United States Department of the Interior
Bureau of Land Management

Decision Record
Environmental Assessment
WY-040-EA14-75

November 4, 2014

BLM-Wyoming
November 2014 Competitive Oil and Gas Lease Sale

Wyoming State Office 5353 Yellowstone Dr.
Cheyenne, Wyoming 82009

DECISION RECORD

WY-040-EA14-75

BLM-Wyoming November 2014 Competitive Oil and Gas Lease Sale

Decision:

It is my decision to select Alternative B ("Proposed Action") as described and considered in the Environmental Assessment (EA), as modified through resolution of a protest which resulted in deferral of parcel 087. Resultantly, my decision is to offer (and subsequently issue, should a successful bid be received by the BLM) 89 lease parcels comprised of approximately 114,062.28 acres of Federal fluid mineral estate administered by the BLM, as analyzed in the EA and as further described below, at the November 4, 2014 Competitive Oil and Gas Lease Sale. As a result of the environmental analysis, 40 entire parcels and 10 partial parcels are deferred and/or deleted for the reasons described in the EA and this Decision Record (DR). Adopting a modified Alternative B results in the offering (and leasing, should successful bids be received by the BLM) of 56% of the lands nominated and reviewed by the BLM for this sale.

The BLM received nominations for the November 2014 Sale until December 21, 2013. After adjudication of the 139 nominated parcels (205,035.13 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. BLM Wyoming IM No. WY-2012-019 (at pages 13-15 and the IM's attachment number 7)[1] requires the BLM to conduct a Fluid Mineral Leasing Screen for greater sage-grouse 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. Sixty-seven (67) parcels intersecting Sage Grouse Core Areas were subjected to the screening criteria described in the IM. The results of this screen are provided for all parcels in the November 2014 oil and gas lease sale EA (Appendix C); the offering of these parcels was not analyzed within the subject EA.[2]

It is my decision to defer 79,491.350 acres in 33 entire and 13 partial parcels meet criteria for Greater Sage-Grouse core habitat and manageability using the in BLM guidance (WY-2012-019) from offering at the November 4, 2014 Competitive Lease Sale. These parcels were not carried forward in the EA for detailed analysis.

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[1] 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.

[2] 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.

It is also my decision to utilize State Director Discretion[3], to defer offering 7 entire parcels and 6 partial parcels containing approximately another 6,598.550 acres in the interest of conservation of the Greater Sage-Grouse. These parcels were also not carried forward in the EA for detailed analysis.

In total, 46 entire and 11 partial parcels (86,089.90 acres) are deferred from offering at the November 2014 competitive lease sale. Deferral is pending completion of the ongoing Greater Sage-Grouse RMP amendment process in the Rock Springs, Kemmerer, Pinedale, and Rawlins field offices.

Following completion of the sage grouse screen process, the remaining parcels or portions of parcels were forwarded for interdisciplinary review by the appropriate field offices and District Office, including field visits to nominated parcels (where appropriate), review of conformance with the Resource Management Plan (RMP) decisions for each planning area, and preparation of an Environmental Assessment (EA) documenting National Environmental Policy Act (NEPA) compliance[4].

Of the 67 parcels (comprised of approximately 104,373.66 acres) that intersect 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 fifteen (final parcels WY-1411-003, -004, -005, -006, -010, -032, -055, -066, -067, -068, -071, -078, -085, -086, and -088).[1] The portions of these fifteen parcels contain approximately 18,283.76 acres, or 18% of the area nominated and reviewed by the BLM for this Sale in Core Areas. These parcels were analyzed within the subject EA and will be offered for sale.

Three (3) additional parcels, totaling 1,920.00 acres, are also deferred at the discretion of the State Director pending resolution of resource issues disclosed within the EA.

Parcel 087, containing 199.250 acres is deferred from sale as a result of protest resolution. This parcel is deferred pending consideration of new information provided within the protest.

This DR addresses the BLM's final decision as to the 89 parcels nominated and reviewed for the November 2014 Sale and as described in several Information Notices modifying the published November 2014 Competitive Sale Notice[5], including:

- On November 3, 2014, the WSO issued an Information Notice deferring the remainder of parcel no. WY-1411-87 at the discretion of the State Director.
- On October 30, 2014, the WSO issued an Information Notice attaching a Lease Notice that was inadvertently omitted from the listing of stipulations attached to final parcel numbers

[3] 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.

[4] http://www.blm.gov/wy/st/en/programs/energy/Oil_and_Gas/Leasing.html

[5] http://www.blm.gov/style/medialib/blm/wy/programs/energy/og/leasing/2014.Par.5087.File.dat/11list.pdf

WY-1411-007, -008, -010, -011, -012, -013, -014, -015, -016, -017, -021, --022, -023, -027, -028, -029, -030, -034, -035, -036, -037, -038, -039, -040, -044, -045, -046, 0-47, -048, -049, -050, -056, -057 and -058. This same Information Notice attached a separate Lease Notice to final parcel numbers WY-1411-020 and WY-1411-026.

- On October 20, 2014, the WSO issued an Information Notice correcting a stipulation associated with final parcel numbers WY-1411-066 and WY-1411-078.
- On September 3, 2014, the WSO issued an Information Notice providing corrections to the Sale Notice, changing the final acreages of final parcel nos. WY-1411-011 from 1067.48 acres to 1067.04 acres, WY-1411-031 from 790.90 acres to 788.17 acres, and WY-1411-061 from 1906.08 acres to 1866.08 acres.

As the result of these modifications and decisions, the acreage being offered is slightly less than analyzed in the EA (the actual total acreage under the modified Alternative B, is 114,062.28 acres.

A Finding of No Significant Impact (FONSI)[6] has determined the selected alternative, a modified Alternative B (the "Proposed Action" Alternative) as analyzed in WY-040-EA13-221, does not constitute a major Federal action that will adversely impact the quality of the human environment. Therefore, an EIS is 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.

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 Threatened and Endangered and Sensitive Species Stipulation (BLM-Washington Office Instruction Memorandum No. 2002-174, as updated by IM No. 2010-117) and the Migratory Bird Species-Interim Management Guidance Policy (BLM- Washington Office Instruction Memorandum No. 2008-050). Individual parcels are subject to specific stipulations for wildlife resources, paleontological or cultural resources, Visual Resource Management (VRM), and other resources or land uses. Please refer to the November 4, 2014 Competitive Oil and Gas Lease Sale Notice as modified by the aforementioned Information Notices, for a complete description of the stipulations and lease notices applied to each parcel.

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[6] 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).

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):

- Kemmerer Proposed RMP/Final Environmental Impact Statements (FEIS), Aug. 8, 2008;
- Kemmerer Approved RMP/Record of Decision (ROD), November 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 Rawlins, Kemmerer, Green River RODs, 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 2014 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, BLM Wyoming would offer 79 full parcels and portions of 10 additional parcels for lease (as described in the November 2014 EA). The offered parcels are available for oil and gas leasing under the Kemmerer, Rawlins, and Green River RMPs/RODs. Standard terms and conditions/stipulations would apply. Lease stipulations have been added to each of the 89 parcels as identified by referenced RMPs to address site specific concerns, and as described in the November 2014 Competitive Lease Sale Notice.

Public Comments:

The EA was posted on the BLM Wyoming Oil and Gas Leasing webpage for a 32-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. Corresponding changes were made to the EA as appropriate, which were then posted to the BLM's public internet site as "Version 2." The Agency response references changes made to the EA as a result of the comment or provided rationale when no change was made.

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 Kemmerer, Rawlins, and Green River 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 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 Kemmerer, Rawlins, and Rock Spring 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 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 November 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

11/3/14
Date