

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

**Decision Record
Environmental Assessment
WY-040-EA15-70**

November 3, 2015

**BLM-Wyoming
November 2015 Competitive Oil and Gas
Lease Sale**

Wyoming State
Office 5353
Yellowstone Dr.
Cheyenne, Wyoming 82009



DECISION RECORD
WY-040-EA15-70
BLM-Wyoming November 2015 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), and as modified below. My decision is to offer (and subsequently issue, should a successful bid be received by the BLM) 39 lease parcels comprised of approximately 61,192.950 acres of Federal fluid mineral estate administered by the BLM, as identified in the EA and as further described below, at the November 3, 2015 Competitive Oil and Gas Lease Sale. The remaining parcels nominated and reviewed by the BLM will be deferred and/or deleted for the reasons described in the EA, FONSI 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 41% of the lands nominated and reviewed by the BLM for this sale.

Of the 83 parcels (comprised of approximately 148,527.17 acres) nominated and reviewed for the sale intersecting Priority Habitat Management Areas (PHMA) (identified as Core Area in Wyoming Executive Order 2015-4), all portions of the parcels located within PHMAs have been deferred, in accordance with the BLM Wyoming’s sage-grouse screen under Instruction Memorandum (IM) WY-2012-019, or State Director discretion.¹

The BLM received nominations for the November 2015 Sale until December 19, 2014. After preliminary adjudication of the 83 nominated parcels (148,527.17 acres) by the Wyoming State Office (WSO), none were deleted as all are available under their respective RMPs, as amended². The parcels were screened by the WSO under the BLM Wyoming’s greater sage-grouse lease parcel screen.³ 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 2015 oil and gas lease sale EA (Appendix C). The WSO’s sage-grouse screen resulted in the deferral of 32 entire and 16 partial parcels (72,025.00 acres), at the State Director’s discretion.⁴ 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),

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 On September 21, 2015, the BLM signed the Rocky Mountain Record of Decision, adopting Alternative E in the WY Greater Sage Grouse Land Use Plan Amendment for Pinedale, Kemmerer, Rock Springs, Rawlins, Casper, and Newcastle RMPs.

³ 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 contiguous acres. Though this component of the screen is not included under IM 2012-019, it is implemented under State Director discretion and is performed for every sale.

⁴ 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 November be exercised in the interest of conservation, wildlife protection, and other purposes in the public interest.

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.⁵

One parcel totaling 320.04 acres was also deferred at State Director discretion pending completion of the Rawlins Visual Resource Management RMP Amendment.

As part of the lease parcel review parcel, the State Director has decided through this DR to invoke discretion to partially defer one additional parcel, to defer the remainder of 4 parcels, and to defer 4 whole parcels as follows:

The State Director has deferred a portion of preliminary parcel 001 located within PHMA, and the remainder of preliminary parcels 004, 020, 037, and 045 containing approximately 6,106.270 acres. Additionally, preliminary parcels 038, 039, 040 and 042 are deferred containing approximately 3,605.980 acres. These deferrals total 9,712.250 acres.

Since preparation of the Notice of Competitive Lease Sale, two additional parcels, final parcel numbers 016 and 017 (preliminary parcel numbers 043 and 044) were deferred. These parcels contain 2,270 acres. The public was notified of this change via an Information Notice posted on the BLM-WY internet site on August 24, 2015.

As a result of a partial granting of a lease sale protest, parcel 015 is deferred pending review of new information received in a Citizen's Wilderness Proposal. This parcel contains 2,556.68 acres.

This DR addresses BLM's final decision as to the offering of 39 whole or partial parcels, containing approximately 61,192.950 acres, or 41% of the originally nominated acreage, at the November 3, 2015 Fluid Mineral Competitive Lease Sale as described in the Sale Notice, as modified by the subject information notice dated August 24, 2015.

Additionally, a Finding of No Significant Impact (FONSI)⁶ has determined the selected alternative, Alternative B (the "Proposed Action" Alternative) analyzed in WY-040-EA15-70, as modified by the above referenced deferrals, 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,

⁵ <http://www.blm.gov/style/medialib/blm/wy/programs/energy/og/leasing/2014.Par.84623.File.dat/05list.pdf>

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).

monitoring may be required by the BLM and would be considered under future documentation of National Environmental Policy Act (NEPA) compliance, and in conformance with the respective RMP ROD, as amended (2015).

Terms/Conditions/Stipulations:

All parcels are subject to standard lease notices 1-3 and the Special Lease Stipulation for cultural resources and 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 3, 2015 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), 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
- Wyoming Greater Sage Grouse Approved RMP/ROD Amendment, September 21, 2015

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, Rawlins, Kemmerer, Green River RODs, RMPs, and FEISs, as amended (2015).

Alternatives Considered in the Applicable EA:

Alternative A – No Action: Under the No Action Alternative, the BLM Wyoming would not offer any of the parcels available for lease at the November 2015 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 (as amended, 2015), BLM Wyoming would offer 34 full parcels

and portions of 16 additional parcels for lease (as described in the November 2015 EA). The offered parcels are available for oil and gas leasing under the Pinedale, Kemmerer, Rawlins, and Green River RMPs/RODs (as amended 2015). Standard terms and conditions/stipulations would apply. Lease stipulations have been added to each of the 40 parcels as identified by referenced RMPs, as amended (2015), to address site specific concerns, and as described in the November 2015 Sale Notice.

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. 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.

Rationale for Decision:

The decision to approve the proposed action, as modified to offer 40 parcels, 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, Rawlins, and Green River RMPs. These RMPs were amended by the Wyoming Greater Sage Grouse Land Use Plan Amendment Record of Decision dated September 21, 2015. The offering of these parcels is in conformance with the decisions contained in this amendment.
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 Pinedale, Kemmerer, Rawlins, and Rock Spring Field Offices to address site specific concerns, in conformance with the subject RMP, as amended (2015).
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, as amended (2015) 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, acting

10/2/15

Date