

**United States Department of the Interior
Bureau of Land Management**

Decision Record Environmental Assessment WY-040-EA15-130

May 3, 2016

**BLM-Wyoming
May 2016 Competitive Oil and Gas Lease Sale**

Wyoming State Office 5353 Yellowstone Dr.
Cheyenne, Wyoming 82009



DECISION RECORD

WY-040-EA15-130

BLM-Wyoming May 2016 Competitive Oil and Gas Lease Sale

Decision:

It is my decision to select a modified Alternative B (“Proposed Action”) as described and considered in the Environmental Assessment (EA). Alternative B was modified following the public comment period which deferred two additional parcels (preliminary parcels 1605-021 and -022) pending additional environmental review. My decision therefore is to offer (and subsequently issue, should a successful bid be received by the BLM) 30 lease parcels comprised of approximately 27,070.330 acres of Federal fluid mineral estate administered by the BLM, as identified in the EA and as further described below, at the May 3, 2016 Competitive Oil and Gas Lease Sale. The remaining parcels nominated and reviewed by the BLM will be deferred and/or deleted for the reasons described in the EA, FONSI, and this Decision Record (DR). Adopting a modified Alternative B results in the offering (and leasing, should successful bids be received by the BLM) of 31% of the lands nominated and reviewed by the BLM for this Sale.

The BLM received nominations for the May 3, 2016 Competitive Lease Sale until June 26, 2015. After preliminary adjudication of the 38 nominated parcels (43,067.93 acres) by the Wyoming State Office (WSO); a portion of one parcel was deleted because it is not available for lease per regulation. Portions of 8 parcels, and 5 whole parcels, containing approximately 12,225.790 acres (See Appendix A), are located within Priority Habitat Management Areas as identified in the Wyoming Greater Sage-Grouse Land Use Plan Amendment (ARMPA) Final Environmental Impact Statement (FEIS) and Record of Decision (ROD) which was signed on September 21, 2015¹. The BLM has exercised its discretion and determined that it is appropriate to defer these parcels from the set of the preliminary parcels analyzed in detail in the Environmental Assessment for the May 2016 oil and gas lease sale and proposed to be offered. These deferrals are consistent with the BLM's sage grouse conservation plans and strategy, which direct the BLM to prioritize oil and gas leasing and development in a manner that minimizes resource conflicts in order to protect important GSG habitat and reduce development time and costs. Based on the foregoing, these parcels are not being offered. These parcels are not analyzed in detail in the EA and are not discussed further.²

Parcels 4 and 5 contain acreage within both the Rawlins (RFO) and Lander Field Offices (LFO). 685.92 acres in parcel 4 and 380.00 acres in parcel 5 that are within the LFO are also deferred at State Director discretion. A total of 13,713.41 acres, have been deferred using State Director discretion and were not analyzed in detail within the May 3, 2016 Lease Sale EA. These parcels could be offered at a future sale.

The remaining parcels or portions of parcels were then forwarded for review by the appropriate field offices and District Office, including interdisciplinary review, field visits to nominated parcels (where appropriate), review of conformance with the Resource Management Plan (RMP) decisions for each planning area, and preparation of an Environmental Assessment (EA)

¹ On September 21, 2015, the BLM signed the Rocky Mountain Record of Decision, adopting Alternative E in the WY Greater Sage Grouse Land Use Plan Amendment for Pinedale, Kemmerer, Rock Springs, Rawlins, Casper, and Newcastle RMPs.

² See the Mineral Leasing Act of 1920, as amended, providing that lands subject to disposition under the Act “which are known or believed to contain oil or gas deposits may be leased by the Secretary.” (Emphasis added). 30 U.S.C. § 226(a). This discretion may be exercised in the interest of conservation, wildlife protection, and other purposes in the public interest.

documenting National Environmental Policy Act (NEPA) compliance.

A portion of parcel 36 is closed to leasing because it is inside the incorporated City of Evanston: T.15 N, R.120 W, 06th PM, WY, Sec. 28 SWSW, containing 40.000 acres. 43 CFR 3100.0-3, (2), (iii) states that oil and gas on public lands are subject to lease, except incorporated cities, towns and villages. This portion of this parcel has been deleted from the subject sale and is not analyzed in detail in the EA.

Following the 30-day lease sale public comment period, parcels 21 and 22, containing approximately 1,065.920 acres are also deferred by State Director discretion pending additional environmental review.

This DR addresses BLM's final decision to offer 30 parcels, containing approximately 27,070.330 acres, or 63% of the originally nominated acreage, at the May 3, 2016 Competitive Lease Sale as described in the Sale Notice.

Additionally, a Finding of No Significant Impact⁴ (FONSI) has determined the selected alternative, Alternative B (the "Proposed Action" Alternative) analyzed in WY-040-EA15-130, as modified by the above referenced deferrals, does not constitute a major Federal action that will adversely impact the quality of the human environment. Therefore, an EIS is unnecessary and will not be prepared.

Authorities:

The authority for this decision is contained in 43 CFR 3100.

Compliance and Monitoring:

No monitoring would be required in the offering of the lease parcels for sale or for issuance of the leases, should a successful bid be received. Should the parcels be leased and developed, monitoring may be required by the BLM and would be considered under future documentation of National Environmental Policy Act (NEPA) compliance, and in conformance with the respective RMP ROD, as amended (2015).

Terms/Conditions/Stipulations:

All parcels are subject to standard lease notices 1-3 and the Special Lease Stipulation for cultural resources. They are also subject to the Threatened and Endangered and Sensitive Species Stipulation (BLM-Washington Office Instruction Memorandum No. 2002-174, as updated by IM No. 2010-117) and the Migratory Bird Species-Interim Management Guidance Policy (BLM-Washington Office Instruction Memorandum No. 2008-050). Individual parcels are subject to specific stipulations for wildlife resources, paleontological or cultural resources, Visual Resource Management (VRM), and other resources or land uses. Please refer to the May 3, 2016 Competitive Oil and Gas Lease Sale Notice for a complete description of the stipulations and lease notices applied to each parcel.

Plan Conformance and Consistency:

The proposed action and alternatives have been reviewed and found to be in conformance with the

³ <http://www.blm.gov/wy/st/en/info/NEPA/documents/og-ea/2016/May.html>

⁴ Since the RMP EISs have already evaluated potentially significant impacts arising from the BLM's land use planning decisions, the BLM anticipates a "finding of no new significant impacts." See 43 CFR 46.140(c).

following Bureau of Land Management (BLM) Resource Management Plans (RMP) and the associated decision(s):

- Pinedale Proposed RMP and FEIS, August 22, 2008
- Pinedale Proposed RMP and ROD, November 26, 2008
- Kemmerer Proposed RMP/Final Environmental Impact Statements (FEIS), Aug. 8, 2008;
- Kemmerer Approved RMP/Record of Decision (ROD), November 25, 2010;
- Rawlins Proposed RMP/FEIS, December 27, 2007;
- Rawlins Approved RMP/ROD, December 24, 2008;
- Green River (Rock Springs) Proposed RMP/FEIS, April 1996
- Green River (Rock Springs) Approved RMP/ROD, August 8, 1997
- Wyoming Greater Sage-Grouse Proposed LUP Amendment /FEIS, May 28, 2015
- Wyoming Greater Sage-Grouse Approved RMP Amendment/ROD, September 18, 2015

Pursuant to 40 CFR 1508.28 and 1502.21, this EA tiers to and incorporates by reference the information and analysis contained in the Pinedale, Rawlins, Kemmerer, Green River RODs, RMPs, and FEISs, as amended (2015).

Alternatives Considered in the Applicable EA:

Alternative A – No Action: Under the No Action Alternative, BLM Wyoming would not offer any of the parcels that are available at the May 2016 lease sale. This would mean that the Expressions of Interest (EOIs), i.e. parcel nominations, to lease would be denied or rejected and all available lease parcels would be withdrawn from lease sale. Surface management would remain the same and ongoing oil and gas development would continue on surrounding federal, private, and state leases.

Alternative B -- Proposed Action: Of the parcels determined to be available for leasing under the referenced RMPs (as amended, 2015), BLM Wyoming would offer 24 whole parcels and portions of 8 parcels for lease (as described in the May 2016 EA). The offered parcels are available for oil and gas leasing under the Pinedale, Kemmerer, Rawlins, and Green River RMPs/RODs (as amended 2015). Standard terms and conditions/stipulations would apply. Lease stipulations have been added to each of the 32 parcels as identified by referenced RMPs, as amended (2015), to address site specific concerns, and as described in the May 2016 Sale Notice.

Public Comments:

The EA was posted on the BLM Wyoming Oil and Gas Leasing webpage for a 30-day public review and comment period. Comments contained within letters and/or emails received by the BLM along with Agency responses are included in Appendix F attached to the EA. Corresponding changes were made to the EA as appropriate, which were then posted to the BLM's public internet site as "Version 2." The Agency response references changes made to the EA. Two parcels were deferred pending additional environmental review as a result of the public comments received.

Rationale for Decision:

The decision to approve the proposed action is based upon the following: 1) consistency with resource management plans and land use plans; 2) national policy; 3) agency statutory requirements; 4) relevant resource and economic issues; 5) application of measures to avoid or minimize environmental impacts; 6) meeting the purpose and need for the project. Alternative B was chosen as being the most environmentally sound alternative that meets the purpose and need.

1. This decision is in conformance with the Pinedale, Kemmerer, Rawlins, and Green River RMPs, as amended (2015).
2. It is the policy of the BLM as derived from various laws, including the Mineral Leasing Act (MLA) of 1920, as amended (30 U.S.C. 181 *et seq.*) and the Federal Land Policy and Management Act of 1976 (FLPMA), to make mineral resources available for disposal and to encourage development of mineral resources to meet national, regional, and local needs.
3. The decision is consistent with all Federal, state, and county authorizing actions required for implementation of the decision.
4. Economic benefits derived from implementation of the proposed action considered important and have been analyzed in the EA and supporting EIS'.
5. Standard terms and conditions as well as special stipulations would apply. Lease stipulations were added to each parcel as identified by the Pinedale, Kemmerer, Rawlins, and Rock Spring Field Offices to address site specific concerns.
6. The decision meets the stated purpose and need in the EA by providing areas for the potential exploration and development of additional oil and gas resources to help meet the nation's current and expanding need for energy sources while protecting other resource values in accordance with guiding laws, regulations, and Land Use Planning decisions through application of lease stipulations.

Appeal Information:

This Decision November be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and Form 1842-1 (copy attached). If an appeal is taken, your notice of appeal must be filed in this office within 30 days from your receipt of this Decision. The protestor has the burden of showing that the Decision appealed from is in error.

If you wish to file a petition for a stay of the effectiveness of this Decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed on the attached document. Copies of the notice of appeal and petition for a stay must be submitted to the Interior Board of Land Appeals and the appropriate Office of the Solicitor (see 43 CFR §4.413) at the same time the original documents are filed with this office. Copy of the notice of appeal and petition for a stay must also be submitted to each adversely affected party named in this decision at the same time the original documents are filed with this office. 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 show sufficient justification based on the following standards:

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

Wyoming State Director

Date