

# OUTDOOR ALLIANCE

December 2, 2019

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Attn: Project Manager Tiera Arbogast  
Planning & Environmental Coordinator  
BLM Ely District Office  
702 North Industrial Way  
Ely, NV 89301  
Email: [tarbogast@blm.gov](mailto:tarbogast@blm.gov)

**Re: Outdoor Alliance Comments on Notice of Competitive Oil and Gas  
Internet Lease Sale, Nevada December 2019**

Dear Ms. Arbogast:

As representatives of the outdoor recreation community, Outdoor Alliance writes to offer comments on the Bureau of Land Management's (BLM) Notice for the Nevada December 2019 Competitive Oil and Gas Lease Sale. Through this lease sale, the BLM's Nevada Ely District Office considers 272 nominated parcels totaling approximately 468,815.58 acres. While we were pleased to see that parcels 3311, 4412, and 4413 were removed for consideration following our comments on the Preliminary Environmental Assessment (see appendix), we are still concerned about proposed leases that could impact recreation assets and experiences in the Ely District. In particular, **parcel ID NV-2019-12-4646** contains Rainbow Canyon,<sup>1</sup> an important rock climbing area found south of Caliente.

Protecting eastern Nevada's recreation assets from negative impacts due to oil and gas leasing is consistent with the BLM's multiple use mandate and will help accomplish the goals of Secretarial Order 3366 to "elevate the priority of outdoor recreation on public lands and waters managed by the Department of Interior." Outdoor Alliance urges the BLM to defer the leases identified in this letter that implicate important recreation assets.

<sup>1</sup> <https://www.mountainproject.com/area/105849658/rainbow-canyon>



# OUTDOOR ALLIANCE

Best Regards,



Adam Cramer  
Executive Director  
Outdoor Alliance

cc:

Jon Raby, Nevada BLM State Director  
Brian Amme, Nevada BLM Deputy State Director of Minerals  
Louis Geltman, Policy Director, Outdoor Alliance  
Chris Winter, Executive Director, Access Fund  
Beth Spilman, Interim Executive Director, American Canoe Association  
Mark Singleton, Executive Director, American Whitewater  
Dave Wiens, Executive Director, International Mountain Bicycling Association  
Todd Walton, Executive Director, Winter Wildlands Alliance  
Tom Vogl, Chief Executive Officer, The Mountaineers  
Phil Powers, Chief Executive Officer, American Alpine Club  
Sarah Bradham, Acting Executive Director, the Mazamas  
Keegan Young, Executive Director, Colorado Mountain Club  
Chad Nelson, CEO, Surfrider Foundation



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## APPENDIX



# OUTDOOR ALLIANCE

September 6, 2019

Tiera Arbogast  
Planning & Environmental Coordinator  
BLM Ely District Office  
702 North Industrial Way  
Ely, NV 89301

*Via email: tarbogast@blm.gov*

**Re: Outdoor Alliance Comments on Preliminary Environmental Assessment,  
Nevada December 2019 Competitive Oil and Gas Lease Sale (DOI-BLM-NV-  
L000-2019-0005-EA)**

Dear Ms. Arbogast:

As representatives of the outdoor recreation community, Outdoor Alliance writes to offer comments on the Bureau of Land Management's (BLM) Preliminary Environmental Assessment (EA) for the Nevada December 2019 Competitive Oil and Gas Lease Sale (DOI-BLM-NV-L000-2019-0005-EA). Through this EA and subsequent lease sale, the BLM's Nevada Ely District Office considers 451 nominated parcels totaling approximately 777,196.74 acres. This acreage comprises nearly eight percent of the land open to leasing in the Ely District, much that contains recreation resources.

Outdoor Alliance is concerned that these proposed leases and subsequent ground disturbing activities will impair recreation assets and experiences in the Ely District, in particular important rock climbing found south of Caliente in Rainbow Canyon and east of Ely at the Cleve Creek Crag. Significantly, this proposed lease sale also affects important mountain biking locations and other trail activities near Caliente, a town working hard to develop its recreation amenities and boost its outdoor recreation economy.<sup>1</sup> Indeed, the first annual Caliente Mountain Bike Fest<sup>2</sup> is scheduled for September 21-22, 2019 at new

<sup>1</sup> See *Cooperative Extension Focuses 2018 Efforts On Increasing Tourism*, found at <https://lccentral.com/2019/01/03/cooperative-extension-focuses-2018-efforts-on-increasing-tourism/>; also, *Mountain Biking and Other Outdoor Tourism: Economic Assessment, Impact, and Opportunities for Caliente and Lincoln County, Nevada*, University of Nevada, Reno, Center for Economic Development (2018).

<sup>2</sup> See <https://www.eventbrite.com/e/first-annual-caliente-mountain-bike-fest-tickets-65754177515>.





single track built at Barnes Canyon just east of Caliente, a location nominated for oil and gas leasing in this EA.

Protecting eastern Nevada's recreation assets from negative impacts due to oil and gas leasing is consistent with the BLM's multiple use mandate<sup>3</sup> and will help accomplish the goals of secretarial Order 3366<sup>4</sup> to "elevate the priority of outdoor recreation on public lands and waters managed by the Department of Interior."<sup>5</sup> Outdoor Alliance urges the BLM to defer the leases identified in this letter that implicate important recreation assets.

## **Outdoor Alliance**

Outdoor Alliance is a coalition of ten member-based organizations representing the human powered outdoor recreation community. The coalition includes Access Fund, American Canoe Association, American Whitewater, International Mountain Bicycling Association, Winter Wildlands Alliance, The Mountaineers, the American Alpine Club, the Mazamas, Colorado Mountain Club, and Surfrider Foundation and represents the interests of the millions of Americans who climb, paddle, mountain bike, backcountry ski and snowshoe, and enjoy coastal recreation on our nation's public lands, waters, and snowscapes.

Outdoor Alliance is concerned that in this EA the BLM fails to analyze potential impacts from these proposed lease sales on specific recreation areas. Because the direct, indirect, and cumulative effects that would result from implementation of this lease sale would be detrimental to recreation experiences and local communities that have invested in recreation assets, the BLM should analyze the effects of this competitive lease sale on the region's recreation economy and how it would inhibit future growth opportunities in the local business community and socioeconomics regionally. In this EA, the BLM fails to acknowledge the existence of specific recreation assets on parcels that should be deferred or at least receive protective lease stipulations and detailed lease notices. Outdoor Alliance urges the BLM to defer the leases noted herein, and provide a more appropriately detailed EA that considers how to best implement its multiple use mandate and protect recreation as a "primary" multiple use of our public lands.

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<sup>3</sup> See <https://www.blm.gov/or/regulations/files/FLPMA.pdf>.

<sup>4</sup> See [https://www.doi.gov/sites/doi.gov/files/uploads/signed\\_so\\_3366.pdf](https://www.doi.gov/sites/doi.gov/files/uploads/signed_so_3366.pdf).

<sup>5</sup> See <https://www.doi.gov/pressreleases/zinke-signs-secretarial-orders-increase-recreational-opportunities-public-lands-and>.

## **Nevada Recreation and Socioeconomics**

The state of Nevada contains world-class recreation resources, many located on BLM lands, which support 87,000 direct jobs and drive the state's \$12.6 billion outdoor recreation economy. Popular recreational activities within the scope of this proposed lease sale include rock climbing, mountain biking, hiking and backpacking, trail running, camping, hunting, horseback riding, scenic driving, and off road driving. The national \$887 billion outdoor industry brings jobs to communities across the country in many ways. Recreation visitors bring needed dollars to cities and towns that have recreation assets like rivers, trails, and other outdoor spaces where many outdoor activities take place. Outdoor recreation companies, as well as businesses beyond the traditional outdoor recreation economy, are choosing to locate in Nevada communities because their employees want to live in places with access to the great outdoors. We believe that the potential to expand the benefits from Nevada's outdoor recreation economy should be given strong consideration, especially in public land planning documents such as this EA.

Responsible oil and gas development also creates jobs and revenue in Nevada communities. However, many communities in Nevada and across the country that have previously depended primarily on resource extraction have begun to diversify their economies in ways dependent upon access to outdoor recreation opportunities. This lease sale presents significant potential harm to recreation resources, the outdoor recreation brand of local communities like Caliente, and the desirability of these communities as draws for more diversified economic activity. Given the importance of recreation on Nevada's public lands, it is critical that the BLM defer leases and/or implement appropriate protections, including measures designed to protect Nevada's recreation resources and scenic public lands.

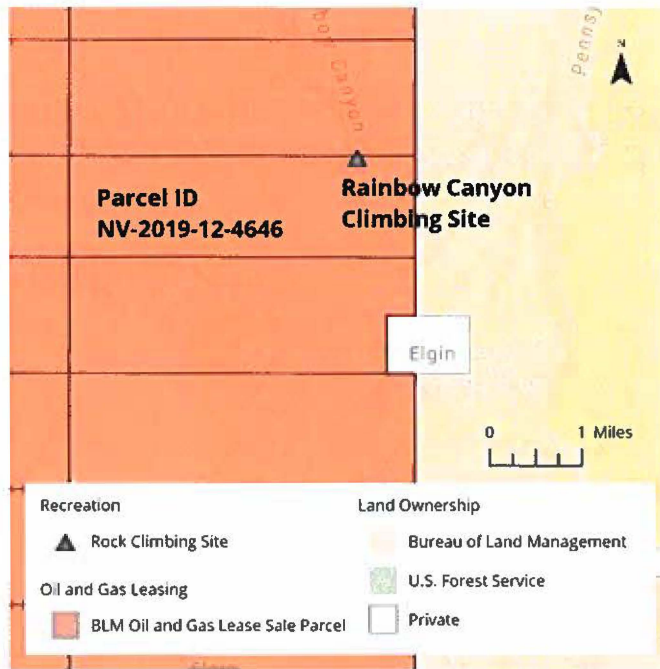
Specific recreation locations implicated by this EA include the following:

### **Rock Climbing**

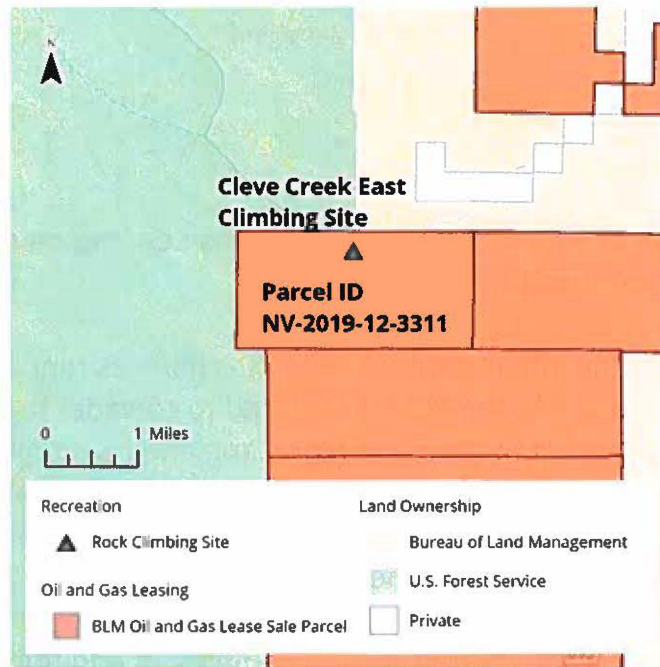
- Rainbow Canyon<sup>6</sup> (37.375, -114.55), Parcel ID: NV-2019-12-4646

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<sup>6</sup> See <https://www.mountainproject.com/area/105849658/rainbow-canyon>.



- Cleve Creek East<sup>7</sup> (39.213, -114.546), Parcel ID: NV-2019-12-3311

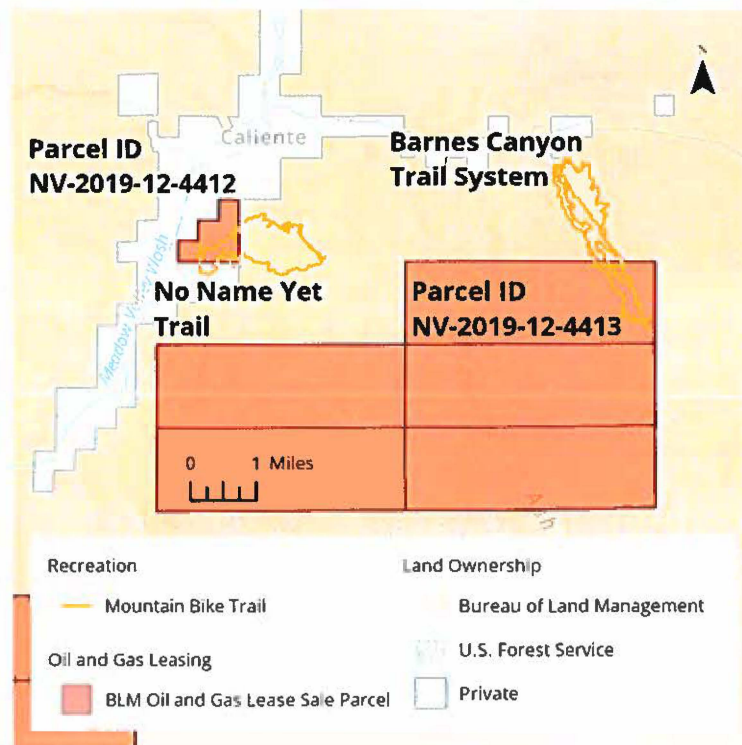


<sup>7</sup> See <https://www.mountainproject.com/area/117596003/cleve-creek-east>.



## Mountain Biking<sup>8</sup>

- Barnes Canyon Trail System<sup>9</sup> (37.603, -114.445), Parcel ID: NV-2019-12-4413
- No Name Yet Trail<sup>10</sup> (37.595, -114.525), Parcel ID: NV-2019-12-4412



### This EA Fails to Take Hard Look at Impacts from Oil and Gas Leasing on Outdoor Recreation and Related Socioeconomics

In order to take the “hard look” at the implications of federal actions as required by the National Environmental Policy Act (NEPA), the BLM is required to consider the incremental effects of these lease sales “when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.” 40 C.F.R. § 1508.7. This EA acknowledges foreseeable impacts but fails to consider how these lease sales might cumulatively affect recreation assets and related socioeconomics. In addition, this EA also

<sup>8</sup> These trails also popular with hikers and trail runners.

<sup>9</sup> See <https://www.mtbproject.com/directory/8022976/barnes-canyon>.

<sup>10</sup> See <https://www.trailforks.com/trails/no-name-yet-181820/>.



therefore fails to propose any mitigating measures to address such negative impacts as required by NEPA.

In this EA, the BLM limits its analysis to whether or not to recommend leasing for all or part of the nominated parcels and which notices and stipulations should be attached to the parcels at the leasing stage “in order to help protect resources while allowing for exploration and development of mineral resources.” Nevada’s BLM Deputy State Director of Minerals will make the final decision and sign the Decision Record (DR).

The BLM, however, delays any meaningful analysis of the impacts of these leases—including any impairment of recreation resources—until the subsequent Application for Permit to Drill (APD) phase after the leases are sold. This analysis would happen when “detailed site-specific analysis of individual pads, wells, ancillary facilities, or roads would occur” because, as asserted in the EA, “the lease of parcels and issuance of oil and gas permits is strictly an administrative action and thus does not constitute a ground-disturbing activity” resulting in resource impacts. The EA also states that recreation is present but not affected and is therefore dismissed from analysis because “[a]nalysis at the leasing stage is based off the RFDS [Reasonably Foreseeable Development Scenario] due to uncertainty regarding future development that would occur. Recreation is not an issue and therefore is not analyzed in detail. Any potential impacts from subsequent exploration and development activities would be analyzed in additional, site-specific analysis.”<sup>11</sup>

We believe that the law requires BLM to either defer the leases considered in this EA that contain recreation assets or provide a meaningful environmental analysis of potential impacts from the proposed leases on recreation experiences and related socioeconomics. Pursuant to NEPA and federal case law, environmental analysis is required at the lease sale phase when: (1) whether there’s an “irretrievable commitment of resources,” and (2) whether impacts are reasonably foreseeable.<sup>12</sup> According to federal courts, issuing a lease without a No Surface Occupancy (NSO) stipulation is an “irretrievable commitment of resources,” because at that point BLM no longer has the authority to stop surface-disturbing activities. None of the proposed leases in this EA containing recreation resources benefit from an NSO designation;<sup>13</sup> therefore, issuing those leases constitutes an irretrievable commitment of resources. Secondly, the Ely District’s own Reasonably

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<sup>11</sup> EA at 13.

<sup>12</sup> See *N.M. ex rel. Richardson v. BLM*, 565 F.3d 683, 716 (10th Cir. 2009) (Federal agencies violated NEPA by issuing non-NSO leases without preparing an EIS. Accordingly, the agencies are enjoined from selling any more leases until they comply with NEPA).

<sup>13</sup> See the Ely District Resource Management Plan (2008), at Map 20: “Fluid Mineral Leasable Minerals.”

Foreseeable Future Development scenario (RFFD) for oil and gas in the Ely Field Office<sup>14</sup> identifies foreseeable impacts for these leases. While the EA states that actual locations of potential exploration wells and field development are unknown, the impacts associated with these activities are “likely to occur anywhere within the planning area that is of high, moderate, or even low potential for oil and gas resources.” The RMP assumes a total of 448 wells would be drilled, including small and large field developments and associated abandoned well pads, resulting in total short-term disturbance of approximately 8,400 acres and a long-term disturbance of approximately 1,400 acres. The RFFD scenario for this EA also identifies the potential for 30 miles per year of geophysical surveys, exploration disturbances that involve 1,000 miles of roads, and even a refinery—all which stand to negatively impact recreation experiences at the locations identified.<sup>15</sup>

Accordingly, because the stipulations and lease notices as governed by the 2008 Ely District Office Resource Management Plan (RMP) do not apply NSO protections for the parcels identified in this EA thus irretrievably committing public resources, and because the BLM’s own RFFD describes significant ground-disturbing activities that could negatively impact recreation experiences,<sup>16</sup> the BLM should either defer the leases in this EA that contain recreation assets, or reissue this EA with a more detailed environmental analysis of impacts from oil and gas leasing on recreation assets and socioeconomics regionally.

### **Recommended Leasing Mitigation to Protect Recreation Assets**

While we understand that the Ely District’s “Best Management Practices for Oil & Gas” with regard to the protection of recreation includes some positive provisions such as not allowing ground disturbing activities within 100 yards of cave entrances, drainage areas,

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<sup>14</sup> The EA incorporates by reference the December 2018 Competitive Oil and Gas Lease Sale Final Environmental Assessment, Section 2.4, which contains a description of the RFDS and the assumptions made for the development of the Ely District RMP RFDS (DOI-BLM-NV-L000-2018-0002-EA, December 2018).

<sup>15</sup> *Id.*

<sup>16</sup> While the EA files to analyze impacts on recreation assets, some of the impacts described in the EA have significant impacts on the ability of the public to recreate on the parcels considered in this EA. For example, the EA acknowledges foreseeable environmental impacts on resources—such as air quality—from lease development including, for example, potential increases in fugitive dust and potentially inhalable particulate matter in the project area and immediate vicinity. “Particulate matter may become airborne when drill rigs and other vehicles travel on dirt roads to drilling locations. Air quality may also be affected by exhaust emissions from engines used for drilling, transportation, gas processing, compression for transport in pipelines, and other uses. These sources would contribute to potential short and long-term increases in the criteria pollutants and HAPs. Other pollutants such as carbon dioxide, methane, and nitrous oxide could also be emitted.” See EA at 16.



subsurface passages, and developed recreation sites, we believe BLM policy and federal law requires more robust protections.<sup>17</sup>

The BLM's multiple-use mandate prohibits the management of public lands primarily for energy development or in a manner that unduly or unnecessarily degrades other "co-equal" uses. "Outdoor recreation, fish and wildlife, grazing, and rights-of-way must receive the same consideration as energy development." 43 U.S.C. § 1732(a), 43 U.S.C. § 1702(l). Therefore, we urge the BLM to either defer the leases in this EA that implicate recreation assets, or implement the following standards in order to uphold the agency's multiple use mandate and treat recreation as a co-equal use of public lands:

- NSO stipulation for a 1-mile radius from developed recreation site boundaries.
- NSO stipulation within 0.5 miles of the centerline of high use routes (motorized) and trails (non-motorized).
- NSO stipulation for a 0.5-mile radius around high use recreation areas.
- NSO stipulation to all VRM Class II areas in Special Recreation Management Areas and a Baseline CSU stipulation throughout the remainder of SRMAs.
- NSO stipulation for Recreation Focus Areas

It is our belief that the breadth of recreation opportunities is not necessarily best managed only through managing SRMA and Focus Area polygons and associated development stipulations; rather, the BLM should develop a more comprehensive analysis of recreation use patterns and how these leases might affect those experiences and related socioeconomics.

\* \* \*

Recreation is an important economic driver to the state of Nevada, with long-term growth potential. We urge you to analyze potential impacts from this lease sale on recreational experiences and the local tourism and broader economy of the communities and residents of Nevada.

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<sup>17</sup> For more information about how to avoid conflicts with recreation assets while leasing for oil and gas projects, see Best Practices for Balancing Recreation and Energy Development on Our Public Lands found at [https://publiclandsolutions.org/wp-content/uploads/2017/04/OA\\_Balancing-Rec-and-Energy-Report-web.pdf](https://publiclandsolutions.org/wp-content/uploads/2017/04/OA_Balancing-Rec-and-Energy-Report-web.pdf).

Best regards,



Louis Geltman  
Policy Director  
Outdoor Alliance

cc: Jon Raby, Nevada BLM State Director  
Brian Amme, Nevada BLM Deputy State Director of Minerals

Adam Cramer, Executive Director, Outdoor Alliance  
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