



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/ (UT-922000)

February 12, 2016

CERTIFIED MAIL – 91 7199 9991 7035 9001 0762
Return Receipt Requested

DECISION

Jill Merritt :
Elders Rising : Protest to the February 2016
P.O. Box 240 : Competitive Oil and Gas Lease Sale
Salt Lake City, Utah 84110

Protest Dismissed

On December 8, 2015, the Bureau of Land Management (BLM) issued its Notice of Competitive Lease Sale (NCLS) providing notice to the public that certain parcels of land would be offered in a competitive oil and gas lease sale scheduled for February 16, 2016. In a letter received by the BLM on January 11, 2016, you protested all of the parcels listed in the NCLS.

You express concerns on the impacts of oil and gas development on recreation opportunities on public lands and that fossil fuel extraction on public lands conflicts with Federal efforts to reduce climate change.

For the reasons set forth below, I have determined that the BLM complied with applicable Federal laws and regulations prior to the inclusion of the subject parcels in the February 16, 2016, lease sale, including the National Environmental Policy Act (NEPA). Consequently, your protest as it pertains to the proposed list of parcels is dismissed.

Prior to publication of the NCLS, the BLM Price Field Office (PFO) conducted a detailed analysis of impacts on recreational opportunities of the lease sale parcels PFO carried forward for consideration, including parcels: UTU91317 (UT1115 – 086), UTU91318 (UT1115 – 087), UTU91319 (UT1115 – 089), UTU91320 (UT1115 – 090) UTU91321 (UT1115 – 0091), UTU91322 (UT1115 – 092), UTU91323 (UT1115 – 093), UTU91324 (UT1115 – 094) UTU91325 (UT1115 – 095), UTU91326 (UT1115 – 096), UTU91327 (UT1115 – 097), UTU91328 (UT1115 – 098) UTU91329 (UT1115 – 100) and UTU9130 (UT1115 – 101). The PFO recommended that all the above parcels be included in the November 2015 Lease Sale,

however, subsequent to publication of the NCLS they were deferred due to their proximity to Capitol Reef National Park. At the same time, UTU-91341 ((UT1115 – 210) in the Vernal Field Office was deferred, in part due to being within the Nine Mile Special Recreation Area.

In all four Environmental Assessments prepared for the project, impacts from the proposed lease sale on recreational opportunities were considered and the BLM Fillmore and Moab Field Offices found them not to be substantial enough to warrant detailed analysis. (See Appendix C of the respective EAs) Climate Change is also addressed in all four of the EAs prepared in anticipation of the lease. The analysis was prepared using the most recent NEPA guidelines from the Council of Environmental Quality. Those guidelines were released in draft form on December 18, 2014, to advise Federal agencies, including the BLM, on how to comply with current Federal policies in responding to Climate Change issues.

In addition, your protest fails to provide specific facts or information to show how your allegations apply to specific protested parcels. It is well established that the BLM properly dismisses a protest where the protestant makes only conclusory or vague allegations or the protestant's allegations are unsupported by facts in the record or competent evidence. For the BLM to have a reasonable basis to consider future protests, you must identify each parcel by the serial or parcel number and the specific ground for protest and explain how it applies to each protested parcel. Any allegations of error based on fact must be supported by competent evidence. Further, you must consider whether any lease stipulations or notices that apply to a particular parcel may be relevant to your allegations, and explain how such stipulations or notices do not obviate the allegations. Failure to comply with any of the foregoing may result in the summary dismissal of the protest.

As the party challenging the BLM's inclusion of certain parcels in the February 16, 2016, lease sale, you bear the burden of establishing that the BLM's action was premised on a clear error of law or material fact, or that the BLM failed to consider a substantial environmental question of material significance. You have not met this burden. To the extent that you have raised any allegations not specifically discussed herein, they have been considered and are found to be without merit. For these reasons, and for those previously discussed, your protest is dismissed.

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 C.F.R. Part 4 and Form 1842-1 (Enclosure 1). If an appeal is taken, the notice of appeal must be filed in this office (at the address shown on the enclosed Form) within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition for a stay pursuant to 43 C.F.R. Part 4, Subpart B § 4.21, during the time that your appeal is being reviewed by the Board, the petition must show sufficient justification based on the standards listed below. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulations, a petition for a stay of a decision pending appeal shall be evaluated based on the following standards:

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 immediate and 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 stay, and statement of reasons also must be submitted to the Office of the Regional Solicitor, Intermountain Region, 125 South State Street, Suite 6201, Salt Lake City, Utah 84138, at the same time the original documents are filed in this office.

If you have any additional questions, please contact Sheri Wysong of this office 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

bcc: Lease Sale Book Feb2013
Reading File: UT-920

SWysong Date: 02/11/2016