

FAX COVER SHEET

TO	BLM WY State Director
COMPANY	WildEarth Guardians
FAXNUMBER	13077756203
FROM	WildEarth Guardians
DATE	6/22/2017 2:15:49 PM MDT
RE	Protest of September 2017 WY BLM Oil and Gas Lease Sale

COVER MESSAGE

Attached, please find WildEarth Guardians' protest of the BLM Wyoming's September 2017 oil and gas lease sale. In accordance with the May 23, 2017 lease sale notice, a hard copy is being mailed today as well. Thank you.

Sincerely,

Jeremy Nichols



June 22, 2017

By Fax

Mary Jo Rugwell
 State Director
 U.S. Bureau of Land Management
 Wyoming State Office
 5353 Yellowstone Road
 Cheyenne, WY 82003
 (307) 775-6203

Re: Protest of February 2017 Competitive Oil and Gas Lease Sale

Dear Ms. Rugwell:

Pursuant to 43 C.F.R. § 3120.1-3, WildEarth Guardians hereby protests the Bureau of Land Management's ("BLM's") proposal to offer 140 publicly owned oil and gas lease parcels covering 118,055.54 acres of land in the High Plains and Wind River/ Bighorn District Offices of Wyoming for competitive sale on September 21, 2017. These lease parcels include the following, as identified by the BLM's in its Final September 2017 Oil and Gas Sale List:¹

Lease Number	Acres	Field Office	County
WY-1708-001	469.6	Newcastle	Niobrara
WY-1708-002	160.94	Newcastle	Weston
WY-1708-003	1013.78	Casper	Goshen
WY-1708-004	240	Newcastle	Niobrara
WY-1708-005	80	Casper	Goshen
WY-1708-006	952.6	Casper	Goshen
WY-1708-007	40	Casper	Goshen
WY-1708-008	116	Casper	Goshen
WY-1708-009	240	Casper	Goshen
WY-1708-010	2122.8	Casper	Goshen
WY-1708-011	600	Casper	Goshen
WY-1708-012	40	Newcastle	Niobrara
WY-1708-013	80	Newcastle	Niobrara
WY-1708-014	200	Newcastle	Niobrara

¹ This list is available on the BLM's website at https://eplanning.blm.gov/epl-front-office/projects/nena/65707/107229/132391/Sale_Notice.pdf

2590 Walnut Street Denver CO, 80205 303-437-7663 wildearthguardians.org
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WY-1708-015	80	Newcastle	Niobrara
WY-1708-016	800	Newcastle	Niobrara
WY-1708-017	374.02	Newcastle	Niobrara
WY-1708-018	320	Newcastle	Niobrara
WY-1708-019	661.87	Newcastle	Weston
WY-1708-020	280	Newcastle	Weston and Niobrara
WY-1708-021	80.44	Newcastle	Weston
WY-1708-022	910.49	Newcastle	Weston
WY-1708-023	545.34	Newcastle	Weston
WY-1708-024	2231.21	Newcastle	Niobrara
WY-1708-025	699.73	Newcastle	Niobrara
WY-1708-026	1118.08	Newcastle	Niobrara
WY-1708-027	1239.73	Newcastle	Niobrara
WY-1708-028	40	Newcastle	Niobrara
WY-1708-029	1690.13	Newcastle	Weston
WY-1708-030	1469.61	Newcastle	Crook
WY-1708-031	828.72	Newcastle	Crook
WY-1708-032	468.07	Newcastle	Niobrara
WY-1708-033	880	Newcastle	Niobrara
WY-1708-034	160	Newcastle	Niobrara
WY-1708-035	80	Newcastle	Niobrara
WY-1708-036	2083.94	Newcastle	Weston
WY-1708-037	923.12	Newcastle	Weston
WY-1708-038	2040	Newcastle	Weston
WY-1708-039	920	Newcastle	Crook
WY-1708-040	960	Newcastle	Crook
WY-1708-041	160	Casper	Converse
WY-1708-042	320.29	Newcastle	Crook
WY-1708-043	201.41	Casper	Converse
WY-1708-044	360	Casper	Converse
WY-1708-045	1006.33	Buffalo	Campbell
WY-1708-046	1527.47	Buffalo	Campbell
WY-1708-047	971.05	Buffalo	Campbell
WY-1708-048	1729.91	Buffalo	Campbell
WY-1708-049	1454.29	Buffalo	Campbell
WY-1708-050	489.61	Buffalo	Campbell
WY-1708-051	514.65	Buffalo	Campbell
WY-1708-052	121.45	Buffalo	Campbell
WY-1708-053	81.31	Buffalo	Campbell
WY-1708-054	1217	Buffalo	Campbell
WY-1708-055	163.48	Buffalo	Campbell

WY-1708-056	121.76	Buffalo	Campbell
WY-1708-057	81.86	Buffalo	Campbell
WY-1708-058	451.05	Buffalo	Campbell
WY-1708-059	42.12	Buffalo	Campbell
WY-1708-060	1801.86	Buffalo	Campbell
WY-1708-061	40.77	Buffalo	Campbell
WY-1708-062	165.52	Buffalo	Campbell
WY-1708-063	161.62	Buffalo	Campbell
WY-1708-064	160.58	Buffalo	Campbell
WY-1708-065	286.46	Buffalo	Campbell
WY-1708-066	41.07	Buffalo	Campbell
WY-1708-067	435.28	Buffalo	Campbell
WY-1708-068	270.55	Buffalo	Campbell
WY-1708-069	492.85	Buffalo	Campbell
WY-1708-070	80	Buffalo	Campbell
WY-1708-071	2429.27	Casper	Converse
WY-1708-072	1164.02	Casper	Converse
WY-1708-073	40.7	Buffalo	Campbell
WY-1708-074	277.25	Buffalo	Campbell
WY-1708-075	564.03	Buffalo	Campbell
WY-1708-076	848.18	Buffalo	Campbell
WY-1708-077	366.15	Buffalo	Campbell
WY-1708-078	1956.19	Buffalo	Campbell
WY-1708-079	326.42	Casper	Converse
WY-1708-080	320	Buffalo	Campbell
WY-1708-081	1791.48	Buffalo	Campbell
WY-1708-082	600	Buffalo	Campbell
WY-1708-083	160	Buffalo	Campbell
WY-1708-084	1120	Buffalo	Campbell
WY-1708-085	400	Buffalo	Campbell
WY-1708-086	281.92	Buffalo	Johnson and Campbell
WY-1708-087	226.89	Buffalo	Campbell
WY-1708-088	448.92	Buffalo	Johnson and Campbell
WY-1708-089	640.46	Buffalo	Johnson
WY-1708-090	2304.08	Buffalo	Johnson
WY-1708-091	201.47	Buffalo	Johnson
WY-1708-092	39.42	Buffalo	Johnson
WY-1708-093	757.5	Buffalo	Johnson
WY-1708-094	649.67	Buffalo	Johnson
WY-1708-095	649.35	Buffalo	Johnson
WY-1708-096	80.9	Buffalo	Johnson

WY-1708-097	40	Buffalo	Sheridan
WY-1708-098	480	Buffalo	Sheridan
WY-1708-099	602.1	Buffalo	Johnson
WY-1708-100	114.88	Buffalo	Johnson
WY-1708-101	1281.32	Buffalo	Johnson
WY-1708-102	1852.63	Buffalo	Johnson
WY-1708-103	1652.66	Buffalo	Johnson
WY-1708-104	240	Buffalo	Johnson
WY-1708-105	2485.76	Buffalo	Johnson
WY-1708-106	2452.62	Buffalo	Johnson
WY-1708-107	440	Buffalo	Johnson
WY-1708-108	42.64	Buffalo	Johnson
WY-1708-109	200	Buffalo	Johnson
WY-1708-110	2523.61	Buffalo	Johnson
WY-1708-111	2310.87	Buffalo	Johnson
WY-1708-112	2114.44	Buffalo	Johnson
WY-1708-113	2357.56	Buffalo	Johnson
WY-1708-114	1840.44	Buffalo	Johnson
WY-1708-115	2080.64	Buffalo	Johnson
WY-1708-116	2500.34	Buffalo	Johnson
WY-1708-117	2360	Buffalo	Johnson
WY-1708-118	283.92	Buffalo	Johnson
WY-1708-119	2440	Buffalo	Johnson
WY-1708-120	2514.86	Buffalo	Johnson
WY-1708-121	80	Buffalo	Johnson
WY-1708-122	2543	Buffalo	Johnson
WY-1708-123	2240	Buffalo	Johnson
WY-1708-124	2480	Buffalo	Johnson
WY-1708-125	2520	Buffalo	Johnson
WY-1708-126	40	Worland	Washakie
WY-1708-127	640	Worland	Washakie
WY-1708-128	600	Lander	Fremont
WY-1708-129	280	Lander	Fremont
WY-1708-130	155.36	Lander	Fremont
WY-1708-131	80	Lander	Fremont
WY-1708-132	177.23	Worland	Big Horn
WY-1708-133	122.32	Worland	Big Horn
WY-1708-134	969.42	Worland	Big Horn
WY-1708-135	929.96	Cody	Big Horn
WY-1708-136	989.77	Cody	Big Horn
WY-1708-137	619.23	Newcastle	Weston

WY-1708-138	320	Newcastle	Weston
WY-1708-139	160	Casper	Converse
WY-1708-140	161.87	Buffalo	Campbell

STATEMENT OF INTEREST

WildEarth Guardians is a nonprofit environmental advocacy organization dedicated to protecting the wildlife, wild places, wild rivers, and health of the American West. On behalf of our members, Guardians has an interest in ensuring the BLM fully protects public lands and resources as it conveys the right for the oil and gas industry to develop publicly owned minerals. More specifically, Guardians has an interest in ensuring the BLM meaningfully and genuinely takes into account the climate implications of its oil and gas leasing decisions and objectively and robustly weighs the costs and benefits of authorizing the release of more greenhouse gas emissions that are known to contribute to global warming.

Together with several other organizations, WildEarth Guardians submitted comments on the BLM's proposed leasing on February 16, 2017. These flagged concerns over the BLM's failure to adequately address the climate impacts of the proposed leasing.

The mailing address for WildEarth Guardians to which correspondence regarding this protest should be directed is as follows:

WildEarth Guardians
2590 Walnut St.
Denver, CO 80205

STATEMENT OF REASONS

WildEarth Guardians protests the BLM's September 21, 2017 oil and gas lease sale over the agency's failure to adequately analyze and assess the climate impacts of the reasonably foreseeable oil and gas development that will result in accordance with the National Environmental Policy Act ("NEPA"), 42 U.S.C. § 4331, *et seq.*, and regulations promulgated thereunder by the White House Council on Environmental Quality ("CEQ"), 40 C.F.R. § 1500, *et seq.*

NEPA is our "basic national charter for protection of the environment." 40 C.F.R. § 1500.1(a). The law requires federal agencies to fully consider the environmental implications of their actions, taking into account "high quality" information, "accurate scientific analysis," "expert agency comments," and "public scrutiny," prior to making decisions. *Id.* at 1500.1(b). This consideration is meant to "foster excellent action," meaning decisions that are well informed and that "protect, restore, and enhance the environment." *Id.* at 1500.1(c).

To fulfill the goals of NEPA, federal agencies are required to analyze the "effects," or impacts, of their actions to the human environment prior to undertaking their actions. 40 C.F.R. §

1502.16(d). To this end, the agency must analyze the “direct,” “indirect,” and “cumulative” effects of its actions, and assess their significance. 40 C.F.R. §§ 1502.16(a), (b), and (d). Direct effects include all impacts that are “caused by the action and occur at the same time and place.” 40 C.F.R. § 1508.8(a). Indirect effects are “caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable.” *Id.* at § 1508.8(b). Cumulative effects include the impacts of all past, present, and reasonably foreseeable actions, regardless of what entity or entities undertake the actions. 40 C.F.R. § 1508.7.

An agency may prepare an environmental assessment (“EA”) to analyze the effects of its actions and assess the significance of impacts. *See* 40 C.F.R. § 1508.9; *see also* 43 C.F.R. § 46.300. Where effects are significant, an Environmental Impact Statement (“EIS”) must be prepared. *See* 40 C.F.R. § 1502.3. Where significant impacts are not significant, an agency may issue a Finding of No Significant Impact (“FONSI”) and implement its action. *See* 40 C.F.R. § 1508.13; *see also* 43 C.F.R. § 46.325(2).

Within an EA or EIS, the scope of the analysis must include “[c]umulative actions” and “[s]imilar actions.” 40 C.F.R. §§ 1508.25(a)(2) and (3). Cumulative actions include action that, “when viewed with other proposed actions have cumulatively significant impacts and should therefore be discussed in the same impact statement.” 40 C.F.R. § 1508.25(a)(2). Similar actions include actions that, “when viewed with other reasonably foreseeable or proposed agency actions, have similarities that provide a basis for evaluating their environmental consequences together.” 40 C.F.R. § 1508.25(a)(3). Key indicators of similarities between actions include “common timing or geography.” *Id.*

Here, the BLM fell short of complying with NEPA with regards to analyzing and assessing the potentially significant climate impacts of oil and gas leasing. In support of its proposed leasing, the agency prepared two EAs, one for the High Plains District parcels (DOI-BLM-WY-P000-2017-0001-EA, hereafter “High Plains EA”) and one for parcels in the Wind River and Bighorn Basin Districts (DOI-BLM-WY-R000-2017-0001-EA, hereafter “Wind River-Bighorn EA”).² In the EAs, however, the BLM failed to analyze the reasonably foreseeable greenhouse gas emissions that would result from selling the oil and gas lease parcels. The agency’s proposed FONSI’s are therefore unsupported and any decision to sell and issue the aforementioned lease parcels cannot be sustained. Either the BLM must prepare an EIS or it cannot proceed with the lease sale as proposed. Below, we detail how BLM’s proposal fails to comply with NEPA.

1. The BLM Failed to Analyze and Assess Greenhouse Gas Emissions that Would Result from Issuing the Proposed Lease Parcels

Although we are pleased to see the BLM finally develop some estimates for reasonably foreseeable direct and indirect greenhouse gas emissions associated with the proposed leasing

² These EAs are available on the BLM’s website at https://eplanning.blm.gov/epl-front-office/projects/nepa/65707/107244/131165/HPD_Third_Quarter_2017_OG_Lease_EA_ver2.pdf and https://eplanning.blm.gov/epl-front-office/projects/nepa/65707/107254/131175/1708_WRBBD_EA_ver.2.pdf.

(see High Plains EA at 57-59 and Wind River-Bighorn EA at pp. 3-24—3-25), it appears that the agency's analyses fail to fully comply with NEPA and to demonstrate support for a FONSI.

Notably, the BLM's estimates of greenhouse gas emissions fails to account for emissions from cumulative and similar actions. As NEPA requires, an agency must analyze the impacts of "similar" and "cumulative" actions in the same NEPA document in order to adequately disclose impacts in an EIS or provide sufficient justification for a FONSI in an EA. See 40 C.F.R. §§ 1508.25(a)(2) and (3). Here, the BLM failed to take into account the greenhouse gas emissions resulting from other proposed oil and gas leasing in Wyoming and other neighboring states, as well as related oil and gas development, and to analyze the impacts of these actions in terms of their direct, indirect, and cumulative greenhouse gas emissions.

From a cumulative standpoint, it is first and foremost disconcerting that BLM's analyses appear to be completely piecemeal. The High Plains EA does not even mention the Wind River-Bighorn EA and vice-a-versa, indicating that the BLM is not fully accounting for the cumulative impacts of its individual leasing decisions. Rather, it appears the agency is improperly segmenting its actions in order to avoid acknowledging that there are potentially significant impacts that require the preparation of an EIS.

We are further concerned that the EAs do not acknowledge the cumulative greenhouse gas emissions resulting from oil and gas leasing in other District Offices in Wyoming, as well as in other western states, including Colorado, Montana, Utah, Nevada, and New Mexico. BLM has never attempted to analyze or assess cumulative greenhouse gas emissions from oil and gas development. Leasing occurring in other District Offices as well as in other western states represents a similar action that must be accounted for in the EAs in order for the agency to justify FONSI.

It is notable that at the same time and in this same region, the BLM has sold, is selling, and will be selling thousands of acres of oil and gas leases, including, but not limited to:

- **Colorado:** On February 9, 2017, the BLM offered 17 oil and gas lease parcels for sale covering 17,631.54 acres. See https://www.blm.gov/sites/blm.gov/files/uploads/Feb_2017_Final_SN_posting.pdf. Most recently on June 8, 2017, the BLM offered 106 oil and gas lease parcels covering 100,815.97 acres in western Colorado. See https://eplanning.blm.gov/epl-front-office/projects/nepa/70241/99316/120339/Sale_Notice_June2017.pdf. The agency is now proposing to sell 10 parcels covering 1,227.468 acres on September 7, 2017. See https://eplanning.blm.gov/epl-front-office/projects/nepa/70242/109225/133797/Sale_Notice_Sept2017.pdf. In December of 2017, the BLM is also contemplating the sale of 28 parcels covering 27,283.79 acres in western Colorado. See https://eplanning.blm.gov/epl-front-office/projects/nepa/79397/106238/129850/GJFO&CRVFO_DNA_Comment_Dec2017.pdf.
- **Montana:** On June 13, 2017, the BLM offered 156 parcels covering 69,056.13 acres in the Miles City Field Office of Montana, directly adjacent to the Buffalo Field

Office of Wyoming. See https://eplanning.blm.gov/epl-front-office/projects/nepa/67148/100541/122559/6-13-17_Sale_Notice_-_508_Cornpliant.pdf. In September, the BLM is also offering to sell 15 parcels covering 4,438.07 acres in South and North Dakota. See https://www.blm.gov/sites/blm.gov/files/MTDKs%2009_12_17_07_11_17%20Sale%20Notice%20and%20List%20for%20Posting%20508%20Compliant.pdf. And in December 2017, the agency is contemplating offering 204 parcels also in the Miles City Field Office. See https://www.blm.gov/sites/blm.gov/files/MTDAKs%20MCFO%20December%2012%2C%202017_Scoping%20Dear%20Reader%20Letter.pdf.

- **Utah:** On February 21, 2017, the BLM offered to sell four parcels covering 4,174.46 acres in the Canyon Country District of Utah. See <https://eplanning.blm.gov/epl-front-office/projects/nepa/61831/90240/108157/UtahFeb2017NoticeOfSale.pdf>. And on June 15, 2017, the agency offered 20 parcels covering 23,733.19 acres in the Color Country District Office for sale. See <https://eplanning.blm.gov/epl-front-office/projects/nepa/68693/99186/120207/UtahJune2017NoticeOfSale.pdf>. In September the BLM is offering nine parcels containing 14,943.09 acres for sale in the West Desert District. See https://eplanning.blm.gov/epl-front-office/projects/nepa/69557/108015/132349/Sept2017NoticeOfSale_6-1-17.pdf. The agency is also contemplating offering 64 parcels for sale in the Vernal Field Office of Utah in December 2017. See <https://eplanning.blm.gov/epl-front-office/eplanning/planAndProjectSite.do?methodName=dispatchToPatternPage¤tPageId=119957>.
- **And in Wyoming:** In February of 2017, the BLM offered 283 parcels covering 184,784.25 acres also in the High Plains and Wind River-Bighorn Basin District Offices. See https://eplanning.blm.gov/epl-front-office/projects/nepa/65707/89747/107330/Sale_Notice.pdf. And just today, the agency is offering 26 parcels covering 31,924.77 acres in the High Desert District Office. See https://eplanning.blm.gov/epl-front-office/projects/nepa/65707/96349/116406/Sale_Notice.pdf. And this December, the agency is contemplating offering 47 parcels for sale in the High Desert District Office. See https://eplanning.blm.gov/epl-front-office/projects/nepa/65707/105887/129462/Press_Release.2017Apr25.pdf.

All this leasing activity is happening at the same time, in the same geographic region, by the same agency, for the same purposes, and under the same authorities. By all accounts, oil and gas leasing occurring in other parts of Wyoming and in neighboring states clearly is a similar action whose impacts must be accounted for in a single NEPA document. The BLM, unfortunately, did not even mention impacts related to similar leasing actions occurring in other parts of Wyoming and in other western states.

Without any analysis of past, present, and reasonably foreseeable greenhouse gas emissions from these similar oil and gas leasing actions, the agency's proposed FONSI's are

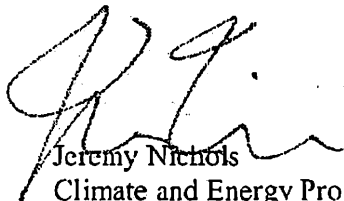
unsupported under NEPA. The agency has no basis for concluding that emissions associated with its proposed leasing are not significant and that an EIS is not warranted.

At a minimum, the BLM was required under NEPA to ensure the High Plains EA addressed greenhouse gas emissions from leasing in the Wind River-Bighorn Basin District, and vice-a-versa. The fact that the High Plains EA is silent as to emissions from leasing in the Wind River-Bighorn Basin District and that the Wind River-Bighorn EA is silent as to emissions from leasing in the High Plains District is the hallmark of a improperly segmented action and an attempt by the BLM to subvert NEPA.

Although the BLM may argue that an analysis of greenhouse gas emissions is more appropriate at the drilling stage, we have yet to see the BLM actually prepare such a site-specific analysis in conjunction with an oil and gas lease development proposal.

What's more, BLM's argument has no merit as the agency has proposed no stipulations that would grant the agency discretion to limit, or outright prevent, development of the proposed leases on the basis of greenhouse gas emissions and/or climate concerns. The BLM is effectively proposing to make an irreversible commitment of resources, which is the hallmark of significance under NEPA. See 42 U.S.C. § 4332(c)(v) and 40 C.F.R. § 1502.16. The failure to prepare an EIS—or any analysis for that matter—to address the potentially significant reasonably foreseeable greenhouse gas emissions that would result from the proposed leases, as well as from cumulative and similar leasing actions in Wyoming and other states, is contrary to NEPA.

Sincerely,



Jeremy Nichols
Climate and Energy Program Director
WildEarth Guardians
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Denver, CO 80205
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TRANSACTION REPORT

JUN/22/2017/THU 02:42 PM

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#	DATE	START T.	SENDER	COM.TIME	PAGE	TYPE/NOTE	FILE
001	JUN/22	02:33PM	15052131895	0:07:52	10	OK	G3 4254