

November 16, 2016
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STATE OFFICE
SANTA FE, NEW MEXICO

Ms. Lourdes Ortiz
Land Law Examiner
New Mexico State Office
P. O. Box 27115
Santa Fe, New Mexico 87502-0115

Subject: Protest on "... postponed Farmington Field Office parcels in the January 2017, Competitive Oil & Gas Lease Sale." Protest Period is November 7 Through December 6, 2016.

Dear Ms. Lourdes Ortiz:

My interest in protesting the "**BLM's Decision to offer the lands in this Notice for lease**" is based on the fact I'm listed as the technical expert (Technical Coordinator) who was responsible for the preparation (writing) of the Farmington Field Office's (FFO's) 2003 land use plan (see Table 5-4). My interest in this matter—is to inform New Mexico State Office (NMSO) employees that FFO hasn't written the legal documents NMSO employees need—to conduct the January 25, 2017 Lease Sale.

FFO **didn't write** the land use plan and environmental impact statement (EIS) FFO was legally required to write. Contract employees—who wrote the document—**illegally** included nearly (1) 400,000 acres of **Albuquerque Field Office (AFO)** land and minerals and (2) 22 **AFO** special management areas (SMAs) in FFO's 2003 land use plan. This unprecedented error caused the **failure of every** (1) oil and gas and (2) special management area **section** in FFO's 2003 Resource Management Plan (RMP) Revision and EIS.

Contract employees **didn't use** the information in three Bureau of Land Management (BLM) documents—to write FFO's 2003 RMP Revision-EIS. They are.

1. Proposed Farmington Resource Management Plan and Final Environmental Impact Statement, September 1987.
2. Albuquerque District Proposed resource Management Plan Amendment/Final Environmental Impact Statement — Oil & Gas Lease and Development, December 1991, and
3. Oil and Gas Resource Development for San Juan Basin, New Mexico. A 20-year, Reasonable Foreseeable Development (RFD) Scenario Supporting the Resource Management Plan for the Farmington Field Office, Bureau of Land Management, July 2001.

The **failure** of contract employees—to use the information they were **legally** required to use—resulted in the **failure** of the **rest** of FFO's 2003 RMP Revision-EIS. The 2003 land use plan-EIS **replaced** all the previous land use plans written and used by FFO. As of September 29, 2003—FFO only had **one** land use plan. The failure of FFO's one and only land use plan means. **FFO doesn't have a land use plan**. Hasn't had a land use plan since September 29, 2003.

When FFO employees get to the **Conformance with Applicable Land Use Plan** section in environmental assessments (EAs)—they **can't say** (write). The proposed issuance of BLM leases was addressed (written about) in FFO's 2003 land use plan. FFO doesn't have a land use plan. FFO employees are

required to **stop work** on the EA. And **start work** on a land use plan for oil and gas leasing. FFO's 2016 EA—for NMSO's January 2017 lease sale—is the **second illegal document** in the BLM's process for issuing BLM leases (see the attached cover page and Conformance with Applicable Land Use Plan section.) The FFO tracts listed in NMSO's January 25, 2017 Lease Sale **must be pulled** from the sale.

BLM employees and/or managers may tell you. To **ignore** (blow off) my comments because I didn't (1) participate in the scoping process and (2) submit comments on FFO's 2016 EA. (I know the process.)

FFO doesn't have a land use plan. FFO employees wrote an **invalid** and illegal EA. The EA shouldn't have been **submitted** to NMSO. Therefore, there's **no legal** (1) scoping process, (2) legal EA to submit comments on or (3) Protest period. Nothing FFO has done to this point is valid or legal. FFO employees haven't given you anything you can legally use—to do your job.

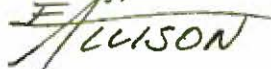
You and/or other NMSO employees and managers don't need to add to all the invalid and illegal work that's been done to this point. If you don't **pull** the FFO lease tracts from the January 25, 2017 Lease Sale—you and/or other NMSO employees—will issue invalid and **illegal** BLM oil and gas leases. Leases companies **can't drill** on. You'll end up having to do the work to **clear up** these invalid and illegal BLM oil and gas leases. You might as well not issue them.

It took me more than 20 years to find out. BLM managers can't write you up and/or take disciplinary action against you. If you refuse to do something they tell you to do, if (1) it is unethical, (2) it's immoral or (3) **violates laws**. After I learned that, there were a few times I **politely** refused to do a few things I was told to do. I agreed (**verbally**) to do the additional work my supervisor wanted me to do—after he did the required paperwork. He never did the paperwork. I did the work I was originally hired to do.

If you proceed with issuing invalid and **illegal** BLM leases for the proposed **FFO lease tracts**—you and/or other NMSO employees—will **violate** a number of federal laws. The most important laws are (1) BLM's Organic Act, also known as the Federal Land Policy and Management Act (FLPMA) of 1976 and (2) the National Environmental Policy Act (NEPA) of 1969. (Not only did FFO and contract employees violate these laws, they violated **The Major Fraud Act** of 1988. Unlike FLPMA and NEPA, violations of The Major Fraud Act can result in fines and **prison time**.)

Surely, New Mexico State Director Amy Lueders and FFO District Manager Victoria Barr don't want BLM employees to violate federal laws. Surely, they don't want invalid and **illegal** BLM oil and gas leases issued to companies. See the letter sent to Amy Lueders and FFO District Manager Victoria Barr. Except for the first two paragraphs in the letter sent to Amy Lueders, the rest of the letter is the same as the letter sent to Mark Ames. That's why I'm only enclosing the first page of the Mark Ames letter—with the one-page letter sent to Victoria Barr. I didn't include the supporting documents to their letters.

Sincerely,



5 Attachments

PS: For your information—much of my BLM career was spent working as a Planning & Environmental (P&E) Coordinator or Land Use Planner. During the **20 years** I worked in FFO I (1) was FFO's P&E Coordinator, (2) worked in FFO's recreation program, (3) worked on coal documents (regional coal EIS and RMP amendment), (4) conducted a water inventory on FFO land (dams, reservoirs, livestock ponds, springs, etc.), (5) permitted BLM and Indian wells in northwest New Mexico, (6) permitted Indian wells and above ground pipelines in southeast Utah and northeast Arizona, (7) permitted seismic projects, (8) did the paperwork for New Mexico State Office lease sales, (9) answered congressional inquiries, etc.

October 12, 2016

P.O. Box 13170-B Central Ave. NE
PMB #113
Albuquerque, NM 87123
505.300.8182

Ms. Amy Lueders
New Mexico State Director
Bureau of Land Management
P. O. Box 27115
Santa Fe, New Mexico 87502-0115

Subject: Unprecedented Violations of The Major Fraud Act Necessitate Closure of Farmington Field Office.

Dear Ms. Amy Lueders;

What's the status of the Farmington Field Office's (FFO's) newest land use plan? It's a moot point. The type, number, and magnitude of unprecedented errors—made during the writing of FFO's 2003 RMP Revision-EIS—caused the failure of FFO's entire 2003 RMP Revision-EIS. **The failure of FFO's one and only land use plan means—FFO doesn't have a land use plan. Hasn't had a land use plan since September 29, 2003.**

I guarantee you, and others, will be **shocked** at what was done by FFO and contract employees. See the General and Specific Comments below. Because of the failure of FFO's entire 2003 RMP Revision-EIS—none of FFO's RMP Amendments are legal documents. The same will be true for the Gallup-Mancos Shale RMP Amendment-EIS. The following information is presented for your use in making future decisions about FFO.

General Comments

1. It's good that FFO wants to do land use planning for the Gallup-Mancos Shale Formation, since there was (1) **no mention of** and (2) **no land use planning and impact analysis** for development (drilling) of the Gallup-Mancos Shale Formation in FFO's 2003 RMP Revision-EIS. Because land use planning hasn't been done, why did FFO issue permits to companies to drill Gallup-Mancos Shale wells? None of FFO's permits are valid or legal. All the Gallup-Mancos Shale wells are **illegally drilled wells**. All the wells are in **trespass**. By law, FFO must do the work to clear up trespass (1) uses of BLM land and/or (2) development of BLM minerals.
2. FFO needs to do land use planning and environmental impact analysis for the (1) Fruitland Sand, (2) Fruitland-Pictured Cliffs, (3) Chacra, (4) Gallup-Dakota, (5) Pennsylvanian, (6) Gallup, and (7) other oil and gas formations listed on **Table 6.1** of FFO's 2001 Reasonable Foreseeable Development (RFD) Scenario (See Table 6.1 in Attachment 1). There was (1) **no mention of** and (2) **no land use planning and impact analysis** for the development (drilling) of these formations in FFO's 2003 RMP Revision-EIS. Because land use planning hasn't been done, why did FFO issue permits to companies to drill wells to these formations? None of FFO's permits are legal. All the wells drilled to these formations are **illegally drilled wells**. All the wells are in **trespass**. By law, FFO must do the work to clear up trespass (1) uses of BLM land and/or (2) development of BLM minerals.
3. FFO needs to do land use planning and environmental impact analysis for (1) Land Ownership Adjustments, (2) Off-Highway Vehicle (OHV) Use, and (3) Special Management Areas (SMAs). The **No Action Alternatives**—for (1) Oil and Gas Leasing and Development, (2) Land Ownership Adjustments, (3) Off-Highway Vehicle Use, and (4) Special Management Areas in FFO's 2003 RMP Revision-EIS—**aren't** legal No Action Alternatives. BLM has a history of losing court cases when there aren't legal No Action Alternatives.
4. FFO needs to do land use planning and environmental impact analysis for Coal Leasing Suitability. FFO and contract (Science Applications International Corporation) (SAIC) employees—didn't do **all** the land use planning required for coal—on pages 93 through 95 in Appendix C of BLM's H-1601-1 Handbook.

5. There are elements in resource programs that weren't included in FFO's 2003 RMP Revision-EIS. For example, there isn't any land use planning and impact analysis for seismic projects, land exchanges, sand and gravel sales, etc. FFO employees can't issue permits for seismic projects, conduct land exchanges, sell sand and gravel, etc.—for program elements left out of FFO's 2003 RMP Revision-EIS

All the seismic permits issued since September 29, 2003 were/are illegally issued by FFO employees. Because the FFO permits aren't legal—FFO employees put every seismic company employee—in the unbelievable situation of trespassing on BLM land every day they're working on it. Each seismic project ends up being a trespass case—FFO employees are legally required to take action on—to stop illegal uses of BLM land.

Specific Comments

1. Unprecedented, Never Before Seen Oil and Gas Errors in a Land Use Plan-EIS.

It's noted in the Purpose and Need of FFO's 2003 RMP Revision-EIS. The document replaces all the previous land use planning documents written for FFO. One of the documents replaced by FFO's 2003 plan was a 1991 oil and gas RMP Amendment-EIS. Information in Alternative C of the 1991 plan—should have been used for FFO's No Action Alternative for oil and gas leasing and development—in FFO's 2003 plan-EIS. That wasn't done. See Table 1. BLM has a history of losing court cases when there aren't legal No Action Alternatives.

Table 1. The Difference Between Legal and Illegal Farmington Field Office Oil and Gas Acreage Numbers (No Action Alternative).

	Legal FFO 2003 No Action Alt. 1991 RMP Amendment Tables 2-1, A-1, and A-4			Illegal FFO 2003 No Action Alt. FFO 2003 RMP Revision No Table Number Page 2-31		
	High Dev.	Low Dev.	Total	High Dev.	Rest of Area	Total
CLOSED						
Discretionarily	14,766	6,370	21,136	21,545	31,671	53,216
Nondiscretionarily	21,440	32,979	54,419	349	110,799	111,148
CLOSED TOTAL	6,206	39,349	75,555	21,894	142,470	164,364
Based on 1991 numbers, it's obvious contract (SAIC) employees invented the 349-acre number.						
OPEN						
With standard terms/ conditions	739,770	1,108,136	1,847,903	1,380,723	1,356,971	2,737,694
With constraints						
Timing limitation	116,280	10,210	126,490	173,786	21,380	195,166
Controlled surface use	93,071	96,325	189,396	81,322	77,392	158,714
No surface occupancy	20,753	0	20,753	7,769	5,368	13,137
TOTAL	230,104	106,535	336,639	262,880	104,140	367,017
OPEN TOTAL	969,874	1,214,671	2,184,545	1,643,600	1,461,111	3,104,711
GRAND TOTAL	1,006,080	1,254,020	2,260,100	1,665,494	1,609,581	3,269,075

2. Oil and Gas Acreage—That Doesn't Exist Was Illegally Included in FFO's 2003 RMP Revision-EIS.

It's not known why contract (SAIC) employees "invented" and put nonexistent oil and gas acreage in FFO's 2003 RMP Revision-EIS. See Table 2. Much of the acreage that doesn't exist is in the OPEN, with standard terms and conditions category (see Table 2-4 in BLM's 1991 land use plan-EIS in Attachment 1.) Compare the significantly lower 1991 oil and gas acreage numbers for two alternatives, especially for Alternative A (No Action Alternative). It's illegal (unprecedented) to do what contract (SAIC) employees did.

3. Legal, Implementable Oil and Gas Alternatives Missing from FFO's 2003 RMP Revision-EIS.

It's noted in the Purpose and Need, Location, and Scope sections of FFO's 2003 RMP Revision-EIS—the document was written for the Farmington Field Office. Despite that fact, contract (SAIC) employees illegally put (1) 377,155 acres of **Albuquerque Field Office (AFO)** land and (2) 375,448 acres of **AFO** oil and gas acreage in FFO's 2003 land use plan-EIS (see Tables 1-1 and 1-2 in Attachment 1). See **AFO** acreage on Map 1-1. (See **FFO's illegal planning area** in Attachment 2.) The illegal inclusion of **AFO** acreage (1) **invalidated** all of FFO's oil and gas **alternatives** and (2) caused the **failure** of all the oil and gas sections in FFO's 2003 RMP Revision-EIS. (The illegal inclusion of **AFO** acreage caused the failure of FFO's 2001 RFD Scenario.)

Table 2. Oil and Gas Alternative Totals Exceed the Total Oil and Gas Acreage (3,020,693 Acres) in FFO's 2003 Land Use Plan.

	Alternative A Page 2-31	Alternative B Page 2-220	Alternative C Page 2-231	Alternative D Page 2-238
CLOSED				
Discretionarily	53,216	28,273	114,100	81,000
Nondiscretionarily	111,148	111,148	111,148	111,148
CLOSED TOTAL	164,364	139,421	225,248	192,148
OPEN				
With standard terms/ conditions	2,737,694	2,659,985	2,579,283	2,597,193
OPEN Table 2-4 1991 plan	1,555,000	2,205,700		1,848,000
WITH CONSTRAINTS				
Timing limitation	195,166	240,059	638,401	483,807
Controlled surface use	158,714	236,270	275,192	286,910
No surface occupancy	13,137	13,290	55,070	25,442
CONSTRAINTS TOTAL	367,017	489,619	968,663	796,159
OPEN TOTAL	3,104,711	3,149,604	3,547,946	3,393,352
GRAND TOTAL	3,269,075	3,289,025	3,773,194	3,585,500
TOTAL OIL AND GAS ACREAGE IN FFO PLAN (Table 1-2)	3,020,693	3,020,693	3,020,693	3,020,693
ACREAGE OVER 3,020,693 ACRE TOTAL	248,382	268,332	752,501	564,807

Alternative C (resource protection) isn't a real, implementable alternative. (It's what used to be called a "straw" (fake) alternative. All alternatives have to be real, implementable alternatives.) FFO wouldn't put leasing and/or drilling restrictions on 1,193,911 acres (225,248 and 968,663 acres) of FFO's estimated 1.5 million acres of BLM land. To add to that, the real oil and gas production alternative is Alternative A—not Alternative B. Alternative B is the real resource protection alternative—not Alternative C.

4. Invalid, Illegal Lands Ownership Adjustments No Action Alternative.

No Action Alternatives (Alternative A) describe the **current** management (1987, 1995, 1998, etc.) of BLM land and minerals. Alternatives B, C, and D propose new management for BLM land and minerals. No Action Alternatives are used as a **baseline** to compare the difference between old and new (proposed) BLM management.

According to information on page 3-14 of the Farmington Resource Area's 1987 land use plan—FRA proposed to acquire 17,963 and 101,350 acres for a total of **119,313 acres** of non-BLM land. According to information on page 2-34 of FFO's 2003 land use plan, FFO proposed to acquire 127,782 acres of non-BLM land in the No Action Alternative for Land Ownership Adjustments (Alternative A). You can't have a number larger than 119,313 acres. Therefore, the 127,782 acres is wrong. The No Action Alternative for FFO Lands Ownership Adjustments isn't a legal No Action Alternative. BLM has a history of losing court cases when there aren't legal No Action Alternatives in BLM documents.

5. Invalid, Illegal Off-highway Vehicle Designations Alternatives.

According to information on page 3-17 of the Farmington Resource Area's 1987 land use plan—approximately "132,439 acres would be "closed" or "limited" to off-the-road vehicular travel." New FFO OHV designations were established in (1) 1995 FFO land use plans and (2) one 1998 FFO land use plan. Based on the (1) 132,439-acre number (1987 land use plan), (2) 40,960-acre number for Rosa Mesa, and (3) 22,800-acre number for Glade Run Trail System (1995 land use plan)—there's 196,199 acres with "closed" or "limited" OHV use.

Based on the information on page 2-36 of FFO's 2003 land use plan, there's no way to tell how much of the 499,040 acres in FFO's 1995 OHV land use plan is "closed" or "limited" to OHV use. There's no information about the "OHV management prescriptions" for a 1998 (cultural) land use plan.

At a minimum, there's **196,199 acres** with a "closed" or "limited" OHV designation. This is larger than the 122,063 acre number in the No Action Alternative (Alternative A) in Table 2-2 of FFO's 2003 land use plan. You can't have a number less than 196,199 acres. The 122,063 acre number doesn't correspond with the 1987, 1995, and 1998 "closed" or "limited" OHV acreage numbers that should have been used for FFO's No Action Alternative (Alternative A) for OHV Designations. FFO's No Action Alternative for OHV Designations isn't a legal No Action Alternative. BLM has a history of losing court cases when there aren't legal No Action Alternatives in BLM documents.

OHV Alternatives B, C, and D are the same alternative. Therefore, there are two OHV alternatives, not the required four alternatives. Questions arise as to whether the second OHV alternative is a legal, implementable alternative. Would FFO limit OHV use on 1.35 million of BLM land? FFO doesn't have enough rangers to ensure the public's compliance with closed and limited OHV use on 1.35 million acres of FFO land.

6. Invalid, Illegal Special Management Area Alternatives.

It's noted in the Purpose and Need, Location, and Scope sections of FFO's 2003 RMP Revision-EIS—the document was written for the Farmington Field Office. Despite that fact, contract (SAIC) employees **illegally** put **22 Albuquerque Field Office** special management areas (**108,582 acres**) in FFO's 2003 land use plan-EIS (see Table 2-6 in Attachment 1). See **AFO** acreage on Map 1-1. (See **FFO's illegal planning area** in Attachment 2.). The illegal inclusion of **AFO** SMAs (1) **invalidated** all of FFO's SMA alternatives and caused the **failure** of all the special management area sections in FFO's 2003 RMP Revision-EIS.

It's not known why contract (SAIC) employees "**invented**" and used the term "specially designated areas" (SDAs) in FFO's 2003 RMP Revision-EIS. FFO's 2002 draft and 2003 final plan-EIS may be the only BLM documents—out of thousands of plans written by 200 plus, BLM offices—where you'll see the bogus term "specially designated areas" or SDAs. (It's unbelievable this term was used in two, April 2004 State Director letters (see Attachment 3). The State Director knows BLM doesn't use the term specially designated areas.)

What's the saying, "adding insult to injury" by contract (SAIC) employees, for inventing SDAs, nonexistent oil and gas acreage, etc.?" As if FFO didn't have enough to contend with, with what may be the **first failure** of an **entire BLM land use plan**. Adding more insult is the fact FFO's plan is a RMP Revision. Because FFO wrote a

revision, FFO doesn't have old land use planning documents it can use. (**FFO only has one land use plan.**) That's especially true 13 years after environmental groups and others—informed BLM managers—about inadequacies and 'document killing' errors in FFO's 2003 RMP Revision-EIS (see Attachment 3).

7. Failure to (1) Designate New FFO Areas of Critical Environmental Concern (ACEC) and (2) Remove ACEC Designations from Existing FFO ACECs.

The failure of FFO and contract (SAIC) employees to write (1) legal special management area **alternatives** and (2) a **complete**, legal Federal Register Notice for **ACECs**—in the Notice of Availability of FFO's 2002 Draft RMP Revision-EIS. Are the reasons why new FFO ACECs **weren't** designated at the end of FFO's 2003 land use planning effort. It's also the reason why ACEC designations **weren't** removed from four, existing FFO ACECs. FFO employees still need to manage these areas as ACECs.

8. Unprecedented, Possibly Never Before Seen Errors in Handling Comments and Responses.

There's no way to explain why FFO and contract (SAIC) employees didn't follow the examples in Chapter 5 of (1) Farmington's 1987 RMP, (2) the 1991 oil and gas RMP Amendment, and (3) other FFO planning documents. To put comments and responses in Chapter 5 of FFO's 2003 land use plan. Instead, FFO and contract (SAIC) employees—put the public's comments on FFO's 2002 Draft RMP Revision-EIS and BLM's responses to them—in **Appendix P** of FFO's 2003 RMP Revision-EIS. (See the first page of Appendix P in Attachment 1.) Supporting information goes in appendices, not comments and responses. It's noted on page 19 of Appendix F of BLM's H-1601-1 Handbook. Responses to comments are put in Chapter 5 (see page 19 in Attachment 1).

9. Unprecedented, Possibly Never Before Seen Errors Result in a Second, Illegal Record of Decision.

In accordance with the regulations for the National Environmental Policy Act (NEPA)—FFO issued a 50-page Record of Decision (ROD). It was signed on September 29, 2003 by the New Mexico State Director.

In accordance with NEPA regulations, BLM offices only get **one chance** to issue a Record of Decision. Despite that fact, FFO employees prepared a **second, illegal** Record of Decision. The title of the document is the *Farmington Resource Management Plan with Record of Decision*. If this were a legal document, the September 2003 ROD would be attached to FFO's two-volume land use plan. Not the misnamed, illegal, 148-page December 2003 ROD. In accordance with NEPA regulations, Records of Decision aren't attached to land use plans or EISs. They're separate, stand alone documents.

There is land use decisions in FFO's illegal December 2003 Record of Decision—that isn't in FFO's legal September 2003 Record of Decision. One example of the invalid, meaningless December 2003 decisions is a list of **81 FFO ACECs** (see pages 2-3 through 2-5 in Attachment 1). (Shockingly, there's 81 FFO ACECs, of which (about) 19 are legal ACECs.) FFO's 81 ACEC's aren't in FFO's official, legal September 29, 2003 ROD.

Another example of invalid, meaningless December 2003 decisions—are the decisions issued for 22 **AFO** special management areas (see pages 2-3 through 2-6 in Attachment 1). **AFO** managers make decisions for **AFO** land and minerals—not FFO managers. If there were legal **AFO** decisions, they would be published in a **separate Albuquerque Field Office** Record of Decision—not mixed in with FFO decisions in FFO's September and December 2003 Records of Decision (see Appendix A in the September ROD in Attachment 1).

The most crucial and **glaring error** in FFO's illegal December 2003 ROD. Is the fact there isn't an approval and signature page for the New Mexico State Director. There's **no validity** to any of the December 2003 decisions without the approval and signature of the New Mexico State Director. The preparation, and **use**, of a second, illegal Record of Decision for 13 years—is an unprecedented, possibly never before seen NEPA violation (40 C.F.R. § 1505.2).

10. With the **failure** of FFO's 2003 environmental impact statement, **none of the environmental assessments** (EAs), other NEPA documents—written by BLM or contract employees—are legal documents. To add to that you need a **legal land use plan** to use Categorical Exclusions (CXs) to approve any (1) use of BLM land or (2) development of BLM minerals. As for the **misuse** of CX's by FFO and other federal employees, check out Minerals Management Service's **illegal** use of a CX. To approve the **Macondo Well** that blew in the Gulf of Mexico **destroying the Deepwater Horizon** Drilling Platform. Look at the resulting investigations and reports.

Summary Remarks

FFO published a Notice of Intent—to prepare the Gallup-Mancos Shale RMP Amendment-EIS—in a February 2014 Federal Register Notice. The public was given the opportunity to provide input during the 60-day scoping period specified in FFO's February 2014 Federal Register Notice. The scoping period was extended 30 days.

What has FFO been doing for two-and-a-half years? Why hasn't FFO made a Draft Gallup-Mancos Shale RMP Amendment-EIS available for public review? For a document being written for a **single** oil and gas formation, for a few hundred wells? It should be obvious by the actions of **past and present** FFO employees. FFO has, **once again**, displayed its propensity for (1) throwing federal laws and regulations and BLM policy and procedures out the window and (2) doing its own thing. None of which is legal.

A Federal Register Notice (Notice of Intent) needs to be published—for a new, legal, comprehensive land use plan for every resource program—administered in FFO's legal administrative boundary. By law, FFO must **stop issuing** leases, permits, approvals, and authorizations for every resource program—until FFO has (**writes**) a legal land use plan-EIS it can use—for the day-to-day work done in 200 plus, BLM offices.

Every (1) use of BLM land and (2) development of BLM minerals—approved since September 29, 2003—is a **trespass case**. By law, BLM employees must do the work to clear up all the (1) invalid and illegal BLM (FFO) oil and gas, possibly coal leases and (2) invalid and illegal permits, approvals, and authorizations—issued for every resource program—since September 29, 2003.

BLM managers did nothing when they were informed about a 'document killing' error in FFO's land use plan-EIS in April 2003. Instead, FFO employees were allowed to proceed with implementation of FFO's plan. It's for that reason, **six BLM managers** are responsible for every invalid and illegal lease, permit, approval, and authorization—issued for every resource program—since September 29, 2003 (see Attachment 4).

If you and other BLM managers do nothing—are you (they) responsible (**liable**) for every illegal FFO lease and permit issued—after you get this letter? Now that you know **FFO doesn't have a land use plan**. **Hasn't had a plan since September 29, 2003**. For a plan that may be the **worst** land use plan written by a federal agency.

Sincerely,



4 Attachments

PS: One last comment. There's **no such thing** as **Albuquerque Field Office** land, minerals, and special management areas. **It doesn't exist**. BLM land, minerals, and SMAs—identified as being **AFO** land, minerals, and SMAs—is FFO, Taos or Rio Puerco Field Office land, minerals, and SMAs. There are more unprecedented errors in FFO's 2003 RMP Revision (see Attachment 4).

PPS: FFO and contract (SAIC) employees **violated The Major Fraud Act of 1988**. Unlike the National Environmental Policy Act (NEPA) of 1969—violations of The Major Fraud Act can result in **fines** and **prison time**. I believe it's safe to say. You don't want to get caught up in their mess, in the potential fines and **prison time** they may face. Tragically, they put you in a situation no BLM manager ever wants to face, to deal with.

ATTACHMENT 1

Supporting Documents to Amy Lueders Letter.

1. Table 6.1 – Hydrocarbon producing formations, well count, and cumulative production, San Juan Basin, New Mexico State portion. Oil and Gas Resource Development for San Juan Basin, New Mexico. A 20-year, Reasonable Foreseeable Development (RFD) Scenario Supporting the Resource Management Plan for the Farmington Field Office, Bureau of Land Management, July 2, 2001.
2. Table 2-4. Federal Oil and Gas Acreage Available for Leasing and/or Development by Management Category and Alternative. Albuquerque District Proposed Resource Management Plan Amendment/Final Environmental Impact Statement (for) Oil & Gas Leasing and Development (December 1991).
3. Table 1-1. Surface Acres in the Planning Area, page 1-5 [377, 155 acres of AFO land]. Farmington Proposed Resource Management Plan and Final Environmental Impact Statement, Volume 1: Chapters 1-5 (March 2003).
4. Table 1-2. Acres Overlying Federal Minerals in the Planning Area, page 1-5 [375,448 acres of AFO oil and gas acreage]. Farmington Proposed Resource Management Plan and Final Environmental Impact Statement, Volume 1: Chapters 1-5 (March 2003).
5. Table 2-6. Oil and Gas Management Prescriptions for Specially Designated Areas in the AFO, page 2-213. Farmington Proposed Resource Management Plan and Final Environmental Impact Statement, Volume 1: Chapters 1-5 (March 2003).
6. Appendix P. Public Comments on the Draft RMP/EIS and Responses Cover Page. Farmington Proposed Resource Management Plan and Final Environmental Impact Statement, Volume 11: Appendices (March 2003).
7. II. Chapter 5. Consultation and Coordination, Appendix F, page 19. United States Department of the Interior, Bureau of Land Management, Land Use Planning Handbook, BLM Handbook H-1601-1.
8. List of 81 FFO Areas of Critical Environmental Concern (ACECs), pages 2-3 through 2-5. Farmington Resource Management Plan with Record of Decision (December 2003).
9. Invalid, Illegal Management Decisions for 22 Albuquerque Field Office Special Management Areas, pages 2-3 through 2-6. Farmington Resource Management Plan with Record of Decision (December 2003).
10. Invalid, Illegal Management Decisions for 22 Albuquerque Field Office Special Management Areas, Approval and Signature page and Appendix A. Record of Decision, Farmington Proposed Resource Management Plan and Final Environmental Impact Statement (September 2003).
11. FFO Power Point Presentation Cover Page and Planning Process and Timeline. Mancos Shale Resource Management Plan Amendment (RMPA) and Environmental Impact Statement (EIS), May 2014, Lindsey Eoff — Project Manager.

ATTACHMENT 2

They say a picture is worth a thousand words. The reason—for the monumental failure of an **entire BLM land use plan**—is found in a **picture** (map) in FFO's two-volume land use plan-EIS. See page 3 of FFO's 2003 RMP Revision-EIS.

The failure to use FFO's legal administrative boundary in FFO's 2003 land use plan-EIS and 2001 Reasonable Foreseeable Development Scenario can be found. By comparing the **error-filled project area** map (Map 1-1) on page 1-3 of FFO's 2003 RMP Revision-EIS with maps (Map 9) in BLM's 1991 oil and gas RMP Amendment-EIS.

The type, number, and extent of unprecedented errors in Map 1-1 of FFO's 2003 RMP Revision-EIS defy belief. The entire east side of FFO's legal administrative boundary is shown to be **Albuquerque Field Office (AFO)** land and minerals. BLM land and minerals—in the southeast corner of FFO's legal administrative boundary (McKinley County)—were omitted from FFO's 2003 land use plan-EIS. There are more errors involving FFO land and minerals.

The west side of the **Taos Field Office** is shown as **Albuquerque Field Office** land and minerals. BLM land and minerals in Sandoval County, New Mexico—is FFO and **Rio Puerco Field Office** land and minerals—not **AFO** land and minerals. The 22 special management areas (SMAs) in Sandoval County are Rio Puerco Field Office SMAs—not **AFO** SMAs.

The largest Indian reservation in the United States is the **Navajo Indian Reservation**. The eastern portion of the reservation is in northwest New Mexico. According to information on Map 1-1—the Navajo Tribe doesn't have any land in northwest New Mexico. According to information on Map 1-1—the **Jicarilla Apache Indian Reservation** doesn't exist. According to information on Map 1-1—the Jicarilla Apache Indian Reservation is **Albuquerque Field Office** land and minerals.

Finally, there **isn't** such a thing as **Albuquerque Field Office** land, minerals, and special management areas (SMAs). **It doesn't exist**. All the land and minerals is FFO, Taos, or Rio Puerco Field Office land and minerals. All the **AFO** SMAs are Rio Puerco Field Office SMAs (Sandoval County).

FFO's invalid, illegal land use planning **project area** was created (**invented**) by contract (SAIC) employees. All the errors would have been avoided, if contract (SAIC) employees had used the information in FFO documents given to them for their use in writing FFO's 2003 RMP Revision-EIS. It appears no one—in or out of government—checked the accuracy of the information on Map 1-1.

Map 1-1 '**took down**' (**invalidated**) FFO's entire 2003 RMP Revision-EIS and 2001 Reasonable Foreseeable Development Scenario. (The printed documents aren't worth the paper they're printed on.) FFO's **one and only** land use plan is a **work of fiction**—not the critically needed nonfiction document it had to be for BLM and people of the United States.

ATTACHMENT 3

Early Notification of Problems with FFO's 2003 RMP Revision-EIS.

BLM and U.S. Forest Service employees submitted comments on SAIC's **2001 Preliminary Draft RMP Revision-EIS**. **Hundreds** of comments were submitted. It's not known when FFO's second Team Leader (Bob Moore) for FFO's land use plan-EIS gave the comments to SAIC. The date on the green Post It note—on the Team Leader's **edited** version of FFO's Planning and Environmental (P&E) Coordinator's comments—is **November 30, 2001**. It should be obvious by the comments—BLM **rejected** SAIC's 2001 Preliminary Draft RMP Revision-EIS.

It's noted at the end of the official and edited versions of the coordinator's comments. SAIC was supposed to write a **second Preliminary Draft RMP Revision-EIS**. SAIC never wrote the document. That's obvious by the fact a Draft RMP Revision-EIS was released to the public in **June 2002**.

It's impossible to write **one**, much less two lengthy (two-volume) documents in **six months** (December 2001 through May 2002). The last three weeks, or so, in June 2002 were spent (1) getting approvals of the Draft RMP Revision-EIS from BLM managers, (2) getting approvals to print FFO's June 2002 Federal Register Notice, (3) printing the Federal Register Notice, (4) printing and mailing out the Draft RMP Revision-EIS to the public, etc.

It's **impossible** to write a draft land use plan-EIS—if you don't have a **preliminary draft** plan-EIS—to use as the basis for your draft plan-EIS. Tragically, FFO and contract (SAIC) employees proved that point with their failure to write the **most important legal document** in every BLM office. FFO's 2003 RMP Revision-EIS is an **error-filled Preliminary Draft RMP Revision-EIS**.

Attached are two letters from the New Mexico State Director. The failure of the State Director to, at least, look into the problems (errors) **reported** in an April 2004 email and letter—has resulted in the issuance of **13 years of invalid and illegal** BLM (FFO) (1) oil and gas leases, possibly coal leases and (2) permits, approvals, and authorizations—for **every** use of BLM (FFO) land and development of BLM (FFO) minerals.

It's noted again. FFO's 2003 RMP Revision-EIS may be the **worst** land use plan-EIS ever written by a federal agency. Tragically, it's only use—is as a **training tool** (example)—of 'what not to do' in writing land use plans-EISs. Of primary importance is **stressing** the fact BLM (federal) and contract employees don't throw documents together; call them good enough for issuing BLM (federal) permits. Such actions and documents violate The Major Fraud Act of 1988. Unlike the National Environmental Policy Act of 1969, people who violate The Major Fraud Act may be required to pay **fines** and serve **prison time**.

ATTACHMENT 4

Nonexistent FFO Technical Coordinator

1. BLM Technical Coordinators are responsible for making sure BLM and contract employees write good, legal BLM documents—not BLM Project Managers or Team Leaders.
2. BLM Technical Coordinators are responsible for finding **errors** and/or omissions in BLM documents and working with BLM and contract employees to **fix** them—not BLM Project Managers or Team Leaders.

Another **unprecedented**, (possibly) never before seen error in FFO's 2003 RMP Revision-EIS was committed by FFO and contract (SAIC) employees. They created a **nonexistent** BLM (FFO) Technical Coordinator. FFO **didn't** have a Technical Coordinator!

The person listed as FFO's Technical Coordinator on Table 5-4—was the **Team Leader** for a BLM Resource Management Plan for Alabama and Mississippi. FFO and contract (SAIC) employees knew the person **transferred** to BLM's Jackson, Mississippi (MS) office in **February 2002**. And yet, they chose to list **Jackson, Mississippi's Land Use Planner**—as FFO's Technical Coordinator for FFO's 2002 Draft and 2003 Final RMP Revision-EIS. (FFO and SAIC employees violated The Major Fraud Act of 1988.)

A good FFO Technical Coordinator would have **found** the errors listed in the letter sent to Mr. Ames, as well as other errors in FFO's 2002 Draft and 2003 Final RMP Revision-EIS. They would have worked with FFO and contract (SAIC) employees to **fix** them.

1. Table 5-4. List of Preparers. Bureau of Land Management. Farmington Proposed Resource Management Plan and Final Environmental Impact Statement, Volume 1: Chapters 1-5, March 2003.
2. Notice of Intent To Prepare a Resource Management Plan for Alabama and Mississippi. Call for Coal Information and Invitation To Participate in Identification of Issues and Planning. Federal Register/Vol. 67, No. 134/Friday, July 12, 2002/Notices, page 46207.
3. **Protest** Filed on FFO 2003 RMP Revision-EIS, April 11, 2003 Letter to Director (210). (Washington, D.C. Group Manager for Planning, Assessment and Community Support Ann Aldrich)
4. Protest on FFO 2003 RMP Revision-EIS Withdrawn, April 11, 2003 Letter to Director (210). (The correct date the letter was written and sent is April 14, 2003. The April 11, 2003 **Protest was withdrawn after a closed door meeting** with two Jackson, MS BLM managers on April 14, 2003.)
5. April 21, 2003 Email — Recommendation/Suggestion to Jim Ramakka, RMP Project Manager.
6. April 23, 2003 Email — Response to April 21, 2003 Email Recommendation/Suggestion from Steven Henke, Farmington Field Office Manager.
7. May 28, 2003 Letter from New Mexico State Director Linda Rundell.
8. **Errata Sheet**. Record of Decision for the Farmington Proposed Resource Management Plan and Final Environmental Impact Statement, Farmington Field Office, September 2003, page 20.

October 21, 2016
P.O. Box 13170-B Central Ave. NE
PMB #113
Albuquerque, NM 87123
505.300.8182

Ms. Victoria Barr
Farmington District Manager
Bureau of Land Management
6251 North College Blvd, Suite A
Farmington, NM 87402

Subject: A Second Scoping Period—for a Farmington Land Use Plan—is the Latest Example
of Farmington's Inability to Follow Policy and Procedures and Write Legal Documents.

Dear Ms. Victoria Barr;

A letter sent to Farmington Field Office's (FFO's) Mark Ames is sent for your information and use. As you know, Mr. Ames is the Project Manager for FFO's proposed Gallup-Mancos Shale Resource Management Plan (RMP) Amendment and Environmental Impact Statement (EIS). This letter was sent in response to FFO. Seeking input for FFO's Gallup-Mancos Shale land use plan in a second scoping period.

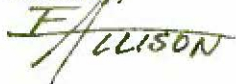
Not only is the second scoping period unnecessary. So is writing FFO's Gallup-Mancos Shale RMP Amendment-EIS. The type, number, and magnitude of unprecedented, never before seen errors in FFO's 2003 land use plan-EIS caused the **failure** of FFO's **entire** 2003 RMP Revision-EIS. The document is so bad it may be the **worst** land use plan-EIS ever written by a federal agency. See the General and Specific Comments in the letter to Mr. Ames. **The failure of FFO's one and only land use plan (a Revision) means. FFO doesn't have a land use plan. Hasn't had a land use plan since September 29, 2003.**

With the failure of FFO's entire 2003 RMP Revision-EIS, there's nothing to amend. None of Farmington's RMP Amendments are legal documents. The same will be true, if FFO proceeds with writing the Gallup-Mancos Shale RMP Amendment-EIS.

A Federal Register Notice needs to be published—for the preparation of a new, comprehensive land use plan for every resource program—administered in FFO's **legal** administrative boundary. By law, FFO must **stop issuing** leases, permits, approvals, and authorizations—until FFO has (**writes**) a legal land use plan-EIS it can use—for the day-to-day work done in 200 plus, BLM offices. FFO employees must do the work to clear up **13 years** of invalid, illegal FFO leases, permits, approvals, and authorizations.

BLM managers did nothing when they were informed about a 'document killing' error in FFO's land use plan-EIS in April 2003. Instead, FFO employees were allowed to begin implementation of the plan. It's for that reason, **six BLM managers** are responsible for every invalid and illegal lease, permit, approval, and authorization—issued for every resource program—since September 29, 2003. If you do nothing—are you responsible (**liable**) for every illegal FFO lease and permit issued—after you get this letter? Now that you know **FFO doesn't have a land use plan. Hasn't had a land use plan since September 2003.**

Sincerely,



1 Attachment

October 21, 2016

P.O. Box 13170-B Central Ave. NE
PMB #113
Albuquerque, NM 87123
505.300.8182

Mr. Mark Ames, Project Manager
Bureau of Land Management
6251 North College Blvd, Suite A
Farmington, NM 87402

Dear Mr. Mark Ames;

I appreciate the opportunity to provide input into the Farmington Field Office's (FFO's) newest land use plan, as per FFO's October 21, 2016 Federal Register Notice (Vol. 81, No. 204, pages 72819 – 72821).

General Comments

1. I appreciate the fact FFO is doing land use planning for the Gallup-Mancos Shale Formation since there was (1) **no mention of** and (2) **no land use planning and impact analysis** for development (drilling) of the Gallup-Mancos Shale Formation in FFO's 2003 Resource Management Plan (RMP) Revision and Environmental Impact Statement (EIS). Because land use planning hasn't been done for this formation, **why** is FFO issuing permits to companies to drill Gallup-Mancos Shale wells? **None** of FFO's permits are valid or legal. All the Gallup-Mancos Shale wells are **illegally drilled wells**. All the wells are in **trespass**. By law, FFO must do the work to clear up trespass (1) uses of BLM land and/or (2) development of BLM minerals.
2. While you're at it—please do land use planning and environmental impact analysis—for the (1) Fruitland Sand, (2) Fruitland-Pictured Cliffs, (3) Chacra, (4) Gallup-Dakota, (5) Pennsylvanian, (6) Gallup, and (7) other oil and gas formations listed on **Table 6.1** of FFO's 2001 RFD (See Table 6.1 in Attachment 1). There was (1) **no mention of** and (2) **no land use planning and impact analysis** for the development (drilling) of any of these formations in FFO's 2003 RMP Revision-EIS. Because land use planning hasn't been done for these formations, **why** is FFO issuing permits to companies to drill wells to these formations? **None** of FFO's permits are valid or legal. All the wells drilled to these formations are **illegally drilled wells**. All the wells are in **trespass**. FFO must do the work to clear up trespass (1) uses of BLM land and/or (2) development of BLM minerals.
3. While you're at it—please do land use planning and environmental impact analysis—for (1) Land Ownership Adjustments, (2) Off-Highway Vehicle (OHV) Use, and (3) Special Management Areas (SMAs). The **No Action Alternatives** for (1) Oil and Gas Leasing and Development, (2) Land Ownership Adjustments, (3) Off-Highway Vehicle Use, and (4) Special Management Areas in FFO's 2003 RMP Revision-EIS—**aren't** legal No Action Alternatives. BLM has a history of **losing court cases** when there aren't legal No Action Alternatives.
4. While you're at it—please do land use planning and environmental impact analysis—for Coal Leasing Suitability. FFO and contract (Science Applications International Corporation) (SAIC) employees—didn't do all the land use planning required for coal—on pages 93 through 95 in **Appendix C** of BLM's H-1601-1 Handbook.
5. There are elements in resource programs that **weren't** included in FFO's 2003 RMP Revision-EIS. For example, there **isn't any land use planning and impact analysis** for seismic projects, land exchanges, sand and gravel sales, etc. FFO employees **can't** issue permits for seismic projects, conduct land exchanges, sell sand and gravel, etc.—for program elements **left out** of FFO's 2003 RMP Revision-EIS

All the seismic permits issued since September 29, 2003 were/are **illegally** issued by FFO employees. Because the permits aren't legal—FFO employees put **every** seismic company employee—in the unbelievable situation

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

Environmental Assessment DOI-BLM-NM-F010-2016-0001EA

January 18, 2017, Competitive Oil and Gas Lease Sale

U.S. Department of the Interior
Bureau of Land Management
Farmington District
Farmington Field Office
6251 N. College Blvd., Ste. A
Farmington, NM 87402
Phone: (505) 564-7600
FAX: (505) 564-7608

New Mexico • Farmington Field Office



interests from the loss of oil and gas or geothermal resources by drainage and the resulting loss of royalty revenues.

This EA serves to verify conformance with the approved land use plan, provides the rationale for deferring or dropping parcel(s) from a lease sale, as well as providing rationale for attaching additional notice to specific parcel(s).

The parcels and applicable stipulations were originally posted online for a two week public scoping period starting on June 6, 2016. Comments were received. These four parcels are being reconsidered for sale, and the EA was made available for public review and comment for 30 days beginning August 4, 2016. Comment letters were received from Western Environmental Law Center, Center for Biological Diversity, Sierra Club, and the Ojo Encino Chapter of the Navaho Nation.

1.1 Purpose and Need

The purpose is to consider opportunities for private individuals or companies to explore for and develop oil and gas resources on public lands through a competitive leasing process.

The need of the action is established by the BLM's responsibility under the MLA, as amended, to promote the exploration and development of oil and gas on the public domain. The MLA also establishes that deposits of oil and gas owned by the United States are subject to disposition in the form and manner provided by the MLA under the rules and regulations prescribed by the Secretary of the Interior, where consistent with the FLPMA, the National Environmental Policy Act (NEPA) of 1969, as amended (Public Law 91-90, 42 USC 4321 et seq.), and other applicable laws, regulations, and policies.

The BLM will decide whether or not to lease the nominated parcels and, if so, under what terms and conditions.

1.2 Conformance with Land Use Plan and Other Environmental Assessments

The applicable land use plan for this action is the 2003 Farmington RMP. The RMP designated approximately 2.59 million acres of federal minerals open for continued oil and gas development and leasing under Standard Terms and Conditions. The RMP, along with the 2002 Biological Assessment, also describes specific stipulations that would be attached to new leases offered in certain areas. Therefore, it is determined that the alternatives considered conform to fluid mineral leasing decisions in the 2003 Farmington RMP and subsequent amendment and are consistent with the goals and objectives for natural and cultural resources.

The RMP identifies the potential stipulations that could be attached to split-estate tracts that are proposed for leasing and requires all new leases and all expired leases that are reissued would be leased with surface resource protection stipulations. Mandatory stipulations would be incorporated into each lease where those stipulations apply. In addition, optional stipulations would be included where resource values exist that warrant special protections. The potential stipulations could include seasonal timing limitations and other controlled surface use

stipulations which were designed to minimize or alleviate potential impacts to special resource values. Leasing the split-estate parcels would also be consistent with the RMP's goals and objectives for natural and cultural resources.

Pursuant to 40 CFR 1508.28 and 1502.21, this EA is tiered to and incorporates by reference the information and analysis contained in the 2003 Farmington RMP Final Environmental Impact Statement. While it is unknown precisely when, where, or to what extent well sites or roads would be proposed, the analysis of projected surface disturbance impacts, should a lease be developed, is based on potential current well densities of two horizontal wells per 320 acres listed in the Reasonable Foreseeable Development (RFD) Scenario included in the 2003 Farmington RMP and the 2002 Biological Assessment. An appropriate level of site-specific analysis of individual wells or roads would occur when a lease holder submits an Application for Permit to Drill (APD). Assumptions based on the 2015 RFD scenario are used in the analysis of impacts in this EA.

FLPMA established guidelines to provide for the management, protection, development, and enhancement of public lands (Public Law 94-579). Section 103(e) of FLPMA defines public lands as any lands and interest in lands owned by the United States (US). For split-estate lands where the mineral estate is an interest owned by the US, the BLM has no authority over use of the surface by the surface owner; however, the BLM is required to declare how the federal mineral estate will be managed in the RMP, including identification of all appropriate lease stipulations (43 CFR 3101.1 and 43 CFR 1601.0-7(b); BLM Manual Handbook 1601.09 and 1624-1).

1.3 Federal, State or Local Permits, Licenses or Other Consultation Requirements

Purchasers of oil and gas leases are required to comply with all applicable federal, state, and local laws and regulations, including obtaining all necessary permits required should lease development occur.

Farmington Field Office biologists reviewed the proposed action and determined it would be in compliance with threatened and endangered species management guidelines outlined in the 2002 Biological Assessment for the 2003 RMP (Cons. #2-22-01-I-389). One species has been listed since 2003, the Yellow-billed cuckoo, with proposed Critical Habitat. The proposed action would have a "no effect" determination for this species due to lack of nesting habitat within 30 miles of the analysis area. A separate "effects determination" for federally-listed fish species would be made at the project level to insure that water used for drilling operations are permitted from an existing legal source (no new water depletion) and within compliance of the Endangered Species Act. No further consultation with the US Fish and Wildlife Service (USFWS) is required at this stage.

Federal regulations and policies require the BLM to make its public land and resources available on the basis of the principle of multiple-use. At the same time, it is BLM policy to conserve special status species and their habitats, and to ensure that actions authorized by the BLM do not contribute to the need for the species to become listed as threatened or endangered by the USFWS.

U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT



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Print Page

January 25, 2017 Lease Sale

NOTICE (update 11-07-16)

The BLM posted the January 2017 lease sale notice and environmental assessment (EA) on November 7, 2016. The 30-day protest period has commenced.

The BLM New Mexico State Office will only be considering Expressions of Interests (EOIs) received for the Las Cruces District Office, Rio Puerco Field Office, and postponed Farmington Field Office parcels in the January 2017, Competitive Oil & Gas Lease Sale. All other EOIs received for the January 2017 Oil & Gas Lease Sale will be considered in future sales. For more information see the BLM to Hold Rotational Federal Oil & Gas Lease Sales news release or contact Ross Klein, Natural Resource Specialist, at rklein@blm.gov or 505-954-2143.

Confidentiality Policy

Any comments, including names and street addresses of respondents, you submit may be made available for public review. Individual respondents may request confidentiality. If you wish to withhold your name or street address from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your written comment. Such requests will be honored to the extent allowed by law. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public inspection in their entirety.

Document Index

Please note that not all documents may be available at a given time. They will be added as they become available.

- Two Week Public Scoping
- 30 Day Public Review & Comment Period
- Sale Notice Booklet
- 30 Day Protest Period
- Protests Received & Responses
- Sale Results
- Final EA, FONSI and Decision Record
- LR2000 Lease Issuance Report

Document	Date(s) Available	
Two Week Public Scoping <ul style="list-style-type: none"> Nominated Parcels and Maps <p>Field Office project lead contacts are listed on the nominated parcel webpage.</p>	6/6/2016 through 6/20/2016	Two week public scoping period of nominated lease parcels including the field offices preliminary recommendations and stipulations. Stipulation summaries, GIS shapefiles, and maps are also provided. This allows the public an opportunity to provide comments which are then analyzed and incorporated into the environmental analysis as appropriate.
30 Day Public Review <ul style="list-style-type: none"> EA & Unsigned FONSI <p>Comments can be submitted to the BLM NM State Office at the following address: NMleasesalecomments@blm.gov</p>	8/4/2016 through 9/2/2016	Thirty day public review and comment period of the lease sale Environmental Assessment (EA) and the unsigned Finding of No Significant Impact (FONSI) . Comments received from the public will be analyzed and incorporated into the environmental analysis as appropriate.
Lease Sale Notice & Protest Period		Notice of Competitive Lease

<ul style="list-style-type: none"> Sale Notice <ul style="list-style-type: none"> Amendment No. 1 EA and Unsigned FONSI Parcel Shapefiles 	11/07/2016 through 12/06/2016 Last day to submit protest: 12/06/2016	Sale and lease sale Environmental Assessment (EA) posting with unsigned Finding of No Significant Impact (FONSI) . Thirty day lease sale protest period begins.
Protests <ul style="list-style-type: none"> Protests Received Protest Response 	12/07/2016 or later	Lease sale protests received from the public during the 30 day protest period and BLM responses to the protests and decisions.
Sale Results <ul style="list-style-type: none"> Sale Results 	1/25/2017	Summary of the lease sale results. It includes the total number and acreage of parcels sold and the net revenue (bonus bids, fees and first-year rentals) generated from the sale.
EA, FONSI & Decision Record	TBD	Final lease sale EA with signed FONSI and Decision Record (DR).
LR2000 Lease Issuance Report	TBD	Report of the leases issued after the sale.

Last updated: 11-10-2016

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BLM

New Mexico
Oklahoma
Texas & Kansas

Competitive Oil and Gas Lease Sale

January 25, 2017

Bureau of Land Management
New Mexico State Office
301 Dinosaur Trail
Santa Fe, New Mexico 87508

www.blm.gov/nm

BLM





In Reply
Refer To:

3120 (NM922-lbo)

United States Department of the Interior
BUREAU OF LAND MANAGEMENT
New Mexico State Office
301 Dinosaur Trail
P.O. Box 27115
Santa Fe, New Mexico 87502-0115
www.blm.gov/nm



November 9, 2016

NOTICE OF COMPETITIVE OIL AND GAS
INTERNET-BASED LEASE SALE

In accordance with the Mineral Leasing Act, 30 U.S.C. 226(b)(1), as amended by the *National Defense Authorization Act for Fiscal Year 2015* (Pub. L. 113-128 Stat. 3762) (Dec. 19, 2014), and the Bureau of Land Management (BLM) regulations at 43 CFR 3120, the BLM is offering 4 parcels at an internet-based onshore oil and gas competitive lease sale. The 4 parcels (totaling 842.66 acres), include Federal land in the State of New Mexico.

This notice describes:

- The date, time and place of the sale;
- How to participate in the bidding process;
- The sale process;
- The conditions of the sale;
- How to file a noncompetitive offer after the sale;
- How to file a pre-sale noncompetitive offer;
- How to file a protest.

When and where will the sale take place?

- When:** The sale date is **Wednesday, January 25, 2017**. The open bidding period will begin at 9:00 am MST; 10:00 am CST. Each parcel will have its own unique open bidding period, with start and stop times clearly identified on the auction website. The open bidding period for each parcel will run for three hours, from start to finish. Bids will be accepted *ONLY* during a parcel's open bidding period.
- Where:** The sale will be held online at <https://www.energynet.com/>. Click the Government Lease Sales icon to view the sale site. Parcels may be viewed online at the EnergyNet website approximately 10 business days after the posting of this Notice of Competitive Oil and Gas Internet-Based Lease Sale on the BLM website.
- Access:** The auction website is open to the public. The internet-based lease sale can be observed in real-time. However, you must register as a bidder on the website prior to the sale in order to submit bids for a parcel. The auction website will be active and available for use approximately 10 days after the date of this Notice of Competitive Oil and Gas Internet-Based Lease Sale and will remain available until the completion of the auction. The available parcels listed below are also detailed on the sale website. That information includes location, term, conditions, and stipulations.

How can I find out the results of this sale?

The sale results will be posted on the www.energynet.com website and the BLM website at www.blm.gov/nm (click on Programs, then click on Energy). You can buy (\$5) a printed copy of the results by contacting our Accounts Staff, at (505) 954-2111.

May I protest BLM's Decision to offer the lands in this Notice for lease?

Yes, under regulation Title 43 CFR 3120.1-3, you may protest the inclusion of a parcel listed in this sale notice. All protests must meet the following requirements:

- We must receive a protest no later than close of business on **December 6, 2016**. If our office is not open on that day a protest received the next day our office is open to the public will be considered timely filed. The protest must also include any statement of reasons to support the protest. We will dismiss a late-filed protest or a protest filed without a statement of reasons.
- A protest must state the interest of the protesting party in the matter.
- You may file a protest either by mail in hardcopy form or by telefax. You may not file a protest by electronic mail. A protest filed by fax must be sent to **(505) 954-2010, Attention: State Director**. A protest sent to a fax number other than the fax number identified or a protest filed by electronic mail will be dismissed.
- If the party signing the protest is doing so on behalf of an association, partnership or corporation, the signing party must reveal the relationship between them. For example, unless an environmental group authorizes an individual member of its group to act for it, the individual cannot make a protest in the group's name.
- Any protests, including names and street addresses, you submit will be made available for public review. Individual respondents may request confidentiality. If you wish to withhold your personal identifiable information from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your written comment. Such requests will be honored to the extent allowed by law. All submissions from organization or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public inspection in their entirety.

If BLM receives a timely protest of a parcel advertised on this Sale Notice, how does it affect bidding on the parcel?

We will announce receipt of any protests on the auction website prior to the start of the online auctions. We will also announce on the website a decision to either withdraw the parcel or proceed with the auction. If the protest is resolved prior to the sale, we will provide copies of our decision on the website.

If I am the high bidder at the sale for a protested parcel, when will BLM issue my lease?

We will make every effort to resolve the protest prior to the date of the lease sale. If a protest cannot be resolved prior to the lease sale, we will then attempt to resolve the protest within 60 days after the sale. We will not issue a lease for a protested parcel until the State Director makes a decision on the protest. If the State Director denies the protest, we will issue your lease concurrently with that decision.

If I am the successful bidder of a protested parcel, may I withdraw my bid and receive a refund of my first year's rental and bonus bid?

No. In accordance with BLM regulations (43 CFR 3120.5-3) you may not withdraw your bid.

If BLM upholds the protest, how does that affect my competitive bid?

If we uphold a protest and withdraw the parcel from leasing, we will reject your bid, and refund your first year's rental, bonus bid, and administrative fee. If the decision upholding the protest results in additional stipulations, we will offer you an opportunity to accept or reject the lease with the additional stipulations prior to lease issuance. If you do not accept the additional stipulations, we will reject your bid and we will refund your first year's rental, bonus bid and administrative fee.

If BLM's decision to uphold the protest results in additional stipulations, may I appeal that decision?

Yes, you may. Note, an appeal from the State Director's decision must meet the requirements of Title 43 CFR §4.411 and Part 1840.

May I appeal the BLM's decision to deny my protest?

Yes, you may. Note: An appeal from the State Director's decision must meet the requirements of 43 CFR 4.411 and part 1840.

May I withdraw my bid if the protestor files an appeal?

No. If the protestor appeals our decision to deny the protest, you may not withdraw your bid. We will issue your lease concurrently with the decision to deny the protest. If resolution of the appeal results in lease cancellation, we will authorize refund of the bonus bid, rentals and administrative fee if--

- There is no evidence that the lessee(s) derived any benefit from possession of the lease during the time they held it, and;
- There is no indication of bad faith or other reasons not to refund the rental, bonus bid and administrative fee.

Whom should I contact if I have a question?

For general information, please contact our Information Access Center at (505) 954-2098 or for information or questions about the sale, contact: **Lourdes Ortiz** at (505) 954-2146.

/s/Julieann Serrano for

**Gloria S. Baca
Supervisory, Land Law Examiner
Branch of Adjudication**

NM-201701-003 441.500 Acres

T.0230N, R.0070W, 23 PM, NM

Sec. 006 LOTS 5,6,7;

006 SENW,E2SW,SWSE;

007 NE;

Rio Arriba County

Farmington FO

Bureau of Indian Affairs

NMNM 23052, NMNM 28745

Stipulations:

BIA-1

BIA-3

BIA-5

F-15 POD Plan of Development

F-41 Lease Notice

F-44 NSO No Surface Occupancy

F-47 CSU Air Dispersion Modeling

NM-10 Lease Notice

NM-11-LN Special Cultural Resource

WO-ESA-7 Endangered Species Act

WP-NHPA National Historic

Preservation Act

NM-201701-004 160.000 Acres

T.0230N, R.0070W, 23 PM, NM

Sec. 035 NE;

Sandoval County

Farmington FO

Bureau of Indian Affairs

Stipulations:

BIA-1

BIA-3

BIA-5

F-9 CSU Paleontology

F-15 POD Plan of Development

F-41 Lease Notice

F-44 NSO No Surface Occupancy

F-47 CSU Air Dispersion Modeling

NM-10 Lease Notice

NM-11-LN Special Cultural Resource

WO-ESA-7 Endangered Species Act

WP-NHPA National Historic

Preservation Act

Number of Parcels - 4

Total Acreage - 842.66

Total Number of Parcels with

Presale Offers - 0

Total Acreage with Presale Offers - 0

***Any portion of the listed lands may be
deleted upon determination that such
lands are not available for leasing.***

NM-201701-003 441.500 Acres

T.0230N, R.0070W, 23 PM, NM

Sec. 006 LOTS 5,6,7;

006 SENW, E2SW, SWSE;

007 NE;

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lands are not available for leasing.***

CONTROLLED SURFACE USE STIPULATION
PALEONTOLOGY

Surface occupancy or use is subject to the following special operating constraints:

- Restrict vehicles to existing roads and trails.
- Require a paleontological clearance on surface disturbing activities.

On the lands described below:

For the purpose of: To protect the area for scientific study.

If circumstances or relative resource values change or if it can be demonstrated that oil and gas operations can be conducted without causing unacceptable impacts, this stipulation may be waived, excepted, or modified by the BLM Authorized Officer, if such action is consistent with the provisions of the Farmington Resource Management Plan, or if not consistent, through a land use plan amendment and associated National Environmental Policy Act analysis document. If the BLM Authorized Officer determines that the waiver, exception, or modification shall be subject to a 30-day public review period.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

PLAN OF DEVELOPMENT (POD)
STIPULATION

A plan of development (POD) for the entire lease must be submitted for review and approval, including NEPA analysis, by the Bureau of Land Management (BLM) authorized officer, prior to approval of development (APD, Sundry Notices) actions. The POD must indicate planned access to well facilities (roads, pipelines, power lines), and the approximate location of well sites. Should it become necessary to amend the POD, the amendment must be approved prior to the approval of subsequent development action. Deviations from a current POD are not authorized until an amended POD has been approved by BLM.

For the Purpose of: Plans of Development will be required to help direct development to reduce surface impacts.

F-41-LN

LEASE NOTICE
BIOLOGICAL SURVEY

A biological survey may be required prior to any surface disturbing activity on BLM managed lands. Proposed activities may be subject to seasonal closures within sensitive species habitat.

**Bureau of Land Management
Farmington Field Office**

**F-41-LN
February 2009**

No Surface Occupancy
Community/Residences

No surface occupancy or use is allowed on the lands described below:

No surface occupancy is allowed within 660 feet of any occupied residences of a community.

If circumstances or relative resource values change or if it can be demonstrated that oil and gas operations can be conducted without causing unacceptable impacts, this stipulation maybe waived, excepted, or modified by the BLM Authorized Officer, if such action is consistent with the provisions of the Farmington Resource Management Plan, or if not consistent, through a land use plan amendment and associated National Environmental Policy Act analysis document. If the BLM Authorized Officer determines that the waiver, exception, or modification involves an issue of major public concern, the waiver, exception, or modification shall be subject to a 30-day public review period.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

CONTROLLED SURFACE USE STIPULATION
AIR DISPERSION MODELING

Due to the close proximity of occupied dwellings to potential well sites on the lease parcel, information about the air quality impacts at the dwellings must be determined and disclosed as part of the NEPA analysis. In order to determine the impacts, the lessee will be responsible for conducting air dispersion modeling for all wells proposed and within one mile of occupied dwellings prior to BLM making a decision on any proposed wells and associated operations and infrastructure. The BLM will determine the near-field air impacts based on air dispersion modeling that conforms to EPA New Mexico Environment Department guidelines. Based on modeling results, the BLM may have mitigation requirements, with a potential for moving the proposed well and associated operations and infrastructure away from the occupied dwelling(s). A Plan of Development (POD) will be required.

Air dispersion modeling in accordance with EPA and state modeling guidelines can be used to determine "near-field" impacts. This modeling could not be completed at the time of the Resource Management Plan because it requires very specific information about how leases are developed and the locations of development. At the time of the lease sale, there is still not enough information available about how the lease will be developed to accurately determine the near-field air quality impacts. Exact locations and equipment specifications are known at the time of the Application for Permit (APD) to Drill, so the NEPA analysis associated with the APD must contain the disclosure of the near-field air impacts from the development of these leases.

On the lands described below:

For the purpose of:

(1) fulfilling the objective of the Farmington Resource Management Plan (2003) to "ensure that mineral development is carried out in a manner that minimizes environmental damage and provides for the rehabilitation of affected lands";

(2) comply with the requirements of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1701-1785 to "provide for compliance with applicable pollution control laws, including State and Federal air, water, noise or other pollution standards";

(3) ensuring that federal agency activities and actions comply with all applicable air quality laws, regulations, standards and implementation plans, per the 1990 Clean Air Act Amendments Section 118; and

(4) to promote efforts which will prevent damage to the environment and promote human health and welfare (NEPA Section 2). Any changes to this stipulation, will be made in accordance with the land use plan and/or regulatory provisions for such changes.

(For guidance on the use of this stipulation, see Bureau of Land Management Manuals 1624 and 3101 or Forest Service Manuals 1950 and 2820.)

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Land Law Examiner
New Mexico State Office
P. O. Box 27115
Santa Fe, NM 87502-0115

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