

**U.S. Department of the Interior
Bureau of Land Management**

Finding of No Significant Impact

December 2019 Competitive Oil and Gas Lease Sale

**DOI-BLM-NV-L000-2019-0005-EA
October 2019**

PREPARING OFFICE

U.S. Department of the Interior
Bureau of Land Management
Ely District Office, Nevada

Introduction

The Bureau of Land Management (BLM) prepared an Environmental Assessment (EA) for the December 2019 Competitive Oil and Gas Lease Sale, Ely District Office, Nevada (DOI-BLM-NV-L000-2019-0005-EA). This EA analyzes the effects of leasing up to approximately 777,196.74 acres of public lands throughout the Ely District, Nevada for oil and gas development. This EA is tiered to, and incorporates by reference, the Ely Proposed Resource Management Plan/Final Environmental Impact Statement (BLM 2007). The EIS analyzed resource impacts and the final Ely District Resource Management Plan (BLM, 2008) designated these lands as open to leasing.

After consideration of the environmental effects of the BLM's Proposed Action, I have determined that the Proposed Action with the application of the Fluid Minerals Lease Sale Notices found in Appendix A, Section 2 of the Ely District Record of Decision and Approved Management Plan (RMP), as amended, would not significantly affect the quality of the human environment, individually or cumulatively with other actions in the general area. No environmental effects meet the definition of significance in context or intensity as described in 40 CFR 1508.27; therefore, preparation of an Environmental Impact Statement is not required as per section 102(2)(c) of the National Environmental Policy Act (NEPA).

Context

Interest was expressed in leasing 451 parcels, totaling approximately 777,196.74 acres, for the December 2019 Competitive Oil and Gas Lease Sale. The list of parcels was forwarded to the Ely District Office for environmental analysis. All parcels occurring in Greater sage-grouse habitat are recommended for deferral to update the analysis and lease stipulations and notices as necessary in response to the U.S. District Court, District of Idaho Preliminary Injunction in *W. Watersheds Project V. BLM* (No. 1:16-cv-00083-BLW). The Preliminary Injunction issued on October 16, 2019 orders the BLM enjoined from implementing the 2019 BLM Sage-Grouse Plan Amendments and instead to implement the 2015 Sage-Grouse Plan Amendments. It is the Ely District's recommendation to approve leasing all (in part or in whole) of the parcels identified in Appendix C of the EA that are not within Greater-sage grouse habitat.

The EA encompasses the 451 parcels recommended for competitive oil and gas leasing for the December 2019 sale. Standard terms and conditions and special stipulations would apply. Lease stipulations (as required by Title 43 CFR 3131.3) would be added to any parcels offered for lease sale to address site-specific concerns or new information not identified in the land use planning process.

Once the parcels are leased, the lessee has the ability to use as much of the leased lands as is reasonably necessary to explore and drill for oil and gas within the lease boundaries, subject to the stipulations attached to the lease (Title 43 CFR 3101.1-2). However, prior to any surface disturbing activities, additional site-specific NEPA analysis is required.

Oil and gas leases are issued for a 10-year period and continue for as long thereafter as oil or gas is produced in paying quantities. If a lessee fails to produce oil or gas, does not make annual rental payments, does not comply with the terms and conditions of the lease, or relinquishes the lease; ownership of the minerals reverts back to the federal government and the lease can be resold.

Drilling of wells on a lease is not permitted until the lessee or operator secures approval of a drilling permit and a surface use plan specified under Onshore Oil and Gas Orders and Notice to Lessee listed in Title 43 CFR 3162.

Many of the parcels have one or more stipulations attached to the lease, as identified in Appendix D of the EA.

All development activities proposed under the authority of these leases would be subject to compliance with Section 106 of the National Historic Preservation Act, Executive Order 13007 and Section 7 of the Endangered Species Act.

No additional mitigation measures are necessary at this time; however, if parcels were developed in the future, site-specific mitigation measures and Best Management Practices would be attached as Conditions of Approval for each proposed activity.

Approval of the Proposed Action would allow the BLM to lease the parcels for oil and gas under the Leasing Law of 1920 as amended and the Federal Onshore Oil and Gas Leasing Reform Act of 1987. The determining factors weighed by the BLM in reaching a finding of no significant impact are provided below:

- There are no major issues involved.
- There are no unique characteristics within the project area to be affected (e.g., parklands or prime or unique farmlands).
- There are no adverse impacts to endangered or threatened plant or animal species or their habitats.
- The project and its potential effects on the quality of the human environment are neither controversial nor do they involve unique or unknown risks.
- The proposal is in conformance with all Federal, State, and local planning and laws, imposed for the protection of the environment.

Intensity

1) Impacts that may be both beneficial and adverse:

The Proposed Action does not include any ground disturbing activities, such as exploration, development, or production of oil and gas resources. Although there is no ground disturbance associated with leasing public lands for oil and gas activities, the EA did provide analysis for a Reasonably Foreseeable Development Scenario (RFDS) based on the Ely District RMP (BLM 2008). As a result, the following resources were analyzed for indirect impacts: air quality and climate change, cultural resources, floodplains, water quality (surface and ground), wetlands and riparian zones, fish and wildlife, special status species, migratory birds, visual resource management, lands with wilderness characteristics, livestock grazing, geology and mineral extraction, hazardous and solid wastes, special designations, socioeconomic values, and Native American religious or other concerns. The Proposed Action would not result in significant impacts. Continued exploration for additional petroleum reserves would help the United States become less dependent on foreign oil sources. The money received from the lease sale would benefit the State of Nevada and BLM.

2) The degree to which the Proposed Action affects public health or safety:

The Proposed Action would not affect public health or safety and was not discussed as an issue for analysis in the EA. If exploration drilling or other oil and gas related activities were proposed in the future, this action would be subject to additional site-specific NEPA analysis prior to receiving authorization.

- 3) Unique characteristics of the geographic area such as proximity to historical or cultural resources, parks lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas:

The Proposed Action would not affect historical or cultural resources, parks lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas. If exploration drilling or other oil and gas related activities were proposed in the future, this action would be subject to additional site-specific NEPA analysis prior to receiving authorization.

- 4) The degree to which the effects on the quality of the human environment are likely to be highly controversial:

The Proposed Action is not expected to be controversial. The EA was posted on the BLM ePlanning website for 30 days to solicit public comments. Tribal coordination was initiated and is ongoing. Fourteen comments were received from individuals and organizations. One comment letter was received after the public comment period closed. BLM responses to substantive comments are included as Appendix K.

- 5) The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks:

Possible effects on the human environment as a result of the lease sale action are not anticipated. Indirect effects of potential future development would not be significant based on the RFDS in the Ely District RMP.

- 6) The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration:

The Proposed Action would not establish a precedent for future actions with significant effects or represent a decision for future consideration. Completion of the EA does not establish a precedent for other oil and gas competitive lease sales of similar size or scope. Any future leasing within the project area or in surrounding areas would be analyzed on their own merits and implemented, or not, independent of the actions currently selected.

- 7) Whether the action is related to other actions with individually insignificant, but cumulatively significant impacts:

Past, present and reasonably foreseeable future actions were considered in the cumulative impacts section of the EA. The cumulative impacts analysis examined all of the other appropriate actions and determined that the Proposed Action would not incrementally contribute to significant impacts. In addition, for any actions that might be proposed in the future, further environmental analysis, including assessment of cumulative impacts, would be required prior to authorization of surface disturbing activities.

- 8) The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing on the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historic resources:

No adverse effect to these resources was identified as a result of the lease sale. If future development is proposed for any of the leases, additional site-specific NEPA analysis and mitigation would minimize any risk to districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places.

9) The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973:

Although such species occur adjacent or within the nominated parcels, there is no ground disturbing activity associated with the lease sale action. If future development is proposed for any of the leases, Section 7 consultation would occur prior to authorization in order to determine if the action may adversely affect the species.

10) Whether the action threatens a violation of federal, state, local, or tribal law or requirements imposed for the protection of the environment:

The Proposed Action would not violate or threaten to violate any federal, state, local, or tribal law or requirement imposed for the protection of the environment.



Shane DeForest
Acting District Manager
Ely District Office

Acting for

10/31/19

Date

Literature Cited

BLM, 2007. Ely Proposed Resource Management Plan/Final Environmental Impact Statement November 2007. USDI – BLM. Ely District Office.

BLM, 2008. Ely District Record of Decision and Approved Resource Management Plan August 2008. USDI – BLM. Ely District Office.

BLM, 2019. Nevada and Northeastern California Greater Sage-Grouse Record of Decision and Approved Resource Management Plan Amendment.