

# **Chapter . 1 Finding of No Significant Impact**

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## 1. [December 2015 Ely District Competitive Oil and Gas Lease Sale]

DOI-BLM-NV-L000–2015–0002 EA;

The Bureau of Land Management (BLM) prepared the Environmental Assessment (EA) for the December 2015 Competitive Oil and Gas Lease Sale, Ely District Office, Nevada (DOI-BLM-NV-L000–2015–0002 EA). This EA analyzed the effects of leasing up to 140,691 acres of public lands throughout the Ely District, Nevada. The EA considered a limited number of alternatives, including two alternative proposed actions and a No Action Alternative, and is tiered to, and incorporates by reference, the Ely Proposed Resource Management Plan/Final Environmental Impact Statement (RMP/FEIS) (BLM 2007). The Ely RMP/FEIS analyzed resource impacts and the final Resource Management Plan (RMP) (BLM, 2008) designated these lands as open to leasing.

I have reviewed DOI-BLM-NV-L000–2015–0002 EA dated June 2015. After consideration of the environmental effects as described in the EA, and supporting documentation, I have determined that the Proposed Action under Alternative B with the indicated lease notices and stipulations identified in the EA 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 (EIS) is not required as per section 102(2)(c) of the National Environmental Policy Act. This finding and conclusion is based on my consideration of the Council on Environmental Quality's (CEQ) criteria for significance (40 CFR 1508.27), both with regard to the context and the intensity of impacts described in the EA.

## 2. Context:

Interest was expressed in leasing 94 parcels, totaling 140,691 acres, for the December 2015 Competitive Oil and Gas Lease Sale. The list of parcels was forwarded to the Ely District Office for environmental analysis.

The following portions of parcels are being recommended for removal from future lease sales in the proposed action:

- Portions of one parcel identified as private surface-private minerals and therefore not under the jurisdiction of the BLM to lease.
- Portions of six parcels not classified as open or closed to leasing in the approved Ely RMP (BLM 2008) and therefore unavailable to lease.

- All or portions of three parcels identified as closed to leasing pursuant to the Ely RMP (BLM 2008).

During internal review and the subsequent comment period, the interdisciplinary staff identified 38 parcels in whole or in part, that should be deferred or removed from leasing during this lease sale and subsequent lease sales unless a resolution has been met. In addition to the removals described previously, the following are recommended for deferral:

- All parcels lying within the White River Valley Hydrobasin (Peltz et al. 2005) shown in the EA as Parcel Group B. These parcels shall be deferred until consultation between BLM and USFWS can be completed (to be initiated in 2016).
- All parcels lying within the Railroad Valley (North) and Little Smoky Valley (South) Hydrobasins (Peltz et al. 2005) shown in the EA as Parcel Group C. These parcels shall be deferred until consultation between BLM and USFWS can be completed (to be initiated in 2016).
- Parcels NV-15-12-020 and NV-15-12-021 which overlap several approved Plans of Operation for a large open pit gold mine. These parcels should be deferred until the Plans are closed out.

The Proposed Action under Alternative B and environmental analysis encompassed the 56 of the 94 parcels nominated for competitive oil and gas leasing. Standard terms and conditions as well as 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. Stipulations to be added to each parcel are specified in Appendix C of the EA (attached).

Once the parcels are sold, 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 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 lease 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.

All development activities proposed under the authority of the 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 are 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 Alternative B would allow the BLM to lease parcels for oil and gas under the Mineral Leasing Act 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., park lands 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 laws and planning imposed for the protection of the environment.

## **Bibliography**

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

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

Peltz, L.S., Medina, R.L., and Buto, S.G., 2005. 1:750,000-scale hydrographic areas and basin-wide pumpage, recharge and interbasin flow estimates of Nevada. USGS. Reston, VA. [http://water.usgs.gov/lookup/getspatial?nv\\_ha750nv..](http://water.usgs.gov/lookup/getspatial?nv_ha750nv..)

### **3. Intensity:**

1. Impacts that may be both beneficial and adverse.

The Proposed Action under Alternative B does not include any ground disturbing activities, such as exploration, development, or production of oil and gas resources. However, the EA provides a Reasonably Foreseeable Future Development scenario based on the Ely RMP (BLM 2008). As a result, the following resources were analyzed for indirect impacts: air quality and climate change, water resources, cultural resources, fish and wildlife, USFWS listed species, special status plant and animal species (not listed), soils, vegetation, grazing, visual, land uses, minerals, lands with wilderness characteristics, and socioeconomics. There were no adverse impacts from the proposed actions.

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, BLM, and all federal departments.

2. The degree to which the proposed action affects public health or safety.

There would be no affect to public health or safety because no surface disturbing activities would be permitted under the proposed actions. Additional NEPA analysis and subsequent approvals are required after a lease is issued before the operator can begin surface disturbing activities.

3. Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.

There would be no affect to historical or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas because no surface disturbing activities are being authorized under the proposed actions.

4. The degree to which the effects on the quality of the human environment are likely to be controversial.

The Proposed Action under Alternative B is not expected to be controversial. The BLM consulted with the the U.S. Fish and Wildlife Service, Native American tribes, the Nevada Department of Wildlife (NDOW), and the State Historic Preservation Office, in writing the EA. The project was scoped externally by posting on the BLM NEPA Register website for 14 days which concluded on May 22, 2015. BLM received approximately seven comments from individuals and government agencies on content needed for a sufficient environmental assessment. The preliminary EA was placed on the BLM NEPA Register website for 30 days to receive public comments until July 24, 2015.

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

There are no effect on the human environment anticipated as a result of the proposed action because no surface disturbing activities are directly authorized. Applications to create surface disturbances would require additional NEPA analysis and subsequent approvals.

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 under Alternative B would not establish a precedent for future actions with significant effects or represent a decision about 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 have been considered in the cumulative impacts analysis within the EA. The cumulative impacts analysis examined all of the other appropriate actions and determined that the Proposed Action under Alternative B 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 in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical 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 lease, 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 ESA of 1973.

Although such species occur adjacent or within the nominated parcels, there is no ground disturbing activity associated with the lease sale proposed actions. 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, or local law or requirements imposed for the protection of the environment.

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

#### **4. Signed:**

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[Name]

[Date]

[Acting Deputy State Director  
of Minerals]

[Nevada State Office]

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