

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

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**DECISION RECORD  
Environmental Assessment  
DOI-BLM-UT-0000-2023-0006**

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**May 2024**

**Utah State Office Evaluation of March and  
December 2018 Oil and Gas Lease Sales  
Environmental Assessment**

***Location:***

Monticello Field Office,  
San Juan County, Utah

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## DECISION RECORD

Upon reconsideration and based on my review of the *Utah State Office Evaluation of March and December 2018 Oil and Gas Lease Sales Environmental Assessment* (EA) (DOI-BLM-UT-0000-2023-0006) and associated finding of no significant impact (FONSI) for the Bureau of Land Management (BLM) March and December 2018 Oil and Gas Lease Sales for the Monticello Field Office (MtFO), it is my decision to affirm three oil and gas leases (UTU93728, UTU93742, and UTU93850) covering a total of 5,343.68 acres (Affirmed Leases).<sup>1</sup> The Affirmed Leases are located within the MtFO planning area with attached stipulations and notices as provided in Appendix B of the EA. For each Affirmed Lease, once the lessee has accepted any new stipulations and notices (as identified in Appendix B of the EA), the suspension of those leases will be lifted. All 25 remaining leases, as outlined in Table 1, will be cancelled because they were improperly issued: the original National Environmental Policy Act (NEPA) analysis was incomplete and therefore did not provide me with information sufficient to determine whether leasing was in the public interest. In the EA, the BLM analyzed affirming all 29<sup>2</sup> leases under Alternative A and analyzed cancelling all 29 leases under Alternative C.

**Table 1. Decision for Each of the Leases and Their Corresponding Acreage**

Lease	Lease Area (acres)	Lease Decision
UTU93016	640.00	Cancel
UTU93017	1,663.20	Cancel
UTU93018	2,544.68	Cancel
UTU93019	1,883.76	Cancel
UTU93020	1,920.00	Cancel
UTU93021	1,080.00	Cancel
UTU93022	1,280.00	Recently Terminated
UTU93024	1,600.00	Cancel
UTU93025	2,304.58	Cancel
UTU93026	1,320.00	Cancel
UTU93027	645.52	Cancel
UTU93028	1,280.00	Cancel
UTU93029	1,092.84	Cancel
UTU93030	1,200.00	Cancel
UTU93032	1,904.96	Cancel
UTU93033	1,280.00	Cancel
UTU93034	640.00	Cancel
UTU93035	965.04	Cancel
UTU93036	1,960.00	Cancel
<b>UTU93728</b>	<b>2,400.00</b>	<b>Affirm</b>

<sup>1</sup> Copies of the EA and FONSI can be found on the BLM National NEPA Register project page at <https://eplanning.blm.gov/eplanning-ui/project/2024989/570>.

<sup>2</sup> A total of 29 leases were analyzed in the EA, However, lease UTU93022 terminated on November 3, 2023. Because this lease is terminated, there is no decision to be made for lease UTU93022.

Lease	Lease Area (acres)	Lease Decision
UTU93730	2,550.45	Cancel
UTU93731	2,240.00	Cancel
UTU93733	400.00	Cancel
<b>UTU93742</b>	<b>1,263.68</b>	<b>Affirm</b>
UTU93743	2,520.08	Cancel
UTU93744	2,545.68	Cancel
UTU93746	1,875.44	Cancel
UTU93747	2,240.00	Cancel
<b>UTU93850</b>	<b>1,680.00</b>	<b>Affirm</b>

## AUTHORITIES

The authority for this decision derives from the Mineral Leasing Act of 1920 (MLA), 30 United States Code (USC) 226 and 43 Code of Federal Regulations (CFR) 3100.

## PLAN CONFORMANCE

As documented in Section 2.1 of the EA, three alternatives were reviewed and found to be in conformance with the MtFO record of decision and approved resource management plan (2008). Detailed information regarding the conformance and consistency of the alternatives with specific management decisions within the applicable land use plans is provided in the EA.

## ALTERNATIVES CONSIDERED

The EA, in which the BLM evaluates the 29 leases, considered three alternatives in detail: Alternative A – No Action Alternative (affirm all 29 leases), Alternative B – Resource Conflict Avoidance Alternative (affirm 10 leases, cancel 19 leases), and Alternative C – No Leasing Alternative (cancel all 29 leases). While a total of 29 leases were analyzed in the EA, lease UTU93022 terminated on November 3, 2023. Because this lease is terminated, there is no decision to be made for lease UTU93022, and throughout the remainder of this decision document reference is made to only 28 leases.

Under Alternative A, the BLM authorized officer has the authority to selectively affirm the March and December 2018 leasing decisions for 28 leases (encompassing 46,919.91 acres). Legal land descriptions for each lease, as well as the corresponding stipulations and notices attached to each lease to address resource issues, are included in Appendix B of the EA. The BLM also analyzed Alternative B – Resource Conflict Avoidance Alternative, which considered the impacts if the BLM were to cancel 19 of the 28 leases to address potential impacts on an area of critical environmental concern (ACEC), a national historic trail (NHT), lands with wilderness characteristics (LWCs), and national monuments. Under Alternative B, the BLM would affirm its previous leasing decisions for the remaining nine<sup>3</sup> leases. The BLM also considered an alternative where no leasing would occur, and the BLM would cancel all 28 leases (Alternative C – No Leasing Alternative). The No Leasing Alternative establishes a baseline for analysis, enabling the decision-maker to compare the magnitude of environmental effects of Alternatives A and B.

<sup>3</sup> In the EA, the BLM analyzed affirming 10 leases under Alternative B. However, lease UTU93022, which recently terminated, was one of the 10 leases that would have been affirmed under Alternative B.

The decision to affirm the three leases and cancel the remaining 25 is within the reasonable range of alternatives analyzed by the BLM in the EA. I am making this decision because it minimizes impacts to resources while adhering to the BLM's responsibilities under the MLA, as amended; the Mining and Minerals Policy Act of 1970; the Federal Onshore Oil and Gas Leasing Reform Act of 1987; the Federal Land Policy and Management Act of 1976 (FLPMA); and other applicable laws. Upon reconsideration, I have concluded that the original NEPA analysis was incomplete and did not provide me with information sufficient to determine whether leasing was in the public interest.

## **FINDING OF NO SIGNIFICANT IMPACT**

I have reconsidered and am making this decision in reliance upon and incorporating the documented results and rationale presented in the FONSI. Considering the criteria for significance described at 40 CFR 1508.27, the BLM determined in the FONSI that affirming the three leases and canceling the remaining 25, as provided for by Alternatives A and C, 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 lease area.

## **PUBLIC INVOLVEMENT**

The BLM prepared this EA in full compliance with the requirements of the National Environmental Policy Act of 1969 (NEPA), and its implementing regulations at 40 CFR 1500 to 1508, and BLM Manual 3120, which included the posting of a draft of the EA for a 60-day public review and comment, held between August 30, 2023, to October 30, 2023, as previously described in the EA. Additional consultation, coordination, and environmental analysis will be required if the BLM receives an application for permit to drill any of the three Affirmed Leases. The BLM received a total of 110 comment letters containing 249 individual comments. Of these, 11 comment letters contained substantive comments. The BLM considered the public comments, along with other information from both external and internal sources, and used them, as appropriate, in the preparation of the EA.

## **RATIONALE FOR DECISION**

As noted above, the BLM considered three alternatives in the EA, none of which were specific to the decision I am now making. However, following reconsideration of all the leases, my decision to affirm three leases (UTU93728, UTU93742, and UTU93850) and cancel the remaining 25 leases is within the reasonable range of alternatives that BLM analyzed in the EA and is based on the following:

- The decision is in conformance with the MtFO resource management plan, as amended.
- The decision is consistent with applicable law, as described in the EA.
- Lease stipulations and standard lease terms and conditions for each of the Affirmed Leases address resource concerns identified in the NEPA review process (see Appendix B of the EA).
- Preliminary research data provided to the Monticello Field Office in February 2023 and similar new data received by the BLM during the public comment period show topographic anomalies through the use of LiDAR and aerial imagery in the leasing area. At this time, the source and significance of these potential cultural features are unknown and further study is required before the BLM can adequately assess the impacts to these features from future development. Based on the BLM's initial assessment that these cultural features occur across various oil and gas leases and may have the potential to occur on other leases in the vicinity, further analysis is needed to determine whether

issuing the leases will have significant impacts under NEPA. Also, the BLM needs additional time to review the attached stipulations and notices to determine whether they are sufficiently protective of the cultural features.

- While 16 of the leases clearly overlap these newly identified topographic anomalies, the remaining 9 leases are within the general area of the data presented in the report the *LiDAR Gifts: First-Look Insights into Puebloan Roads and Berm-Swale Field Systems in Utah and Neighboring Sections of the Northern San Juan Region*. Along with the topographic anomalies, this report also identified additional potential Puebloan community centers, roads, and road loops within the leasing area.
- Further study of the “Berm-Swale Field Systems” identified through LiDAR data would include an additional review of ethnographic, historic, topographic, and archaeological information, along with a field verification (e.g., intensive pedestrian survey, and excavation) to determine if these features represent definite locations of human activity, occupation, or use as defined by BLM’s Manual 8100 – The Foundations of Managing Cultural Resources.
- Careful consideration for these potential cultural resources is warranted because of their abundance and scale. Although archaeologists have been researching Ancestral Puebloan artifacts (e.g., ceramics and ground stone), living areas, and features (e.g., pueblos, granaries) for more than 100 years, archaeological evidence that illustrates subsistence methods at this scale has not been documented. The “Berm-Swale Field Systems” potentially provide information about the large-scale ground modification efforts the Ancestral Puebloans exerted to grow the corn, beans, squash and other food for their families and communities during the Formative time period (i.e., 300 BC to 1300 AD). If confirmed, these cultural resources, would represent some of the most expansive and extant prehistoric agricultural features in the United State of America.
- Recent concerns brought forth by the Pueblo of Acoma, including the need to conduct a “more comprehensive review”, and a “structured consultation process with the Pueblo of Acoma and other tribes, ensuring that tribal expertise and cultural knowledge guide the evaluation and management of these lands.”
- The degree of effects of the Affirmed Leases does not rise to the level of significance.
- The Affirmed Leases do not appear to be implicated by the recent LiDAR information and no topographical anomalies connected to cultural features have been identified on these leases.
- Lease UTU93742 is in a VRM Class IV area. Leases UTU93728 and UTU93850 contain the portion of the Old Spanish trail designated as the East Canyon high potential segment. Leases UTU93728 and UTU93850 would be subject to lease notice UT-LN-65: Old Spanish Trail. This lease notice states that modifications to the surface use plan of operations may be required to protect the historic integrity of the trail and that coordination with the NPS may be necessary. Before development, additional viewshed analyses should be done and development, including oil and gas equipment, sited where it would not be visible. Therefore, there would be either no or minimal short-term direct effects that could occur from oil and gas development on these leases. Should the BLM receive an APD, the BLM would conduct additional site-specific NEPA analysis, including an evaluation of the Old Spanish NHT, before deciding whether to approve the APD and, if approved, what provisions of lease notice UT-LN-65: Old Spanish Trail would be required.

As described above, I have determined the EA was conducted in a manner that is consistent with the applicable land use plans, laws, regulations, and policies. The March and December 2018 lease sales serve to facilitate the orderly development of fluid mineral resources under the jurisdiction of the BLM in a manner consistent with the requirements of FLPMA and NEPA to manage the public lands for multiple uses while considering the potential impacts to the environment and other resources that may be present. All the cancelled leases have been in suspension and have not been developed. The lessees have not acted in reliance on the cancelled leases.

For the reasons previously stated, it is my decision to affirm the three selected oil and gas leases and cancel the remaining 25 leases as previously described above.

## APPEALS

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR 4. Instructions for filing an appeal are contained on the attached Form 1842-1.

## SIGNED:

**CHRISTINA PRICE**

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Christina Price, Deputy State Director, Lands and Minerals  
Utah State Office

Date