



United States Department of the Interior



BUREAU OF LAND MANAGEMENT
Nevada State Office
1340 Financial Boulevard
Reno, Nevada 89502-7147
<http://www.blm.gov/nevada>

DECISION RECORD FOR SEPTEMBER 2020 COMPETITIVE OIL AND GAS LEASE SALE

BLM EA Number: DOI-BLM-NV-B000-2020-0007-EA
BLM EA Number: DOI-BLM-NV-B000-2020-0009-EA

INTRODUCTION

The purpose of the action is to offer nominated parcels for competitive oil and gas leasing on public lands administered by the Ely and Battle Mountain District Offices (EYDO and BMDO), Nevada, for the September 2020 Competitive Oil and Gas Lease Sale. On July 24, 2020 a Notice of Competitive Oil and Gas Lease Sale (Notice of Sale) was posted announcing an internet based competitive oil and gas lease sale for 14 parcels containing 16,913.611 acres located in the State of Nevada, subsequently reduced to 11 parcels containing 15,445.201 acres in errata. Included in the 11 parcels nominated for the September 2020 Sale are seven parcels from the postponed June 2020 Sale.

The 11 parcels nominated for the September 2020 Sale are located within the EYDO and BMDO, and were screened by the Nevada State Office (NVS0). To comply with the Preliminary Injunction (PI) in *Western Watersheds Project et al. v. Schneider et al.* dated October 16, 2019 (Case No. 1:16-CV-83-BLW), none of the parcels scheduled to be offered in the September 2020 Sale are located within mapped Greater Sage-grouse general or priority habitat management areas. The parcels were forwarded for interdisciplinary review by the EYDO and BMDO in a Preliminary Parcel List and Memo. This review included: conformance with the Resource Management Plan (RMP) decisions for each planning area, review of GIS databases, other existing data and previous environmental analyses, and documentation of environmental review in compliance with the National Environmental Policy Act (NEPA) of 1969.

The sale of oil and gas leases is needed to allow continued exploration for additional petroleum and natural gas reserves which would help the United States meet its energy needs and to enable the United States to become less dependent on foreign oil sources. This action by BLM implements the requirements of Executive Order 13212 and the Energy Policy Act of 2005 (Pub.L. 109-58).

DECISION

I have reviewed the Environmental Assessment (EA) for the June 9, 2020 Competitive Oil and Gas Lease Sale, Battle Mountain District Office, Nevada (DOI-BLM-NV-B000-2020-0007-EA), and the EA for the September 8, 2020 Competitive Oil and Gas Lease Sale, Ely and Battle Mountain District Offices, Nevada (DOI-BLM-NV-B000-2020-0009-EA), and each EA's Finding of No Significant Impact (FONSI). It is my decision to approve the sale of all remaining 11 parcels comprising approximately 15,445.201 acres as described in the EAs. The sale of oil and gas lease parcels would adhere to the following:

Leasing Commitments

- Once the leases are issued, the lessee has the right 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 and must obtain BLM approval prior to conducting any new ground disturbing activities.
- 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; development rights of the minerals revert back to the federal government and the lands may be leased again.
- Prior to any surface disturbing activities, additional site and project specific NEPA analysis is required.
- Drilling of wells on a lease is not permitted until the lease owner or operator secures approval of a drilling permit and a surface use plan as specified under the regulations at 43 CFR 3160 and the Onshore Oil and Gas Orders.
- All exploration and development activities proposed under the authority of these leases are subject to compliance with the National Historic Preservation Act, the Native American Graves Protection and Repatriation Act and Executive Order 13007.
- All development activities proposed under the authority of these leases are subject to compliance with the Mineral Leasing Act, the Clean Water Act, the Safe Drinking Water Act, the Clean Air Act, the Endangered Species Act and all other applicable federal, state, and local laws and regulations.

Resource Conservation Measures

- Implementation of the BLM's Best Management Practices
- Adherence to attached parcel stipulations
- Additional project and site-specific NEPA analysis prior to any ground disturbing activities

This decision is issued under the Mineral Leasing Act of 1920, as amended, and Part 3100 of Title 43 of the Code of Federal Regulations, and is effective immediately upon signing of this Decision Record.

A Finding of No Significant Impact for each EA supports this decision. The FONSI's were prepared separately and accompany this Decision Record. The selected action coupled with lease

stipulations and lease notices detailed in the EAs and Final Sale Notice have led to my decision that all practicable means to avoid or minimize environmental harm have been adopted and that unnecessary or undue degradation of the public lands will not result.

All resource values impacted by the proposed action have been evaluated for cumulative impacts. It has been determined that cumulative impacts would be insignificant for all resources.

CONFORMANCE

BLM has determined that the proposed action is in conformance with the approved land use plans: the Tonopah RMP (1997), the Shoshone-Eureka RMP (1986), and the Ely District RMP (2008) as amended. The proposed action is in compliance with the Federal Land Policy and Management Act (FLPMA) of 1976, the Endangered Species Act, and the National Historic Preservation Act and is consistent with the applicable plans and policies of federal, state, tribal, and county agencies.

PUBLIC INVOLVEMENT

The preliminary nominated parcel list, along with a map of nominated parcels, was available for review by request at the NVSO, EYDO, and BMDO Public Rooms. The EAs were posted on the BLM National ePlanning website for a public comment period. The final EAs and the selected alternative were developed based on substantive comments from agencies and the public, which were evaluated and considered by the BLM during the decision making process. The September 2020 Notice of Competitive Oil and Gas Internet Lease Sale was posted for the required 30 day public protest period. Included in some of the responses to comments and protests, the public was reminded that the BLM is mandated by FLPMA to prevent unnecessary and undue degradation of the public lands and the Department of the Interior's regulations at 43 CFR 3160 defines a wide array of rules which govern the conduct of Onshore Oil and Gas operations. Adherence to these laws and regulations would prevent or minimize the impacts of concern.

An additional project and site-specific environmental evaluation would be conducted for each oil and gas exploration and development proposal submitted by industry. If the evaluation indicates that environmental impacts would be unacceptable, either the project would be modified, mitigation measures would be implemented as conditions of approval (COAs) to reduce the impact, or the proposal could be denied to prevent unnecessary and undue degradation.

RATIONALE

The decision to approve the proposed action is based upon the following: 1) agency statutory requirements; 2) national policy; 3) consistency with RMPs and land use plans; 4) relevant resource and economic issues; 5) application of measures to avoid or minimize environmental impacts; 6) meeting the purpose and need for the project. The action selected was the most environmentally sound alternative that meets the BLM's purpose and need.

The BLM has the responsibility to conduct competitive oil and gas lease sales to allow individuals or companies to explore for and develop oil and gas resources under the Mineral Leasing Act of 1920, as amended, the Mining and Minerals Policy Act of 1980, the Federal Onshore Oil and Gas Leasing Reform Act of 1987, the Energy Policy Act of 2005, FLPMA, and NEPA.

During the preliminary EA review process it was found that some of these lands contained wildlife and other natural resource conflicts. Under the selected alternative, additional resource protection stipulations would be applied to parcels and portions of parcels and all 11 parcels comprising approximately 15,445.201 acres would be offered in this sale.

I have reviewed the EAs, and after consideration of the environmental effects of the BLM's Proposed Action and alternatives described in the EAs and supporting documentation, I have determined that the alternative to offer all 11 parcels (15,445.201 acres) with the project design specifications identified in the EAs, and the resource protection stipulations as analyzed in the EAs, and as applied in the final Sale Notice will 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 NEPA.

The Proposed Action was selected because it meets the purpose and need for action and is in conformance with the Ely and Battle Mountain District RMPs, existing laws such as the Mineral Leasing Act, the National Historic Preservation Act, and the Endangered Species Act and is consistent with the BLM's mission to manage the public lands in a manner that is consistent with FLPMA's goal of multiple use and sustained yield while preserving the human environment.



Kemba K. Anderson

Acting Deputy State Director, Minerals Management
Nevada State Office



Date