



# United States Department of the Interior



BUREAU OF LAND MANAGEMENT  
Utah State Office  
440 West 200 South, Suite 500  
Salt Lake City, UT 84101-1434

JAN 03 2020

In Reply Refer To:  
UT-922 (3160, 3165.3, 3185.1)

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## DECISION

Southern Utah Wilderness Alliance : State Director Review  
425 East 100 South : UT 19-02  
Salt Lake City, Utah 84111

### REQUEST FOR STATE DIRECTOR REVIEW DISMISSED AS MOOT

On October 26, 2018, pursuant to 43 C.F.R. § 3165.3(b) and § 3185.1, the Southern Utah Wilderness Alliance (SUWA) submitted a timely request for State Director Review (SDR) of the Price Field Office's (PFO) Horse Bench Natural Gas Development Environmental Assessment, DOI-BLM-UT-G020-2018-0011-EA (Horse Bench EA), as well as the accompanying Finding of No Significant Impact (FONSI) and Decision Record (DR). In its request for SDR, SUWA contends that BLM's NEPA analysis underlying the PFO's approval of certain applications for permits to drill (APDs) and rights-of-ways is inadequate and, thus, requests the State Director to reverse and remand the EA, FONSI, and DR.

After further review of the EA, FONSI, and DR, and the supporting NEPA documentation, and in consultation with the PFO, the Deputy State Director, Division of Lands and Minerals, on behalf of the State Director, set aside the FONSI and DR so that the PFO may complete additional NEPA analysis. The 25 approved APDs and associated rights-of-way have also been suspended and are no longer in effect. Consequently, SUWA's SDR request is dismissed as moot.

### 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 C.F.R. Subpart E and Form 1842-1 (enclosed). If an appeal is taken, a Notice of Appeal must be filed in this office at the aforementioned address within 30 days from receipt of this Decision. A copy of the Notice of Appeal and of any statement of reasons, written arguments, or briefs must also be served on the Office of the Solicitor at the address shown on Form 1842-1. It is also requested that a copy of any statement of reasons, written arguments, or briefs be sent to this office. The appellant has the burden of showing that the Decision appealed from is in error.

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If you wish to file a Petition for a Stay of this Decision, pursuant to 43 C.F.R. § 4.21, the Petition must accompany your Notice of Appeal. A Petition for a Stay is required to show sufficient justification based on the standards listed below. Copies of the Notice of Appeal and Petition for a Stay must also be submitted to each party named in the Decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 C.F.R. § 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a Decision pending appeal shall show sufficient justification based on the following standards:

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



Edwin L. Roberson  
State Director

Enclosure: Form 1842-1 (2 pp)

cc: Green River District Manager  
Price Field Manager