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Oil, gas leases take a blow

Some BLM sales in S. Utah ruled illegal

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[The Salt Lake Tribune](#)

The Bush administration's attempts to override federal environmental laws to speed oil and gas development in the West took a hit Wednesday when a Utah federal judge ruled 16 U.S. Bureau of Land Management leases on wilderness-quality public lands in Utah were sold illegally.

U.S. District Judge Dale Kimball ruled in favor of the Southern Utah Wilderness Alliance (SUWA), the Natural Resources Defense Council and the Wilderness Society, who claimed the BLM ignored federal law and its own wilderness-related findings when it used outdated land-use plans to sidestep federal law to sell the leases.

The ruling calls into question many more oil and gas lease sales, said Steve Bloch, SUWA staff attorney. "This decision ensures that wilderness-quality lands in Utah and throughout the West will be protected from oil and gas leasing and development until the BLM complies with the law, until it analyzes the impacts of energy development on our most spectacular public lands."

Christine Tinchler, spokeswoman for the state BLM office, declined to comment until the agency sees Kimball's ruling.

The leases were the first sold after the 2003 "No More Wilderness" settlement that then-Interior Secretary Gale Norton and then-Utah Gov. Mike Leavitt struck to end a lawsuit the state brought against the federal government over wilderness inventories conducted during the Clinton administration.

The Leavitt-Norton deal, negotiated and signed without public scrutiny in April 2003, froze the state's designated wilderness study areas at 3.2 million acres, eliminating nearly 6 million acres that had been studied for possible wilderness designation by the Clinton-era BLM and conservation groups to supplement inventories begun in the 1970s.

In November 2003, as part of its regularly scheduled quarterly oil and gas lease sale, the Utah BLM auctioned 55 parcels, 16 of which had been identified as having wilderness characteristics, in the Book Cliffs, Desolation Canyon and the Flat Tops proposed wilderness area near the Colorado border in Uintah County.

The move enraged conservation groups, which said the lease sales were part of a series of attacks by the Bush administration on the West's most pristine lands and the first direct casualty of the "No More Wilderness" deal.

SUWA and the other groups protested the leases, claiming the BLM violated the National Environmental Policy Act, or NEPA, when it relied on decades-old studies that failed to consider the standard "no-lease" option that NEPA requires as part of environmental analyses.

In fact, the BLM offices in Vernal, Moab and Richfield relied instead on a procedure that is not part of the environmental policy act's requirements to declare that proper studies of the lease parcels already had been done.

In his 32-page ruling, Kimball said the NEPA evasion was not only illegal, it ignored evidence the BLM itself had collected over the years about the parcels' suitability for possible wilderness protection.

The BLM also relied on land plans so old they didn't include analyses of the potential effects of oil and gas development on the lease parcels, a violation of NEPA's fundamental objective to make sure "an agency will not act on information only to regret its decision after it is too late to correct," Kimball wrote.

Kimball's ruling is "tremendously important," Bloch said. "The court spoke quite clearly that the Bush administration's plan of leasing first, thinking later, is illegal."

Bloch said the BLM was under tremendous pressure from the administration to rush oil and gas development. "There was a definite paper trail to Washington, D.C., shepherding the Utah BLM through the sale of these leases," he said.

SUWA will examine the ruling's pertinence for every lease sale in Utah and the West since fall 2003. Bloch denied that the conservation groups' legal actions were impeding oil and gas development, citing Utah Division of Oil, Gas & Mining statistics that show more than 2,000 approved drill permits on more than 3 million acres of BLM lands had not gone into production by the end of 2005. None of those are under challenge, Bloch said.

SUWA has, however, formally protested the BLM's decision to sell wilderness-quality lands at 11 sales involving more than 100 parcels on about 125,000 acres. The BLM has turned back six of the protests. SUWA is currently litigating or getting ready for court on those denials. The BLM hasn't issued decisions on the other protests, Bloch said.

Those areas include Fisher Towers in the Colorado River Valley near Moab and the nearby Gold Bar and Lockhart Basin areas, Nine Mile Canyon between Price and Roosevelt, more areas in the Book Cliffs and leases around the Dirty Devil River and wilderness area near Hanksville.

SUWA, Earthjustice and other environmental groups also are challenging the Leavitt-Norton deal in federal court. Last week, U.S. District Court Dee Benson said that he likely will hear out the groups' challenge to the settlement despite U.S. Justice Department objections that the groups didn't have standing to sue.