

DECISION RECORD

February 2013 Lease Parcels

Wind River / Bighorn Basin District

DOI-BLM-WY-R010-2012-0087-EA

Wind River/Bighorn Basin District, Wyoming



The BLM's multiple-use mission is to sustain the health and productivity of the public lands for the use and enjoyment of present and future generations. The Bureau accomplishes this by managing such activities as outdoor recreation, livestock grazing, mineral development, and energy production, and by conserving natural, historical, cultural, and other resources on public lands.

BLM/WY/PL-12/001+1310

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Environmental Assessment
DOI-BLM-WY-R010-2012-0087-EA
February 2013 Lease Parcels

INTRODUCTION:

It is my decision to offer for sale and subsequent lease issuance parcels as described in Alternative 3 of the February 2013 Lease Parcels Environmental Assessment (EA), DOI-BLM-WY-R010-2012-0087-EA. A decision on whether or not to offer parcels for sale and subsequent lease issuance is deferred until additional environmental analysis can be completed. This environmental analysis will be completed upon the issuance of Records of Decision for the Resource Management Plans (RMPs) currently being revised in the Wind River / Bighorn Basin District Office at which time these deferred parcels will be re-evaluated for lease issuance.

AUTHORITIES:

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

COMPLIANCE AND MONITORING:

No monitoring would be required in the sale and issuance of the lease parcels. Should the parcels be developed, monitoring may be required and would be subject to additional environmental analysis.

TERMS / CONDITIONS / STIPULATIONS:

The EA, specifically, Appendix A lists the stipulations to be attached to each lease parcel.

PLAN CONFORMANCE AND CONSISTENCY:

Oil and gas leasing is directed by the approved land use plans, specifically the Grass Creek Resource Management Plan (RMP) 1998; the Washakie RMP 1988; the Cody RMP 1990; and Lander RMP 1987. The parcels to be offered for sale and subsequent lease issuance are available for leasing in these RMPs. Application of stipulations is directed by these RMPs.

ALTERNATIVE CONSIDERED

Alternative 1: No Action Alternative. This alternative analyzes the impacts of a decision to not offer for sale and subsequent lease issuance all parcels nominated for the August 2012 lease sale.

Alternative 2: Proposed Action. This alternative would offer for sale 402 nominated parcels (27 parcels, 29,595.37 acres, in Cody FO), (118 parcels, 224,774.39 acres, in Lander FO), and (257 parcels, 452,335.96 acres, in Worland FO) covering a total of 706,705.72 acres, found in Appendix A, with stipulations consistent with the approved RMPs, and if sold, a lease issued.

Alternative 3: Modified and Deferred. This alternative adds stipulations to address resource concerns consistent with the approved RMPs or defers and partially defers offering parcels for sale due to resource conflicts or protection measures not addressed in the approved RMPs and are being analyzed in ongoing Draft RMP EISs for the Bighorn Basin (Cody and Worland Field Offices) and the Lander Field Office. The following is a summary of the parcel numbers.

Cody FO: 27 total parcels, 5 to be offered in whole, 12 deferred in whole, and 10 partial deferrals.

Lander FO: 118 total parcels, 17 to be offered in whole, 82 deferred in whole, and 19 partial deferrals.

Worland FO: 257 total parcels, 7 to be offered in whole, 212 deferred in whole, and 38 partial deferrals.

Under this alternative, 96 whole parcels and partial parcels covering 84,045.50 acres, would be offered for sale and if sold a lease issued (15 whole and partial parcels covering 14,494.32 acres in Cody FO, 36 whole and partial parcels covering 36,425.82 acres in Lander FO, and 45 whole and partial parcels covering 33,125.36 acres in Worland FO).

RATIONALE FOR THE DECISION

The decision is based upon the following: 1) consistency with the approved RMPs, 2) national policy, 3) agency statutory requirements, 4) relevant resource and economic issues as described and analyzed in the EA, 5) application of measure to avoid or minimize environmental impacts. This decision is the most environmental sound alternative that allows for resource development in keeping with the laws, regulations and policies pertaining to public land management.

Instruction Memorandum 2004-110 Change 1 instructs offices to consider temporarily deferring oil, gas and geothermal leasing on federal lands during land use plan revisions and states, “A decision temporarily to defer could include lands that are designated in the preferred alternative of draft or final RMP revisions or amendments as: 1) lands closed to leasing; 2) lands open to leasing under no surface occupancy; 3) lands open to leasing under seasonal or other constraints with an emphasis on wildlife concerns; or 4) other potentially restricted lands.” Therefore, deferral of a decision on whether or not to offer parcels for sale is appropriate for those parcels identified for deferral in Alternative 3.

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.



Authorized Officer



Date