



# United States Department of the Interior



## BUREAU OF LAND MANAGEMENT

Utah State Office  
440 West 200 South, Suite 500  
Salt Lake City, UT 84101  
<http://www.blm.gov/ut/st/en.html>

IN REPLY REFER TO:  
3100 / (UT922000)

February 12, 2016

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### DECISION

WildEarth Guardians : Protest of the inclusion of 46  
1536 Wynkoop, Suite 310 : Lease Parcels on the February 16, 2016  
Denver, Colorado 80202 : Competitive Oil and Gas Lease Sale

### Protest Denied

On August 13, 2015, the Bureau of Land Management (BLM) Utah State Office posted a Notice of Competitive Oil and Gas Lease Sale (NCLS) that identified parcels of land in which the BLM proposed for oil and gas leasing at a competitive lease auction held on November 17, 2015 (November 2015 Lease Sale). The NCLS also provided formal notice of a 30-day public protest period for the November 2015 Lease Sale which ended on September 16, 2015.

On September 16, 2015, BLM-Utah received a letter, whereby WildEarth Guardians (WEG) protested all 55 parcels proposed for leasing at the November 2015 Lease Sale. On November 13, 2015, the BLM issued an errata notice deferring 16 parcels: UTU-91309 – (UT1115 – 040) UTU91317 (UT1115 – 086), UTU91318 (UT1115 – 087), UTU91319 (UT1115 – 089), UTU91320 (UT1115 – 090) UTU91321 (UT1115 – 091), UTU91322 (UT1115 – 092), UTU91323 (UT1115 – 093), UTU91324 (UT1115 – 094) UTU91325 (UT1115 – 095), UTU91326 (UT1115 – 096), UTU91327 (UT1115 – 097), UTU91328 (UT1115 – 098) UTU91329 (UT1115 – 100), UTU9130 (UT1115 – 101) and UTU91341 (UT1115 – 210).

Due to concerns over the adequacy of the planned venue, the November 2015 Lease Sale was postponed and combined with the lease sale scheduled to take place on February 16, 2016 (February 2016 Lease Sale). On December 8, 2015, BLM-Utah posted a revised NCLS that included the remaining the 39 parcels from the earlier NCLS and an additional seven parcels

from the Moab Field Office. Revised final environmental assessments (Fillmore Field Office – DOI-BLM-UT-W020-2015-004, Vernal Field Office - DOI-BLM-UT-G010-2015-089 and Price Field Office - DOI-BLM-UT-G021-2015-0031) were also posted as well as the final Moab Field Office environmental assessment (EA), DOI-BLM-UT-Y010-2015-0186, for a new protest period that ended on January 11, 2016. On that date, BLM Utah received a second letter from WEG protesting the 46 parcels in the December 8, 2015 NCLS. The Statement of Reasons for protesting the August 13, 2015 NCLS was essentially the same as the Statement of Reasons for protesting the December 8, 2015 NCLS. Therefore, the September 16, 2015, protest is dismissed.

This decision addresses protested parcels: UTU91266 (UT0815-001), UTU91267 (UT0815-002), UTU91268 (UT0815-003), UTU91269 (UT0815-004), UTU91270 (UT0815-005), UTU91271 (UT0815-006), UTU91272 (UT0815-007), UTU91273 (UT0815-008), UTU91274 (UT0815-009), UTU91302 (UT1115-002), UTU91303 (UT1115-003), UTU91304 (UT1115-006), UTT91305 (UT1115-014), UTU91306 (UT1115-015), UTU91307 (UT1115-016), UTU91308 (UT1115-021), UTU-91310 (UT1115-038), UTU91311 (UT1115-062), UTU91313 (UT1115-065), UTU91313 (UT1115-066), UTU91314 (UT1115-068), UTU91315 (UT1115-069), UTU91316 (UT1115-071), UTU91331 (UT1115-112), UTU91332 (UT1115-115), UTU91333 (UT1115-116), UTU91334 (UT1115-151), UTU91335 (UT1115-152), UTU91336 (UT1115-153), UTU91337 (UT1115-156), UTU91338 (UT1115-178), UTU91339 (UT1115-179), UTU91340 (UT1115-182), UTU91342 (UT1115-220), UTU91343 (UTU1115-222), UTU91344 (UT1115-224), UTU91345 (UT1115-225), UTU91346 (UT1115-226), UTU91347 (UT1115-227), UTU91478 (UT0216-001), UTU91479 (UT0216-002), UTU91480 (UT0216-003), UTU91481 (UT0216-004), UTU91482 (UT0216-005), UTU91483 (UT0216-063) and UTU91484 (UT0216-064).

WEG maintains in its protest that the BLM EAs (DOI-BLM-UT-Y010-2015-0186-EA, DOI-BLM-UT-G010-2015-089-EA, DOI-BLM-UT-W020-2015-0004-EA, and DOI-BLM-UT-G021-2015-0031-EA) and the Fish Lake National Forest Oil and Gas Leasing Analysis Record of Decision and Final Environmental Impact Statement (EIS) failed to estimate the amounts of greenhouse gases that could be emitted from development of the parcels.

The revised EAs each disclosed “Estimated GHG emissions can be calculated using a generic emissions calculator available on the BLM Utah Air Quality webpage ([http://www.blm.gov/ut/st/en/prog/more/air\\_quality/airprojs.html](http://www.blm.gov/ut/st/en/prog/more/air_quality/airprojs.html)) which shows emissions of 1,192 tons per year CO<sub>2</sub>-e for a single operational well, and 2,305 tons per year CO<sub>2</sub>-e for a single drill rig. Based on this analysis a single exploratory well is unlikely to exceed the 25,000 ton per year reference point recommended by CEQ,” (Fillmore EA at 25, Vernal EA at 35, Price EA at 41, and Moab EA at 34). The EIS included analysis of greenhouse gas emissions at a Forest-scale, (page 156; the EIS incorporates by reference the greenhouse gas analysis done for the Dixie National Forest). In light of the complete uncertainty as to the specific location, extent, methods and technologies that would be employed for the oil and gas development operations that may result from leasing the Protested Parcels, more specific analysis regarding greenhouse

emissions would be completed when specific APD and/or oil and gas field development proposals are submitted and analyzed

While the EAs did generally discuss the potential for carbon emissions and impacts to air quality and climate change, an attempt to be more specific and quantitatively identify the potential impacts at the present stage was not employed because such an approach would be purely speculative and offer little value with respect to the informed decision making objectives of NEPA. NEPA requires that agencies consider reasonably foreseeable impacts, but it does not require extensive consideration of impacts the likelihood of which are speculative in nature. See e.g. *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 356 (1989).

WEG also maintains that the BLM failed to analyze the social costs of carbon from the potential greenhouse gas emissions that may occur from development of the lease.

With respect to estimating the SCC, the BLM finds that including monetary estimates of the SCC in its NEPA analysis for this proposed action, which is not a rulemaking action, would not be useful or appropriate. There is no legal mandate or existing guidance requiring the inclusion of the SCC in the NEPA context. A federal Interagency Working Group on the Social Cost of Carbon (IWG), convened by the Office of Management and Budget, developed an SCC protocol for use in the context of federal agency rulemaking. The IWG issued estimates of the SCC, which reflect the monetary cost incurred by the emission of one additional metric ton of CO<sub>2</sub>. Estimating the SCC is challenging because it is intended to model effects on the welfare of future generations at a global scale caused by additional carbon emissions occurring in the present.

At the leasing phase, there are several challenges involved in attempting to apply the SCC to the analysis; for example:

- Given the global nature of climate change, estimating the SCC requires assessing the impacts the global market for the commodity in question.
- Monetizing only certain benefits or costs can lead to an unbalanced assessment. A regional economic impact analysis is often used to estimate impacts on economic activity, expressed as projected changes in employment, personal income, or economic output. Such estimates are not benefits or costs, and are not part of a benefit cost analysis.
- The SCC estimates developed by the IWG can only be applied to CO<sub>2</sub> emissions, not other GHG emissions such as methane. Again, monetizing only certain effects can lead to an unbalanced assessment.

For the reasons set forth above, I have determined that offering the protested parcels at the February 2016 Lease Sale is in compliance all applicable laws, regulations and policies. Accordingly, the protest submitted by WEG is denied with respect to the aforementioned parcels.

This decision may be appealed to the Interior Board of Land Appeals (IBLA) in accordance with the regulations contained in Title 43 of the Code of Federal Regulations (CFR) Part 4 and as described on the enclosed BLM Form 1842-1. In order for an appeal of this decision to be considered, a written notice of appeal must be filed with this office (as described on the enclosed Form 1842-1) within 30-days from receipt of this decision.

If you wish to file a petition for a stay pursuant to 43 CFR § 4.21 as to the effectiveness of this decision during the time that your appeal is being reviewed by the IBLA, a petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification in accordance with the standards listed in 43 CFR § 4.21(b), which include:

- (1) The relative harm to the parties if the stay is granted or denied;
- (2) The likelihood of the appellant's success on the merits;
- (3) The likelihood of irreparable harm if the stay is not granted; and
- (4) Whether the public interest favors granting the stay.

Copies of the notice of appeal, petition for a stay, and a statement of reasons must also be submitted to each party named in this decision and to the Office of the Regional Solicitor, Intermountain Region, U.S. Department of the Interior at Federal Building Room 6201, 125 South State Street, Salt Lake City, Utah 84138, at the same time that the original documents are filed in this office.

Please direct any questions regarding this decision to Sheri Wysong, Fluid Minerals Leasing Coordinator, at (801) 539-4067.

/s/ Kent Hoffman  
Deputy State Director  
Division of Lands and Minerals

Enclosure:

1. Form 1842-1

cc: James Karkut, Office of the Solicitor, Intermountain Region,  
125 South State Street, Suite 6201, Salt Lake City, Utah 84138