
UT1114 – 010 (UTU90724), UT1114 – 011 (UTU90725), UT1114 – 020 (UTU90726),
UT1114 – 021 (UTU90727), UT1114 – 028 (UTU90728), UT1114 – 029 (UTU90729),
UT1114 – 030 (UTU90730), UT1114 – 031 (UTU90731), UT1114 – 032 (UTU90732),
UT1114 – 034 (UTU90733), UT1114 – 035 (UTU90734), UT1114 – 037 (UTU90735),
UT1114 – 038 (UTU90736), UT1114 – 040 (UTU90737), UT1114 – 041 (UTU90738),
UT1114 – 042 (UTU90739), UT1114 – 043 (UTU90740), UT1114 – 044 (UTU90741),
UT1114 – 045 (UTU90742), UT1114 – 046 (UTU90743), UT1114 – 047 (UTU90744),
UT1114 – 048 (UTU90745), UT1114 – 049 (UTU90746), UT1114 – 054 (UTU90749),
UT1114 – 055 (UTU90750), and UT1114 – 056 (UTU90751)

Vernal FO parcels (DOI-BLM-UT-G010-2014-093-EA):

UT1114 – 050 (UTU90747), UT1114 – 051 (UTU90748), UT1114 – 107 (UTU90752),

¹ Hard copies of the EAs may be obtained by request to the BLM Utah State Office (using the contact information provided on the cover-page of this document). Electronic copies of the EAs can be accessed through the BLM Utah’s oil and gas lease sale website located at:
http://www.blm.gov/ut/st/en/prog/energy/oil_and_gas/oil_and_gas_lease.html.

² Copies of the NCLS and the errata sheets may be obtained by request to the BLM Utah State Office or by accessing the BLM Utah oil and gas lease sale website.

UT1114 – 109 (UTU90753), UT1114 – 110 (UTU90754), UT1114 – 112 (UTU90755), UT1114 – 113 (UTU90756), UT1114 – 114 (UTU90757), UT1114 – 116 (UTU90758), UT1114 – 119 (UTU90760), UT1114 – 124 (UTU90762), UT1114 – 132 (UTU90764), UT1114 – 133 (UTU90765), UT1114 – 134 (UTU90766), UT1114 – 135 (UTU90767), UT1114 – 137 (UTU90768), UT1114 – 151 (UTU90769), UT1114 – 153 (UTU90770), UT1114 – 155 (UTU90771), UT1114 – 156 (UTU90772), UT1114 – 157 (UTU90773), UT1114 – 163 (UTU90774), UT1114 – 169 (UTU90775), UT1114 – 174 (UTU90777), UT1114 – 176 (UTU90778), UT1114 – 177 (UTU90779), UT1114 – 179 (UTU90780), UT1114 – 195 (UTU90781), UT1114 – 196 (UTU90782), UT1114 – 209 (UTU90783), UT1114 – 214 (UTU90784), UT1114 – 216 (UTU90785), UT1114 – 217 (UTU90786), UT1114 – 218 (UTU90787), and UT1114 – 254 (UTU90788).

This decision was made in reliance upon and incorporates the documented results and rationale presented in the Finding of No Significant Impacts (“FONSI”) that was issued by this office for the November 2014 Lease Sale based. Based upon a review of the EAs and considering the criteria for significance described by section 1508.27 of Title 40 of the Code of Federal Regulations (“C.F.R.”), the FONSI determined that oil and gas leasing of the lease parcels, as provided for in the Proposed Action alternatives for the EA and the NCLS as modified by the errata sheet, does not constitute a major federal action and it will not have a significant effect on the quality of the human environment, individually or cumulatively with other actions in the general project area, beyond those already described in the following Records of Decision and Approved Resource Management Plans (collectively “the ROD/RMPs”): Price FO ROD/RMP (BLM, 2008, as maintained) and the Vernal FO ROD/RMP (BLM, 2008, as maintained) and the Final Environmental Impact Statements (“FEISs”) upon which the ROD/RMPs rely.

The authority to make this decision is provided for by the Mineral Leasing Act (“MLA”), as amended, 30 U.S.C. §§ 181 *et seq.*, as implemented at 43 C.F.R. Part 3100.

ALTERNATIVES CONSIDERED AND RATIONALE FOR DECISION

As provided in sections 102(a)(12) and 103(l) of the Federal Land Policy and Management Act (“FLPMA”), 43 U.S.C. §§ 1701(a)(12), 1702(l), oil and gas leasing is a “principal use” for the public lands. The BLM issues oil and gas leases on the public lands in order to provide for the orderly development of the fluid mineral resources under its jurisdiction in a manner that is consistent with the multiple use management provided for by FLPMA. *E.g.*, 43 U.S.C. § 1702(c). Moreover, pursuant to requirements under the Federal Onshore Oil and Gas Leasing Reform Act of 1987, Pub. L. No. 100-203, which amended the MLA, BLM Utah holds competitive oil and gas lease sales, on a quarterly basis, in order to respond to public requests for “nominated” federal lands to be made available for oil and gas leasing. *See* 30 U.S.C. § 226(b)(1)(A); 43 C.F.R. § 3120.1-1.

However, before federal lands are offered for oil and gas leasing at a competitive lease sale, BLM Utah considers the potential consequences of issuing oil and gas leases for any such lands during a “lease parcel review process.” The BLM Utah has engaged in such a

lease parcel review process for the specific purpose of considering the potential consequences of issuing oil and gas leases for certain federal lands in the Price and Vernal FOs that members of the public nominated to be made available for oil and gas leasing at the November 2014 Lease Sale. This lease sale review process, which was conducted in accordance with guidance provided by BLM Washington Office (“WO”) Instruction Memorandum (“IM”) No. 2010-117, *Oil and Gas Leasing Reform – Land Use Planning and Lease Parcel Reviews*, and BLM Utah IM No. 2014-006, *Oil and Gas Leasing Program NEPA Procedures Pursuant to Leasing Reform*, included the preparation of the EAs.

Both of the EAs prepared for the November 2014 Lease Sale considered two alternatives in detail. More specifically, the EAs both considered the following two alternatives: Alternative A – Proposed Action and Alternative B – No Action. The Proposed Action alternatives both provided for the offering for lease at the November 2014 Lease Sale and the subsequent oil and gas leasing of certain parcels with protective measures applied in accordance with the applicable land use plans and as identified in the EAs. The No Action alternatives, under which no lands would be offered for lease at the November 2014 Lease Sale, were both considered and analyzed to provide a baseline for comparing the Proposed Action alternatives.

Other action alternatives were considered, but ultimately not brought forward for detailed analysis in the EAs because the issues identified during scoping did not indicate a need for additional alternatives or mitigating measures beyond those addressed and considered through the Proposed Action and No Action alternatives.

In reviewing the publicly submitted nominations, which are also known as “expressions of interest” (“EOIs”), for the November 2014 Lease Sale, BLM Utah considered oil and gas leasing on approximately 442,816 acres of land under the jurisdictions of the Price and Vernal FOs. However, during the lease parcel review process BLM determined that approximately 378,491 acres of the nominated lands should either be removed from consideration for oil and gas leasing or “deferred” from offering for oil and gas leasing at the November 2014 Lease Sale.

Nominated lands were removed from leasing consideration if it was determined that the lands would be unavailable to offer for lease at the November 2014 Lease Sale. More specifically, the nominated lands determined to be unavailable for oil and gas leasing included areas already under an existing oil and gas lease, lands where the United States does not own the subsurface minerals rights, Wilderness Study Area (“WSA”) lands and areas where the minerals are managed as a part of the Uintah and Ouray Indian Reservation. In addition, nominations of “split estate” lands (privately owned surface/federally owned minerals) where the nominator did not provide contact information for the non-federal surface owners were also removed from oil and gas leasing consideration.

Nominated lands were deferred from being offering for lease at the November 2014 Lease Sale for various reasons. These reasons included the deferral of nominated lands for which it was determined during the lease parcel review process that additional time beyond the November 2014 Lease Sale would be needed to adequately analyze the

potential impacts of oil and gas leasing on other resource values, such as lands with wilderness characteristics, greater sage-grouse, white-tailed prairie dog and Graham's and White River beardtongue. In addition, State Director discretion was exercised to defer certain nominated lands from being offering for lease at the November 2014 Lease Sale for other reasons, such as the desire to preserve future land use planning alternatives for nominated lands within the boundaries of a proposed Master Leasing Plan ("MLP"). Lands where it was believed that future oil and gas operations could potentially conflict with coal operations were also deferred from the November 2014 Lease Sale.

Additional information regarding the nominated lands that were deferred from offering for lease at the November 2014 Lease Sale is documented in the EAs and on the "Deferred Lands List" maintained on the BLM Utah oil and gas lease sale website.³

In addition to BLM's internal review and analyses, the lease parcel review process for the November 2014 Lease Sale also included multiple opportunities for public review and participation. The first such opportunity for public review and participation occurred when initial drafts of the EAs were posted for public review and comment from June 13 to July 14, 2014.

After the public review and comment periods for the draft EAs, BLM reviewed the public comments that were received, as well other information obtained from both internal and external sources, and revised the EAs, as determined appropriate.

On August 15, 2014, BLM posted revised versions of the EAs along with the NCLS for public review. The NCLS identified sixty-eight parcels, encompassing approximately 71,613 acres of land within the Price and Vernal FOs, that BLM proposed to offer for oil and gas leasing during the November 2014 Lease Sale.⁴ The NCLS also identified protective stipulations and lease notices that BLM intended to attach to each of the lease parcels proposed for offering at the November 2014 Lease Sale. The depiction in the NCLS as to the parcels proposed for lease, and the protective stipulations and lease notices that would be attached to each of those parcels, was based upon and identical to the oil and gas leasing proposals identified as the Alternative A – Proposed Action alternatives in the EAs.

The posting of the NCLS initiated a public protest period for the November 2014 Lease Sale that concluded on September 15, 2014. During that protest period, three properly-filed protests were received. Those protests, which collectively protested the offering for lease of forty-one of the parcels proposed for lease in the NCLS, were submitted by the following organizations: (1) Trout Unlimited; (2) Rocky Mountain Wild and WildEarth Guardians, jointly (collectively "RMW"); and (3) Southern Utah Wilderness Alliance, Sierra Club, Grand Canyon Trust, Natural Resources Defense Council, and The Wilderness Society, jointly (collectively "SUWA").

³ The Deferred Lands List can be 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

⁴ The NCLS also provide notice of the proposed reoffering of one additional lease parcel, UT0514-009 ("UTU90789"), within the Richfield FO that had been offered and bid upon at the May 20, 2014, lease sale, but subsequently rejected because the winning bidder failed to timely pay all monies owed. The leasing of parcel UTU90789 was addressed through the lease parcel review process, and associated NEPA documents, completed for the May 20, 2014, lease sale.

On November 17, 2014, after considering the merits of all substantive contentions raised in the protests of the November 2014 Lease Sale, BLM issued three decision documents (“the Protest Responses”) that collectively addressed and responded to each of the protests received.⁵ The Protest Responses set forth BLM’s decisions regarding the protests, which included granting the protest submitted by Trout Unlimited, denying-in-part and granting-in-part the protest submitted by RMW, and denying-in-part, dismissing-in-part as moot, and granting-in-part the protest submitted by SUWA.

The considerations, discussions and determinations stated or referenced in the Protest Responses were both considered and support the determinations set forth in the FONSI prepared for the November 2014 Lease Sale and this DR. As such, the Protest Responses are incorporated by reference in to this DR.

With respect to the decisions in the Protests Responses to grant, grant-in-part and dismiss-in-part certain aspects of the protests, which required changes from the NCLS, and the Proposed Action alternatives in the EAs, with respect to the lands (parcels) to be offered for lease or the conditions under which certain lands would be offered for lease at the November 2014 Lease Sale, those decisions and the associated revisions to the NCLS were formally enacted through the issuance of the errata sheets to the NCLS discussed above.

On November 17 and November 18, 2014, the errata sheets to the NCLS were posted to the BLM Utah oil and gas lease sale website and in the BLM Utah State Office. Among other things, those errata sheets deferred leasing for four entire parcels, Vernal FO parcels UT1114 – 118 (UTU90759), UT1114 – 121 (UTU90761), UT1114 – 126 (UTU90763), and UT1114 – 173 (UTU90776), and portions of seven parcels, Price FO parcels UT1114 – 005 (UTU90721), UT1114 – 007 (UTU90722), UT1114 – 037 (UTU90735), and UT1114 – 054 (UTU90749) and Vernal FO parcels UT1114-051 (UTU90748), UT1114 – 113 (UTU90756), and UT1114 – 195 (UTU90781), which the NCLS and the EAs had proposed to offered for lease at the November 2014 Lease Sale.⁶ As a result, the sixty-four parcels encompassing approximately 64,325 acres within the jurisdictions of the Price and Vernal FOs, which constitute the “lease parcels” that are the subject of this DR, were offered for oil and gas leasing at the November 2014 Lease Sale.

Of the lease parcels that were offered for lease at the November 2014 Lease Sale, sixty-three parcels received bids. The only parcel that did not receive a bid during the subject lease auction, Price FO parcel UT1114 – 005 (UTU90721), became available for noncompetitive leasing, in accordance with 43 C.F.R. Subpart 3110, for a two-year period that commenced on November 19, 2014.

The Alternative A - Proposed Action alternatives, with modifications as previously described, were selected because they best met the BLM’s purpose and need for action, as described in the EAs at Chapter 1 (Price EA at § 1.3; Vernal EA at § 1.4). The stated purposes and needs for the November 2014 Lease Sale included meeting certain responsibilities imposed upon BLM by the MLA and the FLPMA. For example, pursuant to the MLA, BLM Utah must hold competitive oil and gas lease sales on “at least [a]

⁵ Copies of the Protest Responses may be obtained by request to the BLM Utah State Office or by accessing the BLM Utah oil and gas lease sale website.

⁶ The errata sheets also removed stipulations from six parcels and applied additional lease notices to several parcels.

quarterly” basis, when eligible lands are available. 30 U.S.C. § 226(b)(1)(A). As such, BLM Utah holds quarterly competitive oil and gas lease sales, which typically includes holding a lease sale in November of every year. The November 2014 Lease Sale served to meet BLM Utah’s aforementioned requirements under the MLA by responding to requests from the public that certain nominated eligible federal lands be made available for oil and gas leasing.

The November 2014 Lease Sale also served to meet certain purposes and needs, as referenced in the EAs, related to responsibilities that BLM holds pursuant to FLPMA. For example, section 102 of FLPMA imposes upon BLM a responsibility to manage the public lands in a manner that “recognizes the Nation’s need for domestic sources of minerals.” 43 U.S.C. § 1701(a)(12). Selling oil and gas leases will assist in meeting the energy needs of the United States and, as such, offering parcels for competitive oil and gas leasing at the November 2014 Lease Sale is consistent with the aforementioned requirements of section 102. Furthermore, the November 2014 Lease Sale will allow for the orderly development of fluid mineral resources under the jurisdiction of BLM in a manner that is consistent with other requirements under FLMPA, such as the mandate to manage the public lands for multiple uses and the need to consider the potential impacts to the environment and other resources that may be present. *See generally* 43 U.S.C. §§ 1701 *et seq.*; *See also* 42 U.S.C. §§ 4321 *et seq.*

The Alternative B - No Action alternatives provided for in the EAs would not have met the purposes and needs stated in the EAs at Chapter 1 (Price EA at § 1.3; Vernal EA at § 1.4). For example, because under the No Action alternatives no federal lands would be offered for oil and gas leasing at the November 2014 Lease Sale, those alternatives would not meet BLM’s purposes and needs associated with meeting the requirements under the MLA to hold quarterly oil and gas lease sales when eligible lands are available. In addition, by not offering lands for oil and gas leasing at the November 2014 Lease Sale, the No Action alternatives also would not support BLM in meeting those purposes and needs associated with meet requirements under FLMPA to manage the public lands for multiple uses and in recognition of the Nation’s needs for domestic sources of energy.

The lease parcel reviews completed by BLM for the November 2014 Lease Sale, which included the preparation of the EAs, ensured that adequate provisions were included in the standard lease terms, stipulations and lease notices applied to the lease parcels in order to protect public health and safety and assure full compliance with the objectives of the National Environmental Policy Act (“NEPA”), 42 U.S.C. §§ 4321 *et seq.*, the National Historic Preservation Act (“NHPA”), 16 U.S.C. §§ 470 *et seq.*, the Endangered Species Act (“ESA”), 16 U.S.C. §§ 1531 *et seq.*, FLPMA and other federal laws and regulations designed to protect the environment and the multiple use management of public lands.

The EAs were used to document the conformance and consistency of the Proposed Action alternatives (offering the lease parcels at the November 2014 Lease Sale) with the applicable land use plans and the necessary administrative actions, stipulations, lease notices, special conditions, or restrictions that would be made a part of an actual lease at the time of issuance. The modifications to the Proposed Actions, as provided for by this decision, were made in such a manner so as to ensure the conformance of this decision with the applicable land use plans. Under the Proposed Actions and this decision,

continued interdisciplinary support and consideration would be required to ensure on-the-ground implementation of planning objectives, including the proper implementation of stipulations, lease 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, the United States Fish and Wildlife Service (“USFWS”), the United States Forest Service, the National Park Service, Native American Tribes, and the State of Utah’s State Historic Preservation Office (“SHPO”), Division of Wildlife Resources (“UDWR”), Public Lands Policy Coordination Office (“PLPCO”) and School and Institutional Trust Lands Administration (“SITLA”), has occurred for the November 2014 Lease Sale in full compliance with the requirements imposed by NEPA, NHPA, ESA, MLA, 43 C.F.R. Subpart 3120, BLM WO IM No. 2010-117 and other applicable laws, regulations and policies.

Detailed information regarding public and stakeholder involvement with the November 2014 Lease Sale has been documented in the EAs and the administrative record compiled and maintained by the BLM Utah State Office for the November 2014 Lease Sale.⁸

As stated above, the Proposed Actions were reviewed and found to be in conformance with the decisions contained in the applicable land use plans, the Price FO ROD/RMP (BLM, 2008, as maintained) and the Vernal FO ROD/RMP (BLM, 2008, as maintained), because they are specifically provided for in the management decisions contained within those RMPs. The modifications to the Proposed Actions, as provided for by this decision, were made in such a manner so as to ensure the conformance of this decision with the applicable land use plans. Additional information regarding the conformance and consistency of the Proposed Actions with the applicable land use plans is documented in Chapter 1 of both of the EAs (Price EA at § 1.4; Vernal EA at § 1.5).

Also as noted above, this decision is in compliance with the requirements imposed by NHPA. In order to identify and assess the potential impacts that offering the lease parcels at the November 2014 Lease Sale, as provided for by the Proposed Action alternatives and the NCLS as modified by the errata sheets, might have on cultural resources, including historic properties that are listed or eligible for listing on the National Register pursuant to the NHPA, BLM cultural resources specialists reviewed and analyzed existing records for cultural resources within the areas of potential effects (“APEs”) for the lease parcels. These cultural resources records reviews and analyses, which are referred to as “Class I” cultural resources literature reviews, indicated cultural site densities that, when considered along with the protective measures applicable to each of the lease parcels (i.e. standard lease terms, lease notices and stipulations), lead both the Price and Vernal FOs to determine that the issuance and subsequent development of the lease parcels at the November 2014 Lease Sale could occur without having significant adverse impacts upon cultural resources. Moreover, with respect to those cultural resources eligible for protection under the NHPA specifically, in accordance with section 106 of the NHPA, 16 U.S.C. § 470f, and its implementing regulations at 36 C.F.R. Part

⁸ The administrative record for the November 2014 Lease Sale may be obtained by request to the BLM Utah State Office.

800, the Price and Vernal FOs made determinations of “No Historic Properties Affected; eligible sites present but not affected as defined by 36 C.F.R. § 800.4 [§ 800.16(i)]” and “No Adverse Effect (36 C.F.R. § 800.5(b)) on historic properties,” respectively, for the offering of the lease parcels at November 2014 Lease Sale.

For the purposes of soliciting additional information and to request consultation regarding the presence of and potential impacts to cultural resources, including historic properties listed on or eligible for listing on the National Register, within the APEs for the lease parcels, BLM sent letters to SHPO and potentially interested Native American Tribes, which provided those parties with notice and documentation supporting BLM’s determinations as to the potential impacts of the November 2014 Lease Sale lease parcels on cultural resources.

On May 14, 2014, SHPO provided its written concurrence for the Price FO’s determination of “No Historic Properties Affected” by the offering for lease of the November 2014 Lease Sale lease parcels. Likewise, on June 2, 2014, SHPO provided its written concurrence for the determination by the Vernal FO that there would be “No Adverse Effect” to historic properties as a result of leasing the lease parcels, as provided for in the NCLS and the Proposed Action alternative.

Additional information regarding communications with Native American Tribes and SHPO and BLM’s review and determinations as to the potential impacts of the November 2014 Lease Sale lease offering on cultural resources, as well as the compliance of the November 2014 Lease Sale with the NHPA, the American Indian Religious Freedom Act, the Native American Graves Protection and Repatriation Act, and other related laws, regulations and policies, can be found in the EAs and in the administrative record for the November 2014 Lease Sale.

Also as noted above, this decision is in compliance with all requirements imposed by ESA. The basis for this determination is summarized below.

In 2006, BLM Utah and USFWS engaged in a statewide programmatic consultation for the BLM Utah’s oil and gas leasing program. This statewide consultation resulted in the development of specific oil and gas lease notices for individual ESA listed species. The BLM and USFWS developed and agreed to the language for these lease notices with the intent that they would be applied in conjunction with the authority of the ESA and the standard lease terms (BLM Form 3100-11) for the management and protection of the species addressed by the notices in accordance with the ESA.

More recently, programmatic consultation between BLM and USFWS occurred as part of the processes to revise six land use plans in 2008, which include both the Price FO and Vernal FO ROD/RMPs. During that programmatic consultation, the lease notices originally developed in 2006 were revised and updated.

The BLM has committed to attach the lease notices, which it developed through the aforementioned programmatic consultations with USFWS, to the appropriate oil and gas leases at the time of issuance, which will serve to notify oil and gas lessees of the specific ESA protected species or habitat present or potentially present on the subject leased lands and the associated surface protection requirements that may be imposed pursuant to the ESA or other related laws, regulations or policies. These programmatically-developed

lease notices are among the protective measures that were available, considered and attached, as determined appropriate during the lease parcel review process, to the lease parcels offered at the November 2014 Lease Sale.

In addition, pursuant to WO IM No. 2002-174, the following has been attached as a formal stipulation on all of the November 2014 Lease Sale Project lease parcels:

The lease may now and hereafter contain plants, animals, and 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 objectives to avoid BLM approved activity that will contribute to a need to list such a species or their habitat. BLM may require modification to or disapprove a 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 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 also coordinated with USFWS and UDWR during the November 2014 Lease Sale lease parcel review process for the specific purpose of identifying and evaluating the potential impacts that oil and gas leasing of the lease parcels, as provided for by the Proposed Action alternatives and the NCLS as modified by the errata sheets, might have on plant and animal species, including those species that have been listed as threatened or endangered under the ESA, species that have been proposed or are candidates for ESA protection and BLM Sensitive Species that are neither listed, proposed nor candidates for protection under the ESA. As a part of this coordination during the lease parcel review process, BLM consulted with USFWS and UDWR in making determinations as to which of the protective measures available, specifically which of the available stipulations and lease notices, should be attached to each of the lease parcels. The BLM also consulted with USFWS and UDWR regarding the adequacy of the protections afforded by the stipulations and lease notices available for attachment to the lease parcels.

Based upon the lease parcel review process, which included the aforementioned coordination and consultation with USFWS and UDWR, BLM determined that all of the reasonably foreseeable impacts from oil and gas leasing of the lease parcels, as provided for in the NCLS as modified by the errata sheets, on animal and plant species that have been listed as threatened or endangered under the ESA, animal and plant species that are candidates or are proposed for listing under the ESA, as well as BLM Sensitive Species that are neither listed, proposed nor candidates for ESA protection would either be completely avoided or reduced to insignificant levels, or less, by the protective and mitigating measures attached to the lease parcels, which include the standard lease terms and the applicable stipulations and lease notices.

The lease parcel review process, and the coordination and consultation with USFWS during that process, also lead BLM to a final determination that issuance of the lease parcels, as offered at the November 2014 Lease Sale, “may affect, but not likely adversely affect” ESA listed species. On November 14, 2014, BLM issued a

memorandum to USFWS, which summarized the ESA informal section 7 consultation and conference that occurred between BLM and USFWS regarding the November 2014 Lease Sale project. This memorandum also sought to conclude informal section 7 consultation for the November 2014 Lease Sale project by requesting concurrence from USFWS with respect to BLM's determination that the November 2014 Lease Sale leasing action "may affect but not likely adversely affect" ESA listed species.

On November 17, 2014, BLM received a memorandum from USFWS wherein USFWS concurred with BLM's determination that the November 2014 Lease Sale leasing action "may affect but not likely adversely affect" ESA listed species. With this written concurrence from USFWS, informal section 7 consultation under the ESA for the November 2014 Lease Sale was concluded in accordance with the ESA. Additional information regarding the BLM's coordination with USFWS and UDWR, and its analysis and determinations as to the potential impacts of the November 2014 Lease Sale upon plant and animal species, is documented in the EAs and in the administrative record maintained by the BLM Utah State Office for the November 2014 Lease Sale.

The EAs were also prepared in full compliance with the requirements of NEPA, and its implementing regulations at 40 C.F.R. §§ 1500 to 1508, and BLM WO IM No. 2010-117, which included the posting of drafts of the EAs and unsigned FONSI's for public review and comment as previously described.

There are no outstanding protests of the November 2014 Lease Sale.

As described above, I have determined that November 2014 Lease Sale was conducted in manner that is consistent with the applicable land use plans, laws, regulations and policies. Additional consultation, coordination and environmental analysis will be required during the review and approval of site-specific proposals for oil and gas exploration and development on the lease parcels.

For the reasons previously stated, it is my decision to issue the oil and gas leases as previously described.

/s/ Kent Hoffman

January 26, 2015

Authorized Officer

Date