

BLM- WYOMING RESPONSE TO PUBLIC COMMENTS

2024 FOURTH QUARTER COMPETITIVE OIL AND GAS LEASE SALE ENVIRONMENTAL ASSESSMENT DOI-BLM-WY-0000-2024-0004-EA

For the 2024 Fourth Quarter sale, the BLM prepared one EA that covered all 14 parcels initially nominated. This EA was released for a 30-calendar day comment period starting July 9, 2024, and ending August 8, 2024.

Similar comments have been summarized and one response provided. Only substantive comments are addressed by the BLM. All comments submitted have been evaluated by the BLM and are retained in the BLM's administrative record.

To the extent that identical or similar issues were raised in any of the public comments, the BLM refers the reader to the other responses to comments.

Where appropriate, the BLM has modified portions of the EA to correct administrative acreage refinement, and to acknowledge new planning decisions. The BLM currently intends to prepare and issue the signed FONSI/DR for this sale concurrently with the resolution of any protests to parcels included in the sale. Note: Where the BLM has decided to delete or defer parcels or portions of parcels from the 2023 Fourth Quarter sale, those parcels are not listed in the Sale Notice. The deletions and deferrals are generally described in the EA, FONSI, and in our responses to public comments.

Comment No.	Comment By:	Comment (May be Excerpted/Summarized);	Comment Issue	Agency Response
1	Not Provided	<p>The no action alternative is the only sane and sensible choice in light of the overwhelming science on the severity of the climate crisis. BLM should be ashamed of its pro drilling bias that is making the climate crisis worse. Public health is more important than oil companies wealth.</p>	General	We have received and reviewed your comment. Based on the review, no response is required.
2	Not Provided	<p>To Secretary of the Interior Deb Haaland, BLM Director Tracy Stone-Manning, and BLM Wyoming State Director Andrew Archuleta:</p> <p>The proposal for the upcoming oil and gas lease sales of 13 parcels on 6,604.85 acres in Wyoming threatens some of our most critical public lands. Fossil fuel extraction threatens to poison public lands and pollute surrounding communities. We cannot prioritize oil and gas drilling over the health of people and the planet.</p> <p>"It is horrifying that we have to fight our own government to save the environment." -- Ansel Adams</p> <p>Continuing to extract and burn fossil fuels in the midst of a global climate crisis is a grave mistake. Recent wildfires and intensifying hurricanes demonstrate the dangers of what's to come if we continue to allow public lands to be a tool for the</p>	General	We have received and reviewed your comment. Based on the review, no response is required.

		<p>fossil fuel industry to line their pockets.</p> <p>"The ultimate test of a moral society is the kind of world that it leaves to its children." -- Dietrich Bonhoeffer</p> <p>I strongly urge you to cancel the upcoming oil and gas lease sale on our public lands in Wyoming.</p>		
3	Not Provided	<p>1. Support all popular browsers including Safari.</p> <p>2. Prioritize wildlife and conservation more generally.</p> <p>3. Require restoration at the conclusion of extraction operations. Require appropriate financial assurances for this to happen. Impose this financial assurance on the original bidder regardless of any future sales.</p>	General	<ol style="list-style-type: none"> 1. Comments can be submitted through any browser. 2. Please see EA chapters 3 and 4 for detailed discussion regarding impacts to wildlife. 3. Under 43 Code of Federal Regulations 3171, when an oil and gas well is plugged the surface must be reclaimed and returned to its previous functional use, such as wildlife habitat. Financial assurance, such as bonding, is outside the scope of this EA.
4	Not Provided	<p>Please move forward with the minerals extraction leases in Wyoming. Energy independence is the only way to economic security and oil and gas extraction is the primary way to achieve energy independence</p>	General	<p>We have received and reviewed your comment. Based on the review, no response is required.</p>
5	CLG	<p>The Coalition of Local Governments ("Coalition") submits the following comments on the Bureau of Land Management Wyoming's Draft Environmental Assessment for the 2024 Fourth Quarter Competitive Lease Sale. The Coalition</p>	GSG	<p>As the Coalition points out, four parcels are recommended to be deferred based upon the Greater Sage-grouse (GSG) prioritization process. BLM is not deferring parcel in PHMA 'across the board.' BLM has described the prioritization process (see EA, Section 4.3.3, pg. 56-58, and Appendix 5.5, pg. 111-116), which is outlined in Appendix D of the ARMPA. In addition, BLM described the steps and information used when completing the prioritization process and the reason parcels WY-2024-12-1885, WY-2024-12-1886, WY-2024-12-1895, WY-2024-12-1901 are recommended to be deferred (see EA, Section 4.3.3, pg. 56-58). Specifically, trigger criteria have been met for these parcels, "a tripped habitat trigger (the</p>

	<p>appreciates the opportunity to provide a local government perspective and to represent its constituents in these comments. The Coalition is a voluntary association of local governments organized under the laws of their State to educate, guide, and develop public land policy in the affected counties. Wyo. Stat. §§ 11-16-103, 11-16-122, 18-5-201; Utah Code § 17-27a-102(1)(a). Coalition members include Lincoln County, Sweetwater County, Uinta County, Daggett County, Lincoln Conservation District, Sweetwater County Conservation District, Uinta County Conservation District, Sublette County Conservation District, Little Snake River Conservation District, and Star Valley Conservation District. The Coalition serves many purposes for its members, including the protection of vested rights of individuals and industries dependent on utilizing and conserving existing resources and public lands, the promotion and support of habitat improvement, the projects and funding of scientific studies addressing federal land use plans and projects, and providing comments on behalf of members for the educational benefit of those</p>		<p>Thunder Basin and North Gillette core area exceeded both habitat triggers as described above in 2021) (see EA, Section 4.3.3, pg. 56-58).</p>
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	<p>proposing federal land use plans and land use projects. The Coalition members support responsible oil and gas development, and as a result, are supportive of the BLM's consideration of the 14 proposed parcels totaling about 6,762 acres for this year's fourth quarter lease sale. However, the Coalition objects to the Modified Proposed Action (Alternative 3) because it continues the automatic deferral of parcels located in Greater Sage Grouse priority habitat management areas (PHMA). Draft EA at 17-20, 28, 56-67. The four parcels deferred in this sale are located within high development potential areas and/or adjacent to existing leases and should be considered for leasing despite their location within Greater Sage Grouse PHMA. See id. at 19-20. Since at least 2015, the BLM has rarely allowed parcels to move forward if they are located within PHMA. The BLM must provide a better explanation why parcels within high development areas that are adjacent to existing leases cannot move forward just because they contain PHMA. There are stipulations that would apply to protect PHMA and the potential for horizontal drilling that would help to reduce any impacts.</p>		
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6	Friends of the Earth (FOE)	<p>The proposal for the upcoming oil and gas lease sales threaten our most critical public lands. Fossil fuel extraction threatens to poison public lands and pollute surrounding communities. We cannot prioritize oil and gas drilling over the health of people and the planet. Continuing to extract and burn fossil fuels in the midst of a global climate crisis is a grave mistake. Recent wildfires and intensifying hurricanes demonstrate the dangers of what's to come if we continue to allow public lands to be a tool for the fossil fuel industry to line their pockets.</p> <p>I urge you to cancel the upcoming oil and gas lease sale on our public lands.</p>	General	<p>BLM received one submission with two attachments. The first attachment was a petition letter containing 15,284 names. The petition had the same language as the comment submission. The second attachment contained approximately 278 individual comment letters. Each comment letter was similar, and in some cases identical to, the comment submission. The original comment submission is responded to here.</p> <p>BLM has received and reviewed the comment letters. Land open for oil and gas leasing and those impacts can be located in the respective field office resource management plan (RMP (see EA, Section 1.3). Air quality information can be located in Sections 3.1, 3.2 and 4.1 of the EA. Information regarding surrounding communities can be located in Sections 3.7 and 4.6 of the EA. Information containing hydraulic fracturing can be located in the white paper (see EA, Section 5.3).</p>
7	EPA	<p>The Draft EA states that leasing is an administrative action that does not authorize oil and gas development (p. 13). It notes that it is oil and gas production that would result in an irretrievable commitment of resources (p. 15). However, the Draft EA also states that once a parcel is sold and the lease is issued, the lessee has the right to use the leased lands to explore and drill for all the oil and gas within the leased boundaries (p. 7). <i>Leasing</i>, therefore, is not just an administrative action, it is a substantive action that irretrievably commits lands for future development, and NEPA requires agencies to undertake site-specific environmental analysis of all effects at the earliest possible time and</p>	Impact Analysis	<p>The BLM has prepared multiple EISs covering the lands BLM is considering making available for competitive auction. From those EISs, the BLM has completed a Reasonably Foreseeable Development scenario for all parcels associated with the December 2024 lease sale and has identified all resources for analysis associated with the parcels. As such, the BLM has taken a hard look at the impacts to groundwater, wildlife, and other resources as the comment describes. The BLM has identified that the issuance of leases is an irretrievable commitment of resources and has analyzed the impacts that may occur as a result of leasing. This second-tier environmental analysis (the first being the EIS) is appropriate at the leasing stage as, even though the analysis is not site-specific, it is not as broad of a view as the district-wide EIS (Resource Management Plan) and can analyze impacts to resources from as small as 1 acre to as large as 2560 acres, as nominated lands vary in size. The BLM uses all available information and best science to perform this analysis and to foresee the potential for parcels to be developed. The results of this lease sale analysis and the application of stipulations will be reviewed upon the submission of an APD, at which time additional site-specific NEPA will be completed to evaluate the effects of development at an even smaller scale than what was completed here. Many times, the approval of an APD includes Conditions of Approval that are site-specific requirements the operator must undertake to mitigate additional resources issues that were identified at the site-specific analysis. Through these three levels of analysis and based on the information about resources that</p>

	<p>prior to any irretrievable commitment of resources. The EPA recommends that the EA include this analysis of direct, indirect and cumulative effects at the leasing stage where possible, rather than deferring such analysis to the subsequent Application for Permit to Drill (APD) stage. Since APD-stage NEPA analyses do not usually undergo a public review and comment period, deferring analyses to that stage prevents the public and other agencies from understanding the impacts and providing input. The EPA is also concerned that, for some resources, protections sufficient to avoid significant impacts may not be possible at the APD stage. One or more development scenarios are reasonably foreseeable and so, at a minimum, a maximum development scenario should be used to analyze the potential impacts to the environment and natural resources from such development. Based on our experience, if impact analyses are deferred to the individual APD stage it is unknown to the public what the direct, indirect, and cumulative impacts of all reasonably foreseeable development (RFD) from the lease sale may be. To determine whether a project could have significant effects on the environment, it is important to examine the the spatial distribution and specific environment of the direct, indirect,</p>		<p>BLM has today, the BLM has appropriately mitigated impacts to all non-climate resources. Such analysis has been affirmed in numerous cases, most recently in <i>Wilderness Society et al. v. U.S. Dep't Interior et al.</i>, Or. Cross-Mot. Summ. J. 11-17, Mar. 22, 2024, ECF No. 1:22-cv-01871-CRC.</p>
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		<p>and cumulative impacts to resources under the alternatives. NEPA requires agencies to undertake an analysis of all effects at the earliest possible time and prior to any irretrievable commitment of resources. As mentioned above, leasing lands does irretrievably commit lands for future development. We recommend utilizing one or more RFD scenarios, at a minimum, a maximum development scenario, to analyze the potential impacts to the environment that could occur due to such development.</p>		
8	EPA	<p>The EPA recommends a detailed discussion of the affected environment and the specific resources which may be impacted on each parcel. This may include visual representation of the proposed lease parcels' footprints relative to surface and groundwater resources, any hydrologic connectivity, nearby occupied areas, and nearby communities. The estimate of activity under the alternatives is made using information from the RFD for the alternatives. Therefore, we recommend that the EA provide more detailed site-specific analyses based on, at a minimum, a scenario of the maximum RFD on each parcel or group of parcels similarly situated geographically (please see the following paragraphs on the next page for more information). The EPA also recommends that the EA</p>	Analysis area	See response to public comment number 7.

		focus the analyses on smaller geographic areas, such as ecological regions within each Field Office or other geographic regions of influence, to provide the necessary information to understand how oil and gas development could affect sensitive resources in those areas, including water quality, wetlands, other water resources, and air quality.		
9	EPA	Summarizing relevant RMP analyses and explaining how they relate to the proposed action would also help the public understand the review and potential impacts. Additionally, these revisions to the EA would make it easier for the public to offer feedback on ways of avoiding or reducing impacts. Finally, when EAs tier to existing analyses, we recommend that the BLM's e-Planning website include links to documentation of those analyses to support the public review process.	RMPs	See section 1.3 (pg. 8-9) for information regarding Tiering and Conformance with BLM Land Use Plans. Links for RMPs are located here: https://experience.arcgis.com/experience/7a0ad0a300e14f8b9b00da7ebf49f4de/ Summarizing RMP analysis is outside the scope of this EA.
10	EPA	Based on the EA's more general estimate, there are 23 wells assumed to be possible under Alternative 2 (p. 67, Section 4.6.2.3). However, the water analysis references an RFD of 40 wells (p. 52, Section 4.2.2). We recommend the BLM address this inconsistency in the EA. The EA identifies in Table 2-3 proposed parcels with "High Preference For Leasing," but the table does not include an estimated RFD by parcel (p. 19). We recommend the EA include RFD	Site specific analysis	The number of wells assumed possible has been corrected in Section 4.2.2. Also see response to public comment number 7.

		<p>estimates by parcel to the extent possible. If BLM's existing RFD document does not have sufficient information to make parcel-specific estimates, we recommend basing such estimates, and other pertinent information such as potential locations for future development, on surrounding development and/or by requesting information from the nominator(s) on what they plan to do on the proposed parcels. Based on these estimates, we recommend the EA identify and site-specifically characterize the impacts associated with the RFD in those areas. We recommend including a more site-specific analysis based on more detailed consideration of the activities that may take place if the leased parcels are developed for oil and gas production. This may include, but is not limited to, access road construction, exploration activities, well pad construction, development and production operations, interim reclamation, produced water handling, siting of regional pipelines to which new wells would connect, maintenance operations, and well plugging and abandonment. If there is the potential for any impact to be significant we recommend outlining mitigation strategies to support the decision.</p>		
11	EPA	<p>One or more RFD scenarios may result from the successful offer of these parcels in the future. Therefore we recommend utilizing a maximum</p>	<p>Site specific analysis - water</p>	<p>See response to public comment number 7. The BLM currently requires all federal oil and gas development and operations in Wyoming to obtain the necessary permits and follow the applicable rules and regulations set forth by the Wyoming Oil and Gas Conservation Commission</p>

	<p>RFD for each parcel, or group of parcels, considering projected well development patterns at this current leasing stage to account for all potential impacts to the environment and natural resources. We also recommend discussing potential requirements for reasonable mitigation measures that may be necessary to support a Finding of No Significant Impact (FONSI), or impacts that may not be addressed by this decision and will be further assessed at the APD stage of the NEPA process. For example, the EPA is concerned by the lack of clear strategies within the EA to mitigate the impacts of oil and gas development activities on the numerous ephemeral and intermittent channels present on the parcels. As we discussed in our scoping comments, intermittent and ephemeral streams are important to protect because they perform a diversity of important hydrologic, biochemical, and geochemical functions necessary for the integrity and functional condition of higher-order waters downstream, as well as provide wildlife habitat and migrations corridors. According to our understanding, applicable stipulations do not apply to the intermittent and ephemeral streams on the proposed parcels. Where proposed lease parcels contain ephemeral or intermittent channels (or sensitive aquifers, recharge areas, or water wells) that are not</p>		<p>(WOGCC) and Wyoming Department of Environmental Quality (WDEQ). Should the parcel be sold, a lease issued, and development proposed, BLM will be able to evaluate impacts in more detail at that time. Additionally, Wyoming Standard Lease Notice No.1 allows for appropriate modifications at the site specific stage if operations are proposed within 500 feet of surface water and/or riparian areas.</p>
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		protected by lease stipulations, the EPA recommends that BLM address, for each parcel or similarly situated group of parcels, how the alternatives could harm the particular water resources and downstream waters dependent on them. The EA effectively discusses general effects due to changes in impervious surfaces, but the effects are not specific to the water resources on each parcel, and do not account for the possibility that well pads could be built over unprotected channels. A more parcel-specific analysis should inform the determination of the significance of effects.		
12	EPA	EPA recommends that BLM more clearly communicate what warranted measures would be put in place to reduce or eliminate these impacts to water resources at the APD phase. We recommend either 1) committing in the EA to requiring conditions of approval (COAs) protecting these resources at the application for permit to drill (APD) phase of development, or 2) presenting and utilizing lease notices to notify lessees of potentially needed protective measures at the APD stage, and explaining in the EA how the BLM would determine whether and what setbacks and other measures are needed at the APD phase of development. This would support the draft FONSI.	Water	See response to public comment number 11.

13	EPA	<p>Existing Air Quality and Air Quality Related Values (AQRVs)</p> <p>The EA incorporates by reference in its entirety the BLM's latest monitoring report. However, the EA does not summarize relevant existing conditions for air quality and air quality related values (AQRVs). We have commented that EAs should summarize relevant information that is incorporated by reference. Therefore, we recommend the EA include a summary of the relevant information from the BLM's monitoring report. The EPA is concerned about the proposed parcel WY-2024-12-1888 in the Rock Springs Field Office, because it is in a nonattainment area for ozone. It is also near an important antelope migration corridor and mule deer wintering range. We recommend a thorough analysis of these considerations, in the context of a maximum development scenario at a minimum, to determine whether or not a FONSI can be supported.</p>	Air quality	<p>Due to page limitations in the EA, the Affected Environment Section and existing air quality conditions is addressed in the Air Resource Monitoring Report that is included in Appendix 5.4. Any development occurring within the UGRB ozone nonattainment area already requires a detailed emission inventory be submitted along with the APD to address NOx and VOC precursors that would be emitted during a 12-month period. The BLM is required to perform and General Conformity analysis for any BLM-authorized activities occurring in the nonattainment area. Since a General Conformity analysis requires detailed development information and only looks at a 12-month period of emissions, it is not reasonably foreseeable at the lease sale stage to calculate emissions for a General Conformity review on a single parcel.</p>
14	EPA	<p>Air Quality and AQRV Impact Analysis</p> <p>Consistent with our comments on RFD above, the air quality analysis presented in the EA does not provide RFD estimates by parcel or groups of parcels. We recommend revising the EA so that potential development can be clearly understood. In addition, in the Air Quality section of the EA, we</p>	Air quality	<p>RFD does not represent actual development nor does the EA represent how per parcel development would occur. Lease sale estimates are developed to provide a reasoned, informed estimate of potential development and emissions. A year-by-year breakdown does not represent a actual development and would not better inform the analysis. The BLM Emissions Tool spreadsheets can be provided for review to anyone wishing to delve further into the emissions summary included in the EA. The EA already address the pollutants that would be emitted during each phase of development in Section 5.1.2. Mitigation is not determined at the lease sale phase. It either has to be a COA or Stipulation included in an RMP or applied during the APD approval process. Mitigation measures and subsequent NEPA analysis are addressed in Section 5.1.4.1.</p>

		<p>recommend referencing the section on Public Health and Safety, which includes relevant information for the air resource analysis.</p> <p>The EA presents emission estimates in a fashion that does not allow the reader to understand the estimates. As we have commented in the past, we recommend the EA include a year by year breakdown of wells and emissions in development and production stages to understand the maximum emission year and average emission year.</p> <p>Based on prior analyses we recommend the EA acknowledge that elevated NO2 and PM2.5 may be experienced during hydraulic fracturing and drilling operations. As a result it may be appropriate to require lower emitting engines for these activities. We recommend the EA acknowledge the likelihood that development emissions could result in elevated pollutant concentrations, and identify reasonable mitigation that could be required now, or at the application for permit to drill phase, to reduce emission rates.</p>		
15	EPA	<p>During scoping for this EA, and in prior comments on other Wyoming lease sale NEPA documents, the EPA has made the BLM aware of the potential for Technologically Enhanced Naturally Occurring Radioactive Material (TENORM). The EA confuses Naturally Occurring Radionuclides (NORM) with TENORM. Radionuclides, or Naturally Occurring Radioactive</p>	Radioactive Materials	<p>The BLM discusses impacts to public health and safety, including radioactive materials in section 3.6.3 of the EA, please also see appendix 5.3. The BLM is aware of NORM and TENORM and their inherent differences. The produced waters from oil and gas production are generally reinjected into permitted deep disposal wells. Other NORM and TENORM waste are disposed of according to Wyoming DEQ Guideline 24. The operators who produce NORM and TENORM are responsible for following all applicable health and safety rules for the staff who may be exposed. The operators are responsible for following regulations and laws set forth by the county, state and federal government. The EPA is continuously updating guidance for NORM and TENORM which the operators must adhere to.</p>

		<p>Materials (NORM), may be concentrated or relocated as a result of the oil and gas extraction process, creating a pathway for radiation exposure. The concentrated or relocated material is called TENORM. Therefore, we recommend the EA differentiate between NORM and TENORM. Although the EA mentions the possibility that NORM may be encountered during oil and gas development and production, the EA does not provide any considerations that would be taken to monitor or reduce possible exposures, or contamination, resulting from TENORM. We recommend additional consideration be given to future exposure pathways from oil and gas TENORM. This would help support a FONSI.</p>		
16	EPA	<p>For the Draft EA the BLM utilized the 2021 Social Cost of Greenhouse Gases Technical Support Document: Social Cost of Carbon, Methane, and Nitrous Oxide Interim Estimates under Executive Order 13990 developed by the Interagency Working Group on Social Cost of Greenhouse Gases, United States Government (IWG 2021). For the regulatory impact analysis of the EPA's December 2023 Final Rulemaking, "Standards of Performance for New, Reconstructed, and Modified Sources and Emissions Guidelines for Existing Sources: Oil and</p>	Social cost of GHGs	<p>The Department of Interior is evaluating EPA's methodology for revised social cost values. Current BLM policy is to utilize the values calculated by the interagency working group until recommendations from that evaluation are completed.</p>

	<p>Natural Gas Sector Climate Review,” the EPA estimated climate benefits using a new set of SC-GHG estimates that reflect the state-of-the-science and address recommendations from the National Academies of Science, Engineering, and Medicine (NASEM) on estimating the SC-GHG. The estimates are in a November 2023 Report on the Social Cost of Greenhouse Gases: Estimates Incorporating Recent Scientific Advances,¹ which updates the IWG 2021. This report improves upon the IWG methodologies for calculating SC-GHGs by incorporating more scientifically defensible discount rates which consider sources of uncertainty and more accurately reflect modern economic theory and climate change models. These updated discount rate values were also calibrated using global economic growth and inflation rates through the year 2080 and underwent an expert peer review process which made them consistent with the recommendations of NASEM.</p> <p>We therefore recommend calculating SC-GHGs in the EA using the EPA’s new discount rates summarized at the beginning of the November 2023 Report referred to above. To better assist lead agencies with the utilization of these updated estimates, the EPA has also recently released a Microsoft Excel “Workbook for Applying SC-GHG</p>		
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		<p>Estimates v.1.0.1” spreadsheet which can be accessed at https://www.epa.gov/environmental-economics/scghg along with the updated report. This workbook presents a ‘plug and play’ solution for converting project emissions estimates into SC-GHG calculations. Please feel free to reach out to us directly if there are any follow up questions regarding these recent updates. We are also available to assist the BLM with using the workbook if desired.</p>		
17	EPA	<p>The Draft EA does not provide a meaningful analysis of potential impacts to communities with environmental justice (EJ) concerns. The BLM undertook census block group screening to determine whether there are block groups that meet single or multiple EJ screening criteria (p. 68-69). This screening exercise identified two block groups that meet multiple EJ screening criteria and the corresponding parcel number and county. The analysis determined on page 69 that, “Potential low-income, minority, and indigenous populations exist within the study area and may be disproportionately affected by project actions” and listed a set of generic risk factors for communities with EJ concerns. The EA did not identify the specific potential disproportionate impacts on those specific communities with EJ concerns in the analysis area, and what mitigation would be applied to</p>	EJ	<p>The BLM discusses potential impacts to environmental justice communities in Sections 3.6 (pg. 32-35) and 4.6 (pg. 64-73) in the EA. The EJ screening and analysis informing these sections of the EA complies with the requirements set forth in CEQ guidance, Executive Order 12898, and BLM policy (as BLM’s IM 2022-059).</p>

	<p>address those disproportionate impacts (p. 69). The analysis noted that, “The BLM realizes that additional adverse impacts may be identified by local communities and Tribes as specific development locations and types are proposed. Therefore, identified communities of concern would be provided opportunities to identify any perceived adverse environmental impacts at the time of site-specific analysis during the APD stage” (p. 69). We recommend conducting the analysis of impacts to communities with EJ concerns and outreach to these communities prior to the APD stage so that any potential concerns that cannot be sufficiently mitigated at the APD stage are addressed and inform the leasing decision before irretrievably committing the resource. We recommend this analysis follows all relevant mandates that guide the information, analyses, and activities necessary for compliance by the BLM in the EJ impacts analysis (i.e., Executive Order (EO) 12898, Federal Actions to Address Environmental justice in Minority Populations and Low-Income Populations, February 11, 1994; EO 14096, Revitalizing Our Nation's Commitment to Environmental Justice for All, April 26, 2023; and Executive Order 13985 – Advancing Racial Equity and Support for Underserved Communities Through the Federal Government).</p>		
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18	WEA	The Draft EA's purpose and need statement should clarify that the purpose of the Draft EA is to analyze impacts from leasing while the need is to offer lands for leasing, based on Expressions of Interest (EOIs). As it currently stands, the purpose is stated as a policy to lease lands for the continued production of oil and gas from public lands but fails to explain the purpose of the document to analyze leasing impacts.	Purpose and Need	See section 1.2 (pg. 8) for the Purpose and Need, which explains that the purpose is that based on the analysis within the EA, the BLM will decide whether to make parcels available for lease and what stipulations will be placed on those parcels.
19	WEA	As a general matter, the Draft EA's explanation of its lease preference analyses is entirely confusing and needs to be revised to better explain and disclose BLM's lease preference process, analysis, and decision making. See Draft EA at Section 2.3.	Lease preference	<p>BLM uses the criteria as outlined in IM 2023-007 (see EA, pg. 16-17). The first step is question 1 - Does the parcel have existing development within five miles of the exterior of the parcel boundary? For this the BLM uses ArcPro© (a Geographic Information System {GIS} database) and buffers all existing, producing wells by five miles. BLM then uses the Intersect tool in ArcPro© to identify if any of the parcels are intersected by the five mile well buffer. If any of the parcels are intersected, then the leasing preference value is HIGH. If the leasing preference value is LOW, the recommendation is to defer the parcel per IM 2023-007. However, if the leasing preference value is HIGH, BLM moves to question 2. Under question 2 the BLM uses ArcPro© to identify if any of the parcels are located within designated big game migration corridors or designated sage-grouse connectivity areas. If any parcel is located in one of these designated areas, the leasing preference value is LOW and the recommendation is to defer per IM 2023-007. However, if a parcel is not located within one of these designated areas, the leasing preference value is HIGH and the BLM further evaluates the parcel using question 3. The same method described for question 2 is used for questions 3, 4 and 5 per IM 2023-007.</p> <p>In addition, these propose parcels are located in high development potential areas (Lease Preference Criteria 5, IM 2023-007). For further information, please see Section 2.3 of this EA (pg. 17-19, specifically pg. 19 regarding lease preference criteria and IM 2023-007).</p>
20	WEA	The Draft EA needs to be updated with significant and relevant information and analyses. The Draft EA needs to include an analysis of	NSO	BLM did consider Offering All Available Parcels Subject to No Surface Occupancy (NSO) Stipulations. The request to analyze this specific parcel with a NSO is embedded within the above Alternative which was considered but not analyzed in detail as discussed within the EA (Section 2.4, pg. 20).

		<p>offering the four deferred priority habitat management area (PHMA) parcels with a No Surface Occupancy (NSO) stipulation and recognize recent data on greater sage-grouse populations. The Draft EA contains insufficient information to determine whether development of the parcels could occur with an NSO stipulation based upon nearby development on fee or state lands. Nor do the wildlife and leasing/development maps included as Attachment 7 with the Draft EA provide a sufficient geographic scale or information to make this determination, particularly given that horizontal laterals can now extend upwards of three miles in certain areas.</p> <p>The Draft EA needs to be updated to analyze NSO and provide more accurate and helpful mapping to disclose relevant information related to these deferred parcels.</p>		
21	WEA	<p>The Draft EA fails to analyze the cumulative effects of deferred Expressions of Interest (EOI), and minimal lease acreage offerings violates NEPA and the Administrative Procedures Act (APA). This lack of disclosure and analysis is contrary to the BLM's mandatory requirements under the Inflation Reduction Act (IRA). Similarly, the Draft EA fails to disclose the EOI backlog or how many pending EOIs it terminated.</p>	IRA	See response to public comment number 30.

		<p>This is particularly important given the significant EOI backlog that exists dating back in some instances to 2010. The Draft EA also fails to disclose and analyze whether the lease parcels being offered, when added cumulatively to other lease parcels being offered in other states, is sufficient for BLM to meet its statutory leasing obligations under IRA. Moreover, the Draft EA fails to disclose the number of EOIs BLM terminated or failed to carry forward for purposes of this lease sale.</p>		
22	WEA	<p>BLM's proposed leasing action is not in conformance with the governing Resource Management Plans (RMP), which allow for BLM to lease additional lands for oil and natural gas development and allows parcels within PHMA to be offered with an NSO stipulation. This lack of conformance is entirely contrary to BLM's obligations under the Federal Land Policy and Management Act (FLPMA).</p>	RMP/FLPMA compliance	<p>The RMP indicates which lands are open to oil and gas development, and which stipulations apply. Each field office reviewed the potential parcels within the field office boundaries and applied stipulations as appropriate. The proposed lease sale is in conformance with each field office RMP.</p> <p>BLM did consider Offering All Available Parcels Subject to No Surface Occupancy (NSO) Stipulations. The request to analyze this specific parcel with a NSO is embedded within the above Alternative which was considered but not analyzed in detail as discussed within the EA (Section 2.4, pg. 20).</p> <p>The 2015 ARMPA along with the specific field office RMPs only discuss NSO stipulations within a certain distance of a lek, not for habitat itself. Analysis of a NSO for this parcel could have been completed for the EA; however, it is also feasible that the same analysis would not be completed for an immediately adjacent parcel in the future. For consistency, analysis of a NSO stipulation for PHMA would need to occur at a statewide or regional scale and not a site-specific scale for each individual lease nominated.</p>
23	WEA	<p>The socioeconomic analysis is legally deficient under NEPA. The Draft EA needs to be revised and updated to analyze and disclose the full suite of benefits of American oil and natural gas development in its socio-economic impacts and environmental justice analyses,</p>	Socioeconomic	<p>The socioeconomic analysis discusses potential socioeconomic impacts, both positive and negative, in Sections 3.6 (pg. 32-36) and 4.6 (pg. 64-73) of the EA. Estimating all the economic benefits including a change in social welfare associated with oil and gas leasing is not feasible, nor is it required for NEPA.</p>

		including economic benefits. Additionally, the Draft EA needs to be updated to fully disclose and analyze the benefits of American oil and gas leasing and development.		
24	WEA	The Draft EA states that greater sage-grouse populations have been declining, and that productivity, measured as the number of chicks per female, is below what is needed for stable populations. See Draft EA Section 3.3. Yet the Wyoming Game and Fish Department (WGFD) indicated an increase of 18% more males on leks in 2023 from 2022, and a productivity ratio of 1.82 chicks per hen in 2023.1 BLM must include and reference the most recent WGFD information on greater sage-grouse populations and trends.	GSG	The information used is the most recent information provided to the BLM. BLM is working with the Wyoming Game and Fish Department (WGFD) to obtain updated data and information concerning Greater Sage-grouse populations and triggers. When this data is available, BLM will re-evaluate the parcels deferred in sage-grouse habitat, confer with the WGFD and make a recommendation to the State Director whether the parcel should be offered at the next available sale or if the parcel needs further analysis and/or deferral.
25	WEA	Under both NEPA and FLPMA, BLM is required to integrate social science and economic information in the preparation of informed, sustainable decisions. Specifically, Section 202 of FLPMA requires BLM to integrate “physical, biological, economic, and other sciences” in developing land-use plans, 43 U.S.C. § 1712, and BLM’s program level decision-making must conform to these plans. Similarly, Section 102 of the NEPA statute requires Federal agencies to “ensure the integrated use of the natural and social sciences . . . in planning and decision making.” 42 U.S.C. § 4332.	NEPA/FLMPA compliance	NEPA directs the BLM to “study, develop, and describe appropriate alternatives to recommended courses of action in any proposal that involves unresolved conflicts concerning alternative uses of available resources” (42 U.S.C. 4332(E)). BLM analyzed in detail 3 alternatives and considered 5 additional alternatives which were not analyzed in detail. The BLM has analyzed a range of alternatives for proceeding with lease sales taking into account a number of factors, including resource conflicts and development potential, as part of exercising its discretion in leasing decisions. The alternatives considered adequately weigh the courses of actions action that BLM could take based on potential resource conflicts and whether making certain lands available would meet the purpose and need of the EA.

		<p>NEPA implementing regulations include the requirement that BLM consider and analyze economic and social effects. NEPA regulations state that federal agencies “shall . . . identify environmental effects and values in adequate detail so the decision maker can appropriately consider such effects and values alongside economic and technical analyses.” 40 C.F.R. § 1501.2(b)(2) (emphasis added); see also 40 C.F.R. § 1508.1(i)(4) (“Effects include ecological . . . aesthetic, historic, cultural, economic, social, or health”); 40 C.F.R. § 1502.16 (b) (“when the agency determines that economic or social and natural or physical environmental effects are interrelated, the environmental impact statement shall discuss these effects on the human environment”).</p>		
26	WEA	<p>The Draft EA does not disclose and analyze the benefits that flow to Environmental Justice communities in the form of local jobs and revenue from local oil and gas development. See Draft EA at 33-34.</p>	EJ	<p>The Environmental Effects section 4.6.2.2, page 66-67, explicitly discusses that Wyoming populations, including potential communities of concern, rely heavily on economic contributions from the oil and gas industry. These benefits include jobs, funding for public services, and indirect funding of related industry support services. Economic fluctuations associated with oil and gas development decisions are felt disproportionately by potential communities of concern.</p>
27	WEA	<p>The Draft EA also fails to explain to the public and analyze emissions reductions that will result from implementation of BLM’s new waste prevention rules and the Environmental Protection Agency’s (EPA) new methane rules. The Draft EA needs to be revised to disclose</p>	Emissions reductions/WPR	<p>The BLM acknowledges and cites recent EIA reports that oil and gas will continue to see increases due to demand regardless of BLMs leasing decisions. At the time this EA was prepared, the BLM had not incorporated new information regarding the BLMs recent Waste Prevention Rule and EPAs new methane reduction rule. The BLM has subsequently updated future lease sale documents to reflect these recent rules. In addition, BLMs GHG analysis is driven by requirements in Executive Orders and updated CEQ guidance and is neither arbitrary nor capricious. BLM</p>

		and analyze the fact that continued leasing and development of federal natural gas resources provides significant beneficial impacts in the context of greenhouse gas emission reductions.		continuously evaluates and updates the NEPA content to ensure compliance with CEQ guidance and recent court decisions.
28	WEA	<p>The Draft EA needs to quantify and disclose the indirect beneficial effects of the decision to lease federal natural gas reserves. As EPA explained in its 2021 GHG Inventory Report: “[t]he decrease in coal-powered electricity generation and increase in natural gas and renewable energy electricity generation have contributed to the 33 percent decrease in overall CO2 emissions from electric power generation from 2005 to 2019Between 2018 and 2019, emissions from the electric power sector decreased 8.4 percent due to a decrease in electric power generation of 1.4 percent and a decrease in the carbon intensity of the electric power energy mix.”</p> <p>The Draft EA needs to cite to this 2021 EPA Report in the EA for the fourth quarter lease sale for 2024 and present this information to the public or include it in its analyses. Further, the Energy Information Administration (EIA) shows that fuel switching to natural gas has provided 58% of the GHG reductions in the electricity sector, whereas wind and solar energy have provided only 42%.3 BLM needs to</p>	Natural gas benefits	See response to public comment number 30. The GHG analysis in the EA is driven by requirements in EOs and CEQ guidance, not to analyze the benefits of renewable vs oil and gas.

		<p>update the Lease Sale EA to disclose this information to the public.</p> <p>The Draft EA needs to be revised and updated to disclose and analyze the direct and indirect benefits of leasing and development of American oil and natural gas. See, e.g., EA at Section 4.1.</p>		
29	WEA	<p>From an economic standpoint, the Draft EA fails to analyze or even disclose the acreage of long-pending EOIs that have been continually deferred and how these continued deferrals impact federal oil and natural gas revenues and other benefits such as local jobs and secondary revenue at the county and local levels.</p> <p>While BLM may have disregarded and unilaterally terminated EOIs pending for three years or longer, BLM failed to disclose the aggregate number of EOIs and their aggregate acreage that BLM terminated or did not carry forward for this lease sale. This failure violates NEPA and underscores BLM's violation of FLPMA and the Mineral Leasing Act (MLA) in failing to prevent waste by stranding federal fluid mineral resources.</p> <p>BLM needs to update the Lease Sale EA to disclose this information and data to the public.</p>	Deferred EOIs	<p>Any EOIs received after August 16, 2022, which did not have all fees associated at the time of submission are placed on hold or rejected until all fees are received. EOIs submitted with all required fees are processed to determine if those lands are available for lease. Lands nominated through the EOI process which are complete (ex. adjudicated, completed cadastral review and received SMA consent, as appropriate) are parcelized (a parcel is created using those lands). BLM Wyoming keeps as much of the original EOI together as possible. For those EOIs received prior to August 16, 2022, BLM is working through those nominations. BLM Wyoming is sending letters to the original nominator requesting a response whether they are still interested in the lands submitted. Those EOIs where the nominator has indicated they are still interested are incorporated into upcoming sales once BLM has completed their review. For EOIs that have been parcelized and deferred, BLM continues to re-evaluate those parcels and analyze if/when those parcels can be included in upcoming sales.</p>

30	WEA	<p>As explained in the EA, at page 11, the IRA includes a provision that ties the amount of oil and natural gas onshore lease acreage BLM offers for sale on an annual basis as a prerequisite for issuance of a right-of-way for wind or solar energy projects.</p> <p>The IRA states “the Secretary may not issue a right-of-way for wind or solar energy development on Federal land unless (A) an onshore lease sale has been held during the 120-day period ending on the date of the issuance of the right-of-way for wind or solar energy development; and the sum total of acres offered for lease in onshore lease sales during the 1-year period ending on the date of the issuance of the right-of-way for wind or solar energy development is not less than the lesser of (i) 2,000,000 acres; and (ii) 50 percent of the acreage for which expressions of interest have been submitted for lease sales during that period”</p> <p>Section 50265, Pub. L. No. 117-169, 136 Stat. 1818 (2022).</p> <p>To comply with Section 50265 of IRA, on an annual basis BLM must offer either a sum total of 2,000,000 acres or 50% of the acreage nominated through expressions of interest, whichever is lesser, for sale through the competitive lease sale process.</p>	Cumulative effects of deferred EOIs	<p>Instruction Memorandum 2023-006 (IM 2023-006 - Implementation of Section 50265 in the Inflation Reduction Act for Expressions of Interest for Oil and Gas Lease Sales) states "Section 50265 of the IRA provides that the Bureau of Land Management (BLM) “may not issue a right-of-way for wind or solar energy development on Federal land” unless it has (1) held an onshore oil and gas lease sale during the 120-day period ending on the date of the issuance of the right -of-way, and (2) “the sum total of acres offered for lease in onshore lease sales during the 1-year period ending on the date of the issuance . . . is not less than the lesser of . . . 2,000,000 acres[] and 50 percent of the acreage for which expressions of interest have been submitted for lease sales during that period[.]” The acres proposed for sale within this EA are a portion of the "sum total of acres offered for lease..." and any plans to issue renewable rights-of-way are outside of the scope of this EA. Tracking of EOIs for purposes of the IRA would not meet the purpose and need for the NEPA analysis and as such, are outside the scope of the EA. Neither the IRA nor any other source of law obligates BLM to affirmatively disclose these calculations as part of an oil and gas lease sale process.</p> <p>Likewise, tracking state- or nation-wide deferrals is outside the scope of this sale and related NEPA analysis, whose only purpose is to consider the parcels for proposed lease in this sale.</p>
31	WEA	The Draft EA needs to be revised and updated to disclose deferred EOIs for the past 10 years	Cumulative effects of deferred EOIs	See response to public comment number 30.

	<p>and analyze whether BLM is in compliance with the IRA. The IRA fails to identify how many EOIs have been terminated or deferred on a cumulative basis prior to 2025. Nor does BLM explain why it did not carry forward EOIs that have been pending before BLM for more than three years. BLM cannot piecemeal and segregate its analysis by only analyzing EOIs received for the Fourth Quarter 2024 Lease Sale. BLM's statutory obligations under both NEPA and the IRA are broader, and must be disclosed and analyzed in the Lease Sale EA.</p> <p>BLM failed to analyze and inform the public on the percentage of lease acreage offered for sale compared to the aggregate of all EOIs that have been long pending and deferred by BLM. BLM must inform the public of deferrals dating back at least six years (statute of limitations), or at a minimum since January 21, 2021, when BLM started issuing and implementing new policies to severely restrict oil and natural gas leasing. These policies have resulted in significant EOI deferrals, lease parcel deferrals, and inaction on EOIs and a significant reduction in lease parcels that BLM has offered for sale.</p> <p>The Draft EA fails to analyze and disclose this aggregate deferred acreage for purposes of</p>		
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		informing the public of the adverse impacts of BLM's decision to not offer nominated lease parcels for sale in terms of lost federal oil and natural gas revenues to the U.S. Treasury and to the state of Wyoming.		
32	WEA	<p>The Draft EA fails to analyze, forecast, or even address whether the minimum amount of oil and natural gas leases BLM offered at the fourth quarter lease sale will adversely impact BLM's ability to meet its statutory requirements under the IRA and in turn whether this nominal lease acreage offering will impact renewable energy project rights-of-way on federal lands.</p> <p>Nor does the Draft EA analyze, disclose, and present, from a cumulative impacts standpoint, what percentage of the parcels offered for sale would go towards BLM's annual oil and natural gas leasing requirements under IRA, and an analysis and forecast as to whether a sufficient amount of acreage is being offered in Wyoming, when combined with lease acreage offered in other states, to meet BLM's annual IRA requirements.</p> <p>Given the severely small amount of acreage being offered in these states, one of which is one of the most prolific federal oil and natural gas states, it is difficult to believe that</p>	IRA compliance	See response to public comment number 30.

		<p>BLM will be able to meet its IRA statutory requirements in 2024 or 2025. BLM has an obligation to analyze and disclose this to the public and also to inform its own decision-making.</p> <p>The Draft EA also fails to disclose the adverse impacts that would result to renewable energy development if BLM does not meet its statutory leasing requirements under IRA. BLM must provide this cumulative impacts analysis under NEPA to inform the public, and to inform its own decision making.</p> <p>To comply with NEPA, FLPMA, and IRA, BLM must conduct an analysis to inform the public and its own decision-making as to what extent the lease acreage being offered goes towards meeting its mandatory statutory requirements under IRA Section 50265.</p>		
33	WEA	<p>The Draft EA's failure to analyze the impacts of offering minimal parcels for oil and natural gas leasing is compounded by the fact that the Draft EA does include an analysis regarding impacts on renewable energy under its IRA statutory obligations. As discussed above, BLM arbitrarily analyzes the benefits of future renewable energy deployment but does not analyze or present the benefits of offering more American oil and natural gas to market.</p>	IRA	See response to public comment number 30.

	<p>The Draft EA needs to be updated to disclose that the EIA found and reported that natural gas has reduced more electricity sector emissions than wind and solar combined. BLM fails to do so for oil and natural gas development. Nor does the Draft EA disclose the significant constraints confronting renewable energy expansion (e.g., lack of electric transmission infrastructure). Lease Sale EA at 37, 46. Without correction, and full disclosure, this analysis gap is in violation of NEPA and arbitrary and capricious in violation of the APA.</p> <p>In addition, BLM's decision to analyze IRA in the context of increased renewable energy usage while failing to analyze impacts to oil and natural gas leasing or BLM's ability to comply with its IRA statutory obligations related to leasing is entirely arbitrary, capricious, and an abuse of discretion in violation of the APA. BLM must update the Draft EA to analyze potential beneficial impacts on both oil and natural gas and renewable energy development. BLM cannot capriciously choose to analyze one form of energy and not another under its multiple use mandate under FLPMA. This capricious decision violates NEPA and FLPMA and is contrary to the Congressional intent of Section 50265</p>		
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		of IRA. Each failure is a violation of the APA.		
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