

November 6, 2023

Jon Raby
State Director
Nevada Bureau of Land Management
1340 Financial Blvd.
Reno, NV 89502

Melissa Jennings
Bureau of Land Management
mjennings@blm.gov

Re: Protest of lease parcels for the Nevada Bureau of Land Management 2023 Four Quarter Oil and Gas Lease Sale (DOI-BLM-NV-B000-2023-0002-EA)

Dear State Director Raby:

The Nevada Wildlife Federation respectfully protests the below-listed parcels in the Nevada Bureau of Land Management (BLM) 2023 Quarter Four Competitive Oil and Gas Lease Sale. The reference identification for this lease sale is DOI-BLM-NV-B000-2023-0002-EA.

This protest is filed on behalf of the Nevada Wildlife Federation. The name, mailing address, and telephone number for the organization filing this protest are as follows:

Russell Kuhlman
P.O. Box 71238
Reno NV 89570
(775) 629-2341

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I. INTERESTS OF THE PROTESTING PARTY

The Nevada Wildlife Federation organization has a long-standing interest in the management of BLM lands in Nevada and engages frequently in the decision-making processes for land use planning and project proposals that could potentially affect our public lands and mineral estate, including the oil and gas leasing process and associated lease sales. Our members and staff enjoy myriad recreational, scientific, and other opportunities on BLM-managed public lands, including hunting, hiking, biking, nature-viewing, and photography offered by wild places. Our mission is to work for the protection and enjoyment of the public lands for the public.

The Nevada Wildlife Federation (NvWF) is the oldest statewide conservation organization dedicated to sustaining Nevada's wildlife through conservation and education. Since 1951, we

have defended Nevada's public lands and the sagebrush steppe ecosystem, ensured responsible management of Nevada's water, connected kids to nature, supported Nevada's sporting heritage, and advocated for habitat restoration and collaboratively developed conservation policy solutions.

II. STATEMENT OF REASONS IN SUPPORT OF THE PROTEST OF THE DECEMBER 2023 COMPETITIVE OIL AND GAS LEASE SALE PARCELS

The Environmental Assessment (EA) and Finding of No Significant Impact (FONSI) contain several flaws that undergird this protest and counsel deferral of parcels from this lease sale, including but not limited to the following:

- The BLM fails to address the best available science on ungulate species, which counsels deferral of parcels in crucial wildlife habitat and migration corridors.
- Several parcels are on low development potential lands.

b. The BLM Must Defer Parcels in Crucial Wildlife Habitats and Documented Big Game Migration Corridors.

The Nevada Wildlife Federation is disappointed that a portion of the parcels in this lease sale are located in big game habitat and migration corridors. The BLM's recent issuance of IM 2023-005 on Habitat Connectivity on Public Lands is an important step in maintaining and restoring wildlife corridors across the landscape and should be prioritized when nominating oil and gas leasing parcels.

Because the study and understanding of migration corridors is ongoing, we encourage the BLM to work with the State of Nevada and other partners to continue researching big game behavior and movements to better understand species' needs and the impacts of development on migratory behavior.

Parcels that we protest and that the BLM should defer based on Mule Deer migration corridors include the following:

- NV-2023-12-6936
- NV-2023-12-1664
- NV-2023-12-1663

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Parcels that we protest and that the BLM should defer based on Antelope migration corridors include the following:

- NV-2023-12-6936
- NV-2023-12-1664

- NV-2023-12-1663

c. The BLM should defer parcels on low development potential lands.

The Nevada Wildlife Federation is disappointed that the BLM has nominated parcels with low or no potential for oil and gas discovery in its upcoming lease sale. Leasing such lands is unfair to taxpayers and, in locking up these acres for oil and gas interests, the BLM fails to manage these lands for other uses in violation of the Federal Lands Policy Management Act's multiple use mandate. Recent reports suggest the BLM treats the presence of a lease—whether or not it is likely to be developed—as an impediment to actions or management policies that could benefit other uses, including wildlife habitat, recreation opportunities, or the protection of cultural resources. For example, an undeveloped lease can prevent the BLM from managing an area for its wilderness characteristics even if the area has wilderness values.

We support the BLM's recent commitment in IM 2023-007 to prioritize lands with high potential for oil and gas development over those with moderate, low and no potential, and we urge the agency to continue this practice moving forward. We note, however, that the EA does not appear to have appropriately applied the criteria in IM 2023-007 for this lease sale. Parcels that the BLM has identified as overlying lands with low development potential have been designated as having a high preference for leasing. The BLM should have designated these parcels as having a low preference for leasing, and thereby deferred all parcels or portions of those parcels with low development potential, in accordance with IM 2023-007.

Parcels that we protest and that the BLM should defer include the following:

- NV-2023-12-6936
- NV-2023-12-1664
- NV-2023-12-1663

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d. The BLM Should Defer All Parcels in Priority Habitat Management Areas and General Habitat Management Areas for Greater Sage-Grouse.

The BLM should defer all parcels or portions of parcels that contain acreage designated as a Priority Habitat Management Area (PHMA) and all parcels or portions of parcels that contain acreage designated as General Habitat Management Area (GHMA) under the 2015 Greater Sage-Grouse Resource Management Plan Amendments. Deferral is required for at least two reasons.

First, a key component of the 2015 Plans requires BLM to prioritize new oil and gas leasing outside of PHMA and GHMA to protect that habitat from future disturbance. Complying with the prioritization requirement of the 2015 Plans must be a central

consideration for any lease parcels in PHMA or GHMA. The BLM should defer all parcels containing PHMA or GHMA at least until new national guidance is issued. Second, the BLM is in the process of reviewing and amending the 2015 Plans to address changed conditions and new information since 2015, as well as the impacts of climate change on the sage-grouse. In light of this review, all parcels in sage-grouse habitat should be deferred while the BLM considers revisions to the 1988 Plans. Maintaining and increasing sage-grouse populations will require amending the 1988 Plans to add new terms and conditions, such as potentially closing PHMA and/or GHMA to new leasing. In the meantime, leasing in PHMA and GHMA must be deferred to avoid committing additional habitat to mineral development under terms that are inadequate to protect the sage-grouse.

Since 1965, sage-grouse populations have declined 80% range-wide, including in areas where the decline has not been as severe. Since 2002, range-wide populations have declined 37%. Further, 78% of leks have a greater than 50% probability of extirpation in the next 56 years. In September 2022, the U.S. Geological Survey and other federal agencies released the that found that 1.3 million acres of habitat are transitioning each year from largely intact sagebrush sites to less functioning sagebrush habitat.

BLM must thoroughly analyze leasing in both PHMA and GHMA in its prioritization process, and BLM must direct new leasing away from GHMA as well as PHMA
Parcels.

Parcels that we protest and that the BLM should defer based on sage-grouse PHMA and GHMA areas include the following:

- NV-2023-12-6936
- NV-2023-12-1664
- NV-2023-12-1663

Thank you for your consideration. If you have any questions, please do not hesitate to contact us.

Sincerely,
Russell Kuhlman
Executive Director
Nevada Wildlife Federation
kuhlman@nvwf.org

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