



United States Department of the Interior



BUREAU OF LAND MANAGEMENT
Nevada State Office
1340 Financial Boulevard
Reno, NV 89502-7147
<http://www.blm.gov/nv>

In Reply Refer To:
3100

DECISION RECORD

Bureau of Land Management	:	
Nevada State Office	:	Decision Record
1340 Financial Blvd.	:	DOI-BLM-NV-L000-2014-0002-EA
Reno, NV 89502	:	

I have reviewed the Final Environmental Assessment for the December 2014 Competitive Oil and Gas Lease Sale, Ely District Office, Nevada (DOI-BLM-NV-L000-2014-0002-EA), and have issued a Finding of No Significant Impact (FONSI). It is my decision to approve leasing 98 (in whole or in part) of the 193 parcels identified in the Proposed Action, as described in the Environmental Assessment (EA). The purchaser or lessee of oil and gas lease parcels shall adhere to the following:

Leasing Commitments

- Once the parcels are sold, the lessee has the right to use as much of the leased lands as is reasonably necessary to explore and drill for oil and gas within the lease boundaries, subject to the stipulations attached to the lease and must obtain BLM approval prior to conducting any new ground disturbances.
- Oil and gas leases are issued for a 10-year period and continue for as long thereafter as oil or gas is produced in paying quantities. If a lessee fails to produce oil or 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 reverts back to the federal government and the lease can be resold.
- Prior to any surface disturbing activities, additional NEPA analysis is required.
- Drilling of wells on a lease is not permitted until the lease owner or operator secures approval of a drilling permit and a surface use plan specified under Onshore Oil and Gas Orders.
- All development activities proposed under the authority of these leases are subject to compliance with Section 106 of the National Historic Preservation Act and Executive Order 13007.
- All development activities proposed under the authority of these leases are subject to compliance with Section 7 of the Endangered Species Act.

Resource Conservation Measures

- Direct avoidance of any eligible cultural resources

- Implementation of BLM's Best Management Practices
- Adherence to attached parcel stipulations
- Additional site-specific NEPA analysis prior to any ground disturbing activities
- Conservation of Greater Sage-Grouse habitat

AUTHORITIES

- 1) The Proposed Action is in conformance with the Ely District Record of Decision and Approved Resource Management Plan. Section 1.6 of the final EA documents the conformance with BLM Land Use Plan.
- 2) The Proposed Action is also consistent with all relevant federal, state, and local statutes, regulations, and plans as described in section 1.7 of the final EA.

RATIONALE FOR DECISION

The EA analyzed two alternatives: the Proposed Action, and the No Action Alternative. External scoping included a general press release, an email to the Nevada State Clearinghouse, a notice mailed to agencies, interested publics, Native American Tribes, and grazing permittees. The announcement soliciting input was also placed on the BLM NEPA Register website from May 6–27, 2014. Except for mailing, this outreach was repeated when the preliminary EA was placed on the BLM NEPA Register website for 30 days to receive public comments until July 11, 2014. In addition to receiving numerous comments during scoping, the BLM received approximately 144 external comments from individuals and government agencies on the proposed action during the 30-day comment period. Most comments expressed concerns about potential indirect effects from hydraulic fracturing, air quality, water consumption, and groundwater contamination. The final EA was revised to further clarify the Reasonably Foreseeable Development scenario and Chapter 3 resource assessments, add a livestock grazing section with impact analysis, further address substantive comments from the Ely Shoshone Tribe, and recommend 5 parcel groups for deferral (see Appendix I of the final EA). The final EA is available on the BLM website at http://www.blm.gov/nv/st/en/prog/minerals/leasable_minerals/oilgas/oilandgas_leasing.html.

The Proposed Action was selected over the other alternative because it meets the purpose and need for action and results in the least amount of environmental impact.

APPEALS

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and Form 1842-1 (enclosed). If an appeal is taken, a notice of appeal and/or request for stay must be filed in writing, on paper, in this office, either by mail or personal delivery. Notices of appeal and/or request for stay that are electronically transmitted (e.g., email, facsimile, or social media) will not be accepted as timely filed. The notice of appeal is considered filed as of the date our office receives the hard copy and places our BLM date stamp on the document.

If you wish to file a petition pursuant to regulation 43 CFR 4.21 (58 FR 4939, January 19, 1993) (request) for a stay (suspension) of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied,
- (2) The likelihood of the appellant's success on the merits,
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.



Michael J Herder
Acting Deputy State Director of Minerals
Nevada State Office

17 December 2014

Date

Enclosure:
Form 1842-1