

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

SOUTHERN UTAH WILDERNESS
ALLIANCE, *et al.*

Plaintiffs,

v.

DAVID L. BERNHARDT, in his official
capacity as Secretary of the Interior, *et al.*

Federal Defendants.

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) Case No. 1:20-cv-03654-RC
) The Honorable Rudolph Contreras
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FEDERAL DEFENDANTS' NOTICE OF AGENCY DECISION

Pursuant to the Court's order on December 22, 2020, *see* ECF No. 25, Federal Defendants hereby notify the Court that on December 23, 2020, the Bureau of Land Management signed the Decision Record and Finding of No Significant Impact for the Twin Bridges Bowknot Helium Project. *See* Exhibits 1 and 2.

Respectfully submitted this 23rd day of December 2020,

PAUL SALAMANCA
Deputy Assistant Attorney General

/s/ Michelle-Ann C. Williams
MICHELLE-ANN C. WILLIAMS
Trial Attorney (MD Bar)
U.S. Department of Justice
Environment & Natural Resources Division
Natural Resources Section
Ben Franklin Station, P.O. Box 7611
Washington, D.C. 20044-7611
Telephone: (202) 305-0420
Fax: (202) 305-0506
Email: michelle-ann.williams@usdoj.gov

CERTIFICATE OF SERVICE

I, Michelle-Ann C. Williams, hereby certify that on December 23, 2020, I caused the foregoing to be served upon all counsel of record through the Court's electronic service system.

/s/ Michelle-Ann C. Williams

MICHELLE-ANN C. WILLIAMS

Attorney for Federal Defendants



U.S. Department of the Interior
Bureau of Land Management

Twin Bridges Bowknot Helium Project Environmental Assessment

Decision Record

Twin Bridges Bowknot Helium Project

DOI-BLM-UT-G020-2020-0033-EA

December 2020

U.S. Department of the Interior
Bureau of Land Management
Price Field Office
125 West 600 South
Price, Utah 84501
(435) 636-3600

Decision Record

Environmental Assessment

DOI-BLM-UT-G020-2020-0033-EA

Twin Bridges Bowknot Helium Project

Emery County, Utah

Introduction

Twin Bridges LLC (Twin Bridges, or the Applicant) holds three mineral leases in Emery County, Utah, all located within a recently designated wilderness area (Figure 1-1). These leases include two mineral leases with the Utah School and Institutional Trust Lands Administration (SITLA) and one Federal lease managed by the Bureau of Land Management (BLM):

- SITLA ML-53189 was issued effective July 1, 2015, and is located in Section 2, Township 26 South (T26S), Range 16 East (R16E) (596 acres).
- SITLA ML-53420 was issued effective December 1, 2016, and is located in Section 36, Township 25 South (T25S), Range 16 East (R16E) (640 acres).
- Federal oil and gas lease (UTU-93713) was issued effective March 1, 2019 and is located in Section 7, and portions of Sections 5, 6, and 8, Township 26 South, Range (T26S), Range 17 East (R17E) (1,410 acres).

On February 18, 2020, Twin Bridges and the BLM entered into a Contract for Extraction and Sale of Federal Helium (Contract No. 20-02) for the Federal lease pursuant to the Helium Privatization Act (50 United States Code [USC] 167).

Surface ownership of the leases and adjacent lands include both Federally managed lands administered by the BLM Price Field Office (FO), as well as State lands managed by SITLA. On March 12, 2019, Congress enacted the John D. Dingell, Jr. Conservation, Management, and Recreation Act (Dingell Act) (16 USC 1132; Public Law 116-9, Title 1, Subtitle C, Part II, Subpart B, Section 1231(a)(7)), which, in part, designated more than 1,300,000 acres of land as wilderness areas in Utah, including the Labyrinth Canyon Wilderness Area in Emery County, which entirely encompasses these three leases. The BLM is required to manage the 54,643-acre Labyrinth Canyon Wilderness Area in accordance with the provisions of the Wilderness Act of 1964.

Twin Bridges submitted to the BLM Price FO two (2) Federal applications for permit to drill (APD) to develop the Federal lease; depending on the pad as analyzed in the EA the BLM would only approve one APD, the APD for Well #5-1 which was received November 26, 2019 or the APD for Well #5-2 which was received June 19, 2020. Twin Bridges also applied for various associated Federal rights-of-way (ROWs) and authorizations to construct facilities and improvements associated with the mineral development activities under their Federal and SITLA leases. The BLM prepared an environmental assessment (EA) to consider a range of options that

would allow Twin Bridges the opportunity to explore, develop, and extract helium in accordance with its valid existing rights under its leases within the Labyrinth Canyon Wilderness Area.

As described in the Twin Bridges Bowknot Helium Project EA, DOI-BLM-UT-G020-2020-0033-EA (referred to in this document as “2020 Bowknot Helium EA”) in order to develop its SITLA leases (which do not require a Federal APD) and its Federal lease, the alternatives considered include the following authorizations under both action alternatives: (1) approval of a well pad (the site of this well pad will vary depending on which action alternative is selected); (2) three ROW authorizations for pipelines (a) one 14-inch gathering pipeline, (b) one 8-inch produced water pipeline, and (c) one 8-inch fluids transfer pipeline); (3) one ROW for running power and communication infrastructure that would run from the well pad location to the proposed processing plant; (4) a ROW for proposed improvements to either spur road 1025 or 1026, depending on which alternative is selected; (5) approval of the Federal APDs for either the 5-1 or 5-2 well; and (6) underground authorizations to drill a wellbore to each of the three leases. In addition to these Federal authorizations, Twin Bridges has applied to SITLA for a permit to construct and operate a helium processing plant on SITLA lands. The location of the processing plant on SITLA lands varies based on the location of the well pads and associated production facilities. The proposed helium processing plant is necessary to separate helium from noncommercial gases. Because that plant is not a federal action over which BLM has any jurisdiction, the associated impacts from constructing that facility, the EA evaluated impacts from that facility as indirect effects.

As described in the 2020 Bowknot Helium EA, under the Proposed Action Alternative, the project would be implemented in a sequential manner, with Twin Bridges first conducting its exploratory work, which includes constructing improvements to the access road, constructing the well pad, and drilling an initial exploratory well. If sufficient quality and quantity of helium-bearing gas is capable of being produced from the original exploratory well, Twin Bridges would drill a second exploratory well, construct the proposed processing facility on SITLA lands, and install the pipelines and communication infrastructure between the well pad and processing facility. Following the successful completion of phase II, Twin Bridges may then drill additional wells from the proposed well pad to better recover the minerals under its leases, including access to the minerals under its other SITLA lease (ML-53189). Additionally, the project would be constructed, operated, and reclaimed as outlined in *Appendix G: Applicant’s Detailed Project Description* of the EA.

Alternatives Considered

In making this decision, the BLM analyzed three alternatives in detail, including the No Action Alternative, which are described in the 2020 Bowknot Helium EA in Chapter 2 and summarized below:

Alternative A – Proposed Action: Bowknot 36-1

Under Alternative A, which considers all three phases of development, for the initial exploratory phase, the BLM could issue Twin Bridges a ROW to construct the necessary road improvements to Spur Road 1025 from Emery County Road 1025 to the proposed well pad, a ROW to construct

an off-lease well pad at the terminus of Spur Road 1025, and one underground authorization to access the SITLA lease (ML 53420) as the exploratory well.

Twin Bridges proposes to drill proposed well 36-1, which targets the formation under the SITLA lease (ML-53420), as the first well to be developed under this alternative. If testing of the exploratory well confirms a sufficient quality and quantity of helium-bearing gas through flow testing of the exploratory well, the following actions could also be undertaken as part of the subsequent phases of development:

- ROWs for the installation of three pipelines (one 14-inch gathering pipeline, one 8-inch produced water pipeline, and one 8-inch fluids transfer pipeline)
- ROW for running power and communication infrastructure that would run from the well pad location to the proposed processing plant.
- Drilling, testing and production of a second delineation well (Bowknot 5-2) once the APD has been approved from the same well pad as the State 36-1
- Construction of a helium processing plant on SITLA-managed lands
- Up to five additional wells

Alternative B – On-lease Surface Facility: Bowknot 5-1

Under Alternative B, which also considers all three phases of development, the BLM would issue Twin Bridges a ROW to construct road improvements to Emery County Road 1026 from the beginning of the road to the proposed well pad, underground authorizations required to access the SITLA mineral leases pursuant to 43 CFR 2920, approve Twin Bridges' APD for the 5-1 well and associated well pad,

Under this alternative, the first exploratory drilling would occur on Twin Bridges' existing Federal lease (UTU-93713). If a sufficient quality and quantity of helium-bearing gas is confirmed through flow testing of the exploratory well, the following actions could also be undertaken:

- ROWs for the installation of three pipelines (one 14-inch gathering pipeline, one 8-inch produced water pipeline, and one 8-inch fluids transfer pipeline)
- ROW for running power and communication infrastructure that would run from the well pad location to the proposed processing plant
- Drilling, testing and production of a second delineation well based on the results of the 5-1 exploration well
- Construction of a helium processing plant located on SITLA-managed lands
- Up to five additional wells

Alternative C – No Action Alternative

Under the No Action Alternative, Twin Bridges' ROW applications and APDs would be denied, and the action alternatives would not be developed. Exploration by Twin Bridges to access its UTU-93713 Federal lease and SITLA leases would not occur.

Decision

After carefully reviewing the facts and analysis contained in the 2020 Bowknot Helium EA, it is my decision to authorize the Twin Bridges Bowknot Helium Project the surface ROWs and one underground authorization as described in Alternative A of the EA, which are necessary to complete the 36-1 well and complete phase I, the exploratory phase, of the Project. In addition, it is my decision to also approve the ROWs for the pipelines and communication conduit although they will be subject to a Notice to Proceed Stipulation.

Specifically, the authorizations subject to this Decision Record include the following:

- Authorization to improve Access Road: (grant number UTU-95228)
- Authorization to construct the well pad on 5.4 acres (grant number UTU-95229)
- Authorization to construct the underground wellbore to reach the SITLA Lease (grant number UTU-95363)
- Authorization to construct a 14" gas gathering pipeline (grant number UTU-95230)
- Authorization to construct an 8" fluid transfer pipeline (grant number UTU-95231)
- Authorization to construct an 8" water pipeline (grant number UTU-95232)
- Authorization to construct a 6" communication conduit (grant number UTU-95233)

These authorizations will allow Twin Bridges the opportunity to complete the exploratory work necessary to determine whether it wants to proceed to construct Phases II and III, which will require additional authorizations from the BLM. Moreover, the pipeline and communications authorizations described above will include a stipulation that Twin Bridges provide notice to the BLM of their intent to construct at least thirty (30) days prior to commencing operations and the BLM must provide a written Notice to Proceed.

At this time, I have decided to defer approval of the APD for the Federal lease (Well 5-2) and any other underground wellbores. An APD to develop State lease ML-53189 is not subject to BLM approval beyond the issuance of an underground authorization which is not currently being approved in this Decision Record.

The decision is authorized with the requirement that Twin Bridges will comply with all required mitigation and the stipulations and conditions of approval of the ROW authorizations.

Based on the analysis of potential environmental impacts contained in the EA, and considering the significance criteria in 40 CFR 1508.27, I have determined that the proposed activities analyzed under Alternative A will not have a significant effect on the human environment. An environmental impact statement is, therefore, not required.

Rationale for Decision

This decision responds to the BLM's purpose and need for action and legal mandates by minimization of impacts to designated wilderness, allowing reasonable access to valid existing State minerals, and honoring valid existing rights. As described in the 2020 Bowknot Helium EA and in the introduction of this decision, Twin Bridges holds two SITLA leases and one Federal mineral lease within the Congressionally designated Labyrinth Canyon Wilderness Area. All of the mineral leases were issued prior to the Congressional designation of the Wilderness Area and are, therefore, valid existing rights.

Sections 4(d)(2) and 4(d)(3) of the Wilderness Act, BLM Manual 6340, and case law provide guidance with regard to the BLM's legal obligations to manage wilderness areas subject to valid existing rights while also meeting the agency's mandate to preserve wilderness characteristics to the greatest extent possible. As described in BLM Manual 6340, the BLM will grant access to valid existing rights that are wholly within a designated wilderness, as provided for in Section 5(b) of the Wilderness Act, in a manner consistent with other areas in the National Wilderness Preservation System similarly situated. In most cases, this means such access will be treated in the same way as access to inholdings, but in some instances applying the regulations found at 43 CFR 6305.30 may result in granting mineral rights holders (whether patentees or mining claimants) a greater degree of access than would be granted an inholder.

In selecting Alternative A, the BLM weighed the dual mandates of assuring adequate access to Twin Bridges for the development of its mineral interests while preserving wilderness characteristics. Alternative A is technically feasible and presents the alternative with the least impacts on or occupancy of the Labyrinth Canyon Wilderness Area, as outlined in the EA and BLM's corresponding Minimum Requirements Decision Guide. Under Alternative A no surface disturbance of the Wilderness Area would occur because all surface disturbing activities associated with the road improvements and well pad construction would be located outside of the designated Wilderness Area. However, the underground authorization for the well bores to access the leased minerals under the SITLA lease, M-53420 would be required through unleased and withdrawn Federal minerals within the Wilderness Area. The surface facilities for the well pad and associated infrastructure would be adjacent to the Wilderness Area boundary and would impact the wilderness characteristics due to the proximity of these boundaries. However, this decision is in accordance with Section 1232(e)(2) of the Dingell Act that designated the wilderness area: "The fact that non-wilderness activities or uses can be seen or heard from areas within a wilderness area shall not preclude the conduct of those activities or uses outside the boundary of the wilderness area." These impacts are less than those impacts to the Wilderness Area that could occur if the BLM selected other alternatives that included surface disturbance on the SITLA leases within the Wilderness Area. Alternative B would have located the well pad and associated facilities within the designated Wilderness Area (although partially located on a cherry-stem road that is exempt from the Wilderness Area) and would have similarly included underground authorizations to access the SITLA leases through unleased and withdrawn Federal minerals in the Wilderness Area.

Furthermore, Alternative A would have less impacts on recreation as compared to Alternative B because under Alternative B, the well pad and the associated facilities would have been located adjacent to Emery County Route 1026, which provides access to the popular Five Hole Arch

Trail trailhead and associated dispersed camping area. Locating the well pad and infrastructure in this area would have resulted in greater impacts on recreational experiences and would have detracted from the experience of solitude and naturalness that many users in this area seek. Additionally, improvements to Emery County Route 1026, which would have been necessary under Alternative B, could have altered visitor use patterns and impacted opportunities for solitude because road improvements make access to this area easier. Alternative A would reduce the impacts on recreation at these recreation sites. Although the well pad and associated infrastructure would still be visible to users in this area, the distance between the main recreation sites in this area and the well pad as constructed under Alternative A would reduce the sights and sounds that would impact a user's experience.

Alternative A would impact other resources on BLM-administered lands, including visual resources, the BLM-sensitive entrada rushpink (*Lygodesmia grandiflora* var. *entrada*), and potentially the Mexican Spotted Owl (*Strix occidentalis lucida*) although that remains to be determined based on the upcoming second field season beginning on March 1, 2021. The BLM worked with Twin Bridges throughout the development of the EA to reduce impacts on resources for all alternatives considered in the EA. For Alternative A, Twin Bridges has developed Applicant-committed environmental protection measures that would help reduce the impacts of this alternative. Additionally, the BLM has developed mitigation measures that would further reduce the impacts on entrada rushpink. With these Applicant-committed environmental protection measures and BLM mitigation measures, the analysis prepared for the EA indicates that the project would be in conformance with the Visual Resources Management Class II objective for the well pad site. Furthermore, the measures resulted in the U.S. Fish and Wildlife Service (USFWS) concurring with the BLM's may affect, not likely to adversely affect determination for Mexican Spotted Owl during the Section 7 consultation conducted pursuant to the Endangered Species Act. The Applicant's environmental protection measures, along with the BLM's mitigation measures will reduce the impacts on entrada rushpink to levels that are consistent with the BLM's management of this species as explained in paragraph 1.6 of the FONSI.

Finally, as described in the EA, this decision would be in conformance with the BLM's Approved Price Field Office Resource Management Plan, as amended.

Design Features and Mitigation Measures

The Project design includes best management practices from the Gold Book (BLM 2007a), BLM Instruction Memorandum No. UT-G000-2011-003, and the Price FO Resource Management Plan (BLM 2008a). In addition to any standards terms, conditions, and stipulations attached to Twin Bridges' authorizations, Twin Bridges shall be in compliance with the BLM developed mitigation measures and Applicant-committed environmental protection measures at all times. Waivers, exceptions, or modifications to the BLM developed mitigation measures or Applicant-committed environmental protection measures may be specifically approved in writing by the BLM Authorized Officer (AO) if: (1) either the resource values change; or (2) the Applicant demonstrates that adverse impacts can be mitigated. In this case, the BLM AO is the Field Manager, Vernal FO, or his/her designated acting.

Applicant-Committed Environmental Protection Measures

- The applicant has committed to performing the complete Mexican Spotted Owl (MSO) survey protocol per the 2012 MSO Recovery Plan including second year surveys in Spring 2021. No disruptive activities such as surface disturbing activities or those that create noise disturbance including drilling, completion, or well testing activities would occur within 0.5 mile of MSO habitat during the nesting season (March 1–August 31). These activities would be conducted between September 1 and February 28 unless and until a complete survey has been conducted, no owls have been documented, and permission is granted by the BLM AO following consultation with the USFWS.
- Prior to the completion of the second year of MSO surveys and potential granting of permission by the BLM AO to operate during the nesting season (March 1–August 31), as described above, or in the event MSOs are detected in Keg Spring Canyon habitat, noise monitoring would be conducted during construction and operation activities at the boundary of Keg Spring Canyon (MSO modeled habitat), in compliance with the agreed upon monitoring protocol (approved by the)Applicant, BLM, and USFWS) to ensure disturbance does not exceed 68 dBA as required under the MSO Recovery Plan. If noise levels exceed 68 dBA at the monitoring site(s), operations would be suspended, and the operator would contact the BLM AO. Appropriate measures would then be taken to mitigate noise to reach levels below 68 dBA. The noise monitoring protocol would be in effect unless and until the species-specific survey protocol is completed, until no owls have been documented, and permission is granted by the BLM AO following consultation with the USFWS.
- Twin Bridges will alter road expansions and pipeline installation methods to minimize direct impacts to known locations of special-status plant species in coordination with the BLM AO. Refer to *Appendix K Bureau of Land Management Mitigation Measures* for additional detail.
 - If additional special status plants are identified within the proposed road and pipeline ROWs during monitoring efforts, Twin Bridges would continue to coordinate with the BLM AO to alter surface disturbing activities to mitigate impacts to SSPS occupied habitat.
- Twin Bridges agrees to use acoustic mitigation on all rotating equipment (gensets, compressors, and recycle pumps) to reduce auditory impacts.
- Twin Bridges would paint all permanent equipment to blend in with the natural surroundings. Specific colors would be determined in coordination with BLM and SITLA, as appropriate.
- Twin Bridges would minimize the use of lighting and would apply down lighting to reduce visual impacts from the plant site, unless otherwise required by the Occupational Safety and Health Administration or Federal Aviation Administration.
- Twin Bridges would clearly mark the wilderness area boundaries with temporary fencing or flagging, which would be placed outside of the Congressionally designated wilderness area. Construction activities would be monitored to ensure that all surface disturbance occurs within the approved ROWs.

- During the initial construction, drilling, and testing of the initial well, dust suppression would be implemented when needed using water applied with a water truck.
 - Dust would be considered as controlled when 1) no dust is generated above the cab of the vehicle, or 2) there are no hanging dust plumes.
 - All of the dust suppressant technologies require ongoing maintenance applications. Because of this requirement, a threshold for the reapplication of dust suppressant is necessary. The proponent would be responsible for determining when additional dust treatment or road repairs are necessary according to the agreed standards. BLM and state officials also have the ability to monitor dust levels and prescribe dust treatment if the applicable thresholds are exceeded.
- If any well is determined to be economically viable and would be put into production, more permanent dust mitigation would be implemented. To reduce potential impacts to BLM sensitive plant species, pollinators and visual impacts, a dust suppressant would be applied on the adjacent sections of the roadway where these resources could be affected, to include the well pad and access road. The final locations where dust suppressants would be required would be determined in coordination with the BLM AO.
 - Prior to use, the dust suppressant would need to be approved by the BLM AO. The approved suppressant would 1) be of a natural or organic material, 2) not result in any other environmental effects, 3) be readily available within the United States, and 4) be applied according to manufacturer instructions.
 - Liquids can be applied with a common water truck. While a spreader bar is recommended, it is not required unless specified by the manufacturer. It is recommended that a meter or other means be used to accurately measure the volume of suppressant product being used.
 - Applications would occur only when wind speed is below 10 miles per hour or in accordance with manufacturer instructions, whichever is more restrictive.
 - Dust would be considered as controlled when 1) no dust is generated above the cab of the vehicle, or 2) there are no hanging dust plumes.
 - All of the dust suppressant technologies require ongoing maintenance applications. Because of this requirement, a threshold for the reapplication of dust suppressant is necessary. The proponent would be responsible for determining when additional dust treatment or road repairs are necessary according to the agreed standards. BLM and state officials also have the ability to monitor dust levels and prescribe dust treatment if the applicable thresholds are exceeded.
- All construction activities to included construction of the exploratory well, well pad, road upgrade, and pipeline will occur outside of Mexican Spotted Owl breeding and nesting seasons (March 1st – August 31st). If the second year of MSO surveys do not show MSO in occupied habitat and USFWS and BLM concur the proponent with authorization from a BLM officer may construct the Project with no construction timing restrictions.

Bureau of Land Management Mitigation Measures

Mitigation measures are actions that would avoid or reduce adverse impacts identified in the BLM's EA that are not incorporated into the proposed action submitted by the Applicant.

Therefore, these measures are in addition to the Applicant-committed environmental protection measures.

Sensitive Plant Species

The BLM will require that Twin Bridges minimize surface disturbances within the sensitive plant species occupied habitat (polygons) provided to reduce direct impacts on the sensitive plants, their habitats, and associated pollinator habitat.

- In the occupied habitat polygons, Twin Bridges must locate all buried infrastructure within the approved road surface disturbance area. This could include locating buried infrastructure underneath the road travel surface itself or in the ditch adjacent to the road. Final location of the infrastructure will be approved by the BLM AO prior to the initiation of construction of the buried infrastructure. Twin Bridges will avoid placing turnouts in sensitive plant polygons unless absolutely necessary for safety purposes and approved by the BLM AO in coordination with the BLM botanist. The purpose of this measure is to reduce the amount of surface disturbance and number of individuals impacted by surface disturbing activities in occupied sensitive plant species habitat.
- A BLM-approved botanical expert must be on site when vegetation is cleared within plant habitat polygons. Both pre- and post-surface disturbance photos will be provided to the BLM anytime surface disturbance occurs in the plant habitat polygons.

Mexican Spotted Owl

The BLM would require that in the event that more than five years have elapsed between the last survey year and commencement of activities under the proposed action, then additional Mexican Spotted Owl surveys would be completed, including a second year, of survey is recommended prior to project implementation. If Mexican Spotted Owl surveys show evidence of occupation of the habitat, then the timing limitations and all of the other applicant committed measures related to this species will apply for the life of the project.

Up to five additional development wells may be drilled from the proposed well pad. ESA consultation has not occurred on any wells other than the 36-1 and the 5-2, therefore, Section 7 consultation would have to be completed along with the appropriate NEPA before any additional wells are drilled on this well pad.

Dust Control

To reduce potential impacts to BLM sensitive plant species, pollinators and visual impacts, a dust suppressant would be applied on the adjacent sections of the roadway where these resources could be affected, to include the well pad (we will refer to a map indicating where it will be applied).

- Prior to use, the dust suppressant would need to be approved by the BLM AO. The approved suppressant would (1) be of a natural or organic material, (2) not result in any

other environmental effects, (3) be readily available within the United States, and (4) be applied according to manufacturer instructions.

- Liquids can be applied with a common water truck. While a spreader bar is recommended, it is not required unless specified by the manufacturer. It is recommended that a meter or other means be used to accurately measure the volume of suppressant product being used.
- Applications would occur only when wind speed is below 10 miles per hour or in accordance with manufacturer instructions, whichever is more restrictive.
- Dust would be considered as controlled when (1) no dust is generated above the cab of the vehicle, or (2) there are no hanging dust plumes.
- All of the dust suppressant technologies require ongoing maintenance applications. Because of this requirement, a threshold for the reapplication of dust suppressant is necessary. The proponent would be responsible for determining when additional dust treatment or road repairs are necessary according to the agreed standards. BLM and State officials also have the ability to monitor dust levels and prescribe dust treatment if the applicable thresholds are exceeded.

Interim Reclamation

Assuming the wells are productive, interim reclamation would consist of reclaiming all areas not needed for helium production operations and would occur as soon as possible. This would include recontouring these areas to match existing undisturbed topography, redistributing stockpiled topsoil, and revegetating with a BLM-recommended seed mixture (Appendix C of the EA). Approximately 3 acres would be recontoured and reseeded during interim reclamation, leaving a long-term disturbance footprint of 2.4 acres during well operations (Appendix F and Figure F-5 of the EA).

Following the Green River District Reclamation Guidelines (Instruction Memorandum No. UT-G000-2011-003) (BLM 2014a) and in accordance with Onshore Oil and Gas Order No.1, interim reclamation would be completed within 6 months of completion of the well to reestablish vegetation, reduce dust and erosion, and reduce visual impacts. All equipment and debris would be removed from the area proposed for interim reclamation. The well pad would be reduced to the minimum area necessary to safely conduct production operations. All other areas would be subject to interim reclamation, which would include recontouring, spreading of topsoil, seedbed preparation, and seeding.

Recontouring would use excess cut and well pad fill material to achieve the original contour and grade, or a contour that blends with the surrounding topography. Salvaged topsoil would be spread and seeded with a BLM-recommended seed mixture (Appendix C of the EA). Final seedbed preparation would depend on the condition of the soil surface and would include scarifying a crusted soil surface or roller packing an excessively loose soil surface. Seed would be broadcast or drilled after August 15 but before winter freezing of the soil, as outlined in BLM Instruction Memorandum No. UT-G000-2011-003, or at a time specified by the BLM. The BLM-recommended seed mix presented in Appendix C of the EA would be used for revegetating

the interim (and final) reclamation areas. The seed would be certified pure-live and weed-free. Any trees cleared during site preparation and large rocks excavated during construction would be scattered across the interim reclamation area. Reclaimed areas receiving incidental disturbance during the life of the producing well would be recontoured and reseeded as soon as practical.

Final Reclamation

If the exploratory well is not successful, Twin Bridges would return the well site to its current condition, cutting off the casing at the base of the collar or 3 feet below the final graded ground level, whichever is deeper, and capping the casing with a metal plate with a minimum thickness of 0.25 inch. The cap would be welded in place with the location, lease number, operator name, and well name engraved on the top. The cap would be constructed with a weep hole. All surface facilities associated with the well would be removed from the site, and the remaining disturbed surface would be returned to the approximate original contours of the land before being reseeded. Topsoil would be distributed on the former well location to blend the appearance of the site with its natural surroundings before reseeding with the BLM-recommended seed mix presented in Appendix C. Reclamation activities would be considered complete when vegetation has reached a minimum of 75% of background vegetation (undisturbed areas), or as approved by the BLM AO in accordance with BLM Instruction Memorandum No. UT-G000-2011-003.

Consultation, Coordination, and Public Involvement

Consultation and/or coordination efforts between the BLM Price FO and other agencies and entities with jurisdiction in the permitting of the Twin Bridges Bowknot Helium Project occurred concurrent with the NEPA process, concluding on November 5, 2020. Environmental issues associated with the proposed action were identified by the BLM Interdisciplinary Team in May 2020. A summary of the results of consultation and/or coordination efforts with all Federal, State, and Tribal organizations can be found in Table 4-1 of the EA.

The Draft EA was posted on the BLM website and available for public review and comment beginning on October 22, 2020. A 19-day public comment period was held from October 22, 2020 through November 9, 2020. A total of 20,042 comment submissions were received by the BLM during the public comment period. All comment letters received are retained in the project's decision file. The BLM read and considered each comment letter submitted on the Draft EA and identified potentially substantive comments that would prompt the BLM to revisit the analysis, assumptions, accuracy, and other information contained in the Draft EA. The subset of comments were then sorted into categories (e.g., air quality, wildlife, recreation, and other resource concerns) and individually reviewed as either substantive or non-substantive. The substantive comments and responses can be found in Appendix J of the EA. Where appropriate, the EA was updated to address issues raised in the comments.

Administrative Review/Appeals Procedure

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. If an appeal is taken, your Notice of Appeal must be filed at the Bureau of Land Management, Vernal Field Office, 170 South 500

East, Vernal, UT 84078 within 30 days from this decision. A copy of the Notice of Appeal must also be filed with the Regional Solicitor Intermountain Region, Department of the Interior, Room 6201, Federal Bldg., 125 South State Street, Salt Lake City, UT 84138-1180. The attached Form 1842-1 has more information on filing a Notice of Appeal. The appellant has the burden of showing that the decision appealed from is in error. Within 30 days after filing the Notice of Appeal, file a complete statement of the reasons why you are appealing. This must be filed with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. If you fully stated your reasons for appealing when filing the Notice of Appeal, no additional statement is necessary (43 CFR 4.412 and 4.413).

If you wish to file a petition for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Interior Board of Land Appeals, 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 (43 CFR 4.413) at the same time the original documents are filed. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

- (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.

If you appeal this decision, please provide this office with a copy of your Statement of Reasons.

Roger Bankert

12/23/2020

Roger Bankert
Field Manager – Vernal Field Office
Bureau of Land Management
U.S. Department of the Interior

Date

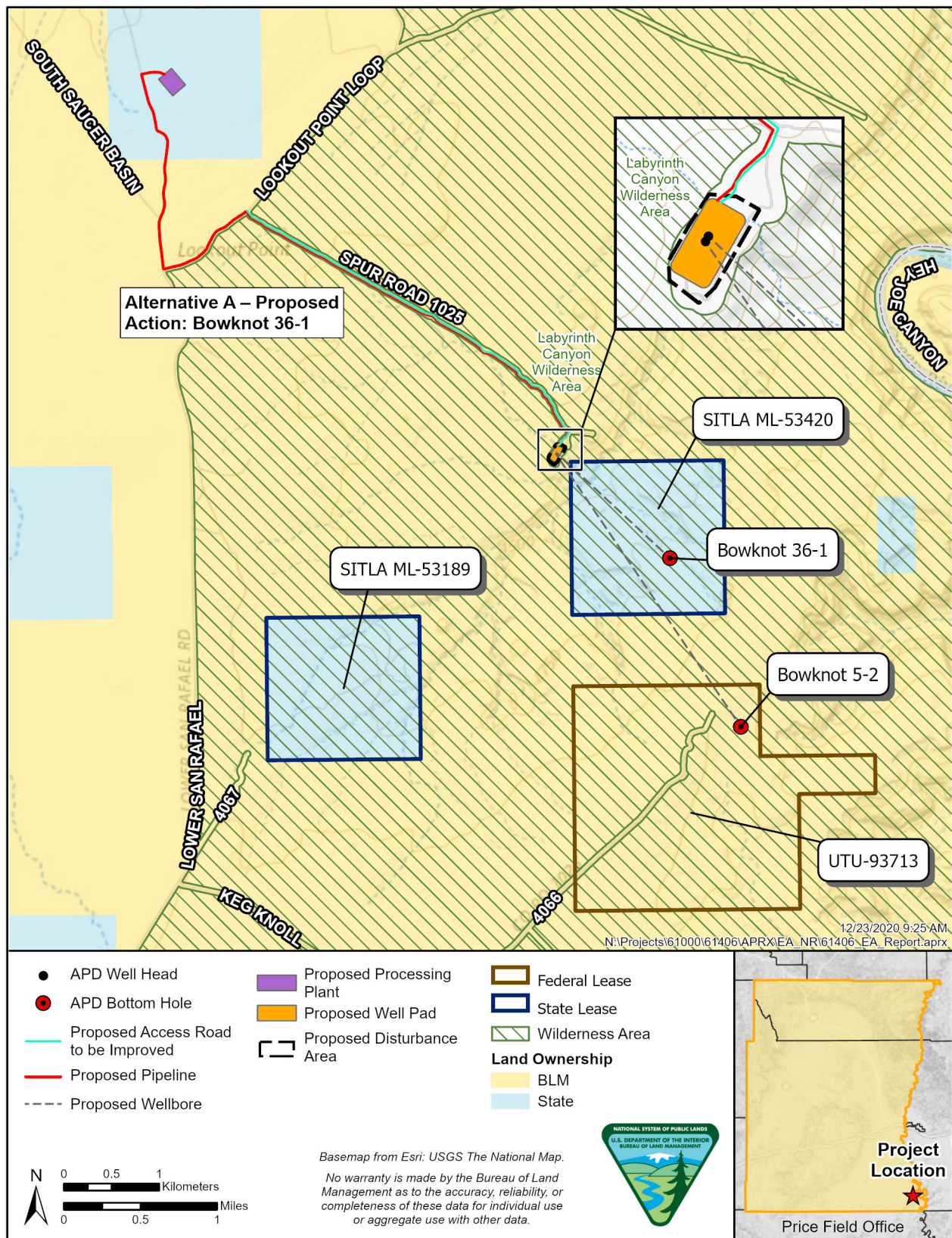


Figure 1-1. Alternative A: Bowknot 36-1 and 5-2.



U.S. Department of the Interior
Bureau of Land Management

Twin Bridges Bowknot Helium Project Environmental Assessment

Finding of No Significant Impact

Twin Bridges Bowknot Helium Project

DOI-BLM-UT-G020-2020-0033-EA

December 2020

U.S. Department of the Interior
Bureau of Land Management
Vernal Field Office
170 South 500 East
Vernal, Utah 84078
(435) 781-4400

Finding of No Significant Impact

Environmental Assessment

DOI-BLM-UT-G020-2020-0033-EA

Twin Bridges Bowknot Helium Project

Emery County, Utah

I have reviewed the Twin Bridges Bowknot Helium Project Environmental Assessment (EA) (DOI-BLM-UT-G020-2020-0033-EA). After considering the environmental effects as described in the EA and incorporated herein I have determined that Alternative A, as identified in the EA, would not significantly affect the quality of the human environment, individually or cumulatively, and that an environmental impact statement is not required to be prepared. I have determined that the proposed action is in conformance with the Wilderness Act and other laws, regulations, plans and policies of county, state, Tribal, and Federal agencies. This finding is based on my consideration of the Council on Environmental Quality's criteria for significance (40 CFR 1508.27) regarding the context and the intensity of impacts described in the EA.

Context

The San Rafael Desert, where the Twin Bridges Bowknot Helium Project is located, has been of interest for mineral production for many years. Both 2-D and 3-D seismic projects have taken place and there has been a total of 79 wells drilled, all of which have been plugged and abandoned. The nearest producing oil and gas fields are located to the east in the Moab Field Office. There has been a total of five wells drilled in the San Rafael Desert during the past 35 years. Surface disturbance from previous oil and gas exploration and geophysical exploration has been largely reclaimed; the last oil or gas well in the planning area was drilled, plugged, and abandoned in 1989, and the last geophysical activities were completed in 2007 and 2008.

The Bureau of Land Management (BLM) has received several expressions of interest in oil and gas leasing in the San Rafael Desert, and Federal leases have been issued (including the Twin Bridges' lease) in recent years. In addition to Twin Bridges' Federal lease, the company owns two SITLA leases. All three leases were acquired prior to March 12, 2019, when Congress enacted the John D. Dingell, Jr. Conservation, Management, and Recreation Act (Dingell Act) (16 United States Code 1132; Public Law 116-9, Title 1, Subtitle C, Part II, Subpart B, Section 1231(a)(7)), which, in part, designated several wilderness areas in Emery County, where the Twin Bridges Bowknot Helium Project is located. The Dingell Act designated the 54,643-acre Labyrinth Canyon Wilderness Area, which is located in the San Rafael Desert and includes the Federal and State mineral leases held by Twin Bridges.

The Twin Bridges Bowknot Helium Project would be the first mineral development activities in the San Rafael Desert since the last well was drilled in 1989. The project would result in up to 43.1 acres of disturbance, and the Applicant has consolidated the surface locations for all wells onto a single well pad. The EA was prepared by a BLM Interdisciplinary Team. The Draft EA was reviewed by the public and refined based on public input. After reviewing the EA and the public comments, I have determined that this project does not have international, national, regional, or state-wide importance.

Intensity

1. Impacts that may be both beneficial and adverse.
 - a. The project would result in adverse effects on the local environment, including air quality and greenhouse gas emission, soil resources, vegetation, the BLM-sensitive entrada rushpink (*Lygodesmia grandiflora* var. *entrada*), wildlife, special-status wildlife, recreation, visual resources, lands with wilderness characteristics, designated wilderness areas, and socioeconomics. The BLM worked with Twin Bridges to develop Alternative A, which would locate the surface facilities of the project in an area outside the designated wilderness area in a location that minimizes impacts on wilderness areas, recreation, and visual resources. Twin Bridges developed Applicant-committed environmental protection measures, and the BLM developed additional mitigation measures that would further reduce impacts on special-status species, visual resources, and other resources as described in the EA. The potential mineral royalties, creation of jobs, and purchases to support the project would be a positive socioeconomic impact. As discussed in detail in the EA, the environmental effects associated with the proposed action, including consideration of reasonably foreseeable future actions, were not determined to be significant.
 - b. While the project would impact the BLM-sensitive entrada rushpink, the BLM has incorporated best management practices, standard operating procedures, conservation measures, and design criteria to mitigate specific threats to this Bureau sensitive species. As a result of these measures that reduce the potential impacts on the species and the BLM's knowledge of the availability of habitat for the species in the area (only 0.13% of the available occupied and potential habitat are within the areas that would be disturbed), the resulting impacts are not anticipated to reduce the viability of the species or a distinct population segment of the species across all or a significant portion of the species range, consistent with policy outlined in BLM Manual 6840.
2. The degree to which the proposed action affects public health or safety.
 - a. The project involves the production of hydrocarbons, and a variety of components, including lubricants and additives, would be used to drill and complete the proposed well. Twin Bridges would follow industry standard practices for storing and handling waste and hazardous materials, including marking all pipelines. Spill prevention plans would be required, and any drilling operations would be conducted in accordance with the safety requirements of 43 CFR Subpart 3160, the Federal Onshore Oil and Gas Orders (Onshore Orders), best management practices recommended by the American Petroleum Institute, and other industry requirements for the protection of worker safety and public health. Environmentally responsible oil and gas operations, including those related to public health and safety, are discussed in the EA. All operations, including well pad and road construction, water handling and plugging and abandonment, would be conducted in accordance with The Gold Book: Surface Operating Standards and Guidelines for Oil and Gas Exploration and Development (United States Department of the Interior and United States Department of Agriculture, 2007) (The Gold Book). The Gold Book provides operators with a combination of guidance and standard procedures for ensuring compliance with agency policies and operating requirements, such as those found in 43 CFR Subpart 3160, the Onshore Orders, and notices to lessees. Also included in The Gold Book are environmental best management practices; these measures are designed to provide for safe and efficient operations while minimizing undesirable impacts to the environment.
 - b. The proposed action is a helium project. The estimated gas composition is— 79.1% nitrogen, 1.47% helium, 16.5% combustible gas, 2.7% CO₂, and 2000-ppm hydrogen sulfide. Helium and nitrogen are not greenhouse gases (GHGs). The emission of GHGs could affect public health and safety in various ways through changes in climatic conditions and the resultant

- response of the environment. The degree of change directly attributable to emissions resulting from the proposed action, including where on the planet those changes may occur, and how they may manifest, cannot be determined due to the global nature of climate change and the lack of necessary scientific tools and models to detect effects at the scale of this EA. However, in the EA the BLM quantified emissions that could be reasonably expected from the proposed action and the combustion of minerals extracted (using an assumption that all Federal production from the leased lands would be combusted). The BLM considered those estimated emissions in the context of existing and cumulative emission projections and expressed the GHG emissions on a scale relatable to everyday life using the EPA GHG equivalency calculator was used. Since GHGs are mobile, the effect would be cumulative to all global emissions, and may contribute equally to the potential for climate change impacts identified in the EA as they relate to the public health and safety
3. Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.
 - a. There are no properties eligible for listing in the National Register of Historic Places (NRHP) affected by the project. Additionally, there are no park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas impacted by the project. Impacts to resources on BLM-administered lands were disclosed in the EA. All surface facilities of the project are located along a road that was excluded from the Congressionally designated Wilderness Area and have been designed to minimize impacts. The Interdisciplinary Team Checklist in the EA documents review of these resources and the rationale determination by specialists of the impact potential to these resource values.
 4. The degree to which the effects on the quality of the human environment are likely to be controversial.
 - a. Level of “controversy” is a determining factor in whether or not to prepare a detailed environmental impact statement. “Controversy” is defined in 40 CFR 1508.27(b)(4) as a scientific dispute about the level or nature of anticipated effects; this definition does not encompass political controversy, expressions of opposition to the action, nor preference among the alternatives analyzed within an EA. The proposed action involves access to valid existing mineral rights within a Congressionally designated wilderness area. As evidenced by the comments submitted by the public on the Draft EA, there are members of the public that disagree with the BLM’s consideration of Twin Bridges proposed ROWs and applications for permits to drill and advocate for the preservation of wilderness values in the project area. There is no controversy regarding the Wilderness Act or BLM Manual 6430 provisions of reasonable access to holders of valid existing rights.
 5. The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.
 - a. The proposed action is not unique or unusual. Oil and gas development has been ongoing for many years. The BLM has experience implementing similar actions in similar areas. The environmental effects to the human environment are disclosed in the EA. Gas exploration and drilling operations are regulated for health and safety through other agencies of local, state, and Federal government, and any risks are regulated by those agencies. Should there be newly discovered risks that were previously unknown, BLM would cooperate with other Federal and state agencies to respond, as appropriate. The predicted effects on the human environment from the GHG emissions resulting from the proposed action, in terms of climate change and the level of emissions, although estimated based on the best available site-specific data, are also not considered to be highly uncertain or involve unique or unknown risks. Alternative A was evaluated in detail by the BLM’s Interdisciplinary Team, and the public was given opportunity for input. Based on the BLM’s experience

- implementing similar actions in similar areas, the degree of uncertainty and consideration of unknown or unique risks does not rise to the level of significance requiring an EIS.
6. The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.
 - a. This action neither establishes a precedent nor represents a decision in principle about future actions. The BLM's review of the proposed action included site-specific environmental analysis and documentation in accordance with NEPA. The BLM Interdisciplinary Team considered the proposed action within the context of past, present, and reasonably foreseeable future actions. The Wilderness Act and applicable BLM Manual 6340 provide clear guidance for how the BLM would provide reasonable access to valid existing mineral rights within a designated wilderness area. The BLM is following those procedures with this project, however, doing so does not set a precedent or provide any requirement for the BLM as it pertains to future actions. A lessee has the right to explore and drill for oil and gas, at some location on a lease, subject to the standard lease terms and specific lease notices and stipulations attached to the lease. A decision to authorize the proposed action would not limit later resource management decisions for the project area.
 7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.
 - a. The BLM conducted a thorough cumulative effects analysis that is documented in the EA. The components of Alternative A approved by the decision are not related to other actions with individually insignificant but cumulatively significant impacts. Furthermore, the incremental impact of Alternative A when added to other past, present, and reasonably foreseeable future actions is not significant.
 - b. In the EA, the BLM quantified direct and indirect GHG emissions that could be produced utilizing existing reasonably foreseeable development well information and existing predictions of the emissions from those well estimates. Current well development data provided in the EA confirms that the existing level of development in Utah is within the Reasonably Foreseeable Development (RFD) projections. The development of these leases would represent only a small fraction of the potential emissions at the local, regional, and national scales, and would be expected to have little to no impact on total GHG levels, the rate of climate change, or the magnitude of effects from climate change.
 8. The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the NRHP or may cause loss or destruction of significant scientific, cultural, or historical resources.
 - a. The BLM established an area of potential effects for cultural resources pursuant to Section 106 of the National Historic Preservation Act. The area of potential effects was surveyed by a qualified archaeologist. The surveys did not identify historic properties (i.e., properties that are listed in or eligible for listing in the NRHP. Because no historic properties are present, the BLM, in consultation with the Utah State Historic Preservation Office, has determined that the undertaking would have no adverse effect to historic properties.
 9. The degree to which the action may adversely affect an endangered or threatened species or habitat that has been determined to be critical under the Endangered Species Act of 1973.
 - a. The BLM coordinated with the U.S. Fish and Wildlife Service (USFWS) regarding the potential for the actions analyzed in the EA to impact threatened or endangered species and designated critical habitats. The BLM sent a formal request to USFWS to concur with the BLM's May Affect, Not Likely to Adversely Affect determination for Mexican spotted owl (*Strix occidentalis lucida*); No Effect determination for Jones cycladenia (*Cycladenia humilis* var. *jonesii*); and No Effect determination for impacts on endangered Colorado River fishes

on November 5, 2020. The USFWS concurred with the BLM's effect determinations on November 5, 2020, concluding the Section 7 consultation process.

10. Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.
 - a. The components of Alternative A approved by the decision are in conformance with the Mineral Leasing Act of 1920, the Federal Land Policy and Management Act of 1976, the Wilderness Act of 1964, the Federal Onshore Oil and Gas Leasing Act of 1987, and the Helium Privatization Act of 1996. The components of Alternative A approved by the decision do not violate any Federal, State, or local laws or requirements imposed for the protection of the environment. The various applicable laws are enumerated in the EA and the Decision Record.

Roger Bankert

Roger Bankert
Field Manager – Vernal Field Office
Bureau of Land Management
U.S. Department of the Interior

12/23/2020

Date

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