

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

**Finding of No Significant Impact
Environmental Assessment
DOI-BLM-UT-G010-2019-0006-EA**

March 2019 Competitive Oil and Gas Lease Sale

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Finding Of No Significant Impact Determination

Based on my review of the March 2019 Competitive Oil and Gas Lease Sale, Environmental Assessment (“EA”) DOI-BLM-UT-G010-2019-0006-EA, and considering the criteria for significance provided by the Council on Environmental Quality (“CEQ”) regulations at 40 C.F.R. 1508.27, I have determined that issuing oil and gas leases for parcels analyzed in Proposed Action of the EA and listed in the Notice of Competitive Lease Sale, does not constitute a major federal action that will have a significant effect on the quality of the human environment, individually or cumulatively with other actions in the general project area, beyond those disclosed in the Vernal RMP/FEIS (2008), the Utah Greater Sage-Grouse Approved Resource Management Plan Amendment (2012), the Iso-Track Planning Analysis (1985) and the Bear River East Plan Amendment (1994).

Therefore, an Environmental Impact Statement (“EIS”) is not required for the lease sale. My determination is based upon the context and intensity of the lease sale, as described below.

Context

Ninety-six parcels comprising 142,066.485 acres were nominated for the March 2019 Competitive Oil and Gas Lease Sale. Ninety-six parcels were determined to be open to be leased for oil and gas development under the Vernal RMP, Iso-Track Planning Analysis, and Bear River East Plan Amendment. This figure is comprised of 142,066.485 mineral acres with a combination of federal and private surface. The mineral rights for these parcels are owned by the federal government and administered by the Salt Lake Field Office and Vernal Field Office. The legal descriptions of the nominated parcels are in Appendix A of the EA.

Intensity

The following discussion addresses the 10 significance criteria described in 40 CFR 1508.27 for evaluating intensity (the severity of the effect).

1. Impacts that may be both beneficial and adverse.

The lease sale would impact resources as described in the EA. There are no potential environmental effects for the lease sale that were not considered in the supporting NEPA documents that are considered to be significant, as defined by 40 C.F.R. § 1508.27. Adequate mitigation measures have been applied to the parcels, which include protective stipulations and notices to reduce the potential impacts from future oil and gas operations on other natural resources and uses of the public lands. These mitigation measures are based on the analyses and decisions identified through the supporting NEPA documents and the EA. Before any surface disturbing operations may be authorized, additional and site-specific analysis in accordance with the National Environmental Policy Act (“NEPA”) and the application of

further mitigation (if warranted and as is consistent with the standard lease terms and lease notices and stipulations attached to the parcels) to reduce impacts to the environment and other uses of the public lands will be required through the Application for Permit to Drill (“APD”) or Right-of-Way processes.

Should all of the parcels be developed, they may contribute substantially to local, regional and national energy supplies.

2. The degree to which the proposed action affects public health or safety.

Leasing for oil and gas and the subsequent exploration and development is an on-going activity on the public lands. The standard lease terms, which are contained on the lease form (BLM Form 3100-11), the stipulations and notices attached to the leases along with the additional NEPA analysis and potential protections/mitigation at the APD stage; ensure that development of the parcels would occur in a way that protects public health and safety. For example, spill prevention plans would be required and any drilling operations would be conducted in accordance with the safety requirements of 43 C.F.R. Subpart 3160, the Federal Onshore Oil and Gas Orders (“Onshore Orders”), best management practices recommended by the American Petroleum Institute, and other industry requirements for the protection of worker safety and public health.

Environmentally responsible oil and gas operations, including those related to public health and safety, are discussed in the EA. All operations, including well pad and road construction, water handling and plugging and abandonment, would be conducted in accordance with The Gold Book: Surface Operating Standards and Guidelines for Oil and Gas Exploration and Development (United States Department of the Interior and United States Department of Agriculture, 2007) (“The Gold Book”). The Gold Book provides operators with a combination of guidance and standard procedures for ensuring compliance with agency policies and operating requirements, such as those found in 43 C.F.R. Subpart 3160, the Onshore Orders and notices to lessees. Also included in The Gold Book are environmental best management practices; these measures are designed to provide for safe and efficient operations while minimizing undesirable impacts to the environment.

3. Unique characteristics of the geographic area, such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.

The interdisciplinary team that identified the issues analyzed in the EA reviewed the proximity of the proposed parcels to historic and cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers and ecologically critical areas. None were near park lands, wild and scenic rivers, or ecologically critical areas. Those that were near enough to prime farm lands to potentially affect them were reviewed and it was determined impacts from development could be mitigated so as to not impact the prime farmlands. The parcels may encompass historic or cultural resources or wetlands, but those resources are not expected to be of such high density that their protection would not preclude development of the leases. Stipulations and notices were added to the parcels to notify potential lessees that restrictions may be necessary at the permitting stage to prevent or minimize impacts to wetlands and historic and cultural resources and the associated surface protection requirements that may be imposed pursuant to the National

Historic Preservation Act (NHPA) or other related laws, regulations or policies. For historic and cultural resources, see also the response to criterion 8 below.

4. The degree to which the effects on the quality of the human environment are likely to be controversial.

The oil and gas exploration and development that could follow leasing of the parcels is a common practice on public lands. The nature of the activities and the resulting impacts are understood and have been analyzed and disclosed to the public through supporting NEPA documents, including Vernal RMP/FEIS, the Utah Greater Sage-Grouse Approved Resource Management Plan Amendment, the Iso-Track Planning Analysis (1985), the Bear River East Plan Amendment (1994), and this EA.

5. The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.

As stated above, leasing and the associated exploration and development of oil and gas resources is not unique or unusual in this area. The BLM has experience implementing the oil and gas program, and the environmental effects to the human environment are adequately analyzed in supporting NEPA documents, including the EA. There are no predicted effects on the human environment that are considered to be highly uncertain or involve unique or unknown risks within the project area for the Lease Sale.

6. The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.

Reasonably foreseeable actions connected to the decision to lease the parcels have been considered. A lessee's right to explore and drill for oil and gas, at some location on a lease, subject to the standard lease terms and specific lease notices and stipulations attached to the lease, is a conspicuous aspect of lease issuance. A lessee must submit to the BLM an APD identifying the specific location and plans for use of the surface and the BLM must approve an APD before any surface disturbance, including drilling, may commence on a lease. The BLM's review of an APD will include site-specific environmental analysis and documentation in accordance with NEPA. If the BLM approves an APD, a lessee may produce oil and/or gas from the lease without additional approval so long as such production is consistent with the terms of the BLM-approved APD. During the parcel review process, the impacts that could result from leasing and the subsequent development of oil and/or gas resources from the parcels was considered by interdisciplinary teams of resource specialists within the context of past, present, and reasonably foreseeable future actions. As stated previously and below, significant impacts, including direct, indirect and cumulative impacts, to other resources and land uses are not expected.

7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.

During the parcel review process, the BLM assembled an interdisciplinary team of resource specialists in order to evaluate the potential environmental impacts that could result from leasing of the parcels. The interdisciplinary team evaluated the potential direct, indirect or cumulative

environmental impacts within the context of those disclosed in the chosen alternatives supporting NEPA documents and the EA. With respect to those resources and uses that the BLM identified as potentially impacted by the Lease Sale beyond what was disclosed in the supporting NEPA documents, and for which detailed analysis was afforded in the EA, past, present and reasonably foreseeable future actions were considered. The environmental analyses that were conducted by the team and documented in the EA do not predict significant cumulative impacts beyond those disclosed in the Vernal RMP/FEIS (2008), the Utah Greater Sage-Grouse Approved Resource Management Plan Amendment (2012), the Iso-Track Planning Analysis (1985), and the Bear River East Plan Amendment (1994). No new significant cumulative impacts from the leasing of the parcels were identified.

8. The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the NRHP or may cause loss or destruction of significant scientific, cultural, or historical resources.

The Lease Sale is not predicted to adversely affect districts, sites, highways, structures, or other objects that are listed or eligible for listing on the National Register of Historic Places (“National Register”), nor is it anticipated to cause the loss or destruction of significant scientific, cultural or historical resources.

In order to identify and assess the potential impacts that the Lease Sale might have on cultural resources, including historic properties that are listed or eligible for listing on the National Register pursuant to the National Historic Preservation Act (“NHPA”), 16 U.S.C. §§ 470 et seq., the BLM’s cultural resources specialists reviewed and analyzed existing records for cultural resources within the areas of potential effects (“APE”) for the Lease Sale. These cultural resource records reviews and analyses, which are referred to as “Class I” reviews, show cultural site densities that, when considered along with the protective measures applicable to each of the parcels (i.e. standard lease terms, lease notices and stipulations), support the EA’s analysis that the issuance and subsequent development of the parcels may occur without having significant adverse impacts upon cultural resources. Moreover, with respect to those cultural resources eligible for protection under the NHPA in particular, in accordance with section 106 of the NHPA, 16 U.S.C. § 470f, and its implementing regulations at 36 C.F.R. Part 800, the BLM has determined that the Lease Sale will have a “No Adverse Effects” determination on historic properties.

For the purposes of soliciting additional information and to request to consult regarding the presence of and potential impacts to cultural resources, including historic properties listed on or eligible for listing on the National Register within the APE, the BLM sent letters to the State of Utah’s State Historic Preservation Office (“SHPO”) and potentially interested Native American Tribes, which provided those parties with notice and the documentation supporting the BLM’s determination as to the potential impacts of the Lease Sale on cultural resources. Consultation is ongoing, and will be concluded prior to issuance of the leases, if offered.

Additionally, pursuant to BLM Handbook 3120-1 – Competitive Leases (P) (H-3120), the following stipulation is attached to all of the parcels, which notifies potential lessees that project modifications may be needed at the permitting stage to avoid or minimize impacts to historic and

cultural resources and the associated surface protection requirements that may be imposed pursuant to the NHPA or other related laws, regulations or policies:

This lease may be found to contain historic properties and/or resources protected under the National Historic Preservation Act, American Indian Religious Freedom Act, Native American Graves Protection and Repatriation Act, E.O. 13007, or other statutes and executive orders. The BLM will not approve any ground disturbing activities that may affect any such properties or resources until it completes its obligations under applicable requirements of the NHPA and other authorities. The BLM may require modification to exploration or development proposals to protect such properties, or disapprove any activity that is likely to result in adverse effects that cannot be successfully avoided, minimized or mitigated. (H-3120 at 35).

9. The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the ESA of 1973.

As determined during the parcel review process and as documented in the EA and the administrative record, leasing of the parcels is not likely to adversely affect any species, or the critical habitat of any species, listed as threatened or endangered under the Endangered Species Act (hereafter “ESA”), 16 U.S.C. §§ 1531 et seq., nor is the project likely to adversely affect any species, or the habitat of any species, that is proposed or a candidate for listing as threatened or endangered under the ESA. Leasing of the parcels is also not expected to have an adverse impact on any species listed on the BLM’s Sensitive Species list, including those species that are neither listed nor proposed/candidates for listing under the ESA. The rationale supporting the aforementioned determinations, which can be found in the EA and the administrative record for the lease sale.

The BLM has committed to attach the lease notices that it developed through the aforementioned consultation with the USFWS to the appropriate oil and gas leases at the time of issuance, which will serve to notify oil and gas lessees of the specific ESA-protected species or habitat present or potentially present on the subject parcels and the associated surface protection requirements that may be imposed pursuant to the ESA or other related laws, regulations or policies.

Additionally, pursuant to BLM Handbook 3120-1 – Competitive Leases (P) (H-3120), the following stipulation is attached to all of the parcels:

The lease may now and hereafter contain plants, animals, and their habitats determined to be threatened, endangered, or other special status species. BLM may recommend modifications to exploration and development proposals to further its conservation and management objectives to avoid BLM approved activity that will contribute to a need to list such a species or their habitat. BLM may require modification to or disapprove a proposed activity that is likely to result in jeopardy to the continued existence of a proposed or listed threatened or endangered species or result in the destruction or adverse modification of a designated or proposed critical habitat. BLM will not approve any ground-disturbing activity that may affect any such species or critical habitat until it completes its obligation under requirements of the Endangered Species Act, as amended,

16 U. S. C. § 1531 et seq., including completion of any required procedure for conference or consultation.

The BLM also consulted and conferenced with the USFWS during the parcel review process for the specific purpose of identifying and evaluating the potential impacts that the lease sale might have on plant and animal species. The consultation and conferencing identified the presence or potential presence of ESA listed, proposed or candidate species and other species and their habitat within the parcels, and assisted in determining which of the lease stipulations and notices should be attached to each of the parcels. The BLM also consulted and conferenced with the USFWS regarding the adequacy of the protections afforded by the stipulations and lease notices.

Consultation with FWS on Oil and Gas leasing occurred in a State-wide programmatic BO in 2004 and 2008 as part of the RMPs revision process. The majority of the parcels were originally part of the original 161 parcels included in the December 2018 lease sale. On October 11, 2018, the BLM provided the USFWS with a notice that requested agreement from the USFWS that the Proposed Action (leasing): 1) does not exceed the impacts analyzed in the PRMP and BA/BO; and 2) would not exceed the effects determination in the BO (LAA) and our effects determination for this project (NLAA). On November 16, 2018, the FWS agreed that consultation for the 161 parcels was concluded for species covered in the programmatic consultations. Two additional parcels were added to the March 2019 sale. The BLM provided the USFWS with a notice of those two parcels on December 13, 2018. Consultation is ongoing, but coordination will be concluded prior to issuance of the leases, if offered.

The BLM conferenced with FWS on the Graham and White River penstemons for the parcels in the March 2019 oil/gas lease sale in the December 2018 lease sale consultation and coordination (BLM, November 20, 2018). The BLM determined that a proposed lease sale of the parcels containing or potentially containing the two penstemons would not likely jeopardize Graham's beardtongue or White River beardtongue or adversely modify their proposed critical habitats. The BLM received a letter of concurrence from FWS dated November 28, 2018, agreeing with this determination.

When or if disturbance is proposed for parcels (APD stage) that contain or affect ESA species, further evaluation and Section 7 consultation of these ESA species with the USFWS will occur as necessary.

A letter providing notice of the December 2019 and March 2019 leases sales, including parcel locations, was provided to Utah Division of Wildlife Resources. A response was received on November 5, 2018 identifying the species present by parcel number. This information was incorporated into the EA.

Based on the aforementioned coordination and consultation with the USFWS, the BLM determined that the reasonably foreseeable impacts from leasing of the parcels to animal and plant species would either be completely avoided or reduced to insignificant levels by the protective measures that were attached to the parcels. When or if disturbance is proposed for parcels (APD stage) that contain or affect ESA species, further evaluation and Section 7 consultation of these ESA species with the USFWS will occur as necessary.

10. Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.

The Lease Sale is not predicted to violate any known federal, state, local or tribal law or any other requirement imposed for the protection of the environment. Potentially interested state, local, and tribal interests were given the opportunity to participate in the parcel review process through scoping period and a public comment period, as described in Chapters 1 and 5 of the EA.

The March 2019 Lease Sale is in conformance with the applicable land use plans (EA at Section 1.4), in compliance with laws and regulations and consistent with policies (EA at Section 1.6). Additional consultation, coordination and environmental analysis will be required during the review and consideration for approval of any site specific proposals for oil and gas exploration, drilling or development proposed on leases issued as a result of the March 2019 Lease Sale EA Decision Record.

SIGNED

Kent Hoffman
Deputy State Director
Lands and Minerals

Date