

The Truth about the BLM's Myth vs. Reality Press Release



Original BLM Release:

Myth vs. Reality - December 2008 Quarterly Oil and Gas Lease

Myth: The Bureau of Land Management has refused to remove parcels from the December quarterly oil and gas lease sale.

Fact: In fact, the Bureau of Land Management is required to adhere to an established screening process when considering parcels to be included in a quarterly oil and gas lease sale.

When lands are nominated, a screening process determines parcels' availability for lease. Nominated parcels are evaluated to ensure land use plan consistency and compliance with laws and regulations. Prior to the public's review of parcels proposed for the December 2008 quarterly oil and gas lease sale, this step removed 47,045 acres of land from further consideration for leasing.

Next, a list of proposed parcels is released, initiating a 30-day public review period. At the end of this period, BLM conducts a preliminary review of received comments and may remove additional parcels from the sale list. A final list of parcels is released approximately seven days before the sale.

After the sale is held, the BLM does not issue any leases until all protests on those parcels have been satisfactorily resolved. In some cases, protests will be granted and bid money will be returned.

Myth: The Bureau of Land Management Utah December 19, 2008, quarterly oil and gas lease sale is an unnecessary 'fire sale' of public lands to energy developers.

Fact: This is an incorrect characterization of the upcoming quarterly oil and gas lease sale. The BLM is required by law to conduct lease sales on at least a quarterly basis.

The Mineral Leasing Act of 1920, which authorizes oil and gas leasing on BLM lands, mandates that each BLM state office hold quarterly oil and gas lease sales based on industry-nominated land parcels.

Moreover, the upcoming sale is not a last minute effort to allow for oil and gas development on public lands prior to an administration change. Quarterly oil and gas lease sales are never thrown together. Preparing for a lease sale requires a significant amount of time and extensive analysis and evaluation. It requires a lengthy process to prepare for lease sales.

Myth: The BLM arbitrarily and capriciously chooses lands for oil and gas leasing without any regard to significant resources that may be located on those lands or affected by energy development.

Fact: Prior to any quarterly oil and gas lease sale, the BLM first determines which of the nominated lands may be offered for lease. This determination is based upon whether making these lands available for lease is: 1) Consistent with the current resource management plan, 2) Compliant with the National Environmental Policy Act, 3) Compliant with the Endangered Species Act and 4) Compliant with the National Historic Preservation Act.

Through the land use and resource management planning process, BLM lands are placed into one of four oil and gas leasing categories:

- * Open to oil and gas leasing with standard stipulations
- * Open to oil and gas leasing with minor constraints
- * Open to oil and gas leasing with major constraints
- * Closed to oil and gas leasing

Wrong! On Election Day, November 4th, Utah BLM released its final sale list for the December 19th oil and gas lease sale. BLM is not seeking public input and comment on this sale list. BLM does offer a 30-day protest period, but this is not the same as a comment period. As Moab assistant field office manager Lynn Jackson explained on KZMU FM (Moab Community Radio) on Friday November 21st, at this stage, BLM is not interested in public opinion but is only interested in whether it violated the law.

Half-Truth. While BLM is required to conduct quarterly oil and gas lease sales, the implication here that it had to offer these parcels is absolutely false. BLM retains the discretion not to offer any nominated parcels.

Huh? This certainly was a last-minute effort. BLM moved the sale from November to December to make sure that all of its recently completed land use plans were approved and it could thus offer and sell new leases in sensitive landscapes. BLM has already removed one parcel near Moab, Utah from this sale because it failed to do its homework. We fully expect the agency to remove more parcels that it hastily included because it was in a hurry to sell. BLM has included at least five separate parcels in its 'final' sale list that are closed to new leasing in the agency's own recently completed plans.

The process of analysis includes:

1. Nominated lands are closely reviewed to determine if they are eligible and available for oil and gas leasing, consistent with the existing Resource Management Plan (RMP) and in compliance with the National Environmental Policy Act (NEPA).
2. Land is then delineated into lease parcels not to exceed the maximum allowable acreage of 2,560 acres each. The acreage is computed and special protective stipulations are incorporated based on the existing RMP. A preliminary list of lands is created for internal review.
3. Field offices review this list to further ensure the lands offered are consistent with the land use plan and in compliance with the NEPA and other resource protection acts such as the National Historic Preservation Act and the Endangered Species Act.
4. After this internal review, field offices make recommendations to the state office on which parcels to offer for lease. In some cases, they may even recommend withdrawing all or part of a parcel or placing additional stipulations on a lease to protect certain resources. For example, parcels offered for lease near White River include stringent, no surface occupancy stipulations to protect the area's significant visual, plant, wildlife and recreation resources.
5. Based on these field office recommendations, the state office prepares and posts a list of proposed lands available for oil and gas lease which initiates a 30-day public protest period.
6. Prior to the lease sale, a preliminary review of any protests received determines which parcels will be offered for sale.
7. The competitive lease sale is held.
8. Protests are formally resolved and ,

- ◆ Leases are issued, or
- ◆ Received bid money is returned if the protest is granted

Myth: The oil and gas leasing process does not allow for input from or notification of sister agencies such as the National Park Service.

Fact: BLM's sister agencies are very much involved in the oil and gas leasing process—providing input throughout the land use planning process. In fact, this input is an important part of oil and gas leasing because it allows the agencies to review lands that may be made available for leasing.

Six new Resource Management Plans recently went into effect after many years of development and review—during which time sister agencies reviewed lands near parks and monuments that could be made available for lease and provided extensive input regarding these lands.

The land use planning process ensures that cooperating and any other interested agencies provide input in the determination of availability to oil and gas leasing for lands in the vicinity of national parks and monuments.

For example, BLM Utah traditionally deferred lands adjacent to and near park boundaries, awaiting the finalization of the new Resource Management Plans. During planning, the NPS provided extensive input regarding lands available for leasing in these areas; BLM absorbed the input by modifying or improving environmental constraints as appropriate. Based on NPS input, BLM Utah placed stricter environmental requirements and leasing constraints on public lands in the vicinity of national parks and monuments.

Myth: There will be oil rigs and gas wells practically under the Delicate Arch, clearly within view of Arches National Park, Canyonlands and Dinosaur National Park, and in Utah's wilderness.

Fact: Lands in the vicinity of national parks and monuments which could be leased for oil and gas development have strict leasing stipulations to prevent energy development from negatively impacting views from key observation points within national parks and monuments.

Federally designated wilderness and Wilderness Study Areas (WSAs) formally protect wilderness values by being unavailable to oil and gas leasing. BLM does not issue oil and gas leases in federally designated wilderness or WSAs.

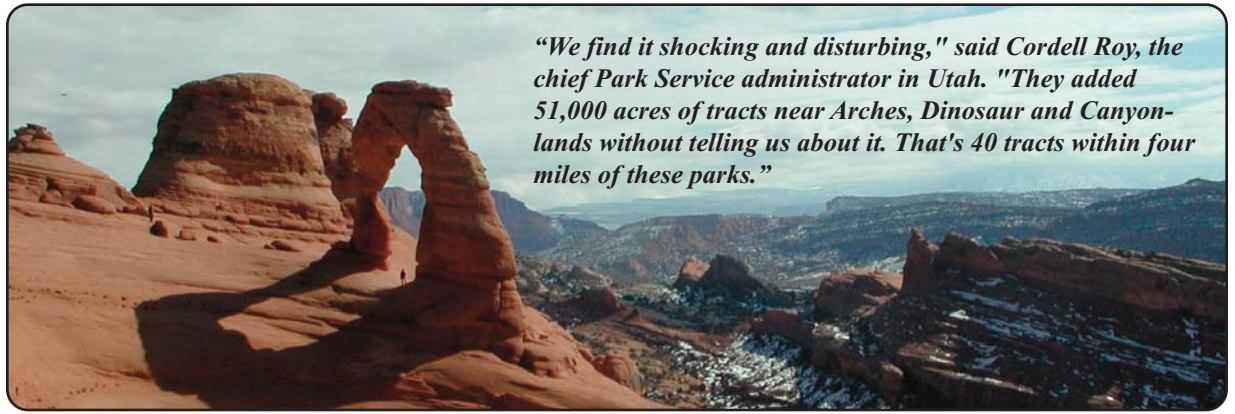
Were it so. In many instances BLM has let companies hold onto their leases even after it has granted protests.

Wrong again. BLM largely left the Park Service out in the cold as it prepared its new land use plans. According to Roxanne Runkel of the Park Service's Intermountain Region office, "It would be misleading to suggest that the NPS was meaningfully involved in the development of [the Richfield field office] RMP." [Click here to read the NPS letter.](#)

Nope. Moab field office manager Shelley Smith told the *Salt Lake Tribune* that while "the BLM has specific regulations regarding views from parks and wilderness areas, [she] couldn't say whether those rules would prevent anyone from seeing oil and gas development from Delicate Arch." BLM plans to sell leases immediately adjacent to Arches National Park and ringing Dinosaur National Monument. [Click here to read the *Tribune's* story.](#)



Selma Sierra:
"I'm puzzled the Park Service has been as upset as they are."



"We find it shocking and disturbing," said Cordell Roy, the chief Park Service administrator in Utah. "They added 51,000 acres of tracts near Arches, Dinosaur and Canyonlands without telling us about it. That's 40 tracts within four miles of these parks."

Designated Wilderness: A congressionally designated area of undeveloped federal land retaining its primitive character and influence, without permanent improvements or human habitation that is protected and managed to preserve its natural conditions.

Wilderness Study Area: A roadless area or island of undeveloped federal land that has been inventoried and found to possess wilderness characteristics described under Title VI, Section 603 of FLPMA and Section 2C of the Wilderness Act of 1964.

Additionally, BLM Utah, through its land use planning process, has selected certain lands to protect, preserve and maintain their wilderness characteristics. BLM Utah's completed RMPs for six field offices provide administrative protection to some of these lands—few of which are available for leasing with major constraints such as no surface occupancy and no surface disturbance stipulations, and others are unavailable for leasing.

Non-WSA lands with wilderness characteristics: This is a BLM Utah-specific term referring to an inventory of lands, not a special management designation. Following the 2008 signing of the approved RMPs, BLM selected some of these lands to be managed for their wilderness characteristics. These protected lands are referred to as BLM natural areas.

Examples of major constraints placed on leasing in natural areas: Where natural areas are available for leasing, these parcels have "no surface occupancy" (NSO) stipulations to protect recreation, wildlife, scenery and wilderness characteristics. No surface occupancy is a fluid minerals leasing constraint that prohibits occupancy or disturbance on all or part of the lease surface to protect special values, resources or uses. Lessees may develop the fluid mineral resources under the leases restricted by this constraint through use of directional drilling from locations outside the area.

Numerous parcels have stipulations to protect the habitat of special status species like sage-grouse and Threatened and Endangered Species (T&E) including the golden eagle and Mexican spotted owl. These parcels may also include NSO stipulations within a half mile of the nests.

Leases in natural areas also include stipulations for visual resource management class II and semi-primitive recreation areas. Visual resource management classes are categories assigned to public lands based on scenic quality, sensitivity level, and distance zones and each class has an objective which prescribes the amount of change allowed in the characteristic landscape. The objective for visual resource management class II is to retain the existing character of the landscape. The level of change to the characteristic landscape should be low. Management activities may be seen, but should not attract the attention of the casual observer. Any changes must repeat the basic elements of form, line, color, and texture found in the predominant natural features of the characteristic landscape.

Finally, BLM encourages energy developers to use best management practices where appropriate. These best management practices reduce, prevent or avoid adverse environmental or social impacts. Some best management practices include the use of paint colors that help oil and natural gas equipment to "blend" and camouflage with the surrounding areas, using low profile tanks and drilling multiple wells on one well pad to minimize surface disturbance.

Give me a break, a pig with lipstick is still a pig. 'Best management practices' often amount to little more than painting production facilities 'redrock red' or 'dirt brown' to *blend in* to the surrounding landscapes or using so-called 'hospital grade mufflers' to dampen the sound from producing wells. These practices do little to prevent damage to clean air, clean water, and wildlife from these wells, which, by the way, are still visible and audible.