



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 THE DECEMBER 2023 COMPETITIVE OIL AND GAS LEASE SALE

BLM EA Number: DOI-BLM-NV-B000-2023-0002-EA

INTRODUCTION

The purpose of the action is to consider whether to make nominated parcels for competitive oil and gas leasing on public lands administered by the Battle Mountain District Office (BMDO), Nevada, available for lease at the December 5th, 2023, Competitive Oil and Gas Internet Lease Sale. On October 6th, 2023, a Notice of Competitive Oil and Gas Internet Lease Sale (Notice of Sale) was posted announcing an internet based competitive oil and gas lease sale for four parcels containing approximately 3,498.342 acres located in the State of Nevada.

The five parcels nominated for the December 2023 Sale are located within the BMDO and were screened by the Nevada State Office (NVSO). The Environmental Assessment (EA), DOI-BLM-NV-B000-2023-0002-EA, analyzes two alternatives. Under Alternative A, the Proposed Action, the BLM would offer five parcels containing 4,538.342 acres of Federal mineral estate for lease. In accordance with BLM Instruction Memorandum (IM) 2023-007, BLM is exercising its discretion to offer the four high preference parcels due to their location within or in close proximity to mapped areas of high potential for oil and gas development. Parcel NV-2023-12-1994 will be deferred from this lease sale for further consideration due to the low preference value for leasing in accordance with IM 2023-007 for distance from existing development and mapped low potential for development. With the deferral of parcel NV-2023-12-1994, the lease sale will proceed with the four remaining parcels for a total of 3,498.342 acres. Under the No Action alternative, no parcels in the BMDO would be offered for lease at the December 2023 Sale.

The parcels were forwarded for interdisciplinary review by the 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 Geographic Information System (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 five nominated parcels are located within BLM designated Greater Sage-Grouse habitat management areas (HMAs) as identified in the 2015 Nevada and Northeast California Greater Sage-Grouse Approved Resource Management Plan Amendment (Sage-Grouse ARMPA) and 2022 Maintenance Action.

DECISION

The subject EA analyzes emissions and the social cost thereof for informational purposes only, and the BLM has not determined to lease individual parcels (or not) based on greenhouse gas emissions.

I have reviewed the EA for the December 2023 Competitive Oil and Gas Internet Lease Sale, Battle Mountain District Office, Nevada (DOI-BLM-NV-B000-2023-0002-EA), and the associated Finding of No Significant Impact (FONSI). It is my decision to select Alternative A (Proposed Action) from the EA (DOI-BLM-NV-B000-2023-0002-EA) prepared by the Battle Mountain District Office, with the deferral of parcel NV-2023-12-1994, which will allow for the remaining four parcels comprising approximately 3,498.342 acres to be made available for competitive lease.

A lessee shall have the right to use so much of the leased lands as is necessary to explore for, drill for, mine, extract, remove, and dispose of all the leased resource in a leasehold subject to: Stipulations attached to the lease; restrictions deriving from specific, nondiscretionary statutes; and such reasonable measures as may be required by the authorized officer to minimize adverse impacts to other resource values, land uses or users not addressed in the lease stipulations at the time operations are proposed. To the extent consistent with lease rights granted, such reasonable measures may include, but are not limited to, modification to siting or design of facilities, timing of operations, and specification of interim and final reclamation measures. At a minimum, measures shall be deemed consistent with lease rights granted that they do not: require relocation of proposed operations by more than 200 meters; require that operations be sited off the leasehold; or prohibit new surface disturbing operations for a period in excess of 60 days in any lease year (*see* 43 Code of Federal Regulations [CFR] 3101.1-2).

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-specific environmental review is required (*see* 43 CFR 3162.5-1). Surface occupancy and surface disturbance of a lease is not permitted until the lease owner or operator secures approval of an Application for Permit to Drill as specified under regulations at 43 CFR 3162.3-1 and 43 CFR Subpart 3170.

Resource Conservation Measures

- Implementation of the BLM's Best Management Practices
- Adherence to attached parcel stipulations mitigation measures
- Additional site-specific environmental document may result in additional mitigation being imposed in the form of Design Features, or Conditions of Approval (COA).

This decision is issued under the Mineral Leasing Act of 1920, as amended, the Federal Land Policy and Management Act (FLPMA) of 1976, 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 the EA supports this decision. The FONSI was prepared separately and accompanies this Decision Record. The selected action coupled with lease stipulations and lease notices detailed in the EA and Final Sale Notice have led to my decision that all practicable means to avoid or minimize environmental harm have been adopted to provide appropriate mitigation and monitoring measures to prevent unnecessary or undue degradation of the public lands. All resource values impacted by Alternative A have been evaluated for degree of effects (40 CFR 1501.3(b)(2)). It has been determined that the degree of effects would be insignificant for all resources.

CONFORMANCE

BLM has determined that the proposed action is in conformance with the approved Tonopah RMP (1997), Shoshone-Eureka RMP (1986), and 2022 Plan Maintenance to the 2015 Nevada and Northeastern California Greater Sage-Grouse ARMPA, as amended. With the deferral of parcel NV-2023-12-1994, no parcels would be offered in Sage-Grouse General or Primary Habitat Management Areas.

The proposed action is in compliance with the 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. 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.

PUBLIC INVOLVEMENT

The preliminary nominated parcel list, GIS Shapefiles, along with a map of nominated parcels, was available for public scoping on the BLM National ePlanning website and by request at the NVSO and BMDO Public Rooms from May 15th to June 14th, 2023. The BLM received three scoping letters on the lease sale. The EA was then posted on the BLM National ePlanning website for a 30-day public comment period from August 8th to September 7th, 2023. The BLM received five comment letters on the lease sale EA. A summary of public comments and responses is provided in Appendix H of the EA. The final EA 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 December 2023 Notice of Competitive Oil and Gas Internet Lease Sale was posted for the required 30-day public protest period from October 6th to November 6th, 2023. The BLM received one protest for the December 2023 Sale from the Nevada Wildlife Federation. Included in some of the responses to comments, 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 define 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 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 COA to reduce the impact, or the proposal could be denied.

RATIONALE

The decision to select Alternative A (Proposed Action), with the deferral of Parcel NV-2023-12-1994, is based upon the following: 1) agency statutory and regulatory requirements; 2) national policy; 3) conformance with the RMP; 4) relevant resource and economic issues; 5) application of measures to avoid or minimize environmental impacts; and 6) meeting the purpose and need for the project.

By authorizing this action, the BLM fulfills its responsibility under the FLPMA of 1976, as amended (43 United States Code [USC] 1761-1771), which provides for the management of public lands for multiple use and sustained yield, including development of energy resources in a manner that conserves the multitude of other resources found on public land. Additionally, the Mineral Leasing Act of 1920, as amended, states that lease sales shall be held for each state where eligible lands are available at least quarterly, and more frequently if the Secretary of the Interior determines such sales are necessary. As such, the BLM is required to respond to nominations for oil and gas lease sales submitted pursuant to 43 CFR 3120 to determine whether they are eligible and available. The BLM shall respond by evaluating the nominations in accordance with the aforementioned regulations and the Energy Policy Act of 2005 (Public law 109-58) and approving or denying the inclusion of nominated parcels in competitive lease sales.

I have reviewed the EA, and after consideration of the environmental effects of the BLM's Proposed Action and alternatives described in the EA and supporting documentation, I have determined that Alternative A, with the deferral of parcel NV-2023-12-1994, would meet the Purpose and Need for the action.

Selecting Alternative A 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 as described in 40 CFR 1501.3; therefore, preparation of an Environmental Impact Statement is not required as per section 102(2)(c) of NEPA.

Administrative Review and Appeals

This Decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations set forth in 43 CFR 4, summarized in Form 1842-1, Information on Taking Appeals to the Interior Board of Land Appeals. If an appeal is taken, a Notice of Appeal must be filed in writing with the BLM Nevada State Office, 1340 Financial Boulevard, Reno, Nevada, 89502-7147, no later than 30 days from receipt or issuance of this Decision

Record. A copy of the Notice of Appeal and any statement of reasons, written arguments, or briefs must also be served to the Office of the Solicitor at the address shown on Form 1842-1. It is also requested that a copy of any statement of reasons, written arguments, or briefs be sent to the BLM Nevada State Office. The appellant has the burden of showing that the Decision being appealed is in error.

If you wish to file a petition for a stay of this Decision, pursuant to 43 CFR 4.21, the petition must accompany your Notice of Appeal. Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a Decision pending appeal shall show sufficient justification based on:

- 1) the relative harm to the parties if the stay is granted or denied;
- 2) the likelihood of the appellant's success on the merits;
- 3) the likelihood of immediate and irreparable harm if the stay is not granted; and
- 4) whether or not the public interest favors granting the stay.

Copies of the Notice of Appeal and petition for a stay must also be submitted to each party named in the Decision and to the Interior Board of Land Appeals and the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with the BLM Nevada State Office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

You may file a Notice of Appeal by paper hardcopy only. The BLM will not accept a Notice of Appeal transmitted electronically (e.g., by email, facsimile, or social media means). Also, the BLM will not accept a petition for a stay that is transmitted electronically (e.g., by email, facsimile, or social media means). Even if the BLM has previously corresponded with you by email, facsimile, or social media means, the BLM will not accept aforementioned documents transmitted electronically. Both the Notice of Appeal and any petition for a stay must be received by paper hardcopy at the BLM Nevada State Office address above.

Justin R. Abernathy
Deputy State Director
Division of Energy and Minerals
Bureau of Land Management - Nevada

Date