

**United States Department of the Interior  
Bureau of Land Management**

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**Amended Finding of No Significant Impact  
Amended Environmental Assessment  
WY-080-EA10-27**

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**January, 2011**

**Competitive Oil and Gas Lease Sale  
February 2011**

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**AMENDED FINDING OF NO SIGNIFICANT IMPACT**  
**Amended Environmental Assessment**  
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**Competitive Oil and Gas Lease Sale**  
**February 2011**

**INTRODUCTION:**

The Bureau of Land Management (BLM) has amended the environmental analysis (WY-080-EA10-27). The recommendation from the Newcastle Field Manager to the Wyoming State Director to address industry nominated parcels for the February 2011 Competitive Oil and Gas Lease Sale. The Newcastle Field Office planning area includes Crook, Weston, and Niobrara Counties. The proposed action would be a recommendation to the State Director to offer 10 parcels for competitive sale, federal minerals administered by the Newcastle Field Office. Standard terms and conditions as well as special stipulations have been attached to each parcel nominated and analyzed. Lease stipulations (as required by Title 43 Code of Federal Regulations 3131.3) were added to each parcel as identified by the Newcastle Field Office to address site specific resource concerns or new information not identified in the land use planning process.

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The underlying need for the proposal would be met while accomplishing the following objectives:

1. Offering parcels nominated through expressions of interests (EOI) by private individuals or companies to explore for and develop oil and gas resources on public markets.
2. It is the policy of the Bureau of Land Management (BLM) as derived from various laws, including the Mineral Leasing Act (MLA) of 1920, as amended [30 U.S.C. 181 *et seq.*] and the Federal Land Policy and Management Act of 1976 [43 U.S.C. 1701 *et seq.*], to make mineral resources available for disposal and to encourage development of mineral resources to meet national, regional, and local needs.

The February Competitive Oil and Gas Lease Sales Amended Environmental Assessment, WY-080-EA10-27, is attached. A No Action alternative and Full Lease Issuance alternative were analyzed in the Amended EA in addition to the Proposed Action.

**FINDING OF NO SIGNIFICANT IMPACT:**

Based upon a review of the Amended EA and the supporting documents, I have determined that the project is not a major federal action and 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 CFR 1508.27 and do not exceed those effects described in the Newcastle Resource Management Plan (RMP)/Final Environmental Impact Statement (EIS). Therefore, an environmental impact statement is not needed.

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

**Context:**

The Action would occur within the Newcastle Field Office boundary and would have local impacts on the resources similar to and within the scope of those described and considered within the Newcastle RMP/FEIS/Record of Decision (ROD). The project is a site-specific action directly involving federal minerals administered by the BLM that by itself does not have international, national, regional, or state-wide importance.

**Intensity:**

The following discussion is organized around the Ten Significance Criteria described in 40 CFR 1508.27 and incorporated into resources and issues considered (includes supplemental authorities Appendix 1 H-1790-1) and supplemental Instruction Memorandum, Acts, regulations and Executive and Secretarial Orders.

The following have been considered in evaluating intensity for this proposal:

**1. Impacts may be both beneficial and adverse.**

The Proposed Action/Alternatives would affect resources as described in the Amended EA. Mitigating measures to reduce impacts to the various resources were incorporated in the design of the action alternatives. None of the environmental effects discussed in detail in the Amended EA are considered significant, nor do the effects exceed those described in the Newcastle RMP/ FEIS/ROD.

**2. The degree to which the selected alternative will affect public health or safety.**

The proposed action demonstrates what parcels would be recommended for availability at the respective oil and gas lease sales. No aspect of the Proposed Action/Alternatives would have an effect on public health and safety. If the parcels and subsequent leases enter into a development stage, public health or safety would be further addressed through site specific NEPA.

**3. Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farm lands, wetlands, wilderness, wild and scenic rivers, or ecologically critical areas.**

This federal action is clearly lacking wilderness characteristics because it has surface areas with extensive coal bed natural gas development, improved roads and other development facilities. The only other unique characteristics present within the project area are historic and cultural resources. These characteristics have been deemed to be not affected by the Proposed Action/Alternatives with mitigating measures attached to each parcel. The proposed action demonstrates what parcels would be recommended for availability at the respective oil and gas lease sales. No aspect of the Proposed Action/Alternatives would have an effect on cultural resources at the issuance phase. If the leases enter into a development stage, cultural resources would be further addressed through site specific NEPA.

**4. The degree to which the effects on the quality of the human environment are likely to be highly controversial.**

While the Proposed Action/Alternatives may be somewhat controversial to some members of the public, the Proposed Action/Alternatives conform to the Newcastle RMP which allocated federal mineral estate administered by the BLM as either available or administratively unavailable for oil and gas leasing.

No anticipated effects have been identified that are controversial. As a factor for determining within the meaning of 40 CFR section 1508.27(b) (4) whether or not to prepare a detailed environmental impact statement, “controversy is not equated with “the existence of opposition to a use.” *Northwest Environmental Defense Center v. Bonneville Power Administration*, 117 F.3d 1520, 1536 (9<sup>th</sup> Cir. 1997).

**5. The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.**

The project is not unique or unusual. The BLM has experience implementing similar actions in similar areas. The environmental effects to the human environment are fully analyzed in the Amended EA and corresponding RMP/FEIS. 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.**

This project neither establishes a precedent nor represents a decision in principle about future actions. The actions considered in the selected alternative were considered by the interdisciplinary team within the context of past, present, and reasonably foreseeable future actions. 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 environmental analysis did not reveal any cumulative effects beyond those already analyzed in the Newcastle RMP/FEIS. The interdisciplinary team evaluated the possible actions in context of past, present and reasonably foreseeable actions. Significant cumulative effects are not predicted.

**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.**

There are no features within the project area listed or eligible for listing in the National Register of Historic Places that would be adversely affected by a recommendation for availability of the subject parcels at the respective competitive sale issue.

**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 BLM’s sensitive species list.**

Mitigating measures to reduce impacts to wildlife and fisheries have been incorporated into the design of the action alternatives. Although listed species may occupy habitat within the project boundary, it has been determined that they will not be affected because surface use restrictions, including timing limitation stipulations (TLS), No Surface

Occupancy (NSO) stipulations, and controlled surface use (CSU) stipulations, as well as unavailable for leasing designations, have been applied to the lease parcels. Furthermore, post-lease actions/authorizations (e.g., APDs, road/pipeline ROWs), could be encumbered by TLS and CSU restrictions on a case-by-case basis, as required through project-specific NEPA analysis or other environmental review.

No threatened or endangered plant populations are known to occur in the area.

**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 project does not violate any known federal, state, local or tribal law or requirement imposed for the protection of the environment. In addition, the project is consistent with applicable land management plans, policies, and programs.



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Authorized Officer

1-25-2011

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Date