

United States Department of the Interior Bureau of Land Management

Determination of NEPA Adequacy
DOI-BLM-UT-Y020-2019-0004-DNA

March 2019 Competitive Oil and Gas Lease Sale

Location: Monticello Field Office
San Juan County, Utah

Applicant/Address: U.S. Department of the Interior
Bureau of Land Management
Utah State Office
440 West 200 South, Suite 500
Salt Lake City, Utah 84145-0155

U.S. Department of the Interior
Bureau of Land Management
Monticello Field Office
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Worksheet

Determination of NEPA Adequacy

U.S. Department of the Interior
Utah Bureau of Land Management

The signed CONCLUSION at the end of this worksheet is part of an interim step in the BLM's internal analysis process and does not constitute an appealable decision; however, it constitutes an administrative record to be provided as evidence in protest, appeals and legal procedures.

OFFICE: Monticello Field Office

TRACKING NUMBER: DOI-BLM-UT-Y020-2019-0004-DNA

PROPOSED ACTION TITLE/TYPE: Review of nominated parcels within the Monticello Field Office area to be offered for leasing during the March 2019 Competitive Oil and Gas Lease Sale.

LOCATION/LEGAL DESCRIPTION: See parcel list in Attachment A and map in Attachment B.

APPLICANT (if any): U.S. Department of the Interior
Bureau of Land Management
Utah State Office
440 West 200 South, Suite 500
Salt Lake City, Utah 84145-0155

A. Description of the Proposed Action

The Bureau of Land Management (BLM), Utah State Office, proposes to offer, and subsequently issue for oil and gas lease, 19 parcels of public land within the Monticello Field Office, in a competitive lease sale to be held in March 2019. The parcels comprise approximately 32,067.42 acres of federal mineral estate in San Juan County, Utah. Of this total approximately 2,037.51 acres are private surface split-estate. A map is presented in Attachment B.

All parcels are available for oil and gas leasing subject to the Monticello Resource Management Plan (RMP), 2008 land use planning decisions. All parcels would be issued with standard lease terms and conditions for development of the surface as provided in 43 CFR 3100 and BLM's Competitive Leasing Handbook H-3120-1. Stipulations and lease notices to protect other surface and subsurface resources would also apply, as prescribed by the RMP. The list of parcels, and applicable stipulations and lease notices, are presented in Attachment A.

If any of the parcels are not leased through competitive bidding, they may be leased non-competitively for two years following the competitive sale. Federal oil and gas leases are issued for a primary term of 10 years, after which the lease would expire unless oil and/or gas are produced in paying quantities. A producing lease could be held indefinitely by paying production.

A lessee's right to explore and drill for oil and gas at some location in the lease is implied by issuance of the lease. The act of leasing does not authorize any development or use of the surface of lease lands without further application by the operator and approval by the BLM. In the future, the BLM may receive Applications for Permit to Drill (APDs) on those parcels that are leased. If APDs are received, the BLM conducts additional site-specific NEPA analysis before deciding whether to approve the APD and what conditions of approval should apply.

B. Land Use Plan (LUP) Conformance

The proposed action is in conformance with the RMP because it is specifically provided for in the following decisions:

Name of Plan: Monticello Field Office Record of Decision and RMP

Date Approved: November 2008

Decision Language: The RMP designated approximately 1,290,919 acres of federal mineral estate open for continued oil and gas leasing and development. The RMP (with associated amendments) also describes specific stipulations that would be attached to new leases offered in certain areas. Under the Proposed Action, parcels to be offered would be leased subject to stipulations prescribed by the RMP. Therefore, the Proposed Action conforms to the fluid mineral leasing decisions in the RMP and subsequent amendments, and are consistent with the RMP's goals and objectives for natural and cultural resources.

The Proposed Action specifically conforms to the following Land Use Plan decisions:

RMP MIN-1: The plan will provide for a variety of mineral exploration and development activities.

RMP MIN-6: The plan will recognize and be consistent with the National Energy Policy Act and related BLM policy...

RMP MIN-7: All lands are available for leasing subject to standard lease terms, unless otherwise specified in the plan. Lease stipulations will be developed in the plan, where necessary, to mitigate the impacts of oil and gas activity.

RMP MIN-10: Split-estate lands (private surface/federal minerals) and lands administered by other federal agencies are not managed by the BLM. The surface owner or surface management agency (SMA) manages the surface. The BLM administers the operational aspects of oil and gas leases. On split-estate lands, lease stipulations will consist of those necessary to comply with non-discretionary federal laws, such as the Endangered Species Act.

MIN-23 - Approximately 484,217 acres will be administratively available for oil and gas leasing, subject to standard lease terms.

MIN-24 - Timing Limitations: Approximately 594,469 acres will be administratively available for oil and gas leasing subject to timing limitations.

MIN-25 - Controlled Surface Use: Approximately 60,741 acres will be administratively available for oil and gas leasing subject to controlled surface use.

MIN-26

Controlled Surface Use and Timing Limitations: Approximately 85,384 acres will be administratively available for oil and gas leasing subject to timing limitations and controlled surface use.

MIN-27

No Surface Occupancy: Approximately 66,108 acres will be administratively available for oil and gas leasing subject to no surface occupancy.

The Proposed Action is consistent with RMP decisions and their corresponding goals and objectives related to the management of (including but not limited to) air quality, cultural resources, recreation, riparian, soils, water, vegetation, fish & wildlife, and Areas of Critical Environmental Concern (ACEC).

C. Identify the applicable National Environmental Policy Act (NEPA) documents and other related documents that cover the proposed action.

List by name and date all applicable NEPA documents that cover the proposed action:

- Monticello Field Office Resource Management Plan and Final Environmental Impact Statement (RMP/FEIS) and Record of Decision.
- March 2018 Competitive Oil and Gas Lease Sale, Environmental Assessment, DOI-BLM-UT-Y010-2017-0240-EA (March 2018 EA)
- Moab Master Leasing Plan and Resource Management Plan Amendments/Final Environmental Impact Statement (MLP/FEIS) and Record of Decision

D. NEPA Adequacy Criteria

1. Is the new proposed action a feature of, or essentially similar to, an alternative analyzed in the existing NEPA document(s)? Is the project within the same analysis area, or if the project location is different, are the geographic and resource conditions sufficiently similar to those analyzed in the existing NEPA document(s)? If there are differences, can you explain why they are not substantial?

Yes
 No

Documentation of answer and explanation:

The RMP/FEIS consisted of five (5) alternatives. In order to reach a FONSI and a Decision, the BLM utilized a combination of the five (5) alternatives. The 2008 RMP explicitly provides for continued access to and development of oil and gas resources with appropriate lease stipulations and mitigation measures to protect natural and cultural resources. The leasing of the parcels in the March 2019 sale was fully anticipated, considered, analyzed, and disclosed in the 2008 RMP. The RMP/EIS included a No-Action alternative which is a continuation of oil and gas leasing subject to the previous planning decisions. The BLM considered but eliminated from analysis a No-Leasing Alternative (See 2008 RMP/EIS p. 10-11).

In the recent March 2018 EA the BLM reviewed the leasing of similar parcel and was able to reach a FONSI and Decision. The March 2018 EA was prepared for Oil and Gas Leasing and included detailed analysis and disclosure of potential impacts anticipated from the act of leasing. The March 2018 EA also included a No-Action Alternative where parcels would not be leased. The March 2018 EA addressed potential impacts to all resources, including but not limited to,

Air Quality, Cultural Resources, Greenhouse Gas Emissions/Climate Change, Lands with Wilderness Characteristics, Migratory Birds including Raptors, and Visual Resources. In addition, the Moab Master Leasing Plan (MLP) developed new and updated protection measures (lease notices) in coordination with the USFWS to protect Federally listed species. While the parcels nominated in the March 2019 lease sale do not fall within the MLP planning boundary, the analysis from the Moab MLP was considered in making a determination that a DNA was appropriate. The natural resources, values, and the development potential for the parcels are similar whether they are within the MLP planning boundary or outside of the MLP planning boundary. Many of the same Lease Notices, stipulations, and mitigation measures developed for the Moab MLP are applied to the nominated parcels.

The Monticello Field Office has also conducted plan maintenance through Lease Notices. Action number 102 implemented these updated lease notices for Mexican spotted owl, Southwestern willow flycatcher, yellow-billed cuckoo, California condor, and endangered Colorado River fish species throughout the Monticello RMP planning area.

The BLM reviewed the nominated parcels and concluded that the parcels nominated for the March 2019 Lease Sale are similar in character, natural resources, geography, development potential, etc., to the parcels analyzed in the March 2018 EA and were anticipated for leasing in the 2008 RMP/EIS. If future development were to occur, the development would likely be of a similar nature and type (e.g., similar pad construction, location types, access roads, power supply and other ancillary facilities) to the development that may occur on previously leased parcels. The BLM, therefore, applied the same or similar Lease Notices and Stipulations (where appropriate) to mitigate the potential impacts from leasing and possible future development.

The actions and potential impacts have not changed from those disclosed in these referenced NEPA documents.

2. Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the new proposed action (or existing proposed action), given current environmental concerns, interests, and resource values?

Yes
 No

Documentation of answer and explanation:

In developing alternatives for the RMP/EIS, the BLM undertook a highly collaborative, community-based planning process. The alternatives for the EIS were developed as a result of public and cooperating agency input which resulted in a reasonable range of alternatives.

Multiple alternatives, including the No-Action Alternative, were analyzed in detail in the RMP/EIS. As previously stated, the proposed action, namely, the act of continued leasing, is considered in the impact analysis of the alternatives in the 2008 RMP. The BLM's interdisciplinary team reviewed the proposed parcels and determined there is no significant new information or change in circumstances in regard to environmental concerns, interests, or resource values, relative to the nominated parcels. Because there are no new environmental concerns or resource values identified that would render previously analyzed alternatives inadequate, the existing range of alternatives in the existing NEPA document(s) is appropriate.

The 2008 RMP/EIS included the required No-Action Alternative. The No-Leasing Alternative was an alternative that was considered but was eliminated from further analysis (2008 RMP p. 11-13). However, a No-Leasing Alternative was analyzed in the March 2018 EA.

The No-Action Alternative in the March 2018 EA analyzed a range of alternatives that allowed the leasing of all nominated parcels or leasing none of the nominated parcels. The decision to include a No-Action Alternative that analyzed no leasing in the March 2018 EA precludes the need for the BLM to consider a No-Leasing Alternative for the March 2019 Lease Sale.

3. Is existing analysis adequate in light of any new information or circumstances (such as, rangeland health standards assessment; recent endangered species listings, updated list of BLM sensitive species)? Can you reasonably conclude that new information and new circumstances would not substantially change the analysis of the new proposed action?

Yes
 No

Documentation of answer and explanation:

The RMP/EIS specifically addresses potential impacts of oil and gas leasing on a number of resources. No new information or circumstances have been presented relative to the nominated parcels with the following exceptions:

1. The March 2018 EA analyzed impacts to greenhouse gas emissions/climate change. This analysis is the most up-to-date and incorporates information subsequent to the RMP/EIS. The proposed action in 2019 is essentially similar to those analyzed in the March 2018 EA.
2. The March 2018 EA analyzed impacts to Lands with Wilderness Characteristics. This analysis is the most up-to-date and incorporates information subsequent to the 2008 RMP/EIS. The proposed action in 2019 is essentially similar to those analyzed in the March 2018 EA.
3. The March 2018 EA analyzed impacts to cultural resources. The impacts to cultural resources in that analysis are essentially the same as the current proposed action. The analyses in the existing NEPA documents are adequate.

The cultural resources review and Native American consultation for this sale have not provided any new information or changed circumstances. The BLM-Utah March 2019 Lease Sale Cultural Resources Report adequately summarizes the absence or presence of archaeological inventories and cultural sites located within the parcels. Documented cultural resources are located in such a fashion that avoidance is feasible for oil and gas exploration. Based on the 2019 lease sale cultural resources report, development of at least one well pad and associated access road can occur on each lease without adverse impacts to eligible cultural resources. Leases or portions of leases issued with a No Surface Occupancy (NSO) stipulation would result in no surface disturbance and, thus, there would be no cultural resource impacts on any portions of a lease subject to a NSO stipulation. Consultation with the Utah State Historic Preservation Office is currently ongoing.

The BLM-Utah March 2019 Lease Sale Cultural Resources Report will not be released to the public unless redacted as required by regulation. Section 9 of the Archaeologic Resources Protection Act and Section 304 of the National Historic Preservation Act limit disclosure of

cultural resources information to the public in order to protect those resources.

Government to Government consultations with Native American Tribes were initiated on November 6, 2018. To date, no responses have been received. No specific religious or other concerns have been raised to date; however, the consultation process is ongoing.

4. Are the direct, indirect, and cumulative effects that would result from implementation of the new proposed action similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA document?

Yes
 No

Documentation of answer and explanation:

The proposed parcels are within those lands designated as available for leasing and development in the 2008 RMP/EIS. The potential direct, indirect, and cumulative effects resulting from leasing are similar qualitatively and quantitatively to those analyzed and determined to be available for Oil and Gas leasing in the 2008 RMP/EIS. Additionally, the BLM reviewed the nominated parcels and concluded that the parcels nominated for the March 2019 Lease Sale are similar in character, natural resources, geography, development potential, etc., to the parcels analyzed in the March 2018 EA. If development were to occur, the development would likely be of a similar nature and type (e.g., similar pad construction, location types, access roads, power supply and other ancillary facilities) to the development that may occur on previously leased parcels. The BLM applied the same or similar Lease Notices and Stipulations (where appropriate) to mitigate the potential direct, indirect, and cumulative effects of leasing and possible future development. The Moab Master Leasing Plan (MLP) developed new and updated protection measures (lease notices) to protect Federally listed species. While the parcels nominated in the March 2019 lease sale do not fall within the MLP planning boundary, many of the same Lease Notices, stipulations, and mitigation measures developed for the Moab MLP are applied to the nominated parcels.

5. Are the public involvement and interagency review associated with existing NEPA document(s) adequate for the current proposed action?

Yes
 No

Documentation of answer and explanation:

The public involvement and interagency review procedures and findings made through the development of the RMP/EIS are adequate for the proposed leasing of parcels nominated for the March 2019 lease sale.

One of BLM's primary objectives during development of the Monticello RMP was to understand the views of various publics by providing opportunities for meaningful participation in the resource management planning process. To achieve this, the BLM published a Notice of Intent to Plan in the Federal Register on June 4, 2003. The formal scoping period began on that date, and ended on January 31, 2004. News releases, website information, a mailing list, and planning bulletins informed the public of the scoping period. Six public scoping meetings and a

socioeconomic workshop were held during this period. A Final Scoping Summary was issued summarizing the comments obtained through the scoping process. The scoping comments raised issues that were taken into consideration in preparation of the alternatives developed for the Draft RMP/EIS (See p. 44-45 of the RMP/EIS).

The March 2018 EA prepared for Oil and Gas Leasing and the Moab MLP had the appropriate public scoping, public review, and comment periods.

E. Persons/Agencies/BLM Staff Consulted:

Name	Title	Resources
Cliff Giffen	Natural Resource Specialist	Air Quality, Soils, Socio-Economics, Environmental Justice, Team Lead
Erik Vernon	Atmospheric Scientist	Air Quality, Greenhouse Gas Emissions/Climate Change
Silas Sparks	Recreation Planner	Visual Resources, Wild & Scenic Rivers,
Misti Haines	Recreation Planner	Lands with Wilderness Characteristics, Wilderness/WSA, BLM Natural Areas
Jason Byrd	Recreation Planner	Areas of Critical Environmental Concern, Recreation
John Chmelir	Archaeologist	Cultural Resources, Historic Trails, Areas of Critical Environmental Concern, Native American Religious Concerns
Jed Carling	Range Management Specialist	Wetlands and Riparian, Floodplains, Rangeland Health Standards, Livestock Grazing, Vegetation excluding USFWS Designated Species.
Nephi Noyes	Range Management Specialist	Invasive Species/Noxious Weeds (EO 13112), Wastes (hazardous or solid
Ted McDougal	Geologist	Mineral Resources/Energy Production
Paul Plemons	Fire/Fuels Technician	Fuels/Fire Management
Melissa Wardle	Wildlife Biologist	Fish and Wildlife Excluding USFWS Designated Species, Threatened, Endangered or Candidate Plant Species, Threatened Endangered or Candidate Animal Species, Migratory Birds/Raptors, Utah BLM Sensitive Species, Woodlands/Forestry, Surface and Ground Water Resources
Norbert Norton	Realty Specialist	Lands/Access
Angela Bulla	Assistant Field Office Manager	Paleontological Resources

Name	Title	Resources
Travis Kern	Acting Field Manager	All sections, All resources

CONCLUSION

Plan Conformance:

- This proposal conforms to the applicable land use plans.
- This proposal does not conform to the applicable land use plans

Determination of NEPA Adequacy

- Based on the review documented above, I conclude that this proposal conforms to the applicable land use plans and that the NEPA documentation fully covers the proposed action and constitutes BLM’s compliance with the requirements of the NEPA.
- The existing NEPA documentation does not fully cover the proposed action. Additional NEPA documentation is needed if the project is to be further considered.

Decision Documentation:

- A new decision will be prepared.
- The proposed action is a subset of existing decisions signed in November 2008 (Monticello RMP), December 2016 (Moab MLP) and May 2018 (March 2018 EA).

Signature of Project Lead	Date
Signature of NEPA Coordinator	Date
Signature of the Responsible Official	Date

Note: The signed Conclusion on this Worksheet is part of an interim step in the BLM’s internal decision process and does not constitute an appealable decision. However, the lease, permit, or other authorization based on this DNA is subject to protest or appeal under 43 CFR Part 4 and the program-specific regulations.

ATTACHMENTS:

- Attachment A - Parcel List, Stipulations, and Lease Notices
- Attachment B - Map
- Attachment C - Interdisciplinary Team Checklist