



## Agency Priority Goal Action Plan

# Improve Access to Leasing Public Lands for Oil, Gas, and Mineral Extraction

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# Overview

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## Goal Statement

- By September 30, 2019, the BLM will process 80% of Expressions of Interest (EOI) to lease public lands for oil, gas, or mineral extraction within 180 days.

## Challenge

- An EOI is an informal request by the public that identifies lands the BLM should consider for inclusion in future oil and gas competitive lease sales. BLM adjudicates all proposals to ensure the lands are eligible for leasing under 43 CFR 3100.0-3 and 43 CFR 3101.7-1.
- The average time to process an EOI is approximately 12-18 months from the time of submission to the time those acres are offered for lease sale. The BLM anticipates that the average processing time will steadily decrease to less than 12 months.
- BLM expects protests of land parcels in upcoming lease sales to increase, further impacting the ability to access economically valuable energy resources and minerals on federal lands.

## Opportunity

- Streamlining the process for reviewing and offering parcels for sale to a 6-month timeframe will help BLM increase the potential access to oil, gas and other minerals on public lands that can increase American energy security by decreasing dependency on other nations, creating jobs, providing revenues, and helping drive economic growth.

# Goal Structure & Strategies

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- BLM continues to develop and enhance the National Fluids Lease Sale System (NFLSS) to:
  - Provide efficiencies in the EOI submission process;
  - Develop the notice of competitive sale to prepare for an upcoming lease sale;
  - Enable real-time reporting capabilities and track parcel review time; and
  - Extend the BLM's protest management capabilities.
- BLM issued new policy (in January 2018) to review parcels for oil and gas lease sales. The new Leasing Reform Instructional Memorandum (IM) streamlined the lease review process to a 6-month timeframe. The new policy does:
  - Not defer leasing when new or amended land use plans are being considered, and instead use the authority and discretion from existing Resource Management Plans (RMP) for leasing decisions. Using existing RMPs for the NEPA will significantly increase the acres available for lease by minimizing deferrals and ensuring acreage exists to hold quarterly lease sales;
  - Eliminate Master Leasing Plans (MLP) as duplicative NEPA;
  - Not require a site visit;
  - Review NEPA requirements - If BLM's proposed leasing action is adequately analyzed and in conformance with the approved RMP, a Determination of NEPA Adequacy will document NEPA compliance for the leasing decision;
  - Post the sale notice 45-days prior to sale, consistent with regulation 43 CFR 3120.4-2; and
  - Reduce the time period for the public to submit protests from 30 days to 10 days to provide BLM more time to resolve protests. The posting of the sale notice starts the protest period.

# Summary of Progress – FY19 Q4

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- **Level of Results Achieved**

- BLM estimates 72% of EOI acreage was offered for sale within the 6-month timeframe as offices struggle to compress the NEPA preparation, parcel adjudication times and protests resolution on top of FOIA responses.
- Reporting capabilities from the NFLSS became available on May 15, 2019. In FY2019, the NFLSS had two major releases in April and September 2019 to push enhancements and new functionality which have allowed BLM state offices to automate more of their leasing process.

- **Likelihood of Success**

- Low – Offices struggle to compress parcel preparation time with other adjudication and NEPA requirements.

- **Basis for the Assessment**

- NFLSS Release 1.4 on September 5, 2019, pushed more enhancements to users on internal processes, new functionality to create the Geothermal Lease Sale Notice, and the ability to print pre-populated lease forms after the lease sale for lease issuance.
- A Preliminary Injunction on the Leasing Reform IM was issued on September 21, 2018 for Greater Sage Grouse habitat areas. The court enjoined public comment periods for NEPA – lease offerings must now include a 30-day public comment period and 30-day protest periods for the sale notice. These longer time periods prevent BLM from processing EOIs in a shorter timeframe. BLM submitted Administrative Record to court in February 2019. BLM is awaiting litigation resolution expected in Fall 2019. Delays in litigation cause the 2018 Leasing Reform IM to not fully be implemented.
- BLM received legal challenges in March 2019 on the NEPA analysis for climate change, which is increasing parcel deferrals. Also, this litigation results in more NEPA supplementation for new leases, which delays the 6-month timeframe for EOIs to be offered for lease sale.

# Summary of Progress Continued – FY19 Q4

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- **Actions planned to ensure achievement of the goal**
  - BLM's progress is dependent upon the continued enhancement of the NFLSS, outcomes of legal challenges, and timely filling of staff vacancies.
  - BLM tentatively scheduled the next release for March 2020. The 1.5 release will include new functionality and additional enhancements. New functionality will include public user authenticated accounts and system to system integration with the Collection and Billings System.

# Key Milestones

| Milestone Summary   |                    |                  |  |
|---|--------------------|------------------|--|
| Key Milestone   | Milestone Due Date | Milestone Status | Comments   |
| Leasing Reform (IM) released (IM 2018-034 replaces IM 2010-117)           | Q2 FY 2018         | Completed        | BLM issued new policy on January 31, 2018. Court ordered Preliminary Injunction on September 21, 2018, for Greater Sage Grouse habitat areas. Court enjoined public comment periods and NEPA– lease offerings must now include 30-day public comment period and 30-day protest period. BLM may potentially need extended time on some oil and gas lease sales to accommodate the Preliminary Injunction requirements. However, Washington Office confirms that each State Office will continue to hold quarterly lease sales annually. |
| Greater Sage-Grouse RMP Revisions and Amendments to IM-2016-140 completed | Q2 FY 2018         | Completed        | BLM published plan amendments and revisions in May 2019.   |
| National Fluids Lease Sale System (NFLSS) reporting                       | Q3 FY 2019         | Completed        | BLM developed canned (pre-built) reports in May 2019.  |

# Key Indicators

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The BLM will track the percentage of EOIs processed within 180 days using the NFLSS and through data calls. The BLM is expecting more user buy-in from the BLM state offices with improvements to the NFLSS. In FY2019, the BLM held 28 out of the 30 planned lease sales. Two lease sales were postponed due to the government shutdown.

BLM state office plans for using the NFLSS:

- NV – expecting to develop the Dec 2019 lease sale notice through NFLSS;
- NM, NV – planning to use the system for the February 2020 lease sales;
- AZ, ES, NV, WY (and possibly MT) – planning to use the system for the March 2020 lease sales.

# Data Accuracy and Reliability

- **Means used to verify and validate measured values:** BLM will use data calls with the State Offices (SOs) for estimates to verify reports generated from the NFLSS for accuracy, as many nominations are still being worked outside of the system. BLM will review data relative to historical trends and programmatic context for plausibility, and senior officials will review and present to Departmental leadership and colleagues.
- **Sources for the data:** Expressions of Interest from industry, presale noncompetitive lease offers, and Bureau Motions, Notice of Competitive Lease Sale, Lease Sale Files, and the NFLSS.
- **Level of accuracy required for the intended use of the data:** All SOs, except Alaska, will use the NFLSS to receive and track EOIs from industry, track noncompetitive presale offers, create parcels and build the Notice of Competitive Lease Sale. Results from the National Petroleum Reserve - Alaska sale will be captured in the NFLSS for statistics and reporting. The SOs maintains the administrative record, which contains the EOIs from industry, preliminary parcel list, NEPA documents, Notice of Competitive Lease Sale and the results from the sale, in order to verify data.
- **Limitations to the data at the required level of accuracy:** Since the BLM built NFLSS from the ground up, there are few concerns at this point for limitations to data accuracy. BLM designed the data fields in NFLSS to assure that EOIs and parcels are being entered consistently by both the public and employees. Additionally, there will be no data migration or need to ensure data accuracy and reliability as is being done for Automated Fluid Mineral Support System (AFMSS).
- **How the agency has compensated for such limitations if needed to reach the required level of accuracy:** The BLM is continuing to design and refine the NFLSS modular releases to ensure consistency of data and metrics measured.

# Additional Information

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## Contributing Programs

- BLM – Energy, Minerals and Realty Management (WO-300)
- BLM - Resources and Planning (WO-200)

## Stakeholder / Congressional Consultations

The BLM is taking this initiative in response to general concerns from the oil and gas industry, the Administration, and some congressional representatives that the Department's land management practices are burdensome and hinder economic development. The BLM on average provides 28 lease sales a year.