

**U.S. Department of the Interior
Bureau of Land Management
North Dakota Field Office
99 23rd Avenue W, Suite A
Dickinson, ND 58601**

**Finding of No Significant Impact
Environmental Assessment DOI-BLM-MT-C030-2015-085-EA**

INTRODUCTION:

The Bureau of Land Management (BLM) has conducted an Environmental Analysis (EA) (DOI-BLM-MT-C030-2015-085-EA) to analyze the potential effects from offering for lease the Federal minerals on 8 nominated lease parcels containing 1,164.26 surveyed acres of Federal minerals for competitive oil and gas leasing in a sale tentatively scheduled to occur on July 14, 2015. The EA was prepared based on available information including inventory and monitoring data files.

Impact identification and analysis of the No Action Alternative, the Proposed Action Alternative (with BLM imposed mitigation measures), and the BLM Preferred Alternative (with BLM imposed mitigation measures and deferred parcel acres) has been completed. The No Action Alternative (Alternative A) would be to not offer for lease the 8 parcels nominated through expressions of interest (EOI). The proposed action (Alternative B) would be to offer 8 parcels covering 1,164.26 surveyed acres of Federal minerals for competitive and/or noncompetitive lease issuance, in conformance with the land use planning decisions. The BLM Preferred Alternative (Alternative C) would be to offer 7 whole parcels containing 1,124.24 surveyed acres of Federal minerals in whole or part with Resource Management Plan (RMP) stipulations and/or lease notices as necessary for competitive and/or noncompetitive lease issuance. 1 whole parcel containing 40.02 surveyed acres of Federal minerals would be deferred from leasing, pending further review.

The 7 parcels are located in Burke, Williams, Divide, and Golden Valley counties. Standard Federal lease terms and conditions, as well as the stipulations identified in Appendix A of the EA, would apply. Lease stipulations (as required by Title 43 Code of Federal Regulations 3101.1-3 (43 CFR 3101.1-3) and 43 CFR 3131.3) were added to each parcel as identified by the BLM to address site specific resource concerns.

It is the policy of the BLM as derived from various laws, including the Mineral Leasing Act of 1920, as amended [30 U.S.C. 181 *et seq.*] and the Federal Land Policy and Management Act of 1976 [43 U.S.C. 1701 *et seq.*], to make mineral resources available for disposal and to encourage development of mineral resources to meet national, regional, and local needs.

PLAN CONFORMANCE AND CONSISTENCY:

The proposed action and alternatives have been reviewed and found to be in conformance with the following BLM plans and associated Record of Decision(s): North Dakota Resource Management Plan (RMP) (April 1988) and accompanying Environmental Impact Statement (EIS).

FINDING OF NO SIGNIFICANT IMPACT:

Based on my review of the EA and all other available information, I have determined that the BLM Preferred Alternative, including the implementation of required stipulations, is not a major federal action and will not significantly affect the quality of the human environment, individually or cumulatively with other actions in the general area (as defined by 40 CFR 1508.27). Therefore, an Environmental Impact Statement (EIS) is not required. Any future proposed development on lease parcels would be subject to additional site-specific National Environmental Policy Act (NEPA) analysis and documentation.

With regard to the issue of impacts to global climate change (GCC) and/or levels of greenhouse gas (GHG) emissions that may contribute to GCC, as discussed in the EA, the current state of the science does not allow determinations to be made about the specific effects of specific actions. Therefore, while I find that the proposed action would result in no significant impacts, either individually or cumulatively, as described in more detail below in the FONSI, no similar finding is made with respect to GCC or GHG emissions. However, given the state of the science, preparation of an EIS is not warranted, as it would not further inform my decision, or the public, with respect to the significance or lack thereof, of this proposed action as to the issue of GCC or GHG.

This determination is based on the context and intensity of the project as described:

Context:

The BLM Preferred Alternative would occur within the North Dakota Field Office boundary and would have local impacts on the resources similar to and within the scope of those described and considered in the North Dakota RMP/FEIS (April 1988). The project is a site-specific action directly involving approximately 1,124.24 surveyed acres of Federal minerals administered by the BLM, by itself does not have international, national, regional, or state-wide importance.

Intensity:

The following discussion is organized around the Ten Significance Criteria described in 40 CFR 1508.27 and incorporated into resources and issues considered (includes supplemental authorities Appendix 1 H-1790-1) and supplemental Instruction Memorandum, Acts, regulations and Executive Orders.

The following have been considered in evaluating intensity for this proposal:

1. Impacts may be both beneficial and adverse: Beneficial, adverse, direct, indirect and cumulative environmental impacts have been disclosed in the EA. Mitigating measures and stipulations to reduce impacts to the various resources and land uses were incorporated in the design of the BLM Preferred Alternative. The analysis indicated no significant impacts on society as a whole, the affected region, the affected interests or the locality. The physical and biological effects typically would be limited to the leased Federal minerals managed by BLM and adjacent land.

2. The degree to which the selected alternative will affect public health or safety: The selected alternative does not authorize any lease exploration or development activities and is designed to minimize impacts to other resources as well as to public health and safety. An EA will be conducted for proposed exploration and development projects. The analysis will identify potential impacts to public health and safety as well as measures designed to minimize or eliminate impacts to public health and safety.

3. Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farm lands, wetlands, wilderness, wild and scenic rivers, or ecologically critical areas: All historic and cultural resources of the analysis area have been reviewed by BLM. These characteristics have been deemed to be not affected by the BLM Preferred Alternative with mitigating measures attached to each parcel. There are no impacts to park lands, prime farmlands, wilderness, wild and scenic rivers, or ecologically critical areas.

4. The degree to which the effects on the quality of the human environment are likely to be highly controversial: No anticipated effects have been identified that are controversial. While the BLM Preferred Alternative may be somewhat controversial to some members of the public, the BLM Preferred Alternative conforms with current land use plan guidance which allocated Federal mineral estate administered by the BLM as either available or administratively unavailable for oil and gas leasing. As a factor for determining (within the meaning of 40 CFR 1508.27(b) (4)) whether or not to prepare a detailed EIS, “controversy is not equated with “the existence of opposition to a use.” *Northwest Environmental Defense Center v. Bonneville Power Administration*, 117 F.3d 1520, 1536 (9th Cir. 1997).

5. The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks: The BLM Preferred Alternative of offering and issuing oil and gas leases is not unique or unusual. The State and private mineral owners also offer and issue oil and gas leases. The EA describes and discloses impacts from typical exploration and development activities that could occur on a Federal lease, as well as identifies stipulations and/or mitigation measures designed to minimize or eliminate impacts. Sufficient information on risk is available based on information in the EA and other past actions of a similar nature. There are no predicted effects on the human environment that are considered to be highly uncertain or involve unique or unknown risks.

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: This proposed action neither establishes a precedent nor represents a decision in principle about future actions. A Federal oil and gas lease does not authorize any exploration or development activities; however, the lease provides the lessee with the opportunity to explore for and develop oil and gas resources after receipt of necessary approvals. Any future proposed exploration and development on lease parcels would be subject to additional site-specific NEPA analysis and documentation. The actions considered in the selected alternative were considered within the context of past, present, and reasonably foreseeable future actions.

7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts – which include connected actions regardless of land ownership: The BLM Preferred Alternative by itself or in connection with other activities would not have significant impacts. Exploration and development projects will be analyzed to determine the significance of cumulative impacts.

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

The BLM Preferred Alternative will not adversely affect districts, sites, highways, structures, or other objects listed in or eligible for listing in the National Register of Historic Places. Based on previous and ongoing cultural surveys, and through mitigation by avoidance, no adverse impacts to cultural resources were identified or anticipated. There are no features within the analysis area listed or eligible for listing in the National Register of Historic Places that would be adversely affected by the BLM Preferred Alternative.

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 Endangered Species Act of 1973, or the degree to which the action may adversely affect: 1) a proposed to be listed endangered or threatened species or its habitat, or 2) a species on BLM's sensitive species list: Stipulations designed to minimize impacts to listed or proposed to be listed threatened or endangered species or their habitat have been included with the BLM Preferred Alternative. No adverse impacts to any threatened or endangered species or their habitat that was determined to be critical under the Endangered Species Act were identified.

10. Whether the action threatens a violation of a Federal, State, local, or tribal law, regulation or policy imposed for the protection of the environment, where on-Federal requirements are consistent with Federal requirements: The BLM Preferred Alternative does not violate any known Federal, State, local or tribal law or requirements imposed for the protection of the environment. State, local and tribal interests were given the opportunity to participate in the EA process. Furthermore, the project is consistent with applicable land management plans, policies and programs.

Recommended by:

Loren Wickstrom, Acting Field Manager

Date:

Concurrence by:

Diane M. Friez, District Manager

Date:

Approved by:

Don Judice, Deputy State Director,
Division of Energy, Minerals and Realty