

Worksheet
Determination of NEPA Adequacy (DNA)
U.S. Department of the Interior
Bureau of Land Management (BLM)

OFFICE: Mount Lewis Field Office

TRACKING NUMBER: DOI-BLM-NV-B010-2013-0025-DNA

CASEFILE/PROJECT NUMBER: To Be Determined

PROPOSED ACTION TITLE/TYPE: June 11, 2013 Quarterly Oil and Gas Lease Sale

LOCATION/LEGAL DESCRIPTION: See Attachment A

APPLICANT (if any): To Be Determined

Description of the Proposed Action and any applicable mitigation measures

A competitive oil and gas lease sale of certain public land within portions of the Shoshone-Eureka Planning Area by the U.S. Department of the Interior, Bureau of Land Management, Nevada State office, pursuant to 43 CFR 3120.1-2. An oil and gas lease conveys the right to explore and develop oil and gas resources on BLM lands for a ten year period. However, oil and gas exploration and development activities require a separate, site-specific environmental analysis. Mitigation measures from the Environmental Assessment NV063-EA06-092, Oil and Gas Leasing Within the Eastern Portion of the Shoshone-Eureka Planning Area Battle Mountain District, will be carried forward to these parcels as applicable.

A. Land Use Plan (LUP) Conformance

LUP Name*Shoshone-Eureka Resource Management Plan (RMP) and Record of Decision.

Date Approved February 26, 1986

**List applicable LUPs (for example, resource management plans; activity, project, management, or program plans; or applicable amendments thereto)*

The proposed action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decisions:

Page 29 of the RMP Record of Decision (ROD), under the heading “Minerals” subtitled “Objectives” number 1: “Make available and encourage development of mineral resources to meet national, regional, and local needs consistent with national objectives for an adequate supply of minerals.”

Under “Management Decision,” “Leasable Minerals – Oil and Gas,” Page 29, number 4: “All areas designated by the BLM as prospectively valuable for oil and gas will be open to leasing

except as modified by other resources.”

Under “Management Decisions”, number 5, “Current Mineral Production Areas”: “Recognize these areas as having a highest and best use for mineral production and encourage mining with minimum environmental disturbance...”

B. Identify applicable National Environmental Policy Act (NEPA) documents and other related documents that cover the proposed action.

List by name and date all applicable NEPA documents that cover the proposed action.

Environmental Assessment NV063-EA06-092 and Finding of No Significant Impact Statement, Oil and Gas Leasing Within the Eastern Portion of the Shoshone-Eureka Planning Area Battle Mountain District (approved November 22, 2006)

Final Regional Environmental Analysis for Oil and Gas Leasing in Battle Mountain District, (approved June 23, 1976)

List by name and date other documentation relevant to the proposed action (e.g., biological assessment, biological opinion, watershed assessment, allotment evaluation, and monitoring report).

IM 2005-003 Cultural Resources and Tribal Consultation for Fluid Minerals Leasing

Section 106 of the National Historic Preservation Act and as articulated in the Nevada State Protocol Agreement

American Indian Religious Freedom Act (P.L. 95-341)

Executive Order 13007

Federal Land Policy and Management Act (P.L. 94-579)

Native American Graves Protection and Repatriation Act (NAGPRA: 43CFR 10)

Archaeological Resources Protection Act (ARPA: 43 CFR 7.4, 7.14, 7.15, 7.16)

Migratory Bird Treaty Act of 1918 (as amended)

IM 2012-043 Greater Sage-Grouse Interim Management Policies and Procedures.

Bald and Golden Eagle Protection Act (1940; as amended)

C. NEPA Adequacy Criteria

- 1. Is the new proposed action a feature of, or essentially similar to, an alternative analyzed in the existing NEPA document(s)? Is the project within the same analysis area, or if the project location is different, are the geographic and resource conditions sufficiently similar to those analyzed in the existing NEPA document(s)? If there are differences, can you explain why they are not substantial?**

Documentation of answer and explanation:

Yes. The new proposed action is similar to the proposed action analyzed in the existing EA (NV063-EA06-092), which is oil and gas leasing within the Shoshone-Eureka Planning Area. The proposed oil and gas lease parcels are included in the acreage previously analyzed and designated as open for fluid minerals leasing (subject to restrictions in some areas) in the Shoshone-Eureka Resource Management Plan and Final Environmental Impact Statement; the Environmental Assessment NV063-EA06-092, Oil and Gas Leasing within the Eastern Portion of the Shoshone-Eureka Planning Area Battle Mountain District and the Final Regional Environmental Analysis for Oil and Gas examined for conformance with the Land Use Plan and analyzed for NEPA adequacy at the time the proposals are submitted. Any proposal for the exploration and/or development must be analyzed as required by the NEPA prior to the commencement of the proposed action.

- 2. Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the new proposed action, given current environmental concerns, interests, and resource values?**

Documentation of answer and explanation:

Yes. Current environmental concerns, interests, and resource values have changed little since the Environmental Assessment NV063-EA-092, Oil and Gas Leasing within the Eastern Portion of the Shoshone-Eureka Planning Area Battle Mountain District was signed on November 22, 2006. The range of alternatives in the existing NEPA document are still appropriate since the environmental constraints of fluid minerals leasing, the acres available for leasing and the areas closed to mineral leasing have not changed since the EA was finalized. In addition, all construction, operation, and maintenance activities associated with oil and gas development must comply with all applicable federal, state, and local laws and regulations including those that provide for stringent environmental protection of conflicting resources.

- 3. Is the existing analysis valid in light of any new information or circumstances (such as, rangeland health standard assessment, recent endangered species listings, updated lists of BLM-sensitive species)? Can you reasonably conclude that new information and new circumstances would not substantially change the analysis of the new proposed action?**

Documentation of answer and explanation:

Yes. No new information or new circumstances have developed since the EA was signed in

2006. With the implementation of the mitigation measures and stipulations outlined in the EA (NV063-EA06-092) and Attachment "B" of this DNA, the anticipated impacts to the resources described in the EA (NV063-EA06-092) are not anticipated to be significant. The proposed action (lease issuance) will not have any adverse effect on the human health or environment. There is no new information or circumstances that would substantially change the analysis of the new proposed action.

4. Are the direct, indirect, and cumulative effects that would result from implementation of the new proposed action similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA document?

Documentation of answer and explanation:

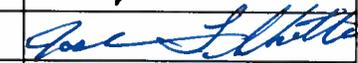
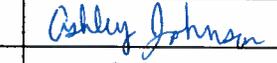
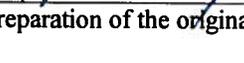
Yes. Lease sales and the subsequent rights conferred upon the leaseholder do not create surface impacts to public lands. The only direct impact of a lease is the establishment of a valid existing right. The impacts of the current proposed action are substantially unchanged from those analyzed in the existing NEPA documents. The EA adequately analyzed all direct, indirect, and cumulative impacts of the new proposed action (oil and gas leasing) including analysis of a reasonably foreseeable development (RFD) scenario for oil and gas leasing, exploration, and development. With the information currently available, BLM has developed stipulations, mitigation measures, Best Management Practices (BMP's), and Conditions of Approval (COA's) adequate to protect other resources. These measures can be found in attachment B of this document and would be applied to any decisions on oil and gas exploration and/or development on these parcels.

5. Are the public involvement and interagency review associated with existing NEPA document(s) adequate for the current proposed action?

Documentation of answer and explanation:

Yes. The lands proposed in the EA are within the lease application areas identified in the Shoshone-Eureka RMP and EIS as available for the fluid mineral leasing. According to the FONSI, a consultation, initiation, notification letter for the Proposed Action in the EA (NV063-EA06-092) was sent to the known recognized tribes with interests in the Shoshone-Eureka Planning Area on March 27, 2006. On August 26, 2006 a meeting between the BLM, Yomba, Duckwater, and Battle Mountain Bands was held and it was determined that implementation of the Proposed Action would not be highly controversial. Copies of the EA were sent to the public on October 10, 2006 and a scoping meeting was held on October 25, 2006. There were 3 comments during the public comment period, and no interested parties attended the scoping meeting. Chapter 5 of the EA (NV063-EA06-092) lists the persons, groups, and agencies which were consulted in preparing the EA. Consultation with other agencies is not required for lease sales involving BLM-administered land. Interagency review by the U.S. Fish and Wildlife Service is required prior to approval of an Application for Permit to Drill or other subsequent lease operations and will be requested at the time any proposals are submitted. Prior to lease issuance, the offer to lease any parcel will be posted for public review in the Nevada State Office and letters will be sent to interested Native American Tribes. This document will be posted on the agency website for a thirty day public comment period before a decision to lease is made by the agency.

D. Persons/Agencies/BLM Staff Consulted

Resource	Name	Signature
Cultural Resources	John Kinsner	
Native American Coordination	Tim Coward	 (R.T.C.)
Lands and Realty	Jon Kramer	
Forestry/Fire Management	Chad Lewis	
Range, Vegetation, Soils	Ashley Johnson	
Noxious, Invasive, Non-Native Weeds	Kent Bloomer	
Hydrology, Wetlands, Riparian	Alden Shallcross	
Wildlife	Ethan Ellsworth	
Wild Horse and Burros	Shawna Richardson	
Wilderness Characteristics, Visual Resources	Ethan Arky	

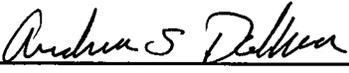
Note: Refer to the EIS for a complete list of the team members participating in the preparation of the original environmental analysis or planning documents.

Conclusion (If you found that one or more of these criteria is not met, you will not be able to check this box.)

Based on the review documented above, I conclude that this proposal conforms to the applicable land use plan and that the NEPA documentation fully covers the proposed action and constitutes BLM's compliance with the requirements of the NEPA.

 1/7/2013

 Signature of Project Lead

 1/8/2013

 Signature of NEPA Coordinator

 Signature of Responsible Official: _____ Date

Note: The signed Conclusion on this Worksheet is part of an interim step in the BLM's internal decision process and does not constitute an appealable decision. However, the lease, permit, or other authorization based on this DNA is subject to protest or appeal under 43 CFR Part 4 and the program-specific regulations.

Attachment A
Oil and Gas Parcels June 11, 2013

Attachment A
Oil and Gas Lease Sale
June 11, 2013
Parcel List

Attachment A
Oil and Gas Parcels June 11, 2013

NV-13-06-001 1354.400 Acres
T.0260N, R.0520E, 21 MDM, NV
Sec. 029 LOTS 1-4;
029 W2E2, W2;
030 LOTS 1-8;
030 E2, E2W2.

Eureka County
Battle Mountain DO
INCLUDES LAND WITHIN SAGE-GROUSE PGH
FORMERLY LEASE (NO)S. NVN075087.

NV-13-06-002 1355.070 Acres
T.0260N, R.0520E, 21 MDM, NV
Sec. 031 LOTS 1-8;
031 E2, E2W2;
032 LOTS 1-4;
032 W2E2, W2.

Eureka County
Battle Mountain DO
INCLUDES LAND WITHIN SAGE-GROUSE PGH
FORMERLY LEASE (NO)S. NVN075088.

Attachment B
Oil and Gas Stipulations June 11, 2013

Attachment B
Oil and Gas Lease Sale
June 11, 2013
Stipulations

General Occupancy

Surface occupancy may be restricted for specific periods by the BLM's authorized officer for reasons that include, but are not limited to (a) extended periods of high soil moisture or runoff when unusual road damage or land surface rutting can occur, and (b) disturbance activity that could have a significant effect on sage-grouse breeding or brood-rearing, raptor nesting, or crucial deer or pronghorn antelope wintering areas.

Warming and cooling trends during winter, spring runoff events and other large precipitation events can contribute to extended periods of high soil moisture or runoff that can cause road damage or land surface rutting. These issues can be compounded in areas where slopes are greater than 30%.

Special Status Species

The lease area may contain BLM special status species (SSS) plants, animals or their habitat. SSS include 1) federally listed species under the Endangered Species Act (ESA; i.e., threatened, endangered or candidate) and 2) species whose populations in Nevada or the BMD are determined to be at risk (contact BMD for a complete list of SSS). BLM has species-specific recommendations to avoid or modify activities that are likely to disturb SSS or severely degrade critical habitat. BLM will not approve any ground-disturbing activity that may negatively affect federally listed species or critical habitat, until it completes its obligations under applicable requirements of the ESA as amended, 16 U.S.C. § 1531 *et seq.*, including completion of any required procedure for conference or consultation.

Pygmy rabbits (*Brachylagus idahoensis*)

Pygmy rabbits are a BLM SSS that are typically restricted to stands of tall, dense sagebrush where they dig they burrows in deep, friable soils. The BLM recommends that pygmy rabbit surveys be conducted prior to surface disturbing activities (see the Draft BMDO Wildlife Survey Protocol for methods and habitat requirements). Generally, surveys entail searching for pygmy rabbit burrows and their sign throughout in potential habitat within the proposed disturbance area and a 40 meter buffer. It is advised that the proponent have a qualified biologist conduct these surveys. If recent pygmy rabbit sign is located, the BLM recommends that surface disturbance should be avoided within 40 meters of burrows.

Migratory Birds

Songbirds and other small birds - It is recommended that any land clearing or other surface disturbance associated with proposed actions within the project area be timed to avoid potential disturbance of breeding birds or their nests and young (see BMDO Wildlife Survey Protocol for a priority migratory birds list). Disturbance of breeding birds or destruction of nests with eggs or young is a violation of the Migratory Bird Treaty Act (MBTA). The BLM recommends that land clearing be conducted outside the avian breeding season. For most birds, the breeding season is considered to be from April 1 – July 31 (but see guidelines for Raptors and Eagles below). If land clearing is not feasible outside of the breeding season, the BLM recommends that a qualified biologist survey the area prior to land clearing. These surveys are only good for 14

Attachment B
Oil and Gas Stipulations June 11, 2013

days. If activity is not completed before that window is finished then another survey may be needed. If nests are located, or if other evidence of nesting (*i.e.*, mated pairs, territorial defense, carrying nesting material, transporting of food) is observed, a protective buffer (the size depending on the habitat requirements of the species; see BMDO Wildlife Survey Protocol) should be delineated and the entire area avoided until young fledge or the nest is no longer occupied.

General Raptors - Raptor stipulations are similar to the stipulations for songbirds, with the exception that 1) the nesting season is extended (March 1- July 31), and 2) the survey area is larger (surveys will be conducted in the project area in addition to a 1 mile buffer surrounding the proposed surface disturbance). This survey buffer may be reduced or altered based on topography and the presence of other physical barriers.

Golden Eagles – Golden Eagles are protected under the MBTA and Golden and Bald Eagle Protection Act (GBEPA). The USFWS has guidance for proposed projects that have the potential to impact eagles or their habitat. Generally, the steps in these guidelines include 1) surveying for nests within a 4-10 mile radius of the project, 2) developing an eagle conservation plan (ECP) in cases where eagles and/or their nests are likely to be impacted, 3) determining if the project has the potential to disturb breeding behavior, and 4) determining if the proponents need to apply for a permit to authorize unintentional take. No known golden eagle nests occur within 4 miles of the 2013 oil and gas parcels. In addition, very few structures suitable for golden eagle nests (e.g., prominent cliffs) are located within 4 miles of the parcels. Therefore, surveys for golden eagle nests will be designed along with BMD biologists to target the most probable locations within 4 miles of the parcels. Otherwise, golden eagle surveys will not differ from general raptor survey requirements (see above).

Greater sage-grouse (*Centrocercus urophasianus*)

Sage-grouse populations have declined over the past century partly due to habitat degradation, and they are currently a candidate for federal listing under the ESA. Maintaining and restoring critical sage-grouse habitat is the BLM's primary means of conserving sage-grouse populations and one of its most important current programs. As such, the BMD has stipulations to prevent or mitigate sage-grouse habitat loss, and avoid activities that could disturb grouse during critical seasonal periods.

The lease area does not contain any active or historic sage-grouse leks, and the closest lek is > 4 miles from lease perimeter. The area does not contain any sage-grouse Preliminary Priority Habitat (PPH). However, a significant portion of the lease area is located within Preliminary General Habitat (PGH). PGH is defined as areas of occupied seasonal or year-round habitat outside of priority habitat.

The following are stipulations specific to the 2013 oil and gas lease that apply to any activities that occur in PGH.

- 1) Mitigation is required in PGH at a rate of 2 acres per every 1 acre that is destroyed.
- 2) Avoid cross-country travel from April 1 – July 15
- 3) Vehicle speeds should not exceed 25 MPH on unpaved roads
- 4) Minimize disturbance to vegetation
- 5) Do not allow dogs to run loose on project sites.

Attachment B
Oil and Gas Stipulations June 11, 2013

Cultural Resources

Any proposed activities to be conducted under a lease should be evaluated on a case by case basis for compliance with Section 106 of the National Historic Preservation Act. Prior to any project implementation or ground disturbing activities, including exploration plans, adequate inventory, evaluation and mitigation (if necessary) of cultural resources must occur pursuant to Section 106 of the National Historic Preservation Act and as articulated in the Nevada State Protocol Agreement.

Furthermore, the Native American Graves Protection and Repatriation Act (NAGPRA: 43 CFR 10), protects items of cultural patrimony, Native American funerary items, Native American remains and sacred objects. In addition, the Archaeological Resources Protection Act (ARPA: 43 CFR 7.4, 7.14, 7.15, 7.16) provides for civil and/or criminal penalties for the disturbance of archaeological resources on federal lands. If cultural resources, Native American skeletal remains, funerary items, sacred items, or objects of cultural patrimony, are discovered during any phase of project implementation, all operations must cease in the vicinity of the discovery and adequate protection must be provided to the discovery. The BLM must be notified immediately, by telephone, with written confirmation to follow (43 CFR 10.4 (c), (d), (g); Nevada State Protocol Agreement VIII (b) . Notification should be made to Doug Furtado, District Manager, Battle Mountain District Office, 50 Bastian Road, Battle Mountain, NV, 89820, (775-635-4000). No activity in the vicinity of the discovery should resume until the operator has been issued a Notice to Proceed by the Authorized Officer.

Native American Consultation

In accordance with the National Historic Preservation Act (P.L. 89-665), the National Environmental Policy Act (P.L. 91-190), the Federal Land Policy and Management Act (P.L. 94-579), the American Indian Religious Freedom Act (P.L. 95-341), the Native American Graves Protection and Repatriation Act (p.L. 101-601) and Executive Order 13007, the BLM must also provide affected tribes an opportunity to comment and consult on the proposed project. BLM must attempt to limit, reduce, or possibly eliminate any negative impacts to Native American traditional/cultural/spiritual sites, activities, and resources.

BLM reserves the right to deny or alter proposed activities associated with any surface occupancy that results from Oil, Gas, and Geothermal leasing. Maintaining physical and spiritual integrity of certain locations within the Mount Lewis Field Office administrative boundary is detrimental to present and future cultural/spiritual/traditional activities. In accordance with Federal legislation and executive orders, Federal agencies must consider the impacts their actions may have to Native American traditions and religious practices. Consequently, the BLM must take steps to identify locations having traditional/cultural or religious values to Native Americans and insure that its actions do not unduly or unnecessarily burden the pursuit of traditional religion or traditional lifeways.

(Both parcels included in Attachment A are recommended to include this stipulation.)