



United States Department of the Interior  
BUREAU OF LAND MANAGEMENT  
Washington, D.C. 20240  
<http://www.blm.gov>



**MAR 22 2013**

The Honorable Gary Herbert  
Governor of Utah  
Salt Lake City, Utah 84114

Dear Governor Herbert:

Thank you for your continued willingness to work with the Bureau of Land Management (BLM) to identify concerns related to management of public lands across the State of Utah, and for providing us with an opportunity for ongoing dialogue to address those concerns.

The BLM has received and reviewed your March 7, 2013, appeal package of the BLM Assistant Director for Minerals and Realty Management's response to your January 9, 2013, recommendation letter regarding the November 2012 *Proposed Land Use Plan Amendments for Allocation of Oil Shale and Tar Sands Resources on Lands Administered by the Bureau of Land Management in Colorado, Utah, and Wyoming and Final Programmatic Environmental Impact Statement* (PRMP/FPEIS). Your appeal reiterates the recommendations made in your January 9, 2013 letter, and provides more detail regarding Utah's process in developing a Sage-grouse Conservation Plan. I have carefully considered your appeal and, as explained below, I am declining to adopt your recommendations.

At the outset, your appeal states that the PRMP/FPEIS is inconsistent with Utah law, policies, and programs, and that the provisions of 43 CFR 1610.3-2 require the BLM to adopt the State's recommendations because such recommendations "provide for a reasonable balance" between national and State interests.

Under the Federal Land Policy and Management Act (FLPMA) and its implementing regulations, the Governor's Consistency Review process and its appeal provision are narrow in scope. Pursuant to 43 CFR 1610.3-2(e), in reviewing your appeal, I must first consider whether you have raised actual inconsistencies between the BLM's proposed plan and State or local plans, policies or programs. If such inconsistencies are identified, I accept your recommendations for their resolution if I determine that they provide a reasonable balance between the national interest and the State of Utah's interest.

After careful consideration of the points raised in the appeal, I have concluded that you have not identified inconsistencies with State plans, policies or programs. Therefore, I affirm the Assistant Director for Minerals and Realty Management's response to your March 7, 2013 letter, and decline to adopt Utah's recommendations to adjust the BLM's proposed land use plan amendments pertaining to the allocation of oil shale and tar sands resources.

Also, please note that BLM Assistant Director Edwin Roberson, on my behalf, has considered and responded to several of the State's specific concerns regarding the PRMP/FPEIS in the Director's Protest Resolution Report, which is available online at:  
[http://www.blm.gov/wo/st/en/prog/planning\\_overview/protest\\_resolution/protestreports.html](http://www.blm.gov/wo/st/en/prog/planning_overview/protest_resolution/protestreports.html).

I appreciate your recommendations and your willingness to work through the Governor's Consistency Review process and to provide us with the opportunity to address your concerns. I hope we can continue our collaborative efforts to best manage our remarkable public lands.

Sincerely,

A handwritten signature in black ink, appearing to read "Neil Kornze", with a long horizontal flourish extending to the right.

Neil Kornze  
Principal Deputy Director