

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

**Finding of No Significant
Impact**

**DOI-BLM-NV-B000-2019-0010-EA
December 2019 Competitive Oil and
Gas Lease Sale**

PREPARING OFFICE

U.S. Department of the Interior
Bureau of Land Management
Battle Mountain District,
Nevada



Finding of No Significant Impact

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DOI-BLM-NV-B000-2019-0010-EA

I have reviewed Environmental Assessment (EA) DOI-BLM-NV-B000-2019-0010-EA dated October 28, 2019. In consideration of the environmental effects as described in the EA, and incorporated herein, I have determined that the Proposed Action identified in the EA will not significantly affect the quality of the human environment and that an Environmental Impact Statement (EIS) is not required to be prepared.

I have determined the proposed action conforms with:

- the Shoshone-Eureka Resource Management Plan (RMP) and associated Record of Decision (ROD) (Mount Lewis Field Office, 1986),
- the approved Tonopah RMP, approved on October 6, 1997, and
- the 2019 Nevada and Northeastern California Greater Sage-Grouse Record of Decision and Approved Resource Management Plan Amendment (2019 GRSR ROD and ARMPA).

I have further determined that the proposed action is consistent with applicable plans and policies of county, state, tribal and Federal agencies. These findings and conclusions are based on my consideration of the Council on Environmental Quality's (CEQ's) Criteria for Significance (40 CFR 1508.27), both with regard to the context and the intensity of impacts described in the EA.

Context

The lands in the BLM (Bureau of Land Management) Battle Mountain District (BMD) proposed to be offered for competitive sale of oil and gas lease parcels in December 2019 consist of 35 parcels that were nominated for lease sale by industry proponents and screened by the BLM Nevada State Office (NVSO) to ensure that they lie within areas designated by the applicable RMPs as open to leasing. As a result of a Preliminary Injunction (Case No. 1:16-CV-83-BLW) regarding the 2019 Greater Sage-grouse Approved Resource Management Plan Amendment (ARMPA), nine of the 35 parcels are deferred until the February 2020 lease sale because of resource concerns regarding sage-grouse.

The remaining 24 parcels total approximately 39,202.5 acres in Kawich Range, Stone Cabin Valley, Hot Creek Range, Hot Creek Canyon, Hot Creek Valley, and Railroad Valley (EA Figures 1-3; legal land descriptions, EA Section 2.1). The Proposed Action would consist of offering all 24 parcels for lease in December. Stipulations and/or lease notices would be attached to each offered lease parcel. See EA Chapter 2 for a full description of the Proposed Action and the No Action alternative.

If leases are issued and lease operations are proposed in the future, BLM would conduct additional site-specific, project-specific NEPA analysis when an Application for Permit to Drill (APD) or other exploration, development or production project application is submitted. Resource-protective standards, guidelines and Best Management Practices would be applied, along with the stipulations and lease notices attached to each lease parcel. The stipulations and lease notices serve to inform prospective lessees of important resource issues associated with each parcel, along with required measures to protect them. These reduce some of the uncertainty of waiting for the site- and project-specific NEPA analysis to

identify resources of concern and define appropriate conditions of approval. They also serve to inform future BLM decision-makers of the resource issues and required protective measures, ensuring that those measures will be applied at the time of any proposal to conduct oil and gas activities on a leased parcel.

Oil and gas leases are issued for a 10-year period and continue thereafter for as long 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.

Intensity

The following discussion is organized around the Ten Significance Criteria described in 40 CFR 1508.27 and incorporated into resources and issues considered (including supplemental authorities Appendix 1 H-1790-1) and supplemental Instruction Memoranda, statutes, regulations and Executive Orders. The following have been considered in evaluating intensity for this proposal:

1. Impacts that may be both beneficial and adverse.

An oil and gas lease sale itself does not include exploration, development, or production; but these activities could be expected to result from leasing, resulting in indirect (future) impacts. The EA considers both beneficial and adverse impacts of these potential activities.

The Reasonably Foreseeable Development (RFD) scenario for the EA is based on actual activity in recent years along with reasonably foreseeable interactions of prices, markets, technology, environmental concerns, and viability of the potential oil and gas resource in the BMD District (EA Supplemental Information (SI) document, Section 8). The RFD scenario predicts conservatively that approximately 25 wells would be drilled and 65-100 acres of surface disturbance associated with potential oil and gas exploration and production activities could be expected to occur in the BMD over the next ten years. Given this low level of activity, impacts – beneficial or adverse – would not be widespread. The stipulations and lease notices provide adequate protection for all site-specific resources of concern that were identified via the EA process, including public comments and input from the U.S. Fish and Wildlife Service (USFWS) and Nevada Department of Wildlife (NDOW). Beneficial socioeconomic impacts are predicted, in the form of increased jobs and increased spending in local communities, although these would be minimal due to the low level of predicted activity. (EA section 3.2.18, Socioeconomic Values). Beneficial effects would also include revenue from the lease sale, the ongoing annual rent on the leases and any royalties resulting from production, 49% of which is shared with the State of Nevada and the county government.

I find that none of the potential effects, adverse or beneficial, are significant.

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

The Proposed Action is not likely to affect public health or safety. See EA section 3.2.19, Waste, Hazardous and Solid; and SI Section 12, Hydraulic Fracturing Technology. Adherence to applicable federal, state and local regulations would ensure that no soil, ground water, or surface water contamination would occur with any adverse effect to worker health and safety or to surrounding communities. SI Section 12 addresses the risks of hydraulic fracturing, one extraction technique that could

potentially be used. The risks considered include potential impacts to usable water, seismic hazards, landslides, and spills. The discussion concludes, “The intensity, and likelihood, of potential impacts to public health and safety, and to the quality of usable water aquifers is directly related to proximity of the proposed action to domestic and/or community water supplies (wells, reservoirs, lakes, rivers, etc.) and/or agricultural developments. The potential impacts are also dependent on the extent of the production well’s capture zone and well integrity. Nevada’s Standard Lease Stipulations and Lease Notices specify that oil and gas development is generally restricted within 500 feet of riparian habitats and wetlands, perennial water sources (rivers, springs, water wells, etc.) and/or floodplains. Intensity of impact is likely dependent on the density of development.” The intensity and likelihood of impacts are low in this case because the Water Resources stipulation restricts impacts within 500 feet of the water resources named; and development would be of low density, based on the RFD scenarios. Proximity to water supplies and agricultural developments would be addressed at the time of any specific exploration or development proposal on a leased parcel.

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

No park lands, prime farmlands, congressionally designated wilderness areas, or wild and scenic rivers are on or near the lease parcels. Wetlands are present within the project area, and all parcels are likely to contain areas of moderate and/or high sensitivity for historic and cultural resources. These characteristics have been found not to be adversely affected by the Proposed Action with stipulations and lease notices attached to the parcels. The proposed action and alternatives are designed to offer lease parcels for sale, and would not have an effect on wetlands or cultural resources at the lease sale or lease issuance stage. If the leases enter into a development stage, wetlands and cultural resources would be further addressed through additional project- and site-specific NEPA analysis.

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

The Environmental Assessment was available for public review and comment on the BLM ePlanning website from September 5 to October 7, 2019. A total of six comment letters were received. Comments are consolidated in Section 14 of the Supplemental Information (SI) document. The majority of the commenters expressed concerns with regard to site-specific impacts to air and water associated with exploration and development activities. While these comments did not result in any major changes to the EA, the commenters were reminded that the BLM is mandated by the Federal Land Policy and Management Act (FLPMA) to prevent unnecessary and undue degradation of the public lands and the Department of the Interior’s regulations at 43 CFR§ 3160 defines a wide array of rules which govern the conduct of Onshore Oil and Gas operations. Adherence to these laws and regulations would prevent or minimize the impacts of concern, lessening the level of controversy.

In addition, a site-specific environmental evaluation would be conducted for each oil and gas exploration and development proposal submitted by industry. If the evaluation indicates that environmental impacts would be unacceptable, either mitigation measures would be implemented as conditions of approval (COAs) to reduce the impact or the proposal could be denied to prevent unnecessary and undue

degradation. The level of controversy would also be lessened by disclosing the results of these site-specific evaluations.

There is not substantial dispute within federal agencies, State of Nevada government agencies, or the scientific community as to the effects of oil and gas leasing and development in Nevada, specifically. Nevada's oil and gas industry is different in many ways from that of other producing states, and has not experienced the same environmental issues as other states encounter.

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

At the leasing stage, there are no known direct, indirect, or cumulative effects identified in the EA that are considered uncertain or involve unique or unknown risks, as demonstrated through the analysis. Parcels with environmentally sensitive areas were identified and stipulations were attached to those parcels to address the specific risks associated with them. If and when specific exploration or development operations are proposed, additional project and site specific environmental analysis would be conducted and impacts would be evaluated. If the evaluation were to indicate that environmental impacts would be unacceptable, either the project would be modified, or additional mitigation would be required as conditions of approval, or the proposal could be denied to prevent unnecessary and undue degradation.

6. The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.

The action will not establish a precedent or represent a decision in principle about a future consideration. Approving the lease sale would not establish a precedent for other oil and gas competitive lease sales of similar size or scope. Any future leasing and associated lease operations within the BMD would be analyzed on their own merits and implemented, or not, independently of the actions currently selected.

7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.

Past, present, and reasonably foreseeable future actions, with potential to have effects that would overlap in time or space with those of the analyzed alternatives, were considered in the cumulative impacts analysis as part of the EA. The cumulative impacts analysis examined all such actions and determined that the alternative selected would not contribute incrementally to significant impacts. Also, for any related actions that might be proposed in the future, further environmental analysis – including assessment of cumulative impacts – would be required prior to authorization.

8. The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the NRHP or may cause loss or destruction of significant scientific, cultural, or historical resources.

The action of leasing the proposed parcels would have no direct effect on cultural resources listed in or eligible for the NRHP. At the time that an application for a specific project on a leased parcel is received, additional site-specific, project-specific analysis would be conducted and appropriate conditions of approval would be applied to eliminate or minimize any risk to such resources. The Lease Notice for

cultural resources in general, attached to all parcels, serve to alert potential lessees and future BLM decision-makers of the need to address effects to these resources.

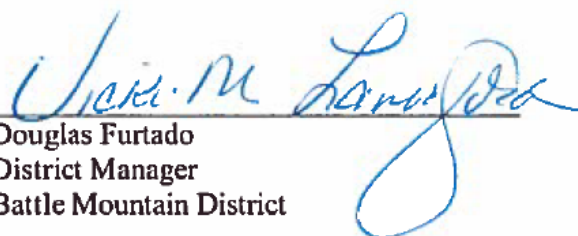
9. The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the ESA of 1973.

Based on analysis conducted by the BLM wildlife biologist with input from USFWS and NDOW, there will be no significant impacts to threatened or endangered species or their habitat as a result of the lease sale. No threatened or endangered species or their critical habitats were found to occur on the proposed lease parcels. If and when oil and gas activities are proposed, the Lease Notice addressing such species would alert prospective operators that they are required to survey for and protect any threatened, endangered, or special status species that may be present in the proposed area of operations.

10. Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.

The proposed action does not violate any known Federal, State, or local law or requirement imposed for the protection of the environment. The proposed action is also consistent with applicable land management plans, policies and programs.

Signed:

for 
Douglas Furtado
District Manager
Battle Mountain District

11/01/2019
Date