

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

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**Decision Record  
Environmental Assessment  
WY-040-EA13-129**

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November 4, 2013

**BLM-Wyoming  
November 2013 Competitive Oil and Gas Lease Sale  
High Desert District**

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Wyoming State Office  
5353 Yellowstone Dr.  
Cheyenne, Wyoming 82009



## DECISION RECORD

WY-040-EA13-129

### BLM-Wyoming November 2013 Competitive Oil and Gas Lease Sale High Desert District

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#### Decision:

It is my decision to implement a combination of the alternatives considered in the Environmental Assessment (EA).<sup>1</sup> My decision is to offer (and subsequently issue, should a successful bid be received by the BLM) 35 lease parcels comprising 42,677.18 acres of Federal fluid mineral estate administered by the High Desert District, as identified in the EA and as further described below, at the November 5, 2013 Competitive Oil and Gas Lease Sale (see Attachment 1 to this Decision Record (DR), identifying the parcels and acreages to be offered). The remaining parcels nominated and reviewed by the BLM (9 entire parcels and 6 partial parcels) will be deferred and/or deleted for the reasons described in the EA and this DR.

The Sale will result in the offering of 42,677.18 acres, or 79% of the lands nominated and reviewed by the BLM for the Sale. Of the 10 parcels in the Sale intersecting State of Wyoming-designated Greater Sage-Grouse Core Population Areas (Core Areas), all portions of the parcels located within Core Areas have been deferred with the exception of one (final parcel WY-1311-032), in accordance with the BLM Wyoming's sage-grouse screen under Instruction Memorandum (IM) WY-2012-019.<sup>2</sup> This parcel contains approximately 1,280 acres in Core Area, which is approximately 13% of the area nominated and reviewed by the BLM for this Sale in Core Areas.

The BLM received nominations for the November 2013 Sale until December 21, 2012. After preliminary adjudication of the 44 nominated parcels (53,930.03 acres) by the Wyoming State Office (WSO), the parcels were screened by the WSO under the BLM Wyoming's greater sage-grouse lease parcel screen.<sup>3</sup> BLM Wyoming IM No. WY-2012-019 (at pages 13-15 and the IM's attachment number 7) requires the BLM to conduct a sage-grouse screen on every reviewed oil and gas parcel to determine if the parcel should be offered for sale or deferred pending completion of the on-going Resource Management Plan (RMP) amendments and plan revisions in all 10 BLM Wyoming field offices. Screening criteria are described in the IM and the results are provided for all parcels in the November 2013 oil and gas lease sale EA. The WSO's sage-grouse screen resulted in the deferral of 5 entire and 5 partial parcels (8,692.85

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<sup>1</sup> See 43 CFR 46.420(c): "The Responsible Official must not consider alternatives beyond the range of alternatives discussed in the relevant environmental documents, but may select elements from several alternatives discussed."

<sup>2</sup> IM No. WY-2012-019 ("Greater Sage-Grouse Habitat Management Policy on Wyoming Bureau of Land Management (BLM) Administered Public Lands Included the Federal Mineral Estate"), dated February 10, 2012.

<sup>3</sup> The WSO's screening also includes a component not provided in IM WY-2012-019. This component includes the deferral of any parcel or portion of parcel less than 640.00 acres in contiguous size intersecting Core Areas. Though this component of the screen was not a part of the IM's screening components, as it is related to sage-grouse Core Areas, this component is referred to as being a part of the BLM's greater sage-grouse (GSG) screens.

acres) within the High Desert District, at the BLM's discretion.<sup>4</sup> The remaining parcels or portions of parcels were then forwarded for review by the appropriate field offices and District Office, including interdisciplinary review, field visits to nominated parcels (where appropriate), review of conformance with the RMP decisions for each planning area, and preparation of an Environmental Assessment (EA) documenting National Environmental Policy Act (NEPA) compliance.<sup>5</sup>

Additionally, per the use of State Director discretion, I am deferring 4 entire parcels and 1 partial parcel (2,560.00 acres) analyzed to be offered for sale in the Proposed Action Alternative of the EA, pending additional environmental review. Alternative A, the No Action Alternative of the EA, discloses and analyzes the potential impacts associated with not offering any of the nominated parcels (including these 4 entire parcels and 1 partial parcel) at the November 2013 Competitive Oil and Gas Lease Sale.

This DR addresses the BLM's final decision as to the 44 parcels nominated and reviewed for the November 2013 Sale located within the High Desert District and as described in the Sale Notice<sup>6</sup>. As the result of these modifications and decisions, the combination of alternatives selected differs from the Proposed Action alternative described in the EA. As previously mentioned, this decision selects from a combination of the Proposed Action and No-Action alternatives.

Additionally, a Finding of No Significant Impact (FONSI)<sup>7</sup> has determined the selected alternative, Alternative B (the "Proposed Action") analyzed in WY-040-EA13-129 did not constitute a major Federal action that will adversely impact the quality of the human environment. Therefore, an EIS was determined unnecessary and will not be prepared.

**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 or for issuance of the leases, should a successful bid be received. Should the parcels be leased and developed, monitoring may be required by the BLM and would be considered under future documentation of National Environmental Policy Act (NEPA) compliance.

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<sup>4</sup> See the Mineral Leasing Act of 1920, as amended, providing that lands subject to disposition under the Act "which are known or believed to contain oil or gas deposits may be leased by the Secretary." (Emphasis added). 30 U.S.C. § 226(a). This discretion may be exercised in the interest of conservation, wildlife protection, and other purposes in the public interest.

<sup>5</sup> <http://www.blm.gov/wy/st/en/info/NEPA/documents/og-ea/2013/nov.html>

<sup>6</sup> <http://www.blm.gov/style/medialib/blm/wy/programs/energy/og/leasing/2013.Par.38143.File.dat/11list.pdf>

<sup>7</sup> Since the RMP EISs have already evaluated potentially significant impacts arising from the BLM's land use planning decisions, the BLM anticipates a "finding of no new significant impacts." See 43 CFR 46.140(c).

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

All parcels are subject to standard lease notices 1-3 and the special lease stipulations, numbers 1-3 (as described in the Sale Notice) for cultural resources, threatened or endangered species under the Endangered Species Act, and multiple mineral development operations. Individual parcels are subject to specific stipulations for wildlife resources, paleontological or cultural resources, Visual Resource Management (VRM), and other resources. Please refer to the November 5, 2013 Competitive Oil and Gas Lease Sale Notice for a complete description of the stipulations and lease notices applied to each 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 (RMP) and the associated decision(s):

- Pinedale Proposed RMP and FEIS, August 22, 2008
- Pinedale Proposed RMP and ROD, November 26, 2008
- Kemmerer Proposed RMP/Final Environmental Impact Statements (FEIS), Aug. 8, 2008;
- Kemmerer Approved RMP/Record of Decision (ROD), May 25, 2010;
- Rawlins Proposed RMP/FEIS, December 27, 2007;
- Rawlins Approved RMP/ROD, December 24, 2008;
- Green River (Rock Springs) Proposed RMP/FEIS, April 1996;
- Green River (Rock Springs) Approved RMP/ROD, August 8, 1997

Pursuant to 40 CFR 1508.28 and 1502.21, this EA tiers to and incorporates by reference the information and analysis contained in the Pinedale, Kemmerer, Green River, and Rawlins RODs, approved RMPs, and FEISs.

### **Alternatives Considered in the Applicable EA:**

**Alternative A – No Action:** Under the No Action Alternative, BLM Wyoming would not offer any of the parcels available for lease at the November 2013 lease sale. This would mean that the Expressions of Interest (EOIs), i.e. parcel nominations, to lease would be denied or rejected and all available lease parcels would be withdrawn from 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:** Of the parcels determined to be available for leasing under the referenced RMPs in the High Desert District, BLM Wyoming would offer 34 entire parcels and portions of 5 additional parcels for lease (as described in the High Desert District's November 2013 EA). The offered parcels are available for oil and gas leasing under the Pinedale, Kemmerer, Green River, and Rawlins RMPs/RODs. Standard terms and conditions/stipulations would apply. Lease stipulations were added to each of the 39 total parcels as identified by referenced RMPs to address site specific concerns, and as described in the November 2013 Sale Notice.

**Alternative C – Offer All Parcels for Sale:** Alternative C would include the parcels available for offer as well as those proposed for deferral in Alternative B under the EA. All other aspects of this alternative are the same as the proposed action.

**Public Comments:**

The EA was posted on the BLM Wyoming Oil and Gas Leasing webpage for a 30-day public review and comment period. Comments contained within letters and/or emails received by the BLM along with Agency responses are included in Appendix F attached to the EA.

**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.

1. This decision is in conformance with the Pinedale, Kemmerer, Green River, and Rawlins 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 decision.
4. Economic benefits derived from implementation of the proposed action are considered important and have been analyzed in the EA.
5. Standard terms and conditions as well as special stipulations would apply. Lease stipulations were added to each parcel as identified by the Pinedale, Kemmerer, Rock Springs, and Rawlins field offices to address site specific concerns.
6. The decision meets the stated purpose and need in the EA by providing 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 lease in sage-grouse key habitat areas meeting the manageability criteria in IM WY-2012-019 and while protecting other resource values in accordance with guiding laws, regulations, and Land Use Planning decisions through application of lease stipulations.

**Appeal Information:**

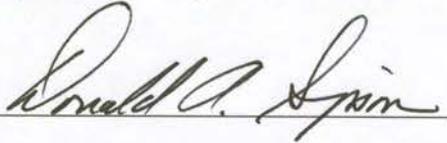
This Decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and Form 1842-1 (copy attached). If an appeal is taken, your notice of appeal must be filed in this office within 30 days from your receipt of this Decision. The protestor has the burden of showing that the Decision appealed from is in error.

If you wish to file a petition 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 on the attached document. Copies of the notice of appeal and petition for a stay must be submitted to the Interior Board of Land Appeals and the appropriate Office of the Solicitor (see 43 CFR §4.413) at the same time the original documents are filed with this office. Copy of the notice of appeal and petition for a stay must also be submitted to each adversely affected party named in this decision 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:

Except as otherwise provided by law or other pertinent regulations, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

- (1) The relative harm to parties if the stay is granted or denied,
- (2) The likelihood of the protesters' success on the merits,
- (3) The likelihood of the immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.



Wyoming State Director

NOV 01 2013

Date

Nov 2013 Oil and Gas Lease Sale Parcel Review (1311) C. Hite					
Lease in Entirety (with applicable LNs and special lease stipulations)					
Defer or Delete in Entirety					
Defer or Delete in Part					
Preliminary Parcel No.*	Final Parcel No.**	FO(s)	Remaining In Core?***	Protested	Final Acres ****
-001	WY-1311-001	RFO	N	N	0.360
-002		RFO	N	N	0.000
-003	WY-1311-002	RFO	N	N	476.950
-004	WY-1311-003	RFO	N	N	1280.000
-005	WY-1311-004	RFO	N	N	160.000
-006	WY-1311-005	RFO	N	N	1253.000
-007	WY-1311-006	RFO	N	N	430.000
-008	WY-1311-007	RFO	N	N	1120.000
-009	WY-1311-008	RFO	N	Y	1885.680
-010	WY-1311-009	RFO	N	Y	2560.000
-011	WY-1311-010	RFO	N	Y	2560.000
-012	WY-1311-011	RFO,RSFO	N	Y	1927.190
-013	WY-1311-012	RFO	N	N	800.000
-014	WY-1311-013	RFO	N	Y	1927.340
-015	WY-1311-014	RFO	N	Y	1920.000
-016	WY-1311-015	RFO	N	Y	640.000
-017	WY-1311-016	RFO	N	Y	1920.000
-018	WY-1311-017	RSFO	N	N	644.280
-019		RFO	N	N	0.000
-020		RFO	N	N	0.000
-021		RFO	N	N	0.000
-022		RFO	N	N	0.000
-023	WY-1311-018	RFO	N	Y	1280.200
-024	WY-1311-019	RFO	N	Y	1280.000
-025	WY-1311-020	RFO	N	Y	920.000
-026	WY-1311-021	RFO	N	Y	960.000
-027	WY-1311-022	RFO	N	Y	1000.000
-028	WY-1311-023	RFO	N	Y	1120.000
-029	WY-1311-024	RSFO	N	Y	2493.960
-030	WY-1311-025	RSFO	N	Y	640.080
-031	WY-1311-026	RSFO	N	Y	2560.000
-032	WY-1311-027	RSFO	N	Y	1528.560
-033	WY-1311-028	RSFO	N	Y	1901.880
-034	WY-1311-029	RSFO	N	N	321.240
-035	WY-1311-030	RSFO	N	N	637.180
-036		RSFO	N	N	0.000
-037	WY-1311-031	RSFO	N	N	640.000
-038	WY-1311-032	KFO	P	Y	1958.960
-039		KFO	N	N	0.000
-040	WY-1311-033	RSFO	N	N	320.000
-041	WY-1311-034	PFO	N	N	1520.000
-042		KFO	N	N	0.000
-043	WY-1311-035	KFO	N	N	90.320
-044		RFO	N	N	0.000
44	35		1	20	42,677.180

\*'Preliminary' parcel numbers are the parcel numbers used in the analysis process and described in the EA (WY-040-EA13-129)

\*\*'Final' parcel numbers are the parcel numbers described in the November 2013 Sale Notice

\*\*\*'Y' = Parcel entirely in Core Areas, 'P' = Parcel partially in Core Areas

\*\*\*\*These acreages are for analysis purposes, only. Final acreages are described in the November 2013 Sale Notice for bidding or other purposes.

Nov 2013 Oil and Gas Lease Sale Parcel Review (1311) C. Hite					
Lease in Entirety (with applicable LNs and special lease stipulations)					
Defer or Delete in Entirety					
Defer or Delete in Part					
Preliminary Parcel No.*	Final Parcel No.**	FO(s)	Remaining In Core?***	Protested	Final Acres ****