

UNITED STATES DEPARTMENT OF THE INTERIOR
Bureau of Land Management
Ely District
702 N. Industrial Way
Ely, Nevada 89301

FINDING OF NO SIGNIFICANT IMPACT
for June 2025 Oil and Gas Competitive Lease Sale
Environmental Assessment
DOI-BLM-NV-L000-2025-0001-DNA

INTRODUCTION:

The Bureau of Land Management (BLM) has prepared a Determination of NEPA¹ Adequacy (DNA), DOI-BLM-NV-L000-2025-0001-DNA, to address offering five parcels within the Ely District (EYDO) at the June 2025 Competitive Oil and Gas Lease Sale. The DNA (DOI-BLM-NV-L000-2025-0001-DNA) proposed offering five parcels containing approximately 6,800 acres of Federal mineral estate for lease previously analyzed in the July 2023 (DOI-BLM-NV-L000-2023-0002-EA) and June 2024 (DOI-BLM-NV-L000-2024-0001-EA) Oil and Gas Lease Sale Environmental Assessments (EAs). In accordance with 43 Code of Federal Regulations (CFR) § 3120.32, BLM has reviewed the parcels in accordance with the Secretary's obligations to manage the public lands for multiple use and sustained yield as required to prevent unnecessary or undue degradation of lands and resources. Under the No Action alternatives of the referenced EAs, no parcels in the EYDO would be offered for lease at the June 2025 Sale. Consistent with the applicable RMPs, standard terms and conditions, as well as parcel specific stipulations and lease notices, are attached to the parcels as specified in the DNA, referenced EAs, and Final Sale Notice.

It is the mandate of the BLM, as derived from the Mineral Leasing Act (MLA), the Mining and Minerals Policy Act, as amended, the Federal Onshore Oil and Gas Leasing Reform Act (FOOGLRA), as amended, and the Federal Land Policy and Management Act (FLPMA), as amended, to support the exploration and development of oil and gas owned by the Federal Government. All of the June 2025 Lease Sale parcels were nominated by the public. The MLA establishes that deposits of oil and gas owned by the United States are subject to disposition in the form and manner provided by the MLA under the rules and regulations prescribed by the

¹ 1. Executive Order 14154, Unleashing American Energy (Jan. 20, 2025), and a Presidential Memorandum, Ending Illegal Discrimination and Restoring Merit-Based Opportunity (Jan. 21, 2025), require the Department to strictly adhere to the National Environmental Policy Act (NEPA), 42 U.S.C. §§ 4321 et seq. Further, such Order and Memorandum repeal Executive Orders 12898 (Feb. 11, 1994) and 14096 (Apr. 21, 2023). Because Executive Orders 12898 and 14096 have been repealed, complying with such Orders is a legal impossibility. The Bureau of Land Management (BLM) verifies that it has complied with the requirements of NEPA, including the Department's regulations and procedures implementing NEPA at 43 C.F.R. Part 46 and Part 516 of the Departmental Manual, consistent with the President's January 2025 Order and Memorandum.

Secretary of the Interior, where consistent with FLPMA and other applicable laws, regulations, and policies.

Description of the Proposed Action

The Bureau of Land Management (BLM) Ely District Office (EYDO) proposes to offer, and subsequently issue for oil and gas lease, five parcels, comprising 6,800.00 acres of federal mineral estate in Lincoln and Nye Counties on public land administered by the EYDO, in a statewide competitive Oil and Gas Lease Sale to be held on June 24, 2025. The list of parcels is attached as Attachment A to the DNA.

Background

The Secretary of the Interior has authority and discretion under the MLA, FOGLRA, and FLPMA to administer oil and gas leasing and lease operations on public lands. The BLM Nevada State Office conducts regular competitive oil and gas lease sales when eligible lands are available, as described in the DNA and referenced EAs and on the BLM oil and gas leasing website.

The offering and subsequent issuance of an oil and gas lease does not result in any surface disturbance. A lease grants to the lessee the right to occupy, explore for, and develop oil and gas resources on leased lands consistent with applicable law and the lease terms, upon subsequent approval of a site-specific permit by the BLM authorized officer (43 CFR 3101.12). Such lease operations can result in surface disturbance and other impacts, as described in the DNA and referenced EAs.

If development operations are proposed for any lease, the BLM will complete additional environmental analysis before deciding whether to approve the operations and may require best management practices and other mitigation measures as conditions of approval, in order to minimize adverse effects on resources. These measures would be identified in any subsequent decision approving a development project.

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 and 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 revert back to the federal government and the lease can be resold.

FINDING OF NO SIGNIFICANT IMPACT:

Based on review of the Designation of NEPA Adequacy (DOI-BLM-NV-L000-2025-0001-DNA) for the June 2025 Competitive Oil and Gas Internet Lease Sale, the referenced Environmental Assessments (DOI-BLM-NV-L000-2023-0002-EA) and (DOI-BLM-NV-L000-2024-0001-EA), and the supporting documents, I have determined that the proposed action would not have a significant effect on the quality of the human environment. Anticipated impacts are within the range of impacts addressed by the approved Ely District RMP and Final Environmental Impact Statement and Record of Decision; thus, the proposed action does not

constitute a major federal action having a significant effect on the human environment; therefore, an Environmental Impact Statement is not necessary and will not be prepared. This analysis adheres to the requirements of the National Environmental Policy Act, 42 U.S.C. §§ 4321 *et seq* and the Department of the Interior's NEPA regulations at 43 C.F.R. §§ 46.10-46.450 and Department Manual Part 516. Any future proposed development of these leases, should they be sold and issued, would be subject to additional site-specific NEPA analysis and documentation.

The leases would include the standard lease terms and conditions for development of the surface of oil and gas leases provided in 43 CFR 3100 (BLM Form 3100-11) along with all stipulations mandated by policy (such as the Competitive Leasing Handbook, H-3120-1) and by the governing Land Use Plan. Legal land descriptions along with corresponding stipulations and lease notices added to address resource issues found through review and analysis that would be attached to each parcel are located within Attachment B of the DNA. Areas offered for oil and gas leasing would be subject to measures necessary to mitigate adverse impacts, according to the categories, terms, conditions, and stipulations identified in the land use plans, as amended.

Potentially Affected Environment

The five oil and gas lease parcels containing approximately 6,800 acres are within Lincoln and Nye Counties, Nevada, in a rural setting. One parcel is near producing oil fields in Railroad Valley, three parcels are clustered in White River Valley, and one parcel is in Lake Valley. Activities on public lands include land use authorizations, oil and gas leasing and development, mineral material sale, mineral exploration, cattle grazing, and recreation. Certain aspects of leasing the proposed parcels, such as air resources and water resources, have state-wide and regional importance.

Resource analysis for the lease parcels uses a Reasonably Foreseeable Development (RFD) Scenario that estimates surface disturbance for oil and gas projects in the EYDO. These estimates are outlined in the Ely District RMP and additional summaries of the RFD scenario are included in Section 2.4 of the July 2023 EA (DOI-BLM-NV-L000-2023-0002-EA) and Section 2.4 of the June 2024 EA (DOI-BLM-NV-L000-2024-0001-EA).

The RFD scenario does not change based on the number of parcels being offered, as it is based on historic information and anticipated activity.

Degree of Effects

The following have been considered in my evaluation of the selected alternative:

i. Short- and long-term effects

Short- and long-term effects of oil and gas leasing and development are discussed in the RMP and EIS for the Ely District. The referenced Environmental Assessments, (DOI-BLM-NV-L000-2023-0002-EA) and (DOI-BLM-NV-L000-2024-0001-EA), consider short- and long-term effects of the Proposed Action and No Action Alternatives. Although there are no surface-disturbing activities authorized at the leasing stage, the DNA and referenced EAs recognize that some level of effects may be reasonably foreseeable. If the lease parcel goes into production, effects may last until the wells are plugged and abandoned (e.g., well pads, road networks,

powerlines, pipelines, etc.). 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. The RFD scenario for long-term projection of oil and gas exploration, development, production, and reclamation was developed as part of the Ely District RMP. The RFD scenario covers oil and gas activity in a defined area for a specified period of time and provides the basis for the analysis of the environmental effects in Chapter 3 and 4 of the referenced EAs. The RFD scenario was developed based on past exploration activities and estimates of future exploration and development activity given the potential occurrence of resources.

ii. Beneficial and adverse effects

Effects of oil and gas leasing and future exploration and development may be beneficial when considering the revenues for the State of Nevada (49% is retained to the state), opportunity for improved or added infrastructure (powerlines, pipelines, roads), and jobs to the local communities where the parcels are located. Oil and gas leasing and subsequent development could result in adverse effects when considering the associated surface disturbance and resource use, including sand and gravel use (road building), water use (drilling), air quality degradation and emissions (travel on roads, equipment operation, and drilling), and burden on local community resources (housing, power, restaurants, fuel, and food).

The stipulations and lease notices (see DNA Attachment B) provide adequate protection for all site-specific resources of concern that were identified via the referenced EA's process, including scoping comments, public comments, and input from various agencies and organizations. None of the environmental effects, including reasonably foreseeable, associated with offering the proposed lease parcels for sale, approach significance when considering the effects to the potentially affected environment. Nor do the effects, both beneficial and/or adverse, exceed those described in the applicable approved RMP and/or their respective Final Environmental Impact Statements or Records of Decisions.

iii. Effects on public health and safety

If the parcels are sold, leases issued, and development authorized, public health and safety would be protected by lease stipulations, and health and safety regulations. Future subsequent exploration and development is expected to continue on public land, according to the RFD scenario found in the Ely District RMP, and additional summaries of the RFD scenario are included in Section 2.4 of the July 2023 referenced EA (DOI-BLM-NV-L000-2023-0002-EA) and Section 2.4 of the June 2024 referenced EA (DOI-BLM-NV-L000-2024-0001-EA).

Future oil and gas exploration and development, including well pad and road construction, water handling, and plugging and abandonment, would be conducted in accordance with The Gold Book: Surface Operating Standards and Guidelines for Oil and Gas Exploration and Development (United States Department of the Interior and United States Department of Agriculture, 2007) (The Gold Book). The Gold Book provides operators with a combination of guidance and standard procedures for ensuring compliance with agency policies and operating requirements, such as those found in 43 CFR Subpart 3160, 43 CFR Subpart 3170, and notices to lessees. The Gold Book also includes best management practices designed to encourage safe and efficient operations while minimizing undesirable impacts to the environment. As a result,

impacts to public health and safety are not expected to be significant. In addition to BLM, local, State, and other Federal agencies regulate oil and gas exploration and drilling operations to protect health and safety.

iv. Effects that would violate Federal, State, Tribal, or local laws protecting the environment

The Proposed Action does not violate any known Federal, State, Tribal, or local law or requirement imposed for the protection of the environment. In addition, the Proposed Action is consistent with applicable land management plans, policies, and programs, and development of the leases would be conditioned on compliance with all applicable laws and regulations.

Additionally, pursuant to BLM Handbook 3120-1 – Competitive Leases (P) (H-3120), the following lease notice is attached to all of the lease parcels:

This lease may be found to contain historic properties and/or resources protected under the National Historic Preservation Act (NHPA), American Indian Religious Freedom Act, Native American Graves Protection and Repatriation Act, E.O. 13007, or other statutes and executive orders. The BLM will not approve any ground disturbing activities that may affect any such properties or resources until it completes its obligations under applicable requirements of the NHPA and other authorities. The BLM may require modification to exploration or development proposals to protect such properties, or disapprove any activity that is likely to result in adverse effects that cannot be successfully avoided, minimized or mitigated. (H-3120 at 35).

As determined during the lease parcel review process and documented in the referenced July 2023 EA (sections 3.2.10 and 4.3.10), June 2024 EA (sections 3.2.5 and 4.3.4), and the administrative record, leasing of the parcels is not likely to adversely affect any species, or the critical habitat of any species, listed as threatened or endangered under the Endangered Species Act (hereafter “ESA”), 16 U.S.C. §§ 1531 et seq.

The effects of Oil and Gas leasing development on threatened and endangered (T&E) species were analyzed through Endangered Species Act Section 7 consultation for the RMPs and EISs where parcels are located. BLM resource specialists also consulted informally with the US Fish and Wildlife Service and Nevada Department of Wildlife during the writing of the referenced EAs for this lease sale and consultation is ongoing. It is BLM policy to conserve special status species and their habitats, and to ensure that actions authorized by the BLM do not contribute to the need for the species to become listed as T&E by the USFWS. Lease Notices to inform the potential lessees of the potential that T&E species may be affected by oil and gas activities were developed and have been attached to parcels as appropriate.

As determined during the lease parcel review process and documented in the DNA and referenced EAs, leasing of the parcels is not likely to result in impacts beyond those analyzed and consulted on for the relevant Land Use Plan for any species listed as threatened or endangered under the Endangered Species Act (hereafter “ESA”), 16 U.S.C. §§ 1531 et seq. Nor is the project likely to adversely affect any species, or the habitat of any species, that is proposed or a candidate for listing as threatened or endangered under the ESA. Leasing of the parcels is

also not expected to have an adverse impact on sensitive species, including those species that are neither listed nor proposed/candidates for listing under the ESA.

Additionally, pursuant to BLM Handbook 3120-1 – Competitive Leases (P) (H-3120), the following lease notice is attached to all of the lease parcels:

The lease may now and hereafter contain plants, animals, and their habitats determined to be threatened, endangered, or other special status species. BLM may recommend modifications to exploration and development proposals to further its conservation and management objectives to avoid BLM approved activity that will contribute to a need to list such a species or their habitat. BLM may require modification to or disapprove a proposed activity that is likely to result in jeopardy to the continued existence of a proposed or listed threatened or endangered species or result in the destruction or adverse modification of a designated or proposed critical habitat. BLM will not approve any ground-disturbing activity that may affect any such species or critical habitat until it completes its obligation under requirements of the Endangered Species Act, as amended, 16 U. S. C. § 1531 et seq., including completion of any required procedure for conference or consultation.

The June 2025 Oil and Gas Lease Sale DNA and referenced EAs, which tier to the RMPs and EISs, demonstrates conformance to Federal, State, Tribal, or local law or requirement imposed for the protection of the environment; details are found in multiple places within the referenced EAs, including both referenced EA’s Sections 1.5, 1.6, and 1.7.

The BLM must consider the effects of its onshore oil and gas lease sales on GHG emissions, and the Mineral Leasing Act provides the Secretary of the Interior with discretion to tailor those sales—including which parcels are offered for sale and the terms of leases—in light of climate effects. See, e.g., *Wilderness Soc’y v. Dept. of the Interior*, No. 22-cv-1871 (CRC), 2024 U.S. Dist. LEXIS 51011, at *91-92 (D.D.C. Mar. 22, 2024). For this sale, the BLM relied on its own specialist report (the Annual GHG Report) and other data to compare the sale’s potential emissions with national and global emissions, and to contextualize the GHG emissions by displaying the GHG emissions in comparison to commonly understood emissions sources such as motor vehicles, and analyzing effects on climate based on current scientific literature. The BLM further explained that it lacks the data and tools to estimate specific, climate-related effects from the sale. See Sections 3.2.1 and 4.3.1 of both the July 2023 and June 2024 Oil and Gas Leasing EAs as well as the 2022 and 2023 Annual BLM GHG Reports.

Authorized Officer

Robbie J. McAboy
District Manager
Ely, Nevada

Date