

**THE WILDERNESS SOCIETY
COALITION TO PROTECT AMERICA'S NATIONAL PARKS * FRIENDS OF THE
EARTH * NATIONAL PARKS CONSERVATION ASSOCIATION * ROCKY
MOUNTAIN WILD**

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SUBMITTED VIA E-PLANNING

Melanie Barnes
State Director
Bureau of Land Management, New Mexico
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Project Contact:

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**Re: Comments on the New Mexico Bureau of Land Management 2025 First Quarter
Competitive Oil & Gas Lease Sale Draft Environmental Assessment and Draft
Finding of No Significant Impact (DOI-BLM-NM-P020-2024-0740-EA)**

Dear State Director Barnes:

Thank you for the opportunity to submit these comments on the Draft Environmental Assessment (Draft EA) and Draft Finding of No Significant Impact (Draft FONSI) analyzing the seven nominated lease parcels involving 1,317.29 acres under consideration for the Bureau of Land Management's (BLM) New Mexico 2025 First Quarter Oil and Gas Lease Sale. Our organizations and members are deeply invested in sound stewardship of public lands and committed to ensuring that public land management prioritizes the health and resilience of ecosystems, equitably benefits the public, addresses environmental justice, protects biodiversity, and mitigates the impacts of climate change.

We are grateful for both the recently released final Fluid Mineral Leases and Leasing Process Rule (Leasing Rule) and the earlier release of several Instruction Memoranda (IMs) implementing program reforms and provisions in the Inflation Reduction Act (IRA).¹ We appreciate the BLM's attention to properly applying the Leasing Rule's provisions and the IMs for this lease sale.

- I. The BLM should exercise its authority to defer parcels in this lease sale that do not comport with the guidance provided in IM 2023-007.**

¹ See Inflation Reduction Act of 2022, H.R. 5376, 117th Cong. §§ 50262–63 (2022).

We appreciate the BLM screening the parcels in the Draft EA’s Table C.1 in accordance with IM 2023-007’s preference criteria.²

For the reasons discussed below, we recommend deferring all seven lease parcels. In the alternative, we urge considering deferral of a subset of the lowest preference parcels.

The final Leasing Rule states that the agency will continue to apply the preference criteria consistent with IM 2023-007.³ The IM states that the BLM “*will* defer lease parcels with a low preference value.”⁴ An exception to such deferral occurs “[i]f there are no high preference parcels available for the sale,” in which case “the office will select one or more low preference parcels *that present the least conflicts* based on the criteria.”⁵ So long as there is one high leasing preference parcel available for the sale, the BLM should defer all parcels with any low leasing preference designation.

If, based on its assessment, the BLM believes it needs to offer some parcels for lease to comply with the Inflation Reduction Act’s requirements for offering acreage to in order to issue wind or solar right-of-way permits, we urge the agency, pursuant to the IM, to at least defer lease parcel 0468 that received a “low” preference designation across *all* criteria, including low development potential. There is no need or justification for allowing this parcel to be leased.

a. The BLM should defer all parcels in areas with high or medium karst potential.

The following parcels in areas with karst potential should be deferred under 43 C.F.R. § 3120.32(d), “presence of . . . important . . . resources,” and 43 C.F.R. § 3120.32(b), “presence of important fish and wildlife habitats or connectivity areas,” and deferred from leasing: 0468, 0470, 6845, 0465, 0466, and 6846. The Draft EA properly designates these parcels as having a “low” preference for leasing under “Recreation/Other Resources.” Nonetheless, it proposes to move these parcels forward for leasing because “protections” offered through lease stipulations and conditions of approval.⁶ But SENM-LN-1 is equivocal, noting only that “special protective measures *may* be developed” and that this would occur during “environmental analyses.”⁷ Other than SENM-S-21-CSU, which prohibits surface disturbance within 200 meters of known cave entrances,⁸ the Draft EA does not appear to develop any further protections.

These parcels are located within an area in known soluble rock types with high or medium densities of significant cave systems or bedrock fractures that lead to the rapid recharge of karst groundwater aquifers from surface runoff. These areas provide critical drinking water supplies for major communities, ranching operations, and springs that support rivers and vital

² U.S. Dep’t of the Interior, Draft Environmental Assessment for Wyoming Third Quarter Competitive Lease Sale, App. C at 125, Table C.1 (May 2024) [hereinafter Draft EA].

³ 89 Fed. Reg. at 30,921.

⁴ Bureau of Land Mgmt., Evaluating Competitive Oil and Gas Lease Sale Parcels for Future Lease Sales, IM 2023-007 (Nov. 21, 2022) (emphasis added).

⁵ *Id.* (emphasis added).

⁶ *Id.* at 125, Table C.1 n. §.

⁷ *Id.* App. B at 123, Table B.1.

⁸ *Id.* App. B at 124, Table B.1.

riparian habitat. Further, those cave and karst areas are close to the protected cave systems at Carlsbad Caverns National Park and could very well be connected through underground passages or fractures that have not yet been mapped.

The entire area which makes up the Carlsbad Field Office should be studied thoroughly to assess the vulnerabilities to aquifer resources and fragile karst resources, which can also be home to unique wildlife and habitat, as the cave and karst system throughout the region is deeply interconnected. Carlsbad Caverns is a designated World Heritage Area and indeed attracts visitors from around the world. A single leak from hydraulic fracturing or reinjection of “produced water,” or seismic activity that has been linked to hydraulic fracturing and produced water, could have a devastating and irreversible impact on the National Park and on public health and safety. In recent years exploratory wells have run into empty space at about the same depth as Carlsbad’s caverns. According to a 2007 NPS Geologic Resource Evaluation Report: Hundreds of producing oil and gas wells have been drilled north, east, and south of Carlsbad Caverns National Park. Exploratory wells have been drilled within a few thousand feet of the north and east boundaries of Carlsbad Caverns, and some of these have encountered voids at the same depth as major passages in Lechuguilla Cave (NPS 1996). At least 61 wells drilled near the park have encountered lost circulation zones in the Capitan and Goat Seep Formations, suggesting that unexplored cave passages were intersected during drilling (NPS 1993, 1996). Substantial hydrocarbon reserves and known cave resources exist immediately north of the park boundary. It is probable that exploratory drilling will intersect openings that connect with caves in the park. Resources inside the park could be at risk of contamination from toxic and flammable gases and other substances associated with the exploration and production of oil and gas.⁹

A Stanford University study released in April 2018 documents seismic threats in the Permian Basin resulting from injection wells.¹⁰ In addition, a Durham University Study released in February 2018 noted, “The risk of human-made earthquakes due to fracking is greatly reduced if high-pressure fluid injection used to crack underground rocks is 895m away from faults in the Earth’s crust.”¹¹ Hydraulic fracking in the Permian basin was not remotely close to current levels 15 years ago. Not only does this underscore the issue of the BLM not adequately responding to comments, it also indicates the BLM is not using the best available science. The National Environmental Policy Act (NEPA) requires the BLM to “ensure[] that the agency, in reaching its decision, will have available and will carefully consider detailed information concerning significant environmental impacts.”¹²

In addition to the potential impacts to cave systems, poorly planned leasing and oil and gas development can have a negative impact on a sustainable local tourism economy. Carlsbad Caverns and Guadalupe Mountains National Parks combined generated over \$53 million in local

⁹ Nat’l Park Serv., Carlsbad Caverns National Park: Geologic Resource Evaluation Report 10 (2007), <http://nps.history.com/publications/cave/nrr-2007-003.pdf>.

¹⁰ Stanford University, Seismic stress map developed by Stanford researchers profiles induced earthquake risk for West Texas, New Mexico (Feb. 8, 2018), <https://news.stanford.edu/2018/02/08/seismic-stress-map-profiles-induced-earthquake-risk-west-texas-new-mexico/>.

¹¹ Durham University, *Human-made earthquake risk reduced if fracking is 895m from faults*, ScienceDaily (Feb. 27, 2018), <https://www.sciencedaily.com/releases/2018/02/180227233301.htm>.

¹² *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 349 (1989).

economic output and supported 655 jobs in 2017. According to a National Parks Conservation Association report, however:

The breadth and density of oil and gas development around Carlsbad Caverns is one of the factors that has already taken a toll on the park’s popularity. In the 1980s, Carlsbad received more than 700,000 visitors every year, but from 1993 to 2016 visitation decreased from 690,000 to 470,000, more than 30%.¹³

The development that might be driving visitors away includes blighting of the viewshed with drill rigs, pump jacks, and other industrialization, and the loss of dark night skies from excessive lighting and flaring in the area—all of which argues for the importance of taking care in managing leasing and land use activities near Carlsbad Caverns, Guadalupe Mountains, and other publicly accessible caves, recreational areas, groundwater resources, and agricultural activities in the area.

We urge deferral of the aforementioned parcels.

b. The BLM should designate as low preference for leasing and defer parcels in areas with low oil and gas development potential.

The BLM will preference lands with “high potential” for oil and gas development.¹⁴ The MLA directs the BLM to hold periodic oil and gas lease sales for “lands . . . which are known or believed to contain oil or gas deposits.”¹⁵ Offering parcels on low potential lands precludes management for other uses. The BLM itself recently reiterated this point, explaining that the preference criteria are meant to “ensure that oil and gas leasing on public lands focuses development where there is the most potential for recovery and allows the agency to manage public lands for other uses.”¹⁶

The BLM designated parcel 0468 as having lower preference for leasing not only in terms of development potential, but also for its proximity to existing development, habitat conflicts, cultural resource conflicts, and recreation/other resource conflicts. Accordingly, we urge the BLM to defer leasing this parcel.

II. The BLM must factor greenhouse gas emissions and related climate impacts stemming from this lease sale into its leasing decision-making and should defer parcels based on the projected impacts.

We appreciate the BLM’s analysis and discussion of greenhouse gas (GHG) emissions likely to result from this lease sale. However, the BLM fails to factor GHG emissions into

¹³ N. Lund, *Out of Balance: National Parks and the Threat of Oil and Gas Development*, National Parks Conservation Association (2017), <https://npca.s3.amazonaws.com/documents/3435/a76aca1e-52cf-4e53-841d-3c658a0b9082.pdf?1496846464>.

¹⁴ 43 C.F.R. § 3120.32(e).

¹⁵ 30 U.S.C. § 226(a); see *Vessels Coal Gas, Inc.*, 175 IBLA 8, 25 (2008) (“It is well-settled under the MLA that competitive leasing is to be based upon reasonable assurance of an existing mineral deposit.”).

¹⁶ 89 Fed. Reg. at 30,956.

leasing decision-making.¹⁷ The BLM claims that it “lacks the data and tools to estimate specific, climate-related effects from the sale” and that

there are no established thresholds, qualitative or quantitative, for NEPA analysis to assess the GHG emissions or social cost of an action in terms of the action’s effect on the climate, incrementally or otherwise. There is also no scientific data in the record, including scientific data submitted during the comment period for this lease sale, that would allow the BLM, in the absence of an agency carbon budget or similar standard, to evaluate the significance of the GHG emissions from this proposed lease sale. These methodological shortcomings prevent the BLM from qualitatively comparing alternatives, and the BLM has therefore not exercised its discretion to tailor this lease sale to account for global climate change.¹⁸

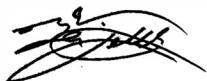
Yet, the BLM does have tools to ascertain the potential climate impacts of its leasing decisions for this sale, which it deploys in the Draft EA: the social cost of greenhouse gas emissions. Earlier this year, a court held that “the complexity of the task does not give the [BLM] a free pass to avoid making these tough decisions by asserting that GHG emissions did not factor into its decision-making.”¹⁹ While we appreciate the analysis of GHG emissions in the Draft EA, the BLM must take the further step of “explain[ing] how its GHG analysis inform[s] the decision to select” lease parcels.²⁰

The Draft EA explains that this sale could incur costs exceeding \$265 million.²¹ But the BLM fails to explain how leasing justifies these enormous costs. The NEPA analysis must offer this explanation. Moreover, in light of these costs, we urge the BLM to defer the seven parcels for this lease sale.

III. Conclusion.

We appreciate your consideration of these comments. Should you have any questions, please do not hesitate to contact us.

Respectfully submitted,



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Director & Senior Staff Attorney

¹⁷ BLM, Quarter 1 2025 Competitive Oil and Gas Lease Sale, Environmental Assessment: DOI-BLM-NM-P020-2024-0740-EA, Draft Finding of No Significant Impact, at *4, Table 1.

¹⁸ *Id.* at*4–5.

¹⁹ *Wilderness Soc’y v. United States DOI*, No. 22-cv-1871 (CRC), 2024 U.S. Dist. LEXIS 124730, at *10 (D.D.C. July 16, 2024)

²⁰ *Id.*

²¹ Draft EA at 89, Table 3.27.

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