



United States Department of the Interior



BUREAU OF LAND MANAGEMENT
Utah State Office
440 West 200 South, Suite 500
Salt Lake City, UT 84101-1345

September 14, 2020

In Reply Refer To:
3160, 3165.3, 3185.1
(UT9220)

CERTIFIED MAIL – RETURN RECEIPT
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DECISION

Southern Utah Wilderness Alliance : State Director Review
425 East 100 South : UT 19-06
Salt Lake City, Utah 84111

REQUEST FOR STATE DIRECTOR REVIEW DISMISSED AS MOOT

On October 16, 2019, 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 September 27, 2019, Decision Record (DR) of the Vernal Field Office (VFO) Field Manager approving the Ashley Valley Operating Company's Application for Permits to Drill (APDs) the Federal Pipeline Unit 4-21-4-23 and 5-21-4-23 wells on Bureau of Land Management (BLM)-managed land in Uintah County, Utah. The DR is based on a Finding of No Significant Impact (FONSI) and Environmental Assessment DOI-BLM-UT-G010-2017-0036-EA (EA) of the same date. In its request for SDR, SUWA contends that BLM's National Environmental Policy Act analysis underlying the approval of the two APDs 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 VFO, I have set aside the EA, FONSI, and DR so that the VFO may complete additional NEPA analysis. The two approved APDs have also been suspended and are no longer in effect.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.

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.

KENT
HOFFMAN

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Date: 2020.09.14
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Kent Hoffman
Deputy State Director
Lands and Minerals

Enclosures:

- 1) Form 1842-1 (2 pp.)

cc: Green River District Manager
Vernal Field Manager