

# United States Department of the Interior

## Bureau of Land Management

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### Decision Record Environmental Assessment WY-070-EA12-44

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August 2012

### High Plains District August 2012 Lease Sale

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# DECISION RECORD

## High Plains District August 2012 Lease Sale WY-070-EA12-44

**Decision:** It is my decision to implement Alternative B, as modified. Alternative B within Environmental Assessment (WY-070-EA12-44) analyzes the offering of 83 parcels containing approximately 29,890 acres of federal minerals administered by the High Plains District at the August 2012 Oil and Gas Lease Sale; as written within EA12-44, alternative B would also defer 13 parcels containing approximately 7,490 acres of federal minerals from the August 2012 Oil and Gas Lease Sale due to resource conflicts or protection measures not addressed in current land use plans which are undergoing revision. As modified, parcel 100 (final sale # 083) will have an additional 80 acres deferred to ensure compliance with BLM-WY Interim Sage Grouse Policy found in WY-Information Memorandum WY-2012-019.

**Table 1. Federal Acres Offered and Deferred in Alternative B, as modified**

Alternative B, as modified	Number of Parcels	Federal Mineral Acres	Federal Surface Acres
Offered	83*	29,810	5,468
Deferred	14	7,570	6,040

\* Two parcels are partial deferrals resulting in discrepancy totals.

**Authorities:** The authority for this decision is contained in 43 CFR 3100.

### **Compliance and Monitoring:**

No monitoring would be required in the offering of the lease parcels for sale. Should the parcels be developed, monitoring may be required and would be analyzed under future National Environmental Policy Act (NEPA) documentation.

### **Terms/Conditions/Stipulations:**

All parcels are subject to standard lease notices 1-3 and the Special Lease Stipulation for cultural resources. They are also subject to the Washington Office: Threatened and Endangered and Sensitive Species Stipulation (included within Instruction Memorandum No. 2002-174); the Migratory Bird Species-Interim Management Guidance Policy (included within Instruction Memorandum (IM) No. 2008-050). Individual parcels are subject to parcel specific stipulations for wildlife resources, paleontological or cultural resources, and conflicting use protection, such as coal mining. Refer to appendices B and C in the EA for the actual stipulations and lease notices applied to a given parcel.

### **Plan Conformance and Consistency:**

The proposed action and alternatives have been reviewed and found to be in conformance with the following Bureau of Land Management (BLM) Resource Management Plans (RMPs) and the associated decision(s): the Buffalo Resource Management Plan (RMP) and Final Environmental Impact Statement (FEIS) (1985) and the RMP/Record of Decision (ROD) approved in October

1985; the Casper Resource Management Plan (RMP) and Final Environmental Impact Statement (FEIS) (June 2007) and the RMP/ROD approved in December 2007; the EA also tiers to and is compliant with the Newcastle Resource Management Plan (RMP) (August 2000) and Final Environmental Impact Statement (FEIS) (June 1999) and the RMP/ROD approved in August 2000 including FEIS and /or RMP supplements, maintenance actions and/or amendments in the three Field Offices listed above, if any.

Pursuant to 40 Code of Federal Regulations (CFR) 1508.28 and 1502.21, this EA tiers to and incorporates by reference the information and analysis contained in the Buffalo, Casper and Newcastle FEISs, RMPs, and RODs.

**Alternatives Considered:**

**Alternative A: No Action** -- Under the No Action alternative, the BLM would withdraw all 94 parcels from being offered for lease at the August 2012 Oil and Gas Lease Sale. Surface management would remain the same and ongoing oil and gas development would continue on surrounding federal, private, and state leases.

**Alternative B: Proposed Action** -- The Proposed Action is a recommendation from the HPD to offer for sale 83 parcels containing approximately 29,890 acres of federal minerals administered by the BLM that are administratively available under the Buffalo, Casper and Newcastle RMPs/RODs. Standard terms and conditions as well as special stipulations would apply. Lease stipulations (as required by 43 CFR 3131.3) were added to each parcel as identified by the Buffalo, Casper and Newcastle Field Offices (FOs) to address site specific concerns or new information not identified in the land use planning process.

Additionally, the proposed action recommends the deferral of 13 parcels containing approximately 7,490 acres of federal minerals as described in the attached EA from the August 2012 lease sale.

**Alternative C: Maximum Parcel Offering** -- Alternative C would offer 83 parcels recommended for leasing under Alternative B, plus it would offer all 13 parcels recommended for deferral under Alternative B. This alternative would make approximately 35,658 acres of federal minerals available for leasing. There are 4 other parcels containing approximately 2,548 acres of federal minerals that would still be deferred due to concerns detailed in Chapter 1 of the attached EA. All other aspects of this alternative are the same as the proposed action.

**Table 2. Parcels Offered for Alternatives A, B, and C**

<b>Offered</b>	<b>Number Parcels</b>	<b>Federal Mineral Acres</b>	<b>Federal Surface Acres</b>
<b>Alternative A</b>	0	0	0
<b>Alternative B</b>	83*	29,890	5,548
<b>Alternative C</b>	94	35,658	10,418

\*Two parcels are partial deferrals resulting in discrepancy totals.

### **Rationale for Decision:**

The decision to approve the proposed action is based upon the following: 1) consistency with resource management plans and land use plans; 2) national policy; 3) agency statutory requirements; 4) relevant resource and economic issues; 5) application of measures to avoid or minimize environmental impacts; 6) meeting the purpose and need for the project. Alternative B was chosen as being the most environmentally sound alternative that meets the purpose and need. Additionally, it would defer offering parcels from the August 2012 Oil and Gas Lease Sale in Greater sage-grouse core areas while RMP revisions are being completed for Buffalo, amendments in Casper and Newcastle, and in areas of tribal concern while tribal consultations are initiated.

1. This decision is in conformance with the Buffalo, Casper and Newcastle RMPs.
2. It is the policy of the 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 (FLPMA), to make mineral resources available for disposal and to encourage development of mineral resources to meet national, regional, and local needs.
3. The decision is consistent with all federal, state, and county authorizing actions required for implementation of the Proposed Action.
4. Standard terms and conditions as well as special stipulations would apply. Lease stipulations (as required by 43 CFR 3131.3) were added to each parcel as identified by the Buffalo, Casper and Newcastle FOs to address site specific concerns or new information not identified in the land use planning process.
5. Alternative B, as modified, provides areas for the potential exploration and development of additional oil and gas resources to help meet the nation's current and expanding need for energy sources without creating the impacts associated with offering leases in sage-grouse core areas meeting the manageability criteria in IM WY-2012-019.
6. Alternative B, as modified, meets the purpose and needs identified in the EA.

### **Appeals**

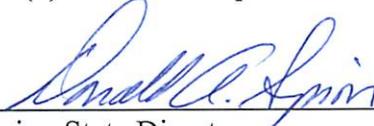
The decision of the State Director may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR Part 4 and Form 1842-1. If an appeal is taken, your notice of appeal must be filed in this office within 30 days from your receipt 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 (pursuant to regulation 43 CFR 3165.4(c)) for a stay of the effectiveness of this Decision 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 is required to show sufficient justification based on the standards listed below. A copy 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 (see 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 (43 CFR 4.21(b))

Except as otherwise provided by law or by other pertinent regulation, 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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Wyoming State Director

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Date 8/6/12