



United States Department of the Interior
BUREAU OF LAND MANAGEMENT
Four Rivers Field Office
3948 Development Avenue
Boise, Idaho 83705



Decision Record & Leasing Recommendation
Environmental Assessment (EA)
DOI-BLM-ID-B010-2014-0036-EA
Little Willow Creek Protective Oil and Gas Leasing

Decision:

Having considered a full range of alternatives and associated impacts, it is my final decision and recommendation to implement the actions as described in Alternative B of Environmental Assessment DOI-BLM-ID-B010-2014-0036-EA (EA). The BLM will offer five parcels of federal mineral estate totaling 6,349 acres at a spring 2015 competitive oil and gas lease sale. The parcels include 997 acres of BLM-administered lands (surface) and 5,352 acres of split estate (private surface with BLM-managed subsurface) within a 15,644-acre area in Payette County, Idaho (Table 1, Map 2 and Appendix of the EA). The following stipulations and lease notices will be applied to all BLM-administered surface and subsurface in the lease area:

- No Surface Occupancy (NSO) –1: Surface occupancy and use on BLM-administered and split estate lands would be prohibited until the Four Rivers Resource Management Plan (FRMP) is finalized.
- No Sub-surface Occupancy (NSSO) –1: Subsurface occupancy and use on federal mineral estate lands would be prohibited until the FRMP is finalized.

Once the FRMP is final, the leases will be modified replacing the NSO-1 and NSSO-1 with stipulations consistent with the FRMP. Development of State and private leases will continue as before; however, drainage of the federal mineral estate may be allowed and typical royalties will be applied.

Authorities:

The authority for this decision is contained in the Mineral Leasing Act of 1920, 30 U.S. Code § 181 et seq. and 43 CFR 3100. The Mineral Leasing Act, as amended, authorizes the Secretary of the Interior to lease federal oil and gas. The Bureau of Land Management (BLM) is the Interior agency delegated the authority to manage the United States' mineral resources.

Compliance and Monitoring:

Leasing is an administrative action, so there will be no monitoring at this stage. Should parcels be developed, monitoring may be required and would be addressed and developed under subsequent NEPA documentation.

Terms / Conditions / Stipulations:

Standard lease terms, conditions, and operating procedures (43 CFR 3101 and 3162), NSO and NSSO stipulations, and BLM lease notices (LN-A and LN-B) will apply to all parcels. Refer to sections 2.2 Alternative B and Section 3.4 Additional Considerations for Alternatives B-C of the EA.

Plan Conformance and Consistency:

The proposed action and alternatives have been reviewed and found to be in conformance with one or more of the following BLM Land Use Plans and the associated decision(s):
Leasing is in conformance with the 1988 Cascade Resource Management Plan (CRMP) which makes 456,289 acres (94% of area) available for leasable mineral exploration and development (CRMP Record of Decision page 3). The proposed lease parcels are within the area determined available for leasable mineral exploration and development. The CRMP directs the BLM to manage geological, energy, and minerals resources on the public lands so that significant scientific, recreational, ecological and educational values will be maintained or enhanced. Generally, the public lands are available for mineral exploration and development, subject to applicable regulations and Federal and State laws. The CRMP states that: "Approval of an application for lease is subject to an environmental analysis and may include stipulations to protect other resources." Additional NEPA documentation is needed prior to leasing to address new circumstances or information bearing on the environmental consequences of leasing that was not considered within the broad scope analyzed in the CRMP Environmental Impact Statement.

Alternatives Considered:***Alternative A***

The five parcels proposed for leasing in Payette County (997 BLM surface acres and 5,352 split estate within the 15,644-acre proposed lease area) would not be offered for lease (Map 1 of the EA). Development of State and private leases could occur in the area; however, the federal mineral estate would not be available, at least until the Four Rivers RMP is completed. State or other stipulations developed by the lessor and lessee would apply to other leases.

Alternative B

See description under Decision above.

Alternative C

The five parcels proposed for leasing in Payette County (997 BLM surface acres and 5,352 split estate within the 15,644-acre proposed lease area) would be offered for lease (Table 1, Map 2, and Appendix 3 of the EA). The leases would be subject to standard lease terms and the stipulations associated with listed species and cultural resources, applicable CRMP stipulations, and lease notices developed for sensitive resources not addressed in the CRMP as described in Section 2.3 Alternative C of the EA. Lease notices were developed for sensitive resources that were not addressed in the CRMP. Development of State and other leases would be as described in Section 2.1 and Appendix 2 of the EA.

Below is a summary of the resources addressed by the CRMP and the BLM lease notices developed for this alternative. Refer to EA Section 2.3 for detailed descriptions of each.

The following resources have mandatory stipulations per BLM policy:

- Federally listed species
- Cultural resources

The following resources have one or more controlled surface use (CSU) requirements per the CRMP:

- Freshwater aquatic habitat
- Special status plants and animals
- Big game range
- Sensitive wildlife and species of concern (raptors)
- Migratory birds
- Paleontological resources

The BLM developed lease notices for the following resources in addition to CRMP stipulations and CSU requirements:

- Fragile soils
- Flood plain management
- Special status mammals
- Migratory birds and raptors
- Water quality
- Cultural resources
- Lands and realty
- Paleontological resources

Public Comments:

A Notice of Intent regarding proposed leasing was published July 8, 2014 commencing a 30-day scoping period. The BLM also provided a public scoping package outlining the leasing proposal and held a public meeting in Payette, Idaho, on July 17, 2014 to provide information, answer questions, and receive comments. A total of 12 comment submissions were received during scoping. Public input and scoping comments were used to help identify potential issues from the proposal, as well as inform alternative development for the EA.

The EA was made available for a 30-day public comment period which ended on January 21, 2015. A total of eight written submissions were received during the comment period, which resulted in numerous individually-coded substantive comments. After review and consideration of the comments, some modifications to existing conditions and effects analyses were included to finalize the EA. These comments have been summarized and addressed in Chapter 8 of the final EA.

Rationale for Decision:

My decision to approve Alternative B, leasing of five parcels with NSO and NSSO stipulations until implementation of the imminent Four Rivers RMP, is based on the need to protect the federal mineral resource from uncompensated drainage and surface resources from potential damage. Leasing of these parcels is consistent with national policy and agency statutory requirements, and is in conformance with the 1988 CRMP. The BLM may issue leases to protect the public interest when uncompensated drainage is occurring or may occur (43 CFR 3100.2-1), provided the lease does not convey an irreversible or irretrievable commitment of resources (848F.2d 1441 - Connor v. Burford, Argued and Submitted July 11, 1986). The NSO and NSSO stipulations preclude an irreversible or irretrievable commitment of resources. The CRMP EIS did not include a reasonably foreseeable development scenario (RFDS) and provided only limited analyses of NSO (e.g., special management areas such as areas of critical environmental

concern that are outside the proposed lease area). Therefore, an RFDS was developed for and analyzed in the EA to describe impacts from NSO.

While the NSSO stipulation was not analyzed in the CRMP EIS, it was analyzed in the EA due to the rapid development of oil and gas interests in the area, to address continuing industry interests and in order to ensure preservation of all mineral rights until implementation of the Four Rivers RMP (anticipated draft publication June 2015). Additionally, completion of an EA at this time was applicable based on recent Idaho Oil and Gas Commission rulings to offer parcels for lease sale.

Based on this rationale, I recommend that each of the five parcels in the Little Willow Field as depicted in the EA be offered for lease sale with NSO and NSSO stipulations (per Alternative B) and described in the aforementioned decision.

Recommended by:

/s/ Tate Fischer

2/27/2015

Tate Fischer
Four Rivers Field Manager

Date

Concurrence by:

/s/ James M. Fincher

2/27/2015

James M. Fincher
Boise District Manager

Date

Approved by:

/s/ Richard R. Todd (for)

2/27/2015

David Murphy
Branch Chief - Land, Mineral, and Water Rights

Date