



Basin and Range Watch

May 6th, 2018

To: Bureau of Land Management

Nevada State Office
BLM Division of Minerals Management (NV-920)
Attn: Kemba Anderson, Fluids Branch Chief (NV-922)
1340 Financial Boulevard
Reno, NV 89502-7147

Faxed to: 775-861-6566 **6711**

Subject: Protest to Environmental Assessment DOI-BLM-NV-B020-2018-0017-EA June 2018 Competitive Oil and Gas Lease Sale

Basin and Range Watch is a 501(c)(3) non-profit working to conserve the deserts of Nevada and California and to educate the public about the diversity of life, culture, and history of the ecosystems and wild lands of the desert. Regions such as Monitor Valley

Basin and Range Watch has interest in this region. Staff and members have spent extensive time in the regions including parcel numbers:

NV-18-06-001	1902.450 Acres
NV-18-06-002	2480.000 Acres
NV-18-06-005	2480.000 Acres
NV-18-06-003	2080.000 Acres
NV-18-06-006	1600.000 Acres
NV-18-06-011	1928.620 Acres
NV-18-06-013	2560.000 Acres
NV-18-06-016	1760.000 Acres
NV-18-06-017	613.840 Acres
NV-18-06-023	2560.000 Acres

NV-18-06-029	1920.000 Acres
NV-18-06-025	1939.620 Acres
NV-18-06-030	1251.000 Acres
NV-18-06-037	1247.970 Acres
NV-18-06-035	2560.000 Acres
NV-18-06-041	1560.000 Acres
NV-18-06-043	2400.000 Acres
NV-18-06-048	1389.370 Acres
NV-18-06-052	1280.000 Acres
NV-18-06-062	2546.000 Acres
NV-18-06-067	2544.500 Acres
NV-18-06-069	2559.180 Acres
NV-18-06-091	2560.000 Acres
NV-18-06-097	1436.530 Acres
NV-18-08-159	2440.000 Acres

Staff and members have spent time hiking, backcountry exploring, birdwatching, wildlife viewing, horseback riding, camping, and enjoying these public lands.

Statement of Reasons for Protest:

Reason #1:

The BLM failed to emphasize strong conservation measures in the Purpose and Need Statement.

Reason #2:

The BLM failed to provide a full range of alternatives

Reason #3:

The BLM failed to provide enough protection and avoidance measure to protect springs and groundwater resources.

Reason #4:

The BLM provided inadequate measure to protect wildlife resources including Greater Sage Grouse.

Reason #5:

The BLM failed to provide enough measures to address the impacts to visual resources.

Reason #6:

The BLM failed to address impacts to Cultural Landscapes in the cultural resources review.

Please see the below protest for details on the 6 Statement of Reasons.

Statement of Reason 1: Purpose and Need:

In the Final Environmental Assessment, BLM's Purpose and Need Statement lacks a Need to prioritize the following conservation orders, acts and policies over a rush to approve speculative leases that can cause great ecological damage over their intention of approving these leases with a relatively short time window: Executive Order (EO) 11988 – Floodplain management, Executive Order 11990 – Protection of wetlands, The Clean Water Act of 1972, The Safe Drinking Water Act, The Endangered Species Act, BLM Special Status Species, BLM and Nevada Department of Wildlife (NDOW) Memorandum of Understanding (MOU), Migratory Bird Treaty Act (MBTA) of 1918, Bald and Golden Eagle Protection Act, Wild Free-Roaming Horse and Burro Act of 1971, and the Section 106 of National Historic Preservation Act. Because the approval process has been expedited, we feel the Purpose and Need Statement should specifically prioritize these orders.

Statement of Reasons #2: Alternatives:

The BLM failed to review a full scope of alternatives. The lease areas being reviewed total over 315,000 acres yet we only have two alternatives. The BLM should review more alternatives. For example, there should be alternatives that avoid all sage grouse habitat. Or alternatives that avoid compromising the visual resources of Monitor Valley. There should be an alternative that avoids any oil and gas leases within a quarter mile of all water sources. The Environmental Assessment fails to provide alternatives that offer greater protection to the resources of the region.

Statement of Reasons #3: Groundwater:

In the EA, BLM admits that fracking and oil exploration can use a major amount of water, but fails to identify the specific impacts this may have to springs and groundwater resources in specific drilling areas.

The EA states: *Appreciable amounts of water (800,000 – 10,000,000 gallons) can be consumed during HF operations. Much of it returns to the surface as backflow and can be recycled for reuse on other wells or projects. To date, Nevada has documented the use of HF on four separate vertical wells where less than 350,000 gallons of freshwater was consumed per well.*

The EA states: *"The consequences of oil and gas exploration or development in wetlands and riparian areas are potentially severe, as these environments are extremely sensitive to*

perturbation. The hydrogeology that results in spring discharge is often unique and complex. For springs, seeps, and spring-fed wetlands, there would be a slight risk that drilling would lead to subsurface modification due to the possibility of interfering with groundwater flow in a fault. For any future proposed drilling, geophysical studies may be required which provide a subsurface view of the strata and their permeability, in which case the likelihood of penetrating a fault with groundwater flow would be minimized."

The EA fails to provide the greatest protections to groundwater and springs because it fails to require avoiding parcels near springs. With 315,000 acres, BLM could be more than flexible in these protections. The BLM should also prepare an EIS examining the potential impacts to each spring and groundwater basin in the leasing area.

The EA also fails to provide specific information on how springs and groundwater resources could be cleaned up after potential contamination.

Statement of Reasons 4: Wildlife and Sage Grouse:

The EA states: "Stipulations cannot be attached to a parcel to protect resources that are off-parcel; however, concerns about potential effects to aquatic and amphibious species off-parcel could be addressed by the additional project-specific analysis that would be conducted at the time of any exploration or development proposal, including consultation with NDOW and USFWS as needed."

This should be corrected. Since other BLM lands can be impacted by this proposal and cumulative impacts can hurt groundwater, wildlife, visual resources, etc, BLM can mitigate these impacts accordingly. The BLM manages the lands adjacent to the parcels and can restrict leases to protect off-parcel resources.

The EA provides no mitigation ideas to offset the impacts of night and artificial lighting.

The EA states: "Based on the available resource protection measures in place, potential future exploration or development on leased parcels should not have any long-term or substantial impacts to wildlife resources."

This statement fails to recognize the potential impacts of long-term water contamination on aquatic species.

Sage Grouse:

Much of the lease lies in Priority Habitat Management areas for the sage grouse which under the Greater Sage-Grouse Approved Resource Management Plan Amendment. In Priority Habitat Management Areas (PHMA), the plans seek to limit or eliminate new habitat disturbance with limited exceptions. General Habitat Management Areas are lands outside of Priority Habitat Management areas that require some special management to protect and sustain greater sage grouse populations, but permit more flexible management and resource development.

The EA failed to put enough emphasis on Greater Sage Grouse conservation measures. Effective conservation of the greater sage-grouse and its habitat requires a collaborative, landscape-scale, science-based approach that includes strong federal plans, a strong commitment to conservation on state and private lands, and a proactive strategy to reduce the

risk of rangeland fires. With increase oil and gas leases in Monitor Valley, Little Fish Lake Valley, and the Hot Creek Range basins, this is not being accomplished.

An increase in oil and gas leasing in any sage grouse habitat, whether within or outside of PHMAs and GHMAs, will lead to the possible future need to list the Greater sage-grouse under the Endangered Species Act.

Per the BLM, USFS Greater Sage-Grouse Conservation Effort

(<https://www.fs.fed.us/sites/default/files/fact-sheet-greater-sage-grouse.pdf>):

1. **Three Objectives** – The plans are based on three objectives for conserving and protecting habitat. Individual state plans may contain variations on the elements below where different approaches or priorities were consistent with the overall sage-grouse conservation objectives:

- 1) **Minimize new or additional surface disturbance** – The most effective way to conserve the sage-grouse is to protect existing, intact habitat. This objective aims to reduce habitat fragmentation and protect key habitat areas. This has not been addressed in the EA.

Surface Disturbance Caps – Research clearly shows that sage-grouse decline as the amount of nearby surface disturbance (from roads, oil and gas wells, buildings, etc.) increases. The plans balance open space and development through a disturbance cap in priority habitat that limits how much fragmentation of habitat can occur. The caps take into account both existing disturbance and new authorized disturbance. This potential for go above the Surface Disturbance Caps has not been address in the EA.

Fluid Mineral Resources (oil, gas and geothermal) – The plans will reduce surface disturbance from oil, gas and geothermal development while recognizing valid existing rights. The BLM will work with lessees, operators and proponents of proposed fluid mineral projects on existing leases to mitigate adverse impacts to sage-grouse by avoiding, minimizing and compensating for unavoidable impacts. The plans prioritize future leasing and development outside of Priority and General Habitat Management Areas, and limit surface disturbance associated with new federal leases in Sagebrush Focal Areas and Priority Habitat Management Areas. For oil and gas, approximately 90% of lands with high to medium potential are located outside of federally managed priority habitat. None of this has been addressed in the EA.

Statement of Reasons 5: Visual Resources:

The Final EA fails to outline mitigation for night lighting and other visual impacts. No KOP simulations of drill rigs were provided.

Oil and gas leasing can have big visual impacts, especially to an arid region with few trees in the basins. These impacts can be unsightly drill rigs, a network of unsightly new roads, large clusters of vehicles, and very bright night security and operational lighting. Often, these drilling companies run 24/7 to meet deadlines and save money. They will leave lights blaring all night which will be visible from even wilderness areas.

Because this EA reviews a massive region of over 300,000 acres, we would like to request that all regions be reviewed under VRM Class I and VRM Class II Standards.

The VRM Class I objective is to: "preserve the existing character of the landscape. Allowed Level of Change: This class provides for natural ecological changes; however, it does not preclude very limited management activity. The level of change to the characteristic landscape should be very low and must not attract attention."

The VRM Class II objective is to: "retain the existing character of the landscape. Allowed Level of Change: The level of change to the characteristic landscape should be low. Management activities may be seen, but should not attract the attention of the casual observer. Any changes must repeat the basic elements of form, line, color, and texture found in the predominant natural features of the characteristic landscape."

The entire 315,000 acre planning area is not all designated as VRM Class I and II but the EA provide so little information that we believe that oil exploration will be allowed right next to wilderness and other conservation areas. Night lights, drill rigs, new roads, etc will all be visible. The only way to sufficiently review visual impacts for such a huge area is to consider all VRM Class scenarios.

The EA provided no Key Observation Point simulations. These photo simulations are very important in helping the public land owner gain a perspective as to how intense visual impacts would be.

Here are some examples of KOP simulations needed for this project.

One from the higher views of the Monitor Range

A KOP simulation from Monitor Valley and Belmont.

KOP simulations from Wilderness Areas

KOP simulation from the Hot Creek Range and Little Fish Lake Valley

Night time KOP simulation of lighting from drilling rigs.

KOP simulations of new roads.

Statement of Reasons 6: Cultural Resources:

The EA states: *The act of selling oil and gas leases in itself does not have the potential to impact cultural resources, as lease sales do not authorize exploration, development, or production that could directly or indirectly affect the environment; however, once issued, a lease bestows upon its owner the "right to use so much of the lease lands as is necessary to explore for, drill for, mine, extract, remove and dispose of the leased resource in the leasehold" (43 CFR§ 3101.1-2) subject to specific nondiscretionary statutes and lease stipulations (Appendix B).*

The EA completely fails to evaluate traditional cultural values and landscape level cultural impacts.

The BLM will often review Cultural Landscapes in many NEPA analysis for large-scale projects. In Nevada, these values were reviewed for the Searchlight Wind Project and the Silver State South Solar Project.

Several Native American Tribes want you to consider these values. Even if NEPA does not require this review, there is no rule that says BLM cannot review these values. We believe this is cold and unprofessional of BLM and will eventually reflect poorly on BLM public perception.

Thank you for accepting this protest:

Kevin Emmerich

Director

Basin and Range Watch

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A handwritten signature in black ink, appearing to read "Kevin Emmerich". The signature is written in a cursive style with a large, looping initial "K".