

DECISION RECORD
Environmental Assessment
DOI-BLM-CO-F020-2018-0003-EA
Lease Parcel Review September 2018

PROPOSED DECISION:

It is my decision to implement the **PREFERRED ALTERNATIVE** with the exception of eleven parcels in Huerfano County, which are being deferred for continuing tribal consultation. The Environmental Assessment (EA), DOI-BLM-CO-F020-2018-0003-EA, analyzes the fourteen parcels of land will be offered for lease in the September 2018 oil and gas competitive lease sale.

Terms/Conditions/Stipulations:

Standard terms and conditions, as well as the lease notices and stipulations identified by parcel in in Notice of Competitive Lease Sale and Attachments to the EA, will apply to the leases issued as a result of the sale.

AUTHORITIES:

The authority for this decision is contained in 30 USC § 226 and 43 Code of Federal Regulations (CFR) § 3100.

PLAN CONFORMANCE:

The proposed action and alternatives have been reviewed and found to be in conformance with the approved Northeast Record of Decision and Resource Management Plan (RMP) (September 1986) as amended (December 1991) and Royal Gorge Record of Decision and Resource Management Plan (RMP) (May 1996).

COMPLIANCE WITH MAJOR LAWS:

The proposed decision and proposed oil and gas leases with stipulations are in compliance with all applicable law, regulations, and policies, including the following:

- Endangered Species Act
- Migratory Bird Treaty Act
- Clean Water Act
- National Historic Preservation Act
- Clean Air Act
- Multiple-Use Sustained Yield Act
- Federal Onshore Oil and Gas Leasing Reform Act

MONITORING:

No monitoring would be required in the sale and issuance of the lease parcels. Should the parcels be developed, monitoring may be required.

ALTERNATIVES CONSIDERED:

Proposed Action: Lease All Nominated Parcels in Conformance with the RMP - Under the proposed action alternative (attachment A), all twenty eight (28) nominated parcels totaling 22,175.010 acres would be offered for sale. Lease stipulations (as required by 43 CFR§ 3131.3) were added to each parcel as identified by the Royal Gorge Field Office (RGFO) to address site specific concerns.

Preferred Alternative – The Preferred Alternative analyzes the sale of twenty five (25) parcels totaling 27,762.320 acres identified in Attachment C. Lease stipulations (as required by 43 CFR§ 3131.3) were added to each parcel as identified by the RGFO to address site specific concerns. There were three parcels which were deferred from the original twenty eight (28) based on concerns with lessor prairie chicken habitat and consultation with the National Park Service for potential effects to the Santa Fe National Historic Trail.

No Action Alternative -- Under the No Action alternative, the BLM would not sell nor issue any of the leases that have been nominated. Surface management would remain the same and ongoing oil and gas development would continue on surrounding federal, private, and state leases.

RATIONALE FOR DECISION:

The decision to approve the preferred alternative is based upon the following: 1) consistency with the approved resource management plan; 2) national policy; 3) agency statutory requirements; 4) relevant resource and economic issues; 5) application of measures to avoid or minimize environmental impacts.

1. This decision is in conformance with the Northeast Record of Decision and Resource Management Plan (RMP) (September 1986) as amended (December 1991) and Royal Gorge Record of Decision and Resource Management Plan (RMP) (May 1996).
2. It is the policy of the Bureau of Land Management (BLM) as derived from various laws, including the Mineral Leasing Act of 1920, as amended [30 U.S.C. 181 *et seq.*] and the Federal Land Policy and Management Act of 1976, 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 Preferred Alternative.
4. Lease stipulations for each parcel address resource concerns identified in the NEPA review process. Economic contributions resulting from implementation of the proposed action are analyzed in the EA.
5. Standard terms and conditions as well as special stipulations would apply. Lease stipulations (as required by 43 CFR § 3101.1-3) were added to each parcel as identified by the Royal Gorge Field Office to address site specific concerns or new information not identified in the land use planning process.

FINDING OF NO SIGNIFICANT IMPACT:

Based on the analysis of potential environmental impacts contained in the referenced environmental assessment (EA), and considering the significance criteria in 40 CFR § 1508.27, a Finding of No Significant Impact (FONSI) was prepared. The preferred alternative will not have a significant effect on

the human environment. Therefore, preparation of an environmental impact statement is not necessary. This finding is based on the context and intensity of the alternatives as detailed in the FONSI.

PUBLIC COMMENTS:

On December 4, 2017 the parcel list was made available for a 30-day scoping period. Issues raised at scoping were hydraulic fracturing, air quality, seismic activity, water quality, proximity to a wilderness area and national park, noise, night sky, soils, visual resources, and lesser prairie chicken habitat. The scoping comments were useful in drafting the EA.

On March 22, 2018 the EA was made available for a 15-day public comment period. The BLM received over 45,000 comments as a result of this comment period, many of which were similar or identical; 656 of those were unique and have been reviewed. Concerns were in regards impacts to water resources, hydraulic fracking, Wolf Springs Ranch, air quality, seismic impacts, the current Resource Management Plan (RMP), geology, visual resources, riparian resources, Mosca Pass, soils, forestry, aquatic species, cultural resources, tribal consultation, infrastructure, fire, the appropriateness of relying on the analysis in an EA versus an EIS, environmental justice, and the Mineral Leasing Act. No significant issues requiring further analysis or alternative development in the EA were identified in the review of the comments. The review of these comments is included as Attachment F in the EA.

On July 20, 2018, the Bureau of Land Management provided the sale notice for the parcels of land that will be offered in a competitive oil and gas lease sale on September 6, 2018; the lease sale notice initiated the 10-day protest period for the lease sale and four protest was received.

APPEALS:

This decision may be appealed to the Office of Hearings and Appeals, Interior Board of Land Appeals (IBLA), 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 (at the below address) within 30 days from your receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

Bureau of Land Management
Colorado State Office
2850 Youngfield Street
Lakewood, Colorado 80215-7210

You may file a notice of appeal by paper copy only. Even if the BLM has previously corresponded with you by email, facsimile, or social media means, the BLM will not accept a notice of appeal transmitted electronically (e.g., by email, facsimile, or social media means). Also, the BLM will not accept a petition for stay that is transmitted electronically (e.g., by email, facsimile, or social media means). Both the notice of appeal and any petition for stay must be received on paper at the office identified above.

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 IBLA, the petition for stay must accompany your notice of appeal. A copy of the notice of appeal and petition for a stay must also be submitted to each party named in this

decision and to the IBLA and to the appropriate Office of the Solicitor (see 43 CFR §4.413) 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. A petition for a stay is required to show sufficient justification based on the standards listed below.

Standards for Obtaining a Stay

Except as otherwise provided by law or 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 of 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.

Approved by:

Date:

Jonathan Fairbairn (acting)
Suzanne Mehlhoff, Deputy State Director
Division of Energy, Lands, and Minerals

9/5/18