BLM

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

Determination of NEPA Adequacy

EnCana/Cresent Point-Lease Reinstatement
DOI-BLM-UT-G010-2015-0123–DNA
July 2015

PREPARING OFFICE

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

Determination of NEPA Adequacy

EnCana/Cresent Point-Lease Reinstatement

DOI-BLM-UT-G010-2015-0123–DNA

July 2015

Prepared by
U.S. Department of the Interior
Bureau of Land Management

This page intentionally
left blank

Table of Contents

1. Determination of NEPA Adequacy (DNA) 1

This page intentionally
left blank

List of Tables

Table 1.1. List of Preparers 5

This page intentionally
left blank

Chapter 1. Determination of NEPA Adequacy (DNA)

Worksheet

This page intentionally
left blank

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

OFFICE::, LLUTG0112000

TRACKING NUMBER:DOI-BLM-UT-G010–2015–0123–DNA

CASEFILE/PROJECT NUMBER: UTU-75675 AND UTU-74837

PROPOSED ACTION TITLE/TYPE: Reinstatement of Oil and Gas Lease

LOCATION/LEGAL DESCRIPTION:T 7S 20E Sec 6: S/2 SE; Sec 7: N/2 NE; Sec 29: N/2 of the SE, NESW, SESE

APPLICANT : EnCana Oil & Gas USA Inc. and Cresent Point Energy US Corp.

A. Description of Proposed Action and any applicable mitigation measures

Under the provisions of the Mineral Leasing Act of 1920, as amended, the Bureau of Land Management (BLM) received a petition for reinstatement from EnCana Oil & Gas USA Inc. and Cresent Point Energy US Corp for competitive oil and gas leases UTU–75675 and UTU–74837 for lands in Uintah County, Utah. The petition was filed on time and was accompanied by all the rentals due since the date the lease terminated under the law. The lease terminations occurred on October 1, 2014, for failure to pay annual rental on time. Pursuant to 30 U.S.C. 188 (d) (e), 43 CFR 3108.2-3, the authorized officer may, if the requirements of the section are met, reinstate the oil and gas leases which were terminated by operation of law for failure to pay rental timely.

The lessee has met all the conditions and requirements for reinstatement of the leases under the Federal Oil and Gas Royalty Management Act, including payment of back rental. The lessee has agreed to the amended lease terms for rental and royalty. The administrative fee for the leases has been paid. The rental for lease UTU will increase to $10.00 per acre and the royalty to 16⅔ percent.and at a rate which shall be not less than 4 percentage point greater than the competitive royalty schedule currently in effect.

The public has 30 days after publication in the Federal Register to comment on the issuance of the Class II reinstatement. If no objections are received within that 30-day period, the BLM will issue a decision to the lessee reinstating the leases. As the lessee has met all the requirements for reinstatement of the leases as set out in Section 31(d) and (e) of the Mineral Leasing Act of 1920 (30 U.S.C. 188), the BLM is proposing to reinstate the leases, subject to a review of the lease terms and conditions as detailed within this Determination of NEPA Adequacy (DNA). The act of reinstating leases does not in itself permit surface disturbing activities.

B. Land Use Plan Conformance

Vernal Field Office (VFO) ROD/RMP October 2008

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

MIN-10 – Min 13 (VFO ROD/RMP page 99). Approximately 750,131 acres will be open to leasing subject to the terms and conditions of the standard lease form. Approximately 890,280 acres will be open to leasing subject to moderate constraints, such as TLs and CSU. Approximately 86,789 acres will be open to leasing subject to major constraints such as No Surface Occupancy (NSO) stipulations. Approximately 190,434 acres will be unavailable for leasing.

The proposed action is also consistent with the Vernal Field Office's ROD/RMP decisions and objectives as they relate to the management of the following resources (including but not limited to): air quality, wildlife, minerals, cultural, BLM Natural Areas and non-wilderness study area lands with wilderness characteristics.

C. Identify 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.

- Record of Decision and Approved Resource Management plan, October 2008.

List by name and date other documentation relevant to the proposed action (e.g. biological assessment, biological opinion, watershed assessment, allotment evaluation, and monitoring report).

- Tribal and State Historic Preservation Office Consultation Documentation from the September 1992, August 1993 and August 1994, Oil and Gas Lease Sales.
- Resource Management Plan Appendix N October 2008
- Director's Protest Resolution Report Vernal Resource Management Plan (10/2008)
- Federal Register /Vol. 71, No. 57 / Friday, March 24, 2006 /Rules and Regulations 14821 (Oil and Gas Lease Acreage Limitation Exemptions and Reinstatement of Oil and Gas Leases)
- Oil and Gas Reinstatements - IM 2013-177

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

The RMP/Final EIS prepared for the Vernal FO, analyzed oil and gas leasing activities for development of mineral resources and specifically addressed impacts of leasing to resources and uses. This RMP covers the area included within the leases, and designates them as either open to standard stipulations or as open with timing and surface use stipulations.

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

Yes

The range of alternatives in the RMP/Final EIS is appropriate (ROD, page 4-14). Four alternatives, including a No Action Alternative, were analyzed in detail in the Vernal Field Office Draft RMP/EIS (2005). In October 2007, a Supplement to the Draft RMP/EIS (2007) analyzed a fifth alternative to further address Non-WSA Lands with Wilderness Characteristics. The Vernal Field Office Proposed RMP/FEIS (2008) combined all five alternatives into one document with the Proposed RMP (Alternative A, Preferred; Alternative B, Commodity; Alternative C, Protection; Alternative D, No Action and Alternative E, Environmentally Preferred). BLM also considered but eliminated from detailed analysis a No Grazing Alternative, a Livestock Grazing Adjustments Alternative, and a No Leasing Alternative (ROD, pages 14-17).

The alternatives were developed to address major planning issues and to provide direction for resource programs influencing land management. All alternatives incorporated the BLM Utah Standards for Rangeland Health and Guidelines for Grazing Management developed in conjunction with the Utah Resource Advisory Council (RAC) as base standards for assessing land health. All decisions under any of the alternatives would comply with federal laws, rules, regulations, and policies. Mitigation has been incorporated in the development of all alternatives.

3. Is the existing analysis valid in light of any new information or circumstances (such as, rangeland health standard assessments, recent endangered species listings, updated lists 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

In addition to internal scoping, public notification was initiated by entering the project information on the E Planning NEPA Website, on 6/8/2015. A corresponding Federal Register notice will be published initiating a 30 day public review and comment period on the proposed lease reinstatement. The public comments will be reviewed and considered in reaching the final decision.

The VFO ROD and Approved RMP is the culmination of several years of research, documentation, and discussion with environmental professionals, industry, and the public. Public participation involved in the preparation of the RMP remains adequate.

The existing analyses in the referenced NEPA documents are adequate to support oil and gas leasing, including the reinstatement of these leases. A description of the affected environment and environmental impacts are provided in the RMP/Final EIS (chapters 3 and 4). The resource values are described that could be affected by reinstating the subject leases. The existing documents identified in Section C were reviewed by the interdisciplinary team to determine if the analyses and/or content were still valid.

Minerals

The leases were originally processed for the September 1996 oil and gas lease sales, prior to the recent 2008 land use plan. As shown in Table 1, the lease stipulations and notices are

based on the resource management decisions contained in the following land use plan (as maintained/amended), ID team checklist and supporting documentation:

The leases remain open for leasing under the ROD and Approved 2008 RMP. Both lease parcels occur on Private surface and have existing Stipulations and Notices that are still applicable under the 2008 RMP (See table below)

Lease Number	Existing Lease Notices
UTU-75675	**FCLAA** (Federal Coal Leasing Amendments Act of 1976) **UT-LN-44** (Raptors)
UTU-74837	**FCLAA** (Federal Coal Leasing Amendments Act of 1976)

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

The methodology and approach used in the RMP/Final EIS remains adequate for reinstating the leases. The RMP/Final EISs evaluated the direct, indirect and cumulative impacts of oil and gas leasing and development.

The analysis remains appropriate because the methods of extraction, land requirements for exploration and development, and potential impacts have not substantially changed.

Vernal FO has prepared the Greater Uinta Basin Oil and Gas Cumulative Impacts Technical Support Document (2012)[1]which clarifies the assumptions for oil and gas surface disturbance in an area slightly larger than the Vernal planning area.

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

Yes

The consultation, public involvement and interagency review procedures and findings are summarized in the ROD and Approved RMP at sections G and J, respectively. The planning process provided extensive public and other agency involvement opportunities during the scoping process (March 12, 2001 – December 31, 2001). Scoping meetings were held in Duchesne, Vernal, Salt Lake City, Manila and Green River, Utah.

The Draft RMP/EIS and Notice of Availability (NOA) were published in January 2005. Public comments on the land use planning process were received and incorporated. BLM also conducted separate comment periods on the Areas of Critical Environmental Concern (December 2005) and non-wilderness study area lands with wilderness characteristics (October 2007). BLM received and processed substantive public comments.

[1]The VFO technical support document is located online at: http://www.blm.gov/pgdata/etc/medialib/blm/ut/vernal_fo.Par.57849.File.dat/GCW%20Cums%20TSD%2003-22-12%20final.pdf.

The results of the Proposed RMP and Final EIS are summarized in the ROD and Approved RMP at pages 17-18. Detailed information on the protest response are contained in the Director's Protest Resolution Report prepared for the Vernal RMP (October 2008)[2]

The public involvement and interagency review procedures and findings made through the development of the NEPA documents identified in Sections B & C are adequate for this lease reinstatement. Additional information is contained in the ID team checklist.

In addition to the RMP planning process, BLM also posted this DNA to the E-Planning NEPA website. As stated in Section A and D.3, the public has 30 days after publication in the Federal Register to comment on the issuance of the Class II reinstatement, including the subject leases.

E. Persons/Agencies/BLM Staff Consulted

Table 1.1. List of Preparers

Name	Role
Melissa Wardle	Natural Resource Specialist

Note

Refer to the Vernal RMP for a complete list of the team members participating in the preparation of the original environmental analysis or planning documents.

Conclusion

Based on the review documented above, I conclude that this proposal conforms to the applicable land use plan and that the NEPA documentation fully covers the proposed action and constitutes BLM's compliance with the requirement of NEPA.

Signature of Project Lead

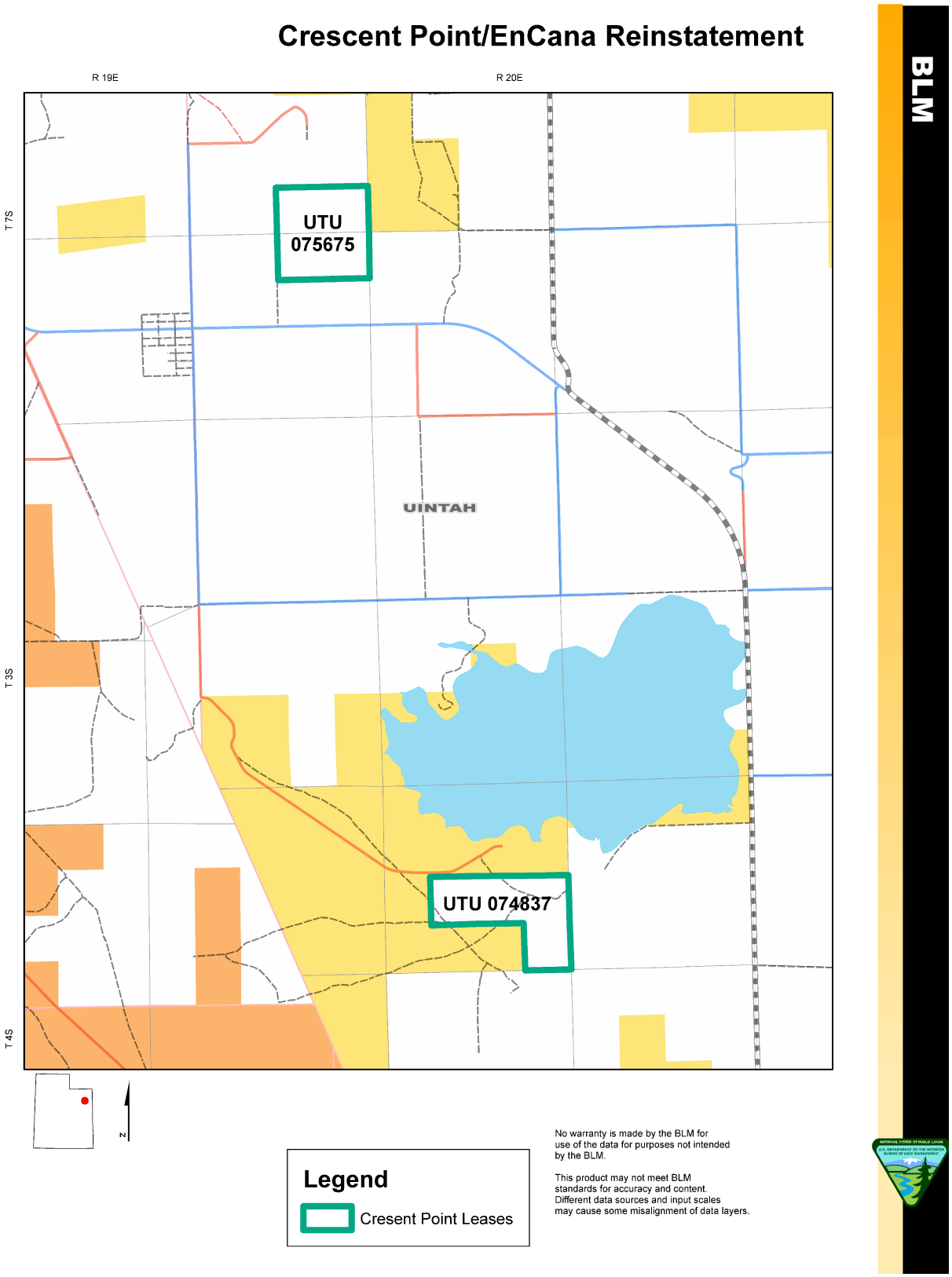
/s/ Kelly Buckner
Signature of NEPA Coordinator

/s/ Jerry Kenczka July 17, 2015
Signature of the Responsible Official Date

[2]Director's Protest Resolution Report is located online at: http://www.blm.gov/wo/st/en/prog/planning/planning_overview/protest_resolution/protestreports.html

Note:

The signed Conclusion on this Worksheet is part of an interim step in the BLM's internal decision process and does not constitute and appealable 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.


Crescent Point/EnCana Reinstatement
R 19E
R 20E
T 7S
T 3S
T 4S
UTU 075675
UINTAH
UTU 074837
N
Legend
Cresent Point Leases
No warranty is made by the BLM for use of the data for purposes not intended by the BLM.
This product may not meet BLM standards for accuracy and content. Different data sources and input scales may cause some misalignment of data layers.
BLM