

U.S. Department of the Interior
Bureau of Land Management

Finding of No Significant Impacts

DOI-BLM-NV-B020-2023-0025-RMP-EA

Foreland Refining Corporation

Eagle Springs Refinery Land Acquisition Project

PREPARING OFFICE

U.S. Department of the Interior
Bureau of Land Management
Tonopah Field Office
Nevada



Introduction

A direct land sale action (N-100385) has been proposed for 249 acres of public land at the Eagle Springs Refinery Land Acquisition Project (Project) located in east-central Nevada approximately 64 miles southwest of Ely, in Nye County, Nevada. This Environmental Assessment (EA) has been prepared to analyze and disclose the site-specific environmental consequences of the following two actions:

1) amending the Approved Tonopah Resource Management Plan (RMP) and Record of Decision (BLM 1997) to identify a parcel of land for disposal; and 2) a Federal Land Policy and Management Act (FLPMA) direct land sale of 249 acres of public land, to Foreland Refining Corporation (Foreland). FLPMA requires that land offered for sale is identified in the land use plan. The Project area is currently not identified for disposal under the Tonopah RMP (BLM 1997). A RMP Amendment is required to identify the Project area as available for disposal to be in conformance with Section 203 of the Federal Land Policy and Management Act of 1976 (FLPMA) and 43 Code of Federal Regulations (CFR) 2710.0-6(a).

Foreland currently operates its 40-acre Eagle Springs Refinery (Refinery) under a BLM right-of-way (ROW) grant (N-41035). The Refinery has been operating under a ROW grant since 1984. The BLM received Foreland's official request for approval of a Land Sale application on April 20, 2021, which included an additional 209 acres of vacant land just south of and adjacent to the Refinery, in addition to the 40 acres encompassing the Refinery. On August 23, 2021, the BLM acknowledged the receipt of the application letter and outlined the process of the sale.

A memorandum from the BLM Nevada State Director to the BLM TFO field manager signed April 12, 2021, gave approval for the TFO to begin the direct land sale process and stated the following reasons:

FLPMA, as amended, states that BLM can select lands for sale if, through land-use planning, they are found to meet one of three criteria: 1) they are scattered, isolated tracts that are difficult or uneconomic to manage; 2) they were acquired for a specific purpose and are no longer needed for that purpose; or 3) disposal of the land will serve important public objectives, such as community expansion and economic development. Sale of the lands to the Proponent would assist the further economic development of the area's oil and gas industry.

A direct sale is justified under the authority of 43 CFR [Code of Federal Regulations] 2711.3.3(a)(3). "Direct sales (without competition) may be utilized, when in the opinion of the authorized officer, a competitive sale is not appropriate, and the public interest would best be served by a direct sale." Examples include but are not limited to... "a need to recognize an authorized use such as an existing business which could suffer a substantial economic loss if the tract were purchased by other than the authorized user." The Proponent would suffer an economic loss if the land under and surrounding the Eagle Springs Refinery, an existing business, were purchased by another user.

The land disposal would include the subject parcels described as follows:

Project Legal Description*

Township	Range	Section	Aliquot Part
9 N	56 E	24	S½NE¼SE¼
			N½SE¼SE¼
			S½SE¼
9 N	57 E	25	NE¼NE¼
			SE¼ NE¼
		19	Lot 4
9 N	57 E	30	Lot 1
			Lot 2

*Mt. Diablo Meridian

N = north; E = east; S = south; NE = northeast; SE = southeast

The purchase price of the Project parcels would be no less than fair market value determined by an appraisal completed under the direction of the United States Department of the Interior Appraisal and Valuation Services Office. Upon receipt of the purchase price, BLM would issue a patent to the subject parcels in the name of Foreland Refining Corporation. The patent would contain the following terms and conditions.

Excepting and reserving to the United States:

- A reservation of right-of-way to the United States for ditches and canals constructed by the authority of the United States pursuant to the Act of August 30, 1890, 43 U.S.C. 945.
- All mineral deposits in the land so patented, and to it, or persons authorized by it, the right to prospect for, mine, and remove such deposits from the same under applicable law and regulations to be established by the Secretary of the Interior.

Subject to:

- A condition that the conveyance be subject to all existing rights of record.

Pursuant to:

- A notice and indemnification statement under the Comprehensive Environmental Response, Compensation and Liability Act (42 U.S.C. 9620(W)), indemnifying and holding the United States harmless from any release of hazardous materials that may have occurred.

Finding of No Significant Impact Determination

Based upon a review of the EA (incorporated by reference), and the supporting documents, I have determined that the Eagle Springs Refinery Land Acquisition Project is not a major federal action and would not significantly impact the quality of the human environment. No environmental effects meet the definition of significance as defined in 40 CFR 1501.3. An environmental impact statement is not needed. This finding is based on the potentially affected environment and degree factors of the Project, as described below.

Potentially Affected Environment

The Project is in Railroad Valley, between the Pancake Range to the west and the Grant Range to the east. The topography within the Project area is relatively flat, with very shallow drainages and fans in the central and eastern portions. Elevations range from approximately 4,750 to 4,770 feet above mean sea level. The average maximum temperature is 94.7 degrees (°) Fahrenheit (F) in July, and the average minimum temperature is 17.3 °F in December. The average annual precipitation is 8.51 inches and tends to peak during the month of October.

Degree of Effects

Internal scoping for the Project by the BLM interdisciplinary team occurred through virtual meetings held November 29, 2022, and December 1, 2022. During these meetings, BLM personnel identified all elements and other resources as Not Present or Present and Not Affected by the Project. Refer to tables 3.1-1 and 3.1-2 in the EA for the lists of resources with the rationale for dismissal from further analysis in the EA.

1. Short- and long-term effects of the selected alternative

There are no identified short- and long-term effects of the direct land sale of 249 acres of public land. The existing Refinery would continue to operate in its current state, and there are no proposed activities on the additional 209 acres of undisturbed land.

2. Beneficial and adverse effects of the selected alternative

There are no identified beneficial or adverse effects of the direct land sale of 249 acres of public land. The existing Refinery would continue to operate in its current state, and there are no proposed activities on the additional 209 acres of undisturbed land.

3. Whether and to what extent the selected alternative will affect public health and safety

There would be no effects to public health and safety with the direct land sale of 249 acres of public land. The existing Refinery would continue to operate in its current state, and would continue to comply with state and local regulations.

4. Whether effects of the selected alternative would violate Federal, State, Tribal or local law protecting the environment

The Project would not violate any federal, state, or local law or requirement imposed for the protection of the environment. The Project is in conformance with the approved Tonopah Resource Management Plan, and its amendments, including the RMP Amendment described in the EA. Federal, State, and local interests were given the opportunity to participate in the environmental analysis process as described in Sections 1.5 and 4.1 of the EA.

Authorized Officer for the EA and FONSI

Date

State Director for the RMP Amendment

Date