



# United States Department of the Interior



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

In Reply Refer To:  
3120 (NVL00000)

DEC 15 2015

## DECISION RECORD

Bureau of Land Management	:	
Nevada State Office	:	Decision Record
1340 Financial Blvd.	:	DOI-BLM-NV-L000-2015-0002-EA
Reno, Nevada 89502	:	

I have reviewed the Final Environmental Assessment for the December 2015 Competitive Oil and Gas Lease Sale, Ely District Office, Nevada (DOI-BLM-NV-L000-2015-0002-EA), and have issued a Finding of No Significant Impact (FONSI). It is my decision to approve leasing four (4) (in whole or in part) of the 94 parcels identified in the Proposed Action, as described in the Environmental Assessment (EA). The total acreage for the offered parcels is 5,041 acres. The purchaser or lessee of oil and gas lease parcels shall adhere to the following:

### **Leasing Commitments**

- Once the parcels are sold, 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 Bureau of Land Management (BLM) approval prior to conducting any ground disturbing activities.
- Oil and gas leases are issued for a 10-year period and may continue for as long thereafter as oil or gas is produced in commercial 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 minerals reverts back to the federal government and the lease can be resold.
- Prior to any surface disturbing activities, additional National Environmental Policy Act (NEPA) analysis is required.
- Drilling of wells on federal leases is not permitted until the lease owner or operator secures an approved Application for a Permit to Drill (APD) and has a surface use plan specified under Onshore Oil and Gas Orders.
- All development activities proposed under the authority of these leases are subject to compliance with Section 106 of the National Historic Preservation Act and Executive Order 13007.
- All development activities proposed under the authority of these leases are subject to compliance with Section 7 of the Endangered Species Act.

### **Resource Conservation Measures**

- Direct avoidance of any cultural resources eligible for the National Register of Historic Places;
- Implementation of BLM's Best Management Practices;
- Adherence to attached parcel stipulations;
- Additional site-specific NEPA analysis prior to any ground disturbing activities; and
- Conservation of Greater Sage-Grouse habitat.

### **AUTHORITIES**

- 1) The Proposed Action is in conformance with the Ely District Record of Decision and Approved Resource Management Plan. Section 2.7.1 of the Final EA documents the conformance with BLM Land Use Plan.
- 2) The Proposed Action is also consistent with all relevant federal, state, and local statutes, regulations, and plans as described in section 2.7.2 of the Final EA.

### **RATIONALE FOR DECISION**

The EA analyzed three (3) alternatives: Alternative A – Lease ALL Parcels Nominated, Alternative B – Lease Subset of Nominated Parcels, and the No Action Alternative. External scoping included a general press release, an email to the Nevada State Clearinghouse, a notice mailed to agencies, interested members of the public, Native American tribes, and grazing permittees. During preparation of the EA, the public was notified of the Proposed Action by posting the project on the Ely District Office website on May 4, 2015 and publishing a press release on the same date. The press release announced a public scoping period that concluded on May 22, 2015. A public comment period for the preliminary EA was offered between June 22 and July 24, 2015. The BLM received approximately 168 external comments from individuals and government agencies on the proposed action during the 30-day comment period. The most significant comments received were related to potential impacts to Endangered Species and Greater Sage Grouse. Other comments expressed concerns about potential indirect effects from hydraulic fracturing, air quality, water consumption, and groundwater contamination. The final EA is available on the BLM website at <http://1.usa.gov/1UFtBbm>.

Alternative B was selected over the other alternatives because it meets the purpose and need for action and results in the least amount of environmental impact.

### **APPEALS**

This decision may be appealed to the Interior Board of Land Appeals (IBLA), Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and Form 1842-1 (enclosed). If an appeal is taken, a notice of appeal and/or request for stay must be filed in writing, on paper, in this office, either by mail or personal delivery. Notices of appeal and/or request for stay that are electronically transmitted (e.g., email, facsimile, or social media) will


not be accepted as timely filed. The notice of appeal is considered filed as of the date our office receives the hard copy and places our BLM date stamp on the document.

If you wish to file a petition pursuant to regulation 43 CFR 4.21 (58 FR 4939, January 19, 1993) (request) for a stay (suspension) of the effectiveness of this decision during the time that your appeal is being reviewed by the IBLA, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to IBLA and to the appropriate office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

### Standards for Obtaining a Stay

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 the following standards:

- (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 the public interest favors granting the stay.

  
 \_\_\_\_\_  
 Gene Seidltz  
 Acting Deputy State Director, Minerals Management  
 Nevada State Office

12/15/15  
 \_\_\_\_\_  
 Date

Enclosure:  
 Form 1842-1

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

**INFORMATION ON TAKING APPEALS TO THE INTERIOR BOARD OF LAND APPEALS**

**DO NOT APPEAL UNLESS**

1. This decision is adverse to you,  
AND
2. You believe it is incorrect

**IF YOU APPEAL, THE FOLLOWING PROCEDURES MUST BE FOLLOWED**

- A person who wishes to appeal to the Interior Board of Land Appeals must file in the office of the officer who made the decision (not the Interior Board of Land Appeals) a notice that he wishes to appeal. A person served with the decision being appealed must transmit the *Notice of Appeal* in time for it to be filed in the office where it is required to be filed within 30 days after the date of service. If a decision is published in the FEDERAL REGISTER, a person not served with the decision must transmit a *Notice of Appeal* in time for it to be filed within 30 days after the date of publication (43 CFR 4.411 and 4.413).
- 1. NOTICE OF APPEAL**.....
- 2. WHERE TO FILE**
- NOTICE OF APPEAL..... U.S. Department of the Interior, Bureau of Land Management, Bishop Field Office, 351 Pacu Lane, Suite 100  
Bishop, CA 93514
- WITH COPY TO SOLICITOR... U.S. Department of the Interior, Office of the Solicitor, Pacific Southwest Region, 2800 Cottage Way, Room E-1712,  
Sacramento, CA 95825
- 3. STATEMENT OF REASONS** Within 30 days after filing the *Notice of Appeal*, file a complete statement of the reasons why you are appealing. This must be filed with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. If you fully stated your reasons for appealing when filing the *Notice of Appeal*, no additional statement is necessary (43 CFR 4.412 and 4.413).
- WITH COPY TO SOLICITOR..... U.S. Department of the Interior, Office of the Solicitor, Pacific Southwest Region, 2800 Cottage Way, Room E-1712,  
Sacramento, CA 95825
- 4. ADVERSE PARTIES**..... Within 15 days after each document is filed, each adverse party named in the decision and the Regional Solicitor or Field Solicitor having jurisdiction over the State in which the appeal arose must be served with a copy of: (a) the *Notice of Appeal*, (b) the Statement of Reasons, and (c) any other documents filed (43 CFR 4.413).
- 5. PROOF OF SERVICE**..... Within 15 days after any document is served on an adverse party, file proof of that service with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. This may consist of a certified or registered mail "Return Receipt Card" signed by the adverse party (43 CFR 4.401(c)).
- 6. REQUEST FOR STAY**..... Except where program-specific regulations place this decision in full force and effect or provide for an automatic stay, the decision becomes effective upon the expiration of the time allowed for filing an appeal unless a petition for a stay is timely filed together with a *Notice of Appeal* (43 CFR 4.21). If you wish to file a petition for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Interior Board of Land Appeals, the petition for a stay must accompany your *Notice of Appeal* (43 CFR 4.21 or 43 CFR 2801.10 or 43 CFR 2881.10). A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the *Notice of Appeal* and Petition for a Stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.
- Standards for Obtaining a Stay.** Except as otherwise provided by law or other pertinent regulations, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards: (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 the public interest favors granting the stay.

Unless these procedures are followed, your appeal will be subject to dismissal (43 CFR 4.402). Be certain that all communications are identified by serial number of the case being appealed.

**NOTE:** A document is not filed until it is actually received in the proper office (43 CFR 4.401(a)). See 43 CFR Part 4, Subpart B for general rules relating to procedures and practice involving appeals.

**43 CFR SUBPART 1821--GENERAL INFORMATION**

Sec. 1821.10 Where are BLM offices located? (a) In addition to the Headquarters Office in Washington, D.C. and seven national level support and service centers, BLM operates 12 State Offices each having several subsidiary offices called Field Offices. The addresses of the State Offices can be found in the most recent edition of 43 CFR 1821.10. The State Office geographical areas of jurisdiction are as follows:

**STATE OFFICES AND AREAS OF JURISDICTION:**

Alaska State Office ----- Alaska  
Arizona State Office ----- Arizona  
California State Office ----- California  
Colorado State Office ----- Colorado  
Eastern States Office ----- Arkansas, Iowa, Louisiana, Minnesota, Missouri  
and, all States east of the Mississippi River  
Idaho State Office ----- Idaho  
Montana State Office ----- Montana, North Dakota and South Dakota  
Nevada State Office ----- Nevada  
New Mexico State Office ----- New Mexico, Kansas, Oklahoma and Texas  
Oregon State Office ----- Oregon and Washington  
Utah State Office ----- Utah  
Wyoming State Office ----- Wyoming and Nebraska

(b) A list of the names, addresses, and geographical areas of jurisdiction of all Field Offices of the Bureau of Land Management can be obtained at the above addresses or any office of the Bureau of Land Management, including the Washington Office, Bureau of Land Management, 1849 C Street, NW, Washington, DC 20240.

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(Form 1842-1, September 2006)