

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

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## Decision Record

Environmental Assessment  
DOI-BLM-UT-0000-2016-0002EA  
(Utah 2016 Geothermal Lease Sale)

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October 2016

U.S. Department of the Interior  
Bureau of Land Management  
Utah State Office  
440 West 200 South, Suite 500  
Salt Lake City, Utah 84101  
(801) 539-4026





## DECISION

It is my decision to select and partially implement the Proposed Action alternative from the *Environmental Assessment DOI-BLM-UT-0000-2016-0002-EA (Utah 2016 Geothermal Lease Sale)*, dated September 2016. It is my decision to issue geothermal leases for the six of the eight parcels located on Bureau of Land Management (BLM) administered lands in Beaver, Millard, and Juab Counties, Utah, with the lease stipulations and lease notices described in the environmental assessment (EA).

My decision is to offer six geothermal lease parcels with appropriate lease stipulations and lease notices as determined necessary to protect important affected resources for competitive lease sale. Once a lease is issued, the leaseholder would have the right to explore for and develop geothermal resources on the leased land for a term of 10 years, subject to renewal or extension.

My decision to approve the geothermal lease nominations for competitive sale would not authorize surface disturbance from geothermal exploration or development activities. Additional environmental analysis for each proposal that involves surface disturbance would occur.

In accordance with 43 Code of Federal Regulations (CFR) 3200.5(b), this decision is in full force and effective immediately.

This decision incorporates the rationale presented in the finding of no significant impact (FONSI) (BLM 2016). Considering the criteria for significance described in 40 CFR 1508.27, the FONSI determined that leasing the eight parcels as described in the Proposed Action of the EA 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 area.

Table 1.1 describes the six lease parcels covered by this decision record.

**Table 1.1.** Six Geothermal Lease Parcel Nominations

Parcel Number	Serial Number	BLM Field Office	Surface Management Agency	County	Title Record Acreage
1	UTU-086142	Cedar City	Bureau of Land Management (BLM)	Beaver	2,841.4
2	UTU-086143	Cedar City	BLM	Beaver	3,160.0
3	UTU-090200	Cedar City	BLM	Beaver	1,760.8
6	UTU-090483	Fillmore	BLM	Millard	5,120.0
7	UTU-090273	Fillmore	BLM and State of Utah*	Millard	1,366.2
8	UTU-090271	Fillmore	BLM	Juab	1,533.6

\*48.2 acres (derived from GIS data), or 3.5%, of the title record acreage of lease parcel 7 are administered by the Utah Division of Wildlife Resources.

Note: Acreages used in the EA are derived or calculated from available GIS data; small discrepancies may exist between the title record acreage and total acres reported.

## LEASE STIPULATIONS AND LEASE NOTICES

As part of the decision, lease stipulations and lease notices are attached to all six geothermal leases. The following lease stipulations and BMPs would apply to any potential future geothermal exploration and development on the six parcels as a result of lease sales:

- Lease Notices that are found in the Notice of Competitive Lease Sale (attached).

- A specific cultural resource stipulation applies to lease parcels 1 and 2, which states that there will be no surface occupancy related to geothermal development within the Wild Horse Canyon/Bailey Ridge obsidian sources site (42BE52), which is listed on the National Register of Historic Places [NRHP] (see Figure 1).

Lease stipulations that apply to all lease parcels:

- **Endangered Species Act Stipulation:** The lease area may now or hereafter contain plants, animals, or their habitats determined to be threatened or endangered, or other special status species. The BLM may recommend modifications to exploration and development proposals to further its conservation and management objective to avoid BLM-approved activity that will contribute to a need to list such species or their habitat. The BLM may require modifications 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. The BLM will not approve any ground-disturbing activity until it completes its obligations under applicable requirements of the Endangered Species Act as amended, 16 United States Code (USC) 1531 et seq., including completion of any required procedure for conference or consultation.
- **Cultural Resources Stipulation:** This lease may be found to contain historic properties and/or resources protected under the National Historic Preservation Act (NHPA), American Indian Religious Freedom Act, Native American Graves Protection and Repatriation Act, Executive Order 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 may disapprove any activity that is likely to result in adverse effects that cannot be successfully avoided, minimized, or mitigated.

Stipulations are part of the lease and supersede any inconsistent provisions of the lease form.

## **PLAN CONFORMANCE AND CONSISTENCY**

As documented in Section 1.5 of the EA, the Proposed Action was reviewed and found to be in conformance with the *Cedar Beaver Garfield Antimony Record of Decision/Resource Management Plan* (as amended) (BLM 1986), the *Warm Springs Resource Area: The Resource Management Plan, Record of Decision, Rangeland Program Summary* (BLM 1987), and the *House Range Resource Area Resource Management Plan and Record of Decision, Rangeland Program Summary* (BLM 1987). Detailed information regarding the conformance and consistency of the Proposed Action with specific management decisions in the land use plans is provided in the EA.

This project is consistent with the plans and policies of the U.S. Department of the Interior and the BLM, other federal agencies, state governments, and local governments to the extent that the guidance and local plans are also consistent with the purposes, policies, and programs of federal law and regulation applicable to public lands.

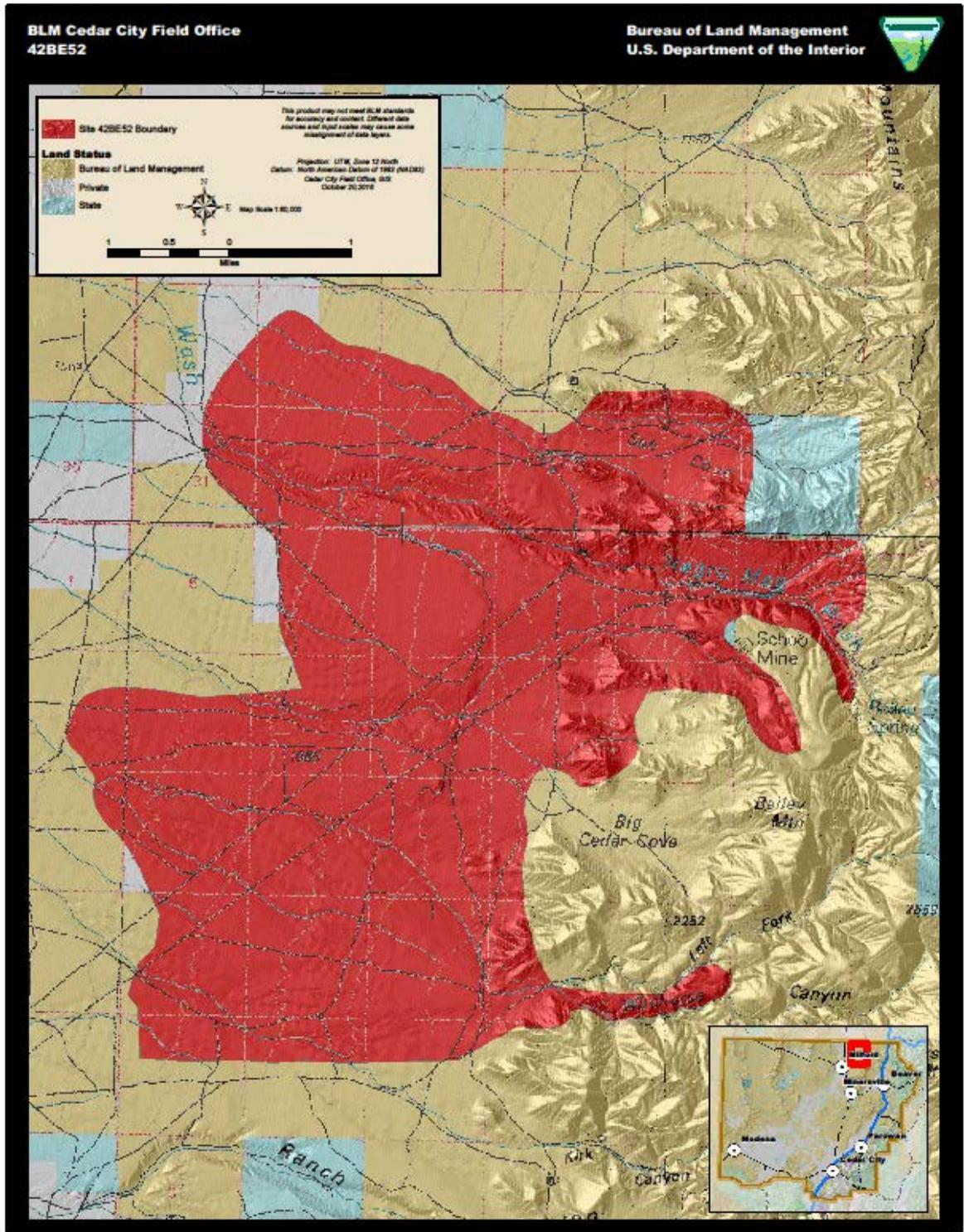


Figure 1 Site 42BE52 Boundary

## ALTERNATIVES CONSIDERED

The EA considered two alternatives: the No Action Alternative and the Proposed Action. The Proposed Action was chosen because it meets the purpose and need for the project and because it would not result in undue and unnecessary degradation of public lands.

## RATIONALE FOR DECISION

1. The offering and issuance of geothermal leases meets the purpose of and need for the action. In accordance with the Federal Land and Policy Management Act of 1976 (FLPMA) (43 USC 1701 et seq.) and the National Forest Management Act of 1976 (16 USC 1600 et seq.), public lands are to be managed for multiple use taking into account the long-term needs of future generations for renewable and non-renewable resources. The BLM is authorized to issue leases for the development of geothermal resources on public lands through the Geothermal Steam Act of 1970 (30 USC 1001–1025) and Geothermal Resource Leasing regulations (43 CFR 3200). The purpose of the BLM action is to respond to geothermal leasing nominations to explore for and produce geothermal resources within six potential lease parcels of BLM- and USFS-administered lands in Beaver, Millard, and Juab Counties, Utah. The Proposed Action would assist the BLM in addressing the management objectives in Title II, Section 211 of the Energy Policy Act of 2005, which establishes a goal for the Secretary of the Interior to approve 10,000 megawatts of electricity from non-hydropower renewable energy projects located on public lands. The Proposed Action would also further the purposes of the March 11, 2009, Secretarial Order 3285A1 that establishes the development of environmentally responsible renewable energy as a priority for the U.S. Department of the Interior.
2. The Proposed Action is consistent with applicable land use plans and with all other federal, state, and local laws, regulations, and plans and programs. The conformance review can be found in Sections 1.5 and 1.6 of the EA.
3. In accordance with the National Environmental Policy Act of 1969 (NEPA) and its implementing regulations at 40 CFR 1500 to 1508, an EA that fully analyzed and disclosed the potential impacts of the Proposed Action was prepared. Impacts from the Proposed Action would be limited through the implementation of lease stipulations and lease notices. A FONSI has been prepared concluding that the project will not significantly affect the quality of the human environment, individually or cumulatively with other actions in the general area.

## PUBLIC INVOLVEMENT

The BLM's Cedar City and Fillmore Field Offices began the issue identification process by conducting internal scoping with interdisciplinary (ID) teams of BLM resource specialists for the appropriate parcels within their jurisdiction. In response to the BLM's initiating consultation with Native American tribes, a comment letter was received from the Hopi Tribe, who requested that the BLM and USFS provide them with copies of the cultural resources survey report for review and comment. The proposed project was posted to ePlanning (<https://eplanning.blm.gov/epl-front-office/eplanning/planAndProjectSite.do?methodName=renderDefaultPlanOrProjectSite&projectId=61539&dctmId=0b0003e880b5f04f>) on May 11, 2016. The EA was posted for a 30-day public comment period from July 27, 2016 to August 26, 2016. No comments were received.

## Appeals

This decision may be appealed to the Interior Board of Land Appeals (IBLA), Office of the Secretary, in accordance with the regulations contained in 43 CFR 4. If an appeal is taken, the notice of appeal must be filed in the BLM Utah State Office within 30 days of this signed decision. The appellant has the burden of showing that the appealed decision is in error.

If you wish to file a petition for a stay pursuant to 43 CFR 4.21(b) during the time that your appeal is being reviewed by the IBLA, the petition for a stay must accompany your notice of appeal. If a stay is requested, the appellant has the burden of proof to demonstrate that a stay should be granted.

## Standards for Obtaining a Stay

Except as otherwise provided by law or by other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification 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 irreparable harm to the appellant or resources if the stay is not granted
4. Whether the public interest favors granting the stay

If a petition for a stay is submitted with the notice of appeal, a copy of the notice of appeal and petition for stay must be served on each party named in the decision from which the appeal is taken, and with the IBLA, at the same time it is filed with the Utah State Office.

Copies of the notice of appeal, petition for stay, any statement of reasons, and all pertinent documents must be served on each adverse party named in this decision from which the appeal is taken and on the Office of the Regional Solicitor, Intermountain Region, 125 South State Street, Suite 6201, Salt Lake City, Utah 84138, no later than 15 days after filing the document with the Utah State Office and/or IBLA.

## SIGNED:

/s/ Kent Hoffman  
Kent Hoffman Deputy State Director, Lands and Minerals  
Bureau of Land Management Utah State Office

10/25/16  
Date

**Attachment: Lease Notices**

**UTU86142**

(UT – GEO - 001)

T. 27 S., R. 9 W., Salt Lake

Sec. 1: All;

Sec. 4: SW, N2SE, SWSE;

Sec. 9: W2NE, W2, NWSE;

Sec. 11: NE, NENW, S2NW, S2;

Sec. 14: All;

Sec. 15: E2E2, SWSE.

2,841.40 Acres

Beaver County, Utah

Cedar City Field Office

**NOTICES**

GEO-LN-02: Crucial Elk Calving and Deer Fawning Habitat

GEO-LN-03: Crucial Pronghorn Habitat

GEO-LN-26: Raptors

GEO-LN-29: Utah Sensitive Species

GEO-LN-34: Erodible Soils and Steep Slopes

GEO-LN-35: Steep Slopes

GEO-LN-37: Water and Watershed Protection

GEO-LN-38: Migratory Birds

GEO-LN-40: Notification and Consultation Regarding Cultural Resources

**UTU86143**

(UT – GEO - 002)

T. 26 S., R. 9 W., Salt Lake

Secs. 26, 27, 28 and 33: All;

Sec. 34: W2W2;

Sec. 35: E2, E2NW, NESW.

3,160.00 Acres

Beaver County, Utah

Cedar City Field Office

**NOTICES**

GEO-LN-02: Crucial Elk Calving and Deer Fawning Habitat

GEO-LN-03: Crucial Pronghorn Habitat

GEO-LN-26: Raptors

GEO-LN-29: Utah Sensitive Species

GEO-LN-34: Erodible Soils and Steep Slopes

GEO-LN-35: Steep Slopes

GEO-LN-37: Water and Watershed Protection

GEO-LN-38: Migratory Birds

GEO-LN-39: Kit Fox

GEO-LN-40: Notification and Consultation Regarding Cultural Resources

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**UTU90200**

(UT – GEO - 003)

T. 30 S., R. 12 W., Salt Lake

Sec. 21: N2NE, SWNE, NW, N2SW, SESW, NWSE;

Sec. 27: All;

Sec. 28: N2S2;

Sec. 29: N2, NESW, SE.

1,760.79 Acres

Beaver County, Utah

Cedar City Field Office

**NOTICES**

GEO-LN-02: Crucial Elk Calving and Deer Fawning Habitat

GEO-LN-03: Crucial Pronghorn Habitat

GEO-LN-06: Greater Sage-Grouse Nesting – Net Conservation Gain

GEO-LN-07: Greater Sage-Grouse – Required Design Features

GEO-LN-08: Greater Sage-Grouse Buffer

GEO-LN-25: Ferruginous Hawk Nest Sites

GEO-LN-26: Raptors

GEO-LN 29: Utah Sensitive Species

GEO-LN-34: Erodible Soils and Steep Slopes

GEO-LN-35: Steep Slopes

GEO-LN-37: Water and Watershed Protection

GEO-LN-38: Migratory Birds

GEO-LN-40: Notification and Consultation Regarding Cultural Resources

GEO-LN-41: High Potential for Cultural Resource Occurrence

**UTU90483**

(UT – GEO - 006)

T. 15 S., R. 12 W., Salt Lake

Secs. 22, 23, 24, 25, 26, 27, 34 and 35: All.

5,120.00 Acres

Millard County, Utah

Fillmore Field Office

**NOTICES**

GEO-LN-03: Crucial Pronghorn Habitat

GEO-LN-26: Raptors

GEO-LN 29: Utah Sensitive Species

GEO-LN-34: Erodible Soils and Steep Slopes

GEO-LN-35: Steep Slopes

GEO-LN-38: Migratory Birds

GEO-LN-40: Notification and Consultation Regarding Cultural Resources

**UTU90273**

(UT – GEO - 007)

T. 19 S., R. 7 W., Salt Lake

Sec. 26: W2SW, NESE, S2SE;

Sec. 27: SENE, E2SE;

Sec. 34: E2E2;

Sec. 35: All;

T. 20 S., R. 7 W., Salt Lake

Sec. 3: Lot 1;

Sec. 4: SWNE, SE.

1,366.15 Acres

Millard County, Utah

Fillmore Field Office

**NOTICES**

GEO-LN-26: Raptors

GEO-LN-29: Utah Sensitive Species

GEO-LN-34: Erodible Soils and Steep Slopes

GEO-LN-35: Steep Slopes

GEO-LN-38: Migratory Birds

GEO-LN-40: Notification and Consultation Regarding Cultural Resources

GEO-LN-42: Split-Estate Lands

**UTU90271**

(UT – GEO - 008)

T. 13 S., R. 8 W., Salt Lake

Sec. 3: All;

Sec. 10: N2NE, SWNE, E2W2, W2SE, SESE;

Sec. 15: W2NE, E2NW, S2.

1,533.64 Acres

Juab County, Utah

Fillmore Field Office

**NOTICES**

GEO-LN-03: Crucial Pronghorn Habitat

GEO-LN-26: Raptors

GEO-LN-29: Utah Sensitive Species

GEO-LN-34: Erodible Soils and Steep Slopes

GEO-LN-35: Steep Slopes

GEO-LN-38: Migratory Birds

GEO-LN-40: Notification and Consultation Regarding Cultural Resources

<b>GEOHERMAL NOTICES</b>	
<b>GEO-LN-02</b>	<p style="text-align: center;"><b>CRUCIAL ELK CALVING AND DEER FAWNING HABITAT</b></p> <p>The lessee/operator is given notice that this lease has been identified as containing crucial elk calving and mule deer fawning habitat. No surface use or otherwise disruptive activity allowed from May 1 through June 29 within crucial elk calving and/or mule deer fawning habitat. Modifications to the Surface Use Plan of Operations may be required. This timing limitation may be waived, accepted, or modified by the authorized officer if either the resource values change or the lessee/operator demonstrates that adverse impacts can be mitigated.</p>
<b>GEO-LN-03</b>	<p style="text-align: center;"><b>CRUCIAL PRONGHORN HABITAT</b></p> <p>The lessee/operator is given notice that the lands in this lease have been identified as crucial pronghorn (antelope) habitat. Modifications, including seasonal restrictions, may be required in the Surface Use Plan of Operations to protect pronghorn habitat.</p>
<b>GEO-LN-06</b>	<p style="text-align: center;"><b>GREATER SAGE-GROUSE NESTING – NET CONSERVATION GAIN</b></p> <p>In Priority and General Habitat Management Areas (PHMA and GHMA) all actions that result in habitat loss and degradation will require mitigation that provides a net conservation gain to the Greater Sage-Grouse (GRSG). Mitigation must account for any uncertainty associated with the effectiveness of the mitigation and will be achieved through avoiding, minimizing and compensating for impacts. Mitigation will be conducted according to the mitigation framework found in Appendix F in the Utah Approved Management Plan Amendment.</p>

<b>GEOHERMAL NOTICES</b>	
<b>GEO-LN-07</b>	<p style="text-align: center;"><b>GREATER SAGE-GROUSE – REQUIRED DESIGN FEATURES</b></p> <p>Apply the Required Design Features (RDF)* in Appendix C of the Utah Approved Management Plan Amendment when leasing within Priority and General Habitat Management Areas (PHMA and GHMA).</p> <p>*RDFs may not be required if it is demonstrated through the NEPA analysis that the RDF associated project/activity is:</p> <ul style="list-style-type: none"> <li>• Documented to not be applicable to the site-specific conditions of the project/activity (e.g. due to site limitations or engineering considerations). Economic considerations, such as increased costs, do not necessarily require that an RDF be varied or rendered inapplicable;</li> <li>• An alternative RDF, state-implemented conservation measure, or plan-level protection is determined to provide equal or better protection for GRSG or its habitat;</li> </ul> <p>Provide no additional protection to GRSG or its habitat.</p>
<b>GEO-LN-08</b>	<p style="text-align: center;"><b>GREATER SAGE-GROUSE BUFFER</b></p> <p>In Priority and General Habitat Management Areas (PHMA and GHMA), the BLM will apply the lek buffer-distances identified in the USGS Report Conservation Buffer Distance Estimates for Greater Sage-Grouse – A Review (Open File Report 2014-1239) in accordance with Appendix B, Applying Lek-Buffer Distances, consistent with valid and existing rights and applicable law in authorizing management actions.</p>
<b>GEO-LN-25</b>	<p style="text-align: center;"><b>FERRUGINOUS HAWK NEST SITES</b></p> <p>The lessee/operator is given notice that surface use or otherwise disruptive activity would not be allowed which would result in an aboveground facility within 0.5 mile of known ferruginous hawk nests, which have been active within the past 3 years. This notice may be waived, accepted, or modified by the authorized officer if either the resource values change or the lessee/operator demonstrates that adverse impacts can be mitigated.</p>

<b>GEOHERMAL NOTICES</b>	
<b>GEO-LN-26</b>	<p style="text-align: center;"><b>RAPTORS</b></p> <p>Surveys will be required whenever surface disturbances and/or occupancy is proposed in association with fluid mineral exploration and development within potential raptor nesting areas. Field surveys will be conducted as determined by the authorized officer of the Bureau of Land Management. Based on the result of the field survey, the authorized officer will determine appropriate buffers and timing limitations. This notice may be waived, accepted, or modified by the authorized officer if either the resource values change or the lessee/operator demonstrates that adverse impacts can be mitigated.</p>
<b>GEO-LN-29</b>	<p style="text-align: center;"><b>UTAH SENSITIVE SPECIES</b></p> <p>The lessee/operator is given notice that no surface use or otherwise disruptive activity would be allowed that would result in direct disturbance to populations or individual special status plant and animal species, including those listed on the BLM sensitive species list and the Utah sensitive species list. The lessee/operator is also given notice that lands in this parcel have been identified as containing potential habitat for species on the Utah Sensitive Species List. Modifications to the Surface Use Plan of Operations may be required in order to protect these resources from surface disturbing activities in accordance with Section 6 of the lease terms, Endangered Species Act, Migratory Bird Treaty Act and 43 CFR 3262.11. This notice may be waived, accepted, or modified by the authorized officer if either the resource values change or the lessee/operator demonstrates that adverse impacts can be mitigated.</p>
<b>GEO-LN-34</b>	<p style="text-align: center;"><b>ERODIBLE SOILS AND STEEP SLOPES</b></p> <p>The area is a municipal or non-municipal watershed and has steep slopes and erosive soils. New roads will be constructed to avoid soils that are highly erosive and / or in critical or severe erosion conditions. New roads will be constructed with water bars. Riprap may be required. Road grades in excess of 8 percent will normally not be allowed. In special circumstances, where a road grade of more than 10 percent is allowed, its maximum length will be 1,000 feet. Access grading along with exploration, drilling, construction, or other activities will be prohibited during wet or muddy conditions (usually during spring runoff and summer monsoon rains). This notice may be waived, accepted, or modified by the authorized officer if either the resource values change or the lessee/operator demonstrates that adverse impacts can be mitigated.</p>

<b>GEOHERMAL NOTICES</b>	
<b>GEO-LN-35</b>	<b>STEEP SLOPES</b> The lessee/operator is given notice that, occupancy would not be allowed on slopes in excess of 30 percent without written permission from the Authorized Officer.
<b>GEO-LN-37</b>	<b>WATER AND WATERSHED PROTECTION</b> The lessee/operator is given notice that in order to prevent water pollution and protect municipal and non-municipal watershed areas, no drilling, occupancy or other surface disturbance will be allowed within 500 feet of live water or the reservoirs located in the Beaver, Milford and Sevier River drainages, Parowan and Cedar Valley drainages, or Pinto Creek/Newcastle Reservoir drainage in order to prevent water quality degradation. This notice may be waived, accepted, or modified by the authorized officer if either the resource values change or the lessee/operator demonstrates that adverse impacts can be mitigated.
<b>GEO-LN-38</b>	<b>MIGRATORY BIRD</b> The lessee/operator is given notice that surveys for nesting migratory birds may be required during migratory bird breeding season whenever surface disturbances and/or occupancy is proposed in association with fluid mineral exploration and development within priority habitats. Surveys should focus on identified priority bird species in Utah. Field surveys will be conducted as determined by the authorized officer of the Bureau of Land Management. Based on the result of the field survey, the authorized officer will determine appropriate buffers and timing limitations.
<b>GEO-LN-39</b>	<b>KIT FOX</b> The lessee/operator is given notice that no surface use or otherwise disruptive activity would be allowed that would result in direct disturbance to populations or an individual kit fox. The lessee/operator is also given notice that lands in this parcel have been identified as containing potential habitat for the kit fox which is on the Utah Sensitive Species List. Modifications to the Surface Use Plan of Operations may be required in order to protect this resource from surface disturbing activities.

<b>GEOHERMAL NOTICES</b>	
<b>GEO-LN-40</b>	<p style="text-align: center;"><b>NOTIFICATION &amp; CONSULTATION REGARDING CULTURAL RESOURCES</b></p> <p>The lease area may now or hereafter be found to contain historic properties and/or resources protected under the National Historic Preservation Act (NHPA), the Archaeological Resources Protections Act (ARPA), the Native American Graves Protection and Repatriation Act (NAGPRA), the American Indian Religious Freedom Act (AIRFA), other statues and Executive Order 13007, and which may be of concern to Native American tribes, interested parties, and the State Historic Preservation Officer (SHPO). BLM will not approve any ground disturbing activities as part of future lease operations until it completes applicable requirements of the National Historic Preservation Act (NHPA), including the completion of any required procedure for notification and consultation with appropriate tribe(s) and/or the SHPO. BLM may require modifications to exploration and development proposals to further its conservation and management objectives on BLM-approved activities that are determine to affect or impact historic or cultural properties and/or resources.</p>
<b>GEO LN-41</b>	<p style="text-align: center;"><b>HIGH POTENTIAL FOR CULTURAL RESOURCE OCCURRENCE</b></p> <p>The lessee/operator is given notice that lands in this lease contain significant Cultural Resources. Modifications to the Surface Use Plan of Operations may be required for the protection of these resources. Class III level block inventories may be required to determine resource location and possible impact to the resource.</p>
<b>GEO-LN-42</b>	<p style="text-align: center;"><b>SPLIT-ESTATE LANDS</b></p> <p>The lessee/operator is given notice that the surface of certain lands in this lease is not owned by the Federal Government. Prior to development of the non-federal surface, the lessee/operator must either enter into a Surface Use Agreement with the surface owner or submit a bond sufficient to compensate the surface owner for any potential damages to the land.</p>