November 2, 2026

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BLM California State Director
2800 Cottage Way
Sacramento, CA 95825
Submitted via ePlanning

RE: Protest of Notice of Competitive Oil and Gas Internet Lease Sale, DOI-BLM-CA-C060-2026-0090-EA

Dear Director Stout:

The undersigned organizations (hereinafter Protesters) respectfully submit this protest of the U.S. Bureau of Land Management's (BLM's) October 1, 2026 Notice of Competitive Oil and Gas Internet Lease Sale (2026 Lease Sale Notice) stating its intention to lease 43 parcels containing 35,127.49 acres in California via a December 1, 2026 lease sale (December 2026 Lease Sale).

The 2026 Lease Sale Notice appears to involve the exact acreage proposed for leasing in the August 21, 2026 Draft Environmental Assessment (Draft EA) and Draft Finding of No Significant Impact (FONSI), with the only difference being that BLM combined two of the parcels into one larger parcel. BLM issued the 2026 Lease Sale Notice without responding *at all* to substantive public comments submitted on the Draft EA (hereinafter CalWild et al. Draft EA Comments) exposing the inadequacy of the Draft EA's analysis and the need for BLM to exclude certain parcels and properly consider excluding all parcels from the sale.[1] In turn, the Draft EA ignored or inadequately addressed substantive public comments submitted at the scoping stage (hereinafter CalWild et al. Scoping Comments).[2]

We adopt, reiterate, and incorporate the CalWild et al. Draft EA Comments and the CalWild et al. Scoping Comments by reference herein, as summarized below, along with all the attachments cited in those comment letters. The comment letters are appended to the end of this protest letter. To avoid unnecessary duplication, we have also appended annotated bibliographies summarizing the contents of the attachments previously submitted with those comment letters rather than resubmitting sources that are already part of the administrative record for the December 2026 Lease Sale.

[1] CalWild et al. Comments on Environmental Assessment for the California Bureau of Land Management December 2026 Competitive Oil & Gas Lease Sale (DOI-BLM-CA-C060-2026-0090-EA) (Sept. 18, 2026); Voices in Solidarity Against Oil in Neighborhoods (VISIÓN) et al. Comments on Draft Environmental Assessment for the California Bureau of Land Management December 2026 Competitive Oil & Gas Lease Sale (DOI-BLM-CA-C060-2026-0090-EA) (Sept. 18, 2026) [hereinafter VISIÓN et al. Draft EA Comments]. As the VISIÓN et al. Draft EA Comments are a condensed version of the CalWild et al. Draft EA Comments, citations herein to the CalWild et al. Draft EA Comments also incorporate the VISION et al. Draft EA Comments.

[2] CalWild et al. Scoping Comments on Parcels for the California Bureau of Land Management December 2026 Competitive Oil & Gas Lease Sale (DOI-BLM-CA-C060-2026-0090-EA) (July 31, 2026).

Additionally, BLM issued the 2026 Lease Sale Notice without releasing a final EA and final FONSI, which undercuts the purposes of the Federal Land Policy and Management Act (FLPMA) and Mineral Leasing Act (MLA), and which precludes meaningful public participation as required under the National Environmental Policy Act (NEPA).

As identified by parcel number in the following list, this letter protests BLM's intent to offer each and every one of the 43 parcels included in the 2026 Lease Sale Notice under FLPMA, NEPA, the MLA, the Administrative Procedure Act (APA), and the governing resource management plans (RMPs) [hereinafter Bakersfield 2014 RMP and Central Coast 2019 RMPA][3]:

CA-2099-01-0078	CA-2099-01-0134	CA-2099-01-0151	CA-2099-01-0177
CA-2099-01-0081	CA-2099-01-0135	CA-2099-01-0152	CA-2099-01-0179
CA-2099-01-0095	CA-2099-01-0136	CA-2099-01-0153	CA-2099-01-0180
CA-2099-01-0098	CA-2099-01-0138	CA-2099-01-0162	CA-2099-01-0186
CA-2099-01-0100	CA-2099-01-0139	CA-2099-01-0165	CA-2099-01-0188
CA-2099-01-0102	CA-2099-01-0141	CA-2099-01-0166	CA-2099-01-0189
CA-2099-01-0103	CA-2099-01-0142	CA-2099-01-0167	CA-2099-01-0191
CA-2099-01-0120	CA-2099-01-0144	CA-2099-01-0169	CAP106818459
CA-2099-01-0123	CA-2099-01-0147	CA-2099-01-0171	CAP106818522
CA-2099-01-0132	CA-2099-01-0149	CA-2099-01-0172	CAP106820777
CA-2099-01-0133	CA-2099-01-0150	CA-2099-01-0175	

As authorized by BLM's regulations and warranted given the sensitive public health and environmental values at stake here, Protesters respectfully request that BLM "suspend the offering" of all of the parcels proposed for the December 2026 Lease Sale pending a decision on this protest letter.[4]

INTERESTS OF THE PARTIES

Protesters have a right to submit this protest letter under BLM's regulations.[5] While not required under the protest letter regulations, it is also notable that Protesters have participated in the planning process and have interests which have been or may be adversely affected by the final approval of this lease sale.

This protest letter addresses issues on which Protesters previously commented during the scoping period and in connection with the Draft EA, along with BLM's failure to properly respond to those comments and failure to respond at all in the case of the Draft EA.

In particular, Protesters' interests include the following:

[3] BLM, Bakersfield Field Office Record of Decision & Approved Resource Management Plan (Dec. 2014); BLM, 2019 Record of Decision for the Central Coast Field Office Resource Management Plan Amendment for Oil and Gas Leasing and Development (Oct. 2019).
[4] 43 C.F.R. § 3120.13.
[5] *See* 43 C.F.R. § 3120.42(d) (requiring BLM to provide a protest period "[a]fter posting the Notice of Competitive Lease Sale notice . . . of not less than 30 calendar days, for public input on the upcoming lease sale").

Californians for Western Wilderness (CalUWild) is a citizens organization dedicated to protecting wilderness, wildlife habitat, and other public landscapes in the West. CalUWild encourages and facilitates participation in legislative and administrative actions affecting those lands. Its members use and enjoy the public lands in California and all over the West.

CalWild is a 501(c)(3) nonprofit organization that is incorporated in the State of California. Since 1976, CalWild has been actively involved in conserving and protecting BLM-managed lands and waters in California with important ecological, cultural, historical, and recreational values. One way CalWild has done so is by engaging in BLM planning processes throughout the State, including in connection with the Bakersfield 2014 RMP. CalWild has also worked closely with Representative Salud Carbajal and Senator Alex Padilla in the vetting, drafting, introduction, and support building of the Central Coast Heritage Protection Act (House bill) and the Protecting Unique and Beautiful Landscapes by Investing in California (PUBLIC) Lands Act (Senate companion bill) which propose to designate as Wilderness a number of lands in the Bakersfield and Central Coast Field Offices and the nearby Los Padres National Forest, all of which could be negatively impacted by federal leasing. CalWild's thousands of members and supporters and its staff members visit and recreate on BLM-managed lands in the Bakersfield Planning Area.

The **Center on Race, Poverty, & the Environment** represents disenfranchised Kern County communities that live and work near oil and gas wells and aims to protect their health and environment through grassroots organizing and legal advocacy.

The Center for Biological Diversity (the Center) is a national, nonprofit conservation organization with more than 1.8 million members and online activists dedicated to the protection of endangered species and wild places. The Center has nearly 22,000 California members, around 1,500 of which live and recreate in the Bakersfield Planning Area. The Center uses science, policy, and law to advocate for the conservation and recovery of species on the brink of extinction and the habitats they need to survive. The Center has and continues to actively advocate for increased protections for species and their habitats in California. The lands that will be affected by the proposed project contain habitat for listed, rare, and imperiled species that the Center has worked to protect including endangered and threatened species and proposed endangered and threatened species such as San Joaquin kit fox, mountain lion, and Temblor legless lizard. The Center's board, staff, and members use the public lands in California, including the lands and waters that would be affected by expanded fossil fuel development authorized by this proposed decision.

Food & Water Watch (FWW) is a 501(c)(3) nonprofit organization headquartered in Washington, D.C. with over 1.4 million members nationwide and over 228,000 members in California. FWW fights for the safe and healthy food, clean water, and livable climate we all deserve. FWW empowers people to take on destructive corporations and the policy makers who enable them in order to stop pollution, defend democracy, and protect the planet—now and for future generations. FWW has a long history of advocacy related to the harms of the fossil fuel industry, including opposing fossil fuel leasing and extraction on federal lands and supporting

efforts to establish buffer zones between communities and the oil and gas industry in California. Thus, FWW and its members have interests that may be affected by this proposed decision.

FracTracker Alliance (FracTracker) is a non-profit organization that supports groups across the United States, addressing pressing extraction-related concerns with a lens toward community health effects and exposure risks from oil and gas development. FracTracker provides timely and provocative data, ground-breaking analyses, maps, and other visual tools to help advocates, researchers, and the concerned public better understand the harms posed by hydrocarbon extraction. FracTracker has grassroots partners neighboring the parcels in the 2026 Lease Sale Notice that would be impacted by upstream emissions from the drill sites, including ozone precursors, and seeks to protect the health of these communities.

Friends of the Earth (Friends) is a 501(c)(3) non-profit organization dedicated to improving the environment and creating a healthier and more just world. Friends is headquartered in Washington, DC and has a regional office in Oakland, CA. Friends has more than 160,000 members across the U.S. and more than 4.9 million activist supporters across the country. Friends has over 24,000 members located throughout California, including several individuals who live in the area managed by BLM's Bakersfield Field Office. It is also a member of FOE International, which is a network of grassroots groups in approximately 70 countries worldwide. As part of its mission, Friends' Climate, Energy, and Oceans team seeks to halt oil and gas exploitation on public lands and put the U.S. on the path toward a just transition that protects workers and communities and ends our dependence on fossil fuels. Toward this end, Friends actively engages in advocacy to curb new oil and gas leases on public lands and waters throughout the country as well as influence policy and law governing fossil fuel development.

Los Padres ForestWatch (ForestWatch) is a community-based nonprofit organization headquartered in Santa Barbara, California with more than 800 members. ForestWatch works to protect, restore, and monitor public lands along California's Central Coast and to expand equitable access to outdoor recreation opportunities for youth and families. ForestWatch also works to educate its members and the public regarding the location of federal leases and lands open for federal leasing and has served as a BLM watchdog for 20 years. ForestWatch has members and staff who live, work, and recreate within the Bakersfield Planning Area. Likewise, many of the areas that ForestWatch seeks to protect are located within the Bakersfield Planning Area. ForestWatch is concerned with the impacts of oil and gas activity on the public lands it seeks to protect and the nearby communities where its members live, including impacts to air and water quality, outdoor recreation, and biodiversity.

Save Mount Diablo is a nationally accredited land trust and conservation organization based in the San Francisco Bay Area. Save Mount Diablo has been preserving lands on and around Mount Diablo and educating the public to the mountain's natural values since 1971. We are biologists, conservationists, hikers, bikers, equestrians, bird watchers, and people who just love to look at the mountain. We have been engaged in the planning process connected to the Central Coast 2019 RMPA, which governs one of the parcels included in the December 2026 Lease Sale, and we are concerned that the inclusion of numerous parcels in the December 2026 Lease Sale overlapping, adjoining, or close to sensitive sites will open the door to future lease sales impacting Mount Diablo.

The **Sierra Club** is a national nonprofit organization dedicated to exploring, enjoying, and protecting the wild places of the earth; to practicing and promoting the responsible use of the earth's ecosystems and resources; to educating and enlisting humanity to protect and restore the quality of the natural and human environment; and to using all lawful means to carry out these objectives. Sierra Club has approximately 130,000 members in the state of California, a number of whom use and enjoy the public lands in the Bakersfield Planning Area.

The Wilderness Society (TWS) is a national non-profit membership organization that works to unite people to protect America's wild places. Founded in 1935, TWS is headquartered in Washington, D.C., with offices throughout the country. TWS aims to transform federal land management to prioritize climate resilience and biodiversity protection and help develop and advance policies for just and equitable public land conservation on behalf of all people. In working toward this mission, TWS elevates the voices of communities that might otherwise be unable to engage in federal processes affecting public lands and waters. For years, TWS has advocated for reform of BLM's oil and gas leasing program. TWS has used in-house science, policy, and legal expertise to comment on and engage in the oil and gas leasing process.

Voices in Solidarity Against Oil in Neighborhoods (VISION) is a statewide coalition of environmental groups with a mission to end neighborhood oil and gas drilling. We are concerned with the parcels in the lease sale that fall inside SB 1137 health protection zones, overriding a state law we fought hard to secure. In our coalition, we have groups and community members located in the impacted Central Valley counties who are concerned about the health implications of oil and gas drilling from the lease sale.

This protest letter is timely, as we are submitting this letter within the 30-day window from BLM's publication of the 2026 Lease Sale Notice.

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I. BLM's Rushed Review Process and Failure to Release the Final NEPA Documents Are Inconsistent with NEPA, FLPMA, and the MLA.

The timeline and procedures BLM has followed in connection with the December 2026 Lease Sale are inconsistent with NEPA's purpose of encouraging meaningful public participation in agency decisionmaking and ensuring agencies consider full information *prior to* making decisions. BLM's expedited environmental review process and decision to withhold the final EA from public review likewise violate BLM's duty under FLPMA to manage public lands according to principles of multiple use and sustained yield (MUSY) and in a manner that avoids unnecessary or undue degradation (UUD), undermine the purpose of having a protest period, and contradict BLM guidance.

As argued more fully in the CalWild et al. Draft EA Comments, BLM quickly released the Draft EA 21 days after the close of the scoping comment period.[6] The rushed timeline, in combination with the inadequate content of BLM's resulting work product, reflects that BLM did not properly engage in meaningful consideration of the CalWild et al. Scoping Comments prior to releasing the Draft EA.

Rather than fix that error by releasing a revised environmental review document giving proper consideration to both the CalWild et al. Scoping Comments and the CalWild et al. Draft EA Comments, BLM has moved full throttle forward with the December 2026 Lease Sale, releasing the 2026 Lease Sale Notice a mere 10 days after the close of the Draft EA comment period without making any changes to the acreage involved in the lease sale.

Additionally, while BLM promised in the Draft EA that it would review "all comments" submitted via ePlanning and would "consider and respond to all substantive comments in an Appendix to the final document,"[7] BLM released the 2026 Lease Sale Notice without responding to substantive comments, and it appears that BLM does not intend to release the promised Appendix until after the close of the protest period (if at all).

BLM's pace and process do not evidence meaningful consideration of public comments or any consideration at all of the CalWild et al. Draft EA Comments. Instead, it appears that BLM actually made up its mind about which acreage to offer in the December 2026 Lease Sale no later than the date it issued the Draft EA, improperly using the public comment periods and protest periods as pure box-checking exercises and illustrating that its actions in connection with the December 2026 Lease Sale are arbitrary, capricious, and an abuse of discretion.

A. BLM Has Acted Inconsistently with the Purpose of NEPA.

NEPA's goals are to (1) "prevent or eliminate damage to the environment and biosphere," (2) "stimulate the health and welfare of" all people, and (3) "encourage productive and enjoyable harmony between [hu]man[kind] and [the] environment."[8] NEPA recognizes that "each person should enjoy a healthful environment" and requires that the federal government use all

[6] CalWild et al. Draft EA Comments at 5–8.
[7] Draft EA at 6.
[8] 42 U.S.C. § 4321.

practicable means to "assure for all Americans safe, healthful, productive, and esthetically and culturally pleasing surroundings," and to "attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences."[9]

Courts have long understood that compliance with NEPA requires agencies to take a "hard look" at the potential environmental consequences of the proposed action.[10] The "hard look" requirement ensures "that the agency, in reaching its decision, will have available, and will carefully consider, detailed information concerning significant environmental impacts."[11] Indeed, "NEPA requires consideration of the potential impact of an action *before* the action takes place."[12]

"General statements about 'possible' effects and 'some risk' do not constitute a 'hard look' absent a justification regarding why more definitive information could not be provided."[13] Furthermore, the "'hard look' 'must be taken objectively and in good faith, not as an exercise in form over substance, and not as a subterfuge designed to rationalize a decision already made.'"[14]

The U.S. Department of Interior's NEPA Handbook recognizes the importance of "public involvement" in the NEPA process, and the need to use that process to "collect information to learn more about potentially significant issues related to a proposed action," which "can help shape [BLM's] evaluation of the proposed action and alternatives."[15] The Handbook notes that comments "should be addressed, as appropriate, in the environmental review process . . . ."[16] Additionally, the Handbook recognizes that "[e]arly coordination with interested parties helps to identify issues that would benefit from additional public involvement such as impacts to the local environment," and that "[m]embers of the public may have unique insight into issues that warrant consideration in the environmental document such as emerging uses of public lands important to the local community."[17] Moreover, "[i]f a bureau solicits public comments, it should document how those comments were addressed."[18]

Here, BLM has failed to comply with NEPA's requirements for meaningful consideration of potential environmental impacts prior to making a decision. The rushed pace of BLM's environmental review and the evident lack of consideration of public comments illustrate that BLM has improperly used the public comment process "as an exercise in form over substance" and "a subterfuge designed to rationalize a decision already made."[19]

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[9] 42 U.S.C. § 4331(b)(2)–(3).
[10] *Marsh v. Or. Nat. Res. Council*, 490 U.S. 360, 374, 385 (1989).
[11] *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 349 (1989).
[12] *Neighbors of Cuddy Mountain v. U.S. Forest Serv.*, 137 F.3d 1372, 1380 (9th Cir. 1998) (citation modified).
[13] *Id.*
[14] *W. Watersheds Project v. Kraayenbrink*, 632 F.3d 472, 491 (9th Cir. 2011).
[15] U.S. Department of the Interior, 516 DM 1 – Handbook of NEPA Implementing Procedures at 27–28 (Feb. 2026), https://www.doi.gov/media/document/doi-handbook-nepa-procedures.
[16] *Id.* at 28.
[17] *Id.* at 29.
[18] *Id.* at 31.
[19] *Kraayenbrink*, 632 F.3d at 491 (citation modified). It is also notable that BLM recently filed a renewed motion for a preliminary injunction in pending litigation against the State of California over SB 1137, on the ostensible basis that "federal oil and gas leasing in California . . . *will* resume this December." (emphasis added), which further

B. BLM's Actions Contravene FLPMA and the MLA.

BLM has a fundamental statutory duty under FLPMA to manage the public lands "in a manner that that will protect the quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and archeological values," and, "where appropriate, will preserve and protect certain public lands in their natural condition;" "provide food and habitat for fish and wildlife and domestic animals;" and "provide for outdoor recreation and human occupancy and use."[20] FLPMA recognizes the importance of "the long-term needs of future generations," including "the use of some land for less than all of the resources," and "harmonious and coordinated management of the various resources without permanent impairment of the productivity of the land and the quality of the environment."[21]

Consistent with these statutory purposes, FLPMA requires BLM to manage public lands in a manner that promotes MUSY and avoids UUD.[22] Similarly, the MLA specifies that all leases issued subject to the Act "shall contain provisions for . . . insuring the exercise of reasonable diligence, skill, and care in the operation of said property," including provisions "for the safeguarding of the public welfare."[23]

BLM's regulations require a scoping comment period on the preliminary parcel list, along with a comment period on the draft NEPA document.[24] BLM must issue a Notice of Competitive Lease Sale at least 60 days before the lease sale auction, which triggers a protest period "for public input."[25]

The purpose of having a lease sale protest period is "to ensure that the BLM provides adequate time to evaluate the views of a wide range of partners, stakeholders, and landowners in any future decisions."[26]

To the extent BLM's current lease sale guidance is valid, it contemplates a time-intensive multi-step review process "for adequate review of parcels," which may include an Interdisciplinary Parcel Review Team (IDPR Team) that "gather[s] and evaluate[s] existing environmental resource information and compile[s] documentation of compliance with applicable laws, regulations, and executive orders"—including compliance with the Endangered Species Act (ESA), National Historic Preservation Act, and Tribal consultation requirements—and which

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suggests that a final decision to lease the parcels in the 2026 Lease Sale Notice has already been made and the instant protest letter is an exercise in futility. *United States v. California*, No. 2:26-cv-00107-DC-SCR, Doc. No. 34-1, Pl's Mem. in Support of Renewed Mot. for Prelim. Inj. (E.D. Ca. Oct. 16, 2026).

[20] 43 U.S.C. §§ 1701(a)(8).

[21] *Id.* § 1702(c).

[22] *Id.* §§ 1701(a)(7), 1702(c), (h), 1712(c)(1), 1732(a)-(b).

[23] 30 U.S.C. § 187; *see also* 30 U.S.C. § 189 (stating that "[n]othing in this [Act] shall be construed or held to affect the rights of the States or other local authority to exercise any rights which they may have").

[24] 43 C.F.R. § 3120.42(a)–(b).

[25] *Id.* § 3120.42(c)–(d).

[26] 89 Fed. Reg. 30916, 30918 (Apr. 23, 2024), https://www.govinfo.gov/content/pkg/FR-2024-04-23/pdf/2024-08138.pdf.

"determine[s] the need for additional information and develop[s] strategies to obtain any data that may be required to support a leasing decision."[27]

BLM expects that "site visits . . . may be deemed necessary . . . on a case-by-case basis."[28] BLM is responsible for "site-specific NEPA compliance documentation for all the BLM surface and split estate lease sale parcels," including public notice and comment.[29] Moreover, BLM must evaluate each parcel for leasing preference based on five factors, including but not limited to "the presence of important fish and wildlife habitats that would have a high potential for conflict," "the presence of historic properties, sacred sites, and other high value cultural resources that would pose a high potential of conflict," and "the presence of recreation and other important uses."[30]

The guidance states that "[t]he draft NEPA documents are not subject to protests or appeals" and, instead, "[t]he BLM will finalize the NEPA documents after considering any public comment received on those documents."[31]

Then, BLM "must post the Notice of Competitive Lease Sale (sale notice) at least 60 days prior to the start of the lease sale" and, likewise, "will post the NEPA compliance documentation on the BLM ePlanning website and in the public room at least 60 days prior to the start of the sale," as "a 30-day protest period will begin the day the sale notice is posted."[32] In other words, BLM's own guidance calls for public posting of the *final* NEPA documentation no later than the time that BLM issues the final lease sale notice.

Releasing the final NEPA documentation contemporaneously with opening the protest period is necessary to ensure that the public may participate fully and share a wide range of views, and to allow time for BLM to adequately evaluate those views prior to making its final decision on the nature and scope of the lease sale.

Here, both the overall rushed timeline of BLM's environmental review process and BLM's decision to open the protest period without releasing the final EA are inconsistent with the purposes of FLPMA, its implementing regulations, and BLM guidance.

First, it is untenable that BLM could have properly accomplished all of the steps outlined in its lease sale guidance under the rushed timeline at issue here, which does not reflect a properly informed and deliberative process.

Twenty-one days is a short window for BLM to read over 8,000 scoping comments,[33] determine which ones raise points that warrant follow-up investigation, and incorporate that follow-up into the Draft EA. As pointed out in the CalWild et al. Draft EA Comments and discussed below,

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[27] BLM, IM 2025-028, Oil and Gas Leasing – Land Use Planning and Lease Parcel Reviews at II.C.1, II.D (May 8, 2025), https://www.blm.gov/policy/im-2025-028.
[28] *Id.* at II.C.2.
[29] *Id.* at II.E.
[30] *Id.* at II.E.2 (citing 43 C.F.R. § 3120.32(a)).
[31] *Id.* at II.E.3.
[32] *Id.* at III.A–B.
[33] Draft EA at 5.

BLM did not properly complete these steps but, instead, ignored many of the CalWild et al. Scoping Comments.

It is further incredible to believe that 10 days were sufficient for the IDRP Team or other BLM personnel to (1) review (presumably) thousands of public comments on the Draft EA, (2) conduct any follow-up investigation—including site-specific investigations involving >35,000 acres of land, as identified in the comments, (3) draft responses to all substantive comments as promised in the Draft EA[34], (4) make changes to the Draft EA warranted by the comments and finalize the NEPA documentation, and (5) arrive at 43 parcel-specific decisions after meaningful consideration of all public comments and legal requirements.

Given the sheer number of steps for BLM to accomplish and volume of information for the agency to process during the 10-day window BLM chose to allot for these tasks, it is no surprise that the 2026 Lease Sale Notice simply rubberstamps the same acreage proposed for leasing in the Draft EA. BLM has, thus, acted arbitrarily and capriciously by using the public comment process as post-hoc rationalization for a decision already made, rather than allocating the proper time and attention necessary to ensuring the December 2026 Lease Sale complies with FLPMA's MUSY mandate and BLM duty to avoid UUD, along with BLM's responsibility under the MLA to insure the exercise of reasonable diligence, skill, and care with regard to leased land and safeguard the public welfare.[35]

Second, BLM's decision not to release the final EA prior to, or contemporaneously with, the 2026 Lease Sale Notice precludes meaningful public participation, defeats the purpose of the protest period, and is inconsistent with BLM's own guidance.[36] Without reviewing the final NEPA documentation, including BLM's response to public comments, Protesters are missing the rationale underlying BLM's 2026 Lease Sale Notice. The effect is a protest letter that must necessarily be almost entirely redundant of the prior CalWild et al. Scoping Comments and CalWild et al. Draft EA Comments, rather than a protest letter that could zero in on concerns specific to the final EA.

As discussed in the following sections, proper consideration of the issues Protesters raised in the CalWild et al. Scoping Comments and CalWild et al. Draft EA Comments should have resulted in deferral of all 43 parcels or, at a minimum, significantly reduced acreage.

II. BLM Has Improperly Ignored Detailed Scoping Comments.

The 2026 Lease Sale Notice improperly carries forward the acreage proposed in the Draft EA. As argued more fully in the CalWild et al. Draft EA Comments,[37] the Draft EA illustrates that BLM improperly ignored, or failed to meaningfully consider, scoping comments covering a wide range of issues.

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[34] *Id.* at 6.
[35] 43 U.S.C. §§ 1701(a)(7), 1702(c), (h), 1712(c)(1), 1732(a)-(b); 30 U.S.C. § 187.
[36] *Compare* BLM, IM 2025-028 at II.E.3 ("The draft NEPA documents are not subject to protests or appeals.") *with id.* at III.A–B (stating that BLM must post both the lease sale notice and "the NEPA compliance documentation . . . at least 60 days prior to the start of the sale" and "a 30-day protest period will begin the day the sale notice is posted").
[37] CalWild et al. Draft EA Comments at 5–8.

The CalWild et al. Scoping Comments addressed the following topics:

(A) reasons why it would be improper for BLM to tier to the flawed environmental analyses related to the governing RMPs;[38]
(B) the importance of compliance with FLPMA's overarching mandates and the MLA;[39]
(C) BLM's deferral authority and the importance of deferring parcels in or near Areas of Critical Environmental Concern (ACECs) and the Carrizo Plain National Monument;[40]
(D) the need for BLM to consider impacts related to the One Big Beautiful Bill Act (OBBBA);[41]
(E) the need for compliance with the RMPs' terms and conditions as they relate to species, habitat, and sensitive sites, including ACECs;[42]
(F) the need for compliance with the RMPs' terms and conditions as they relate to Senate Bill 1137 (SB 1137), California's fracking ban, and CO_2 injection restrictions;[43]
(G) the importance of complying with NEPA's overarching mandates and the APA's call for reasoned decisionmaking;[44]
(H) the need for BLM to take a hard look at impacts to ACECs and other sensitive sites;[45]
(I) the need for BLM to take a hard look at impacts to air quality, including by properly analyzing greenhouse gas (GHG) emissions and climate effects, such as by quantifying such impacts using the social cost of greenhouse gases (SC-GHG);[46]
(J) the need for BLM to take a hard look at impacts to groundwater from well construction practices and fracking;[47]

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[38] CalWild et al. Scoping Comments at 5–9 (incorporating Ctr. for Biological Diversity et al., Comments on Draft Bakersfield Field Office Oil and Gas Leasing and Development Supplemental Environmental Impact Statement, Docket No. DOI-BLM-CA-C060-2025-0053-EIS (March 13, 2026) [hereinafter Ctr. for Biological Diversity et al. Bakersfield SEIS Comments]; CalWild, et al., Protest of Decision to Finalize the Bakersfield Field Office Resource Management Plan Without Amendment and Comments on Final Environmental Impact Statement, Docket No. DOI-BLM-CA-C060-2025-0053-EIS (June 18, 2026); Ctr. for Biological Diversity, Comments on Notice of Availability of the Draft Central Coast Field Office Oil and Gas, Leasing and Development Supplemental Environmental Impact Statement, Docket No. DOI-BLM-CA-C090-2025-0017-RMP-EIS (March 13, 2026) [hereinafter Ctr. for Biological Diversity, Central Coast SEIS Comments]; Ctr. for Biological Diversity, Protest and Comments on Final Central Coast Field Office Oil and Gas, Leasing and Development Supplemental Environmental Impact Statement, Docket No. DOI-BLM-CAC090-2025-0017-RMP-EIS (June 18, 2026). [hereinafter Ctr. for Biological Diversity, Central Coast SEIS Protest Letter]).
[39] CalWild et al. Scoping Comments at 10–11.
[40] *Id.* at 10–11, 16–18.
[41] *Id.* at 11–16, 40–41.
[42] *Id.* at 18–21.
[43] *Id.* at 21–24.
[44] *Id.* at 24–25.
[45] *Id.* at 26.
[46] *Id.* at 26–32.
[47] *Id.* at 33–35.

(K) the need for BLM to properly analyze air quality impacts from venting, flaring, and leaks that would result from this lease sale;[48]
(L) the need for BLM to analyze impacts of oil and gas leasing on public health;[49]
(M) the need for BLM to consider environmental justice impacts;[50]
(N) the need for BLM to consider a reasonable range of alternatives and mitigation measures;[51]
(O) the need for compliance with the ESA;[52]
(P) the importance of conducting Clean Air Act (CAA) conformity at the RMP and lease sale stages;[53]
(Q) the impropriety of relying on the so-called energy emergency;[54]
(R) the invalidity of Instruction Memorandum (IM) 2025-028 given BLM's statutory duties under FLPMA;[55]
(S) the need to account for proposed changes to the federal oil and gas regulations;[56] and
(T) concerns with the use of artificial intelligence in connection with the public notice and comment process.[57]

Despite these detailed comments, the Draft EA does the following:

- States that it is tiering to prior environmental reviews without acknowledging or addressing our comments as to why tiering is inappropriate here;[58]
- Acknowledges FLPMA's MUSY mandate in describing the Purpose and Need for the EA, but not BLM's corresponding duty under FLPMA to prevent UUD to public lands and resources;[59]
- Fails to mention or address OBBBA;
- Considers deferral of only a small subset of the parcels we identified as warranting deferral based on proximity to the Carrizo Plain National Monument or Lokern-Buena Vista ACEC;[60]
- Fails to acknowledge our comments or otherwise consider deferring parcels based on their overlap or proximity to the Chico Martinez, Kettleman Hills, Lokern-Buena Vista, Panoche-Coalinga, and Compensation Lands ACECs or the Lokern Ecological Reserve;[61]

[48] *Id.* at 35–36.
[49] *Id.* at 36–38.
[50] *Id.* at 39.
[51] *Id.* at 39–40.
[52] *Id.* at 41–50.
[53] *Id.* at 50–55.
[54] *Id.* at 55–56.
[55] *Id.* at 56–60.
[56] *Id.* at 61–62.
[57] *Id.* at 62–63.
[58] Draft EA at 4.
[59] *Id.* at 1–2.
[60] *Id.* at 9.
[61] *Id.* at 7–10.

- Makes no mention of SB 1137 in discussions of the Existing Surface Use/Management stipulation or anywhere else;[62]
- Assumes the use of fracking without acknowledging California's fracking ban and fails to address relevant RMP terms and conditions;[63]
- Fails to acknowledge or respond to our comments regarding quantification of GHG emissions and the use of the SC-GHG method;[64]
- Defers a full analysis of impacts to groundwater to "[p]roject-level review";[65]
- Fails to mention "flaring" and contains a single passing reference to "venting" as a potential source of emissions[66] without acknowledging or responding to our comments regarding the need for the EA to take a hard look at the impacts of methane emissions from venting, flaring, and leaks;
- Fails to discuss public health;
- Fails to address environmental justice;
- Fails to acknowledge or address our comments regarding the need for middle ground alternatives related to the Chico Martinez, Kettleman Hills, and Panoche-Coalinga ACECs;[67]
- Lacks a full discussion of mitigation measures and relies primarily on deferred mitigation;[68]
- Asserts that compliance with the ESA may occur at the application-for-permit-to-drill (APD) stage or has already occurred based on past consultation[69] and does not acknowledge or address our comments to the contrary;
- Asserts that CAA conformity review "does not apply to lease sales which are made on a broad scale and are followed by exploration and development plans subject to approval on a project level," without acknowledging or addressing our comments to the contrary, and likewise asserts that BLM will conduct conformity review "if required" at the APD stage, without acknowledging or responding to our comments regarding BLM's long history and ongoing practice of deficient APD conformity review and the fact that conformity review at the APD stage is insufficient to address cumulative impacts;[70]
- Fails to acknowledge or address comments regarding the so-called energy emergency; and
- States that BLM is following IM 2025-028 without acknowledging or addressing comments that the guidance document is inconsistent with FLPMA's text and implementing regulations.[71]

Accordingly, BLM must revise its analysis to properly address the CalWild et al. Scoping Comments before making a final decision on which parcels, if any, to offer for lease, to ensure

[62] *Id.* at 8, B-27 to -28, B-34 to -36, D-2, D-4 to -5.
[63] *Id.* at 14–16, 20–21, 35.
[64] *Id.* at 24–29.
[65] *Id.* at 51.
[66] *Id.* at 20.
[67] *Id.* at 7–10.
[68] *Id.* at 24, 29, 35, 40, 43, 58–59.
[69] *Id.* at 30, 35, 59.
[70] *Id.* at 19.
[71] *Id.* at C-1.

compliance with applicable laws including, but not limited to, FLPMA, the MLA, NEPA, the ESA, and the CAA.

III. BLM Has Failed to Explain the Acreage Changes between the Preliminary Parcel List and the Draft EA's List of Parcels.

The 2026 Lease Sale Notice contains no explanation for the acreage included in the December 2026 Lease Sale. As argued more fully in the CalWild et al. Draft EA Comments,[72] BLM made significant revisions to the preliminary parcel list in the Draft EA, including both additions and reductions in acreage, without providing sufficient information to allow for meaningful review of the changes by the public. The 2026 Lease Sale Notice contains a further change in which BLM apparently combined two parcels but provided no explanation for its rationale. A proper explanation of the nature and basis of these changes is necessary for the public's understanding of the lease sale vis-à-vis BLM's obligations under FLPMA, NEPA, and the MLA. BLM must release this explanation and offer a renewed public comment period to ensure meaningful public participation.

IV. BLM Has Violated FLPMA by Offering to Lease Low-Priority Parcels.

The 2026 Lease Sale Notice improperly continues to offer low-priority parcels. As argued more fully in the CalWild et al. Draft EA Comments,[73] the entirety of the acreage proffered in the December 2026 Lease Sale is low priority for leasing under BLM's preference schedule, based on the parcels' high biodiversity and cultural resource values, with many also having a low leasing preference due to their high value for recreation or other resources. Additionally, while BLM has labeled all of the parcels as located in close proximity to oil and gas development, the agency has misleadingly labeled parcels as high priority for proximity to existing oil and gas activity if they are located within five miles of existing oil fields, which hides the fact that many of the parcels are located in intact natural areas removed from oil fields and should, therefore, be deemed to have low leasing priority in the proximity-to-existing-drilling category.

The CalWild et al. Draft EA Comments further pointed out BLM's admission that it did not even have expressions of interest for at least some of these parcels. A new filing by BLM that post-dates the comment period for the Draft EA reveals that BLM has received *no* expressions of interest for *any* of the proposed parcels located within SB 1137 health protection zones.[74]

The lack of expressions of interest illustrates the absurdity of BLM moving forward with leasing low preference parcels—especially parcels within health protection zones—in violation of FLPMA's commitment to MUSY and avoiding UUD, along with IM 2023-007, which directs deferral of parcels where there are resource conflicts.[75]

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[72] CalWild et al. Draft EA Comments at 9–10.
[73] *Id.* at 10–11.
[74] *United States v. California*, No. 2:26-cv-00107-DC-SCR, Doc. No. 34-10, Decl. of Jeremiah M. Karuzas in Support of Pl's Renewed Mot. for Prelim. Inj. ¶ 31 (E.D. Ca. Oct. 16, 2026) [hereinafter Karuzas Decl.].
[75] As we previously argued, while BLM has rescinded this guidance document, the underlying principles remain valid as BLM incorporated these principles into the leasing preference rule. CalWild et al. Draft EA Comments at 10–11.

V. BLM Has Failed to Comply with the Clean Air Act.

The 2026 Lease Sale Notice contains no indication that BLM has remedied its failure to conduct CAA conformity review and otherwise comply with the CAA. As argued more fully in the CalWild et al. Draft EA Comments,[76] BLM's use of the U.S. Environmental Protection Agency's (EPA's) Air Quality Index (AQI) in the Draft EA does *not* satisfy CAA requirements, is arbitrary and capricious, and cannot establish that air emissions are minimal. Instead, BLM must conduct a proper conformity analysis that includes specific emission contributions for individual criteria pollutants/precursors with which the Planning Area is in nonattainment. The Draft EA's tactic of just adding up all pollutants and comparing the total volumes to AQI levels for the region is not connected to any CAA requirements and minimizes the importance of the most harmful pollutants. Additionally, BLM's emissions estimates are missing detailed emissions calculations and explanations for the included categories (e.g., individual equipment, area sources, transportation) and do not address entire categories of emissions sources like well pad construction, power poles, pipelines, and power and water generation. BLM's rationale for deferring conformity review to the APD stage is unavailing, as waiting until drilling projects are segmented into individually permitted units evades the comprehensive analysis that conformity review is designed to cover.

VI. BLM Has Failed to Comply with the Endangered Species Act.

The 2026 Lease Sale Notice contains no new information suggesting that BLM has remedied its failure to comply with the ESA. As argued more fully in the CalWild et al. Scoping Comments[77] and CalWild et al. Draft EA Comments,[78] BLM has unlawfully deferred its ESA obligations to the APD stage, including its obligation to consult with the U.S. Fish and Wildlife Service on actions that "may affect" listed species or critical habitat[79] and its obligation to reinitiate consultation following new information to this effect.[80] BLM must analyze foreseeable impacts prior to committing to issue a lease,[81] and BLM has sufficiently more information now than at the RMP stage to trigger consultation under the ESA.[82] As BLM has ignored its leasing stage consultation duties, the agency has, thus, violated the ESA.

VII. BLM Has Failed to Take a "Hard Look" at Environmental Impacts under NEPA and Has Failed to Balance Multiple Uses and Prevent Unnecessary or Undue Degradation under FLPMA.

The 2026 Lease Sale Notice contains no new NEPA analysis and no analysis specific to BLM's FLPMA obligations. As argued more fully in the CalWild et al. Draft EA Comments,[83] BLM has failed to properly consider impacts to public health, protected lands and recreation, cultural resources, sensitive species and ecosystems, wildlife corridors and conservation strategies, water

[76] *Id.* at 11–15.
[77] CalWild et al. Scoping Comments at 41–51.
[78] CalWild et al. Draft EA Comments at 15–16.
[79] 50 C.F.R. § 402.14(a).
[80] *Id.* § 402.16(a)(2).
[81] *New Mexico ex rel. Richardson v. Bureau of Land Mgmt.*, 565 F.3d 683, 718 (10th Cir. 2009).
[82] *Bd. of Cnty. Comm'rs of San Miguel v. U.S. Bureau of Land Mgmt.*, 706 F. Supp. 3d 1180, 1209 (D. Colo. 2022).
[83] CalWild et al. Draft EA Comments at 17–45.

resources, soil resources, and air quality, along with mitigation measures and a reasonable range of alternatives, in violation of the agency's obligations under both NEPA and FLPMA, and has failed to ensure the December 2026 Lease Sale conforms to the applicable RMPs.

A. BLM Has Failed to Address the December 2026 Lease Sale's Serious Risks to Public Health, in Violation of NEPA and the RMPs' Terms and Conditions.

As argued more fully in the CalWild et al. Draft EA Comments,[84] it is improper for BLM to proceed with the December 2026 Lease Sale without first conducting a parcel-by-parcel survey of the location and acreage of lands that properly fall within the Existing Surface Use/Management controlled surface use (CSU) stipulation, which is designed to "minimize[e] or eliminat[e]" land use conflicts, "including risk to public health and safety, and social and economic impacts (noise, aesthetics, etc.)," and which states that "fluid mineral development shall not occur . . . [c]loser to any development (e.g., public highway, institution, place of public assembly, or occupied dwelling) than allowed by the county/city regulation or statu[t]e applicable to the area in which the proposed action occurs . . . ."[85]

In particular, BLM did not survey the proposed parcels to determine which are located, in whole or in part, closer to existing development than allowed by California statutes enacted under Senate Bill (SB) 1137, which prohibits new fluid mineral permitting within 3,200 feet of homes, schools, and other sensitive receptors.[86] Had BLM conducted the proper analysis, it would have found that thousands of acres across 19 parcels are located within SB 1137 health protection zones and are, thus, precluded from being offered for lease in accordance with the terms and conditions of the Bakersfield 2014 RMP and the Central Coast 2019 RMPA.

In particular, while the Draft EA made unexplained changes to the preliminary parcel list, it appears that the following parcels listed in the 2026 Lease Sale Notice are all located wholly or partially within SB 1137 health protection zones:[87]

CA-2099-01-0081	CA-2099-01-0136	CA-2099-01-0162	CA-2099-01-0177
CA-2099-01-0103	CA-2099-01-0142	CA-2099-01-0165	CA-2099-01-0188
CA-2099-01-0123	CA-2099-01-0144	CA-2099-01-0167	CAP106818522
CA-2099-01-0132	CA-2099-01-0147	CA-2099-01-0172	CAP106820777
CA-2099-01-0135	CA-2099-01-0149	CA-2099-01-0175	

Importantly, Protesters are not arguing here that BLM has any independent duty to *enforce* state law on federal lands.[88] Instead, Protesters are pointing out BLM's explicit duty under FLPMA to *consider* relevant state laws and maintain consistency them in the RMP process.[89] The MLA

[84] *Id.* at 18–20.
[85] Bakersfield 2014 RMP at 87-88; Central Coast 2019 RMPA at A-10 to -11.
[86] SB 1137, 2021–2022 Leg., Reg. Sess. (Cal. 2022) (enacting Pub. Resources Code, §§ 3280-91).
[87] *See California*, 2:26-cv-00107-DC-SCR, Karuzas Decl. ¶ 31 (admitting that 19 of the lease sale parcels are located within health protection zones).
[88] Such a question is outside the scope of this proceeding. Accordingly, Protesters take no position on this topic.
[89] 43 U.S.C. § 1712(c)(9).

contains similar language directing that "[n]one of such provisions" in federal leases "shall be in conflict with the laws of the State in which the leased property is situated."[90]

Protesters rely on the principle that, whenever BLM voluntarily chooses to incorporate *anything* into the terms and conditions of federally binding RMPs and their records of decision (whether derived from state law or otherwise), FLPMA imposes the corresponding duty on BLM to "conform" its subsequent actions—such as the EA for the December 2026 Lease Sale—to those terms and conditions, and to make sure the lease sale proceeds "in accordance with" the applicable RMPs.[91]

BLM's failure to properly consider SB 1137 and its failure to properly survey each parcel under the CSU stipulation for Existing Surface Use/Management violate both FLPMA and NEPA.

B. BLM Has Failed to Meaningfully Consider the December 2026 Lease Sale's Threats to Protected Lands and Public Recreation in Violation of NEPA and the RMP's Terms and Conditions.

As argued more fully in the CalWild et al. Draft EA Comments,[92] another facet of the RMPs' CSU stipulation for Existing Surface Use/Management is that "fluid mineral development shall not occur . . . [i]n a manner that significantly and adversely impacts existing recreation opportunity of which the surface owner/administrator is charged with the management and protection,"[93] and it is improper for BLM to proceed with the December 2026 Lease Sale without first conducting a parcel-by-parcel survey of the location and acreage of existing recreation opportunities, followed by an analysis of whether fluid mineral development could significantly and adversely affect such recreation opportunities.

In particular, BLM must conduct a proper Existing Surface Use/Management CSU analysis with regard to parcels adjacent to Lands with Wilderness Characteristics (Temblor Unit of the Carrizo Plain National Monument); parcels located within the Carrizo Plain National Monument's potential viewshed; parcels overlapping with the Temblor Special Recreation Management Area; and parcels overlapping with the Butterfield National Historic Trail.

BLM's failure to do so violates both NEPA and FLPMA.

C. BLM Has Inadequately Addressed Impacts to Cultural Resources.

As argued more fully in the CalWild et al. Draft EA Comments,[94] BLM improperly failed to conduct a parcel-specific Class III or Class II review of cultural resources and, instead, relied on a so-called Class I literature and records review. BLM's claimed Class I review only covers a small portion of the December 2026 Lease Sale acreage and contains no conclusions about whether cultural resources are or are not present on each of the lease sale parcels. Likewise,

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[90] 30 U.S.C. § 187.
[91] *Id.* § 1732(a); 43 C.F.R. § 1610.5-3(a).
[92] CalWild et al. Draft EA Comments at 20–21.
[93] Bakersfield 2014 RMP at 87-88; Central Coast 2019 RMPA at A-10 to -11.
[94] CalWild et al. Draft EA Comments at 21–22.

BLM's review contains no discussion of the location and potential impacts of oil and gas leasing on the cultural resources conceded to be present in the lease sale area, such as human remains. BLM's review does not satisfy BLM's own guidance requiring that Class I reviews be "professionally prepared stud[ies] that include[] a compilation and analysis of all reasonably available cultural resource data and literature, and a management-focused, interpretive, narrative overview, and synthesis of the data," as opposed to "a mere 'records check.'"[95] BLM improperly deferred a full impacts analysis to the APD stage. BLM's failures in this respect violate both NEPA and FLPMA.

D. BLM Has Failed to Meaningfully Address Impacts to Sensitive Species and Ecosystems.

As argued more fully in the CalWild et al. Draft EA Comments and CalWild et al. Scoping Comments, many of the Draft EA's parcel descriptions concerning species occurrence are incorrect, including by misidentifying parcels as having a low likelihood of Tipton kangaroo rat or San Joaquin fox occurrence where there is greater than 90 percent overlap with these species' habitat.[96] We found these errors by layering highly relevant and credible California Natural Diversity Database (CNDDB) occurrence and critical habitat location data on top of BLM's "2026 Proposed Lease Parcel Shapefiles."[97] We then noted that, because of this error, BLM has failed to accurately disclose to the public the likelihood of certain species being present and has failed to take an accurate "hard look" at the December 2026 Lease Sale's impacts to species and ecosystems.[98]

We also pointed out that because all leases must attach the CSU – Protected Species stipulation,[99] prior to any lease issuance, BLM must conduct "site-specific surveys for plant and animal species . . . according to established methods" as contemplated by the CSU stipulation.[100] At present, there is no indication BLM has complied with this requirement.

Additionally, as we noted in our Draft EA Comments, the Draft EA improperly ignores the San Joaquin kit fox conservation strategy, fails to take a hard look at impacts to newly listed and proposed species, fails to even *mention* the California mountain lion—which is protected under the California Endangered Species Act (CESA)—despite that species' wide range throughout California and potential overlap with lease parcels, and fails to properly consider impacts to the Temblor legless lizard (TLL) and Western burrowing owl.[101] All of these failures are improper under FLPMA, NEPA, the ESA, and CESA.

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[95] BLM, Manual 8110, Identifying and Evaluating Cultural Resources, 0.2, 0.21A1a(2) (Dec. 3, 2004), https://www.blm.gov/sites/blm.gov/files/uploads/mediacenter_blmpolicymanual8110_0.pdf.
[96] CalWild et al. Draft EA Comments at 23–24; CalWild et al. Scoping Comments at 44–50.
[97] CalWild et al. Draft EA Comments at 23–24; CalWild et al. Scoping Comments at 44–50.
[98] CalWild et al. Draft EA Comments at 23–24; CalWild et al. Scoping Comments at 44.
[99] CalWild et al. Draft EA Comments at 24.
[100] Bakersfield 2014 RMP at 79; Central Coast 2019 RMPA at A-3.
[101] CalWild et al. Draft EA Comments at 24–33.

1. BLM Has Improperly Ignored Its Incorporated Conservation Strategy to Protect the San Joaquin Kit Fox.

As argued more fully in the CalWild et al. Draft EA Comments and CalWild et al. Scoping Comments,[102] per BLM's own Biological Resources Conservation Strategy, "[e]mphasis should be placed on the San Joaquin kit fox as an umbrella species" in that "fulfilling the management and habitat needs of the San Joaquin kit fox will also meet the needs of many other species."[103] Without explanation, the 2026 Lease Sale Notice makes no mention of this principle, despite many (perhaps over half) of the proposed parcels properly ranking high for San Joaquin kit fox likely occurrence.[104] We again urge BLM to follow its pledge to treat the kit fox as a conservation "umbrella" species.

Likewise, we urge BLM to consider and incorporate recent, relevant San Joaquin kit fox studies into its analysis of impacts and leasing decisions. These studies confirm that energy development negatively impacts San Joaquin kit fox habitat and recovery, potentially leading to permanent modification of existing habitat and the inability of San Joaquin kit foxes to disperse and find suitable new habitat.[105] These studies also show a likelihood that San Joaquin kit foxes will not be deterred from accessing or potentially creating dens on construction sites, creating an existential risk of take from interaction with vehicles and equipment, poisoning, and entrapment or entombment.[106]

2. BLM Has Failed to Take a Hard Look at Impacts to Newly Listed and Proposed Species.

The CalWild et al. Draft EA Comments pointed out BLM's failure to consider impacts to newly listed and proposed species in the Central Coast and Bakersfield updated Supplemental Environmental Impact Statements (SEISs) (both adopted in June 2026).[107] This includes species listed or proposed under the ESA and CESA.

As we noted in the CalWild et al. Draft EA Comments, BLM's earlier failures are relevant here because without analysis of species occurrence at the earlier SEIS level, there is no evidence that stipulations and conditions will address lease impacts to the newly listed and proposed species.[108] BLM should have tackled those questions at the earlier SEIS stage, and BLM must address those questions now with the proposed December 2026 Lease Sale.

In the Central Coast, since BLM's 2019 Final Environmental Impact Statement (FEIS), the Central Coast Distinct Population Segment (DPS) and South Coast DPS of foothill yellow-legged frog, Northern DPS of western spadefoot, monarch butterfly, northwestern pond turtle,[109]

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[102] *Id.* at 24-25; *see also* CalWild et al. Scoping Comments at 44.
[103] Bakersfield 2014 RMP at 268, Appendix 4.
[104] CalWild et al. Draft EA Comments at 24–25.
[105] *Id.* at 25.
[106] *Id.*
[107] *Id.* at 25–27.
[108] *Id.* at 25.
[109] BLM, Central Coast Field Office Draft Supplemental Environmental Impact Statement (DSEIS) at 10, 42–50 (2025).

and southwestern pond turtle[110] have been listed for protection or proposed for listing under the ESA. Meanwhile, the TLL, Crotch's bumble bee, western bumble bee, burrowing owl,[111] and mountain lion[112] all received protections under CESA.

In Bakersfield, since the BLM's 2019 FEIS, the Southern Sierra DPS of fisher, Kern Canyon slender salamander, monarch butterfly, northwestern pond turtle, southwestern pond turtle,[113] relictual slender salamander,[114] the South Coast DPS and South Sierra DPS of the foothill yellow-legged frog,[115] and Northern DPS and Southern DPS western spadefoot[116]—have been "either proposed for listing or formally listed" under the ESA. Since 2019, the South Coast DPS and South Sierra DPS of the foothill yellow-legged frog, the Temblor legless lizard, Crotch's bumble bee, Western bumble bee, and burrowing owl.[117]

As we pointed out in the CalWild et al. Draft EA Comments, the Draft EA for the December 2026 Lease Sale mentions only whether some, but not all, of the newly-protected/proposed species named above may occur on lease parcels, a deficiency that must be corrected.[118] BLM must disclose and analyze whether the lease sale will impact any newly-protected/proposed species.

3. BLM Must Analyze Impacts of the December 2026 Lease Sale on California Mountain Lions.

As raised more fully in the CalWild et al. Draft EA Comments, the Draft EA fails to even mention the threatened California mountain lion, even though the species is widespread throughout California and is susceptible to harms from the loss of habitat connectivity and impacts of oil and gas development.[119]

Environmental groups' 2026 Central Coast Field Office and Bakersfield Field Office SEIS comments provided extensive information on the species, including maps of species range and the need to maintain habitat connectivity and genetic flow and the impacts oil and gas development could have on their viability.[120] Yet as the CalWild et al. Draft EA Comments

[110] Ctr. for Biological Diversity, Central Coast SEIS Comments at 52.
[111] BLM, Central Coast Field Office DSEIS at 50–51.
[112] Ctr. for Biological Diversity, Central Coast SEIS Comments at 60–64 (noting that BLM failed to mention the mountain lion).
[113] BLM, Bakersfield Field Office DSEIS at 26, Table 3-7 (Dec. 10, 2025).
[114] Ctr. for Biological Diversity et al., Bakersfield SEIS Comments at 82–83 (noting that BLM's draft SEIS did not mention the relictual slendar salamander, even though it was proposed for listing in 2022 and likely overlaps with oil and gas designations).
[115] *Id.* at 73.
[116] *Id.* at 72, 76–77 (noting that BLM's draft SEIS did not mention the western spadefoot, even though it was proposed for listing in 2023 and likely overlaps with oil and gas designations).
[117] *Id.* at 72, 83.
[118] CalWild et al. Draft EA Comments at 26.
[119] *Id.* at 26–29.
[120] Ctr. for Biological Diversity et al., Bakersfield SEIS Comments at 84–87; Ctr. for Biological Diversity, Central Coast SEIS Comments at 60–67.

explain, despite these comments, the final SEISs for both the Central Coast and Bakersfield regions are both deficient in how they address mountain lions.[121]

As we argued in our Draft EA Comments for the December 2026 Lease Sale, BLM must (a) analyze the likelihood of mountain lion occurrence on—and around—the lease parcels; (b) analyze the possible impacts of oil and gas development of those lease parcels on mountain lions; and (c) propose ways to reduce and mitigate those impacts, including not leasing the parcels altogether.[122]

4. BLM Must Analyze Impacts of the December 2026 Lease Sale on the Temblor Legless Lizard and Incorporate CDFW Mitigation Measures.

As argued more fully in the CalWild et al. Draft EA Comments, the Draft EA has shortcomings with regard to the TLL and its protection.[123] In particular, we argued that BLM must disclose and consider the direct overlap of several parcels with TLL sightings and habitat (and decline to lease those parcels) and incorporate updated TLL conservation measures from the California Department of Fish and Wildlife (CDFW).[124]

First, we pointed out that environmental groups' comments on the 2026 Central Coast and Bakersfield SEISs, incorporated here by reference, documented in detail the numerous impacts that oil and gas development has on the TLL, a rare, range-restricted habitat specialist.[125] These comments brought to BLM's attention the survey methods and mitigation measures that have been outlined by the CDFW and other experts. The Draft EA erroneously fails to acknowledge or incorporate this information, even though oil and gas development on parcels within the December 2026 Lease Sale could harm the TLL.

Second, we noted that our GIS analysis found that two lease sale parcels (CA-2099-01-0095 and CA-2099-01-0081) in Unit 3 overlap sites where TLLs have recently been found, a total of 13 parcels overlap the TLL's narrow range, and 11 parcels have 100% overlap with the TLL's range.[126]

As we asserted in our earlier Comments, BLM should at minimum decline to offer the parcels for lease where TLLs have been recently detected (CA-2099-01-0095 and CA-2099-01-0081) due to the high likelihood of harm.

Third, we pointed out in the CalWild et al. Draft EA Comments that in June 2025, CDFW specified mitigation measures to reduce threats to the TLL from oil and gas development under

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[121] *See generally* Ctr. for Biological Diversity, Central Coast SEIS Protest Letter at 23 (noting further that BLM said Appendix L of the 2019 FEIS "discusses other special status species, which include California State-listed species," but Appendix L does not discuss the mountain lion) (citation modified).
[122] CalWild et al. Draft EA Comments at 27.
[123] *Id.* at 29–32.
[124] *Id.* at 29–30.
[125] Ctr. for Biological Diversity et al., Bakersfield SEIS Comments at 60–63.
[126] CalWild et al. Draft EA Comments at 30–31.

the Kern County Ordinance that governs oil and gas permitting in Kern County.[127] BLM should read and consider these mitigations. Importantly, for example, CDFW specified that multiple TLL surveys should be conducted during February to April, and it recommended site surveys over multiple years to increase the probability of lizard detection.[128] CDFW also recommended consultation if TLL are documented or suspected to be present to discuss project implementation and take avoidance, including an incidental take permit if avoidance is not feasible.[129] As we argued in the CalWild et al. Draft EA Comments, these studies and information outlined by CDFW should be treated as standard operating procedures and incorporated into BLM's environmental review as requirements for leased parcels.[130]

5. BLM Must Analyze Impacts of the December 2026 Lease Sale on the Western Burrowing Owl and Incorporate CDFW Mitigation Measures.

As we argued more fully in the CalWild et al. Draft EA Comments, BLM's analysis of the December 2026 Lease Sale is flawed in several ways with regard to the western burrowing owl.[131] First, the Draft EA fails to recognize that the western burrowing owl is a state candidate for listing under CESA, labeling its status only as "BLM SS."[132] This error must be corrected.

Second, neither the Draft EA nor the 2014 Bakersfield RMP provide specific mitigation measures for this species, other than the 2012 FEIS stating that avoidance buffers must be "50 feet from burrowing owl burrows."[133] This is much smaller than the avoidance buffers specified in the 2012 CDFW Staff Report on Burrowing Owl Mitigation that requires a 50 meter to 500 meter buffer, depending on the time of year and level of disturbance.[134] BLM must include updated requirements for buffers on lease parcels.

Third, BLM should have incorporated the 2025 CDFW mitigation measures for the burrowing owl.[135] As explained more fully in our Draft EA Comments, these measures include preconstruction surveys, avoidance buffers, take authorization (including a recommendation that passive relocation not occur without authorization.)[136]

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[127] *Id.* at 31 (quoting CDFW's conclusion that oil and gas development activities associated with the Kern County Ordinance "would be likely to significantly impact TLL").
[128] *Id.* at 32.
[129] *Id*.
[130] *Id.* at 32 (citing Proposed Resource Management Plan & Final Environmental Impact Statement for the Bakersfield Field Office, Vol. 1, at 950, Appendix L (Aug. 2012) [hereinafter Bakersfield 2012 FEIS]).
[131] *Id.* at 32–33.
[132] Draft EA at Table F-2, Appendix G.
[133] Bakersfield 2012 FEIS at 975, Appendix L.
[134] CalWild et al. Draft EA Comments at 32.
[135] *Id.* at 32–33.
[136] *Id*.

E. Leasing Parcels in Undisturbed and/or Wildlife Corridor Areas Contradicts the Bakersfield 2014 RMP and Other BLM Conservation Strategies, and Threatens Special-Status Species, in Violation of FLPMA.

As argued more fully in the CalWild et al. Draft EA Comments, BLM should have properly considered numerous studies showing that wildlife connectivity and habitat integrity are important to the survival of species.[137] BLM's failure to properly address wildlife connectivity and habitat integrity/corridors violates the agency's MUSY mandate and duty to avoid UUD under FLPMA.[138] In particular, we argued that leasing could significantly impact wildlife connectivity and habitat integrity through the construction of new roads, fencing, noise and light pollution, direct habitat destruction, and increased human presence and traffic in the region, among other activities. Studies show these kinds of activities can negatively and significantly impact an animal's behavior, movement patterns, reproductive success, and physiological state, which can lead to significant impacts on individual wildlife, populations, communities, landscapes, and ecosystem function. Habitat fragmentation from roads and development increases local extinction risk in amphibians and reptiles and causes high levels of avoidance behavior and mortality in birds and insects. Recent NEPA analysis by BLM confirms the importance of wildlife connectivity.

Yet, a number of parcels in the 2026 Lease Sale Notice are *not* within existing oil fields and could lead to loss of wildlife connectivity.[139] The Draft EA does not address this issue, disclose which parcels are outside oil fields, or consider how leasing parcels outside oil fields could contradict its other policies and legal obligations under FLPMA and NEPA. Those errors must be corrected.

1. BLM Must Disclose Exactly How Many Parcels and How Much Acreage Is Outside Developed Oil Fields.

As argued more fully in the CalWild et al. Draft EA Comments, BLM must disclose which parcels are outside existing oil fields and account for those impacts if those parcels are subject to oil and gas development.[140] Relatedly, we pointed out that the Draft EA's leasing preference chart assigning a high-to-low ranking for each parcel based on proximity to existing oil and gas development is inaccurate in that it only lists a single parcel as having low leasing preference for lack of existing development.[141] We also argued that BLM does not—but must—disclose which parcels in ACECs could subject those lands to new oil and gas development.[142]

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[137] *Id.* at 33–38.
[138] *Id.* at 33.
[139] *Id.* at 34.
[140] *Id.* at 34–35. The Draft EA offers some clues, but even these are too vague as to adequately disclose information to the public. The Draft EA states, for example, that in Unit 4 "less than 5%" of parcels are in existing oil fields—meaning, in this Unit, over 95% of parcels are *outside* already-developed oil field lands. Draft EA at 13. For other units, BLM offers only vague, unquantified descriptions such as how in Units 1, 2, and 3, "[o]ver half" of each unit is within an existing oil field. *Id.* at 11–13.
[141] CalWild et al. Draft EA Comments at 35.
[142] *Id.*

We argued that in order to comply with FLPMA's regulations,[143] BLM must revise its analysis, including the leasing preference chart, and explicitly discuss which parcels could lead to development outside of oil fields or in undisturbed and/or wildlife corridor areas.[144]

2. Over 70% of Parcels Could Be Outside Oil Fields.

Our Draft EA Comments pointed out that BLM's analysis relies on the assertion that impacts to protected species "would primarily occur within landscapes that have experienced historical oil and gas development and contain existing roads, pipelines, well pads, and other energy infrastructure," and, "[a]s a result, future development would generally expand existing disturbed areas rather than introduce widespread new fragmentation across previously undisturbed landscapes."[145] But, as we noted in our Draft EA Comments, 16 of 44 parcels (36%) appear to be located *entirely outside* of existing oil field boundaries.[146] Additionally, as we pointed out, it appears 16 parcels are located *partially outside* of existing oil field boundaries.[147] This means 32 of the 44 parcels (73%) would be subject to new, intense oil and gas disturbance. As we noted in our Draft EA Comments, BLM's statement that leasing development would occur "primarily" on previously disturbed land is therefore unfounded, and proceeding under this false premise undermines BLM's NEPA analysis and FLPMA leasing preference process.

3. Leasing Parcels in Undeveloped and/or Wildlife Corridor Lands Contradicts BLM Strategies and Could Threaten Special-Status Species.

As we argued more fully in our Draft EA Comments, leasing parcels in undeveloped and/or corridor lands is not only bad for wildlife, but doing so contradicts the terms and conditions of the 2014 Bakersfield RMP and other BLM resource management strategies.[148] For one, we cited BLM's Biological Resources Conservation Strategy which provides that "[a] key component of the reserve and corridor linkage strategy *is to maintain* suitable amounts of habitat *that are largely undisturbed* by development activities."[149] As we explained, that Strategy (and incorporated Recovery Plan) further directs that "[u]ses and actions on public land, such as . . . oil [and] gas . . . should occur so as to minimize degradation of habitat for special status species."[150] We noted that it does not appear that BLM has taken these management principles into account. BLM must consider these principles and explain how the December 2026 Lease Sale aligns (or does not) with their strategies. We asserted that ultimately, BLM must revise its environmental analysis to disclose which parcels are within these important undeveloped and/or corridor lands, and then BLM must decline to offer such parcels for lease.

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[143] 43 C.F.R. § 3120.32(b)–(d).
[144] CalWild et al. Draft EA Comments at 35. The maps BLM provides are insufficient for the public to discern this information; BLM must add an accurate textual narrative within the body of its environmental review document making this information clear.
[145] *Id.* (quoting Draft EA at 34–35).
[146] *Id.* at 35–36 (citing Draft EA at Appendix A, Maps 3-6).
[147] *Id.* at 36–37 (citing Draft EA at Appendix A, Maps 3-6).
[148] *Id.* at 37.
[149] Bakersfield 2012 FEIS at 774, Appendix B (emphasis added); Bakersfield 2014 RMP at 270, Appendix 4.
[150] Bakersfield 2014 RMP at 268, Appendix 4.

4. BLM Has Ignored Its Own Leasing Preference Ratings and Has Arbitrarily Inflated Proximity to Existing Development Ratings.

As we argued more fully in the CalWild et al. Draft EA Comments, BLM fails to reconcile its leasing preference ratings with its decision to offer all 43 parcels (combined from the 44 parcels in the Draft EA and involving the same acreage) for leasing, as all of these parcels "were rated as low preference overall," due to habitat values, cultural resource values, and, for some parcels, recreation values.[151] We also pointed out that BLM cannot rely on IM 2025-028 to push low-preference lease parcels into a lease sale because that IM conflicts with BLM's duties under 43 C.F.R. section 3120.32.[152]

The CalWild et al. Draft EA Comments further note that BLM's leasing preference ratings are flawed because of the agency's arbitrary definition (within five miles of existing oil and gas infrastructure) of what constitutes "proximity to existing development."[153] Our Draft EA Comments presented studies that BLM must consider showing that even being within five miles can impact species. For example, construction will not deter San Joaquin kit foxes from using construction sites, and the development at oil sites has led to increased bird predation of blunt-nosed leopard lizards (BNLL) compared to undeveloped habitat.[154]

We also argued that the Draft EA does not adequately analyze how protected species like the kit fox and BNLL will be affected by new development from leasing, as the Draft EA only states that development across all of the parcels could "result[] in localized habitat loss and fragmentation," and "[c]onstruction activities would increase dust, noise, vibration, lighting, vehicle traffic, and human activity, which could temporarily disturb or displace wildlife, interrupt breeding, nesting, denning, roosting, or foraging activities, and increase the potential for wildlife mortality from vehicle collisions."[155]

F. BLM Has Failed to Comply with RMP Terms and Conditions Concerning Mitigation Measures.

As argued more fully in the CalWild et al. Draft EA Comments,[156] the Draft EA improperly fails to address specific mitigation-related terms and conditions from the 2014 RMP and, thus, fails to ensure that the December 2026 Lease Sale will conform to the 2014 RMP as required by FLPMA. In particular, the Draft EA does not address the percentage-based limitations on habitat and ground disturbance contained in the 2014 RMP and applicable to reserve areas such as the Lokern-Buena Vista ACEC and portions of Compensation Lands and Upper Cuyama Valley ACECs. The Draft EA likewise fails to address the compensation ratios required under the 2014 RMP.

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[151] CalWild et al. Draft EA Comments at 37–38 (quoting Draft EA at C-2); 43 C.F.R. § 3120.32.
[152] CalWild et al. Draft EA Comments at 37 (citing CalWild et al. Scoping Comments at 56–60 (explaining that 43 C.F.R. § 3120.32 intends to aid BLM in exercising its discretion, whereas IM 2025-028 purports to eliminate BLM's discretion not to offer low-preference parcels for leasing)).
[153] CalWild et al. Draft EA Comments at 38 (citing Draft EA at C-1).
[154] *Id.*
[155] *Id.* (quoting Draft EA at 34).
[156] *Id.* at 39–40; CalWild et al. Scoping Comments at 26–32, 35–36.

G. BLM Has Failed to Meaningfully Consider Impacts to Water Resources.

As argued more fully in the CalWild et al. Draft EA Comments,[157] BLM should have conducted a parcel-specific analysis of potential water resources impacts under NEPA and FLPMA rather than discussing water resources at a high level of generality. The Draft EA also ignores the CalWild et al. Scoping Comments regarding the need for BLM to properly consider impacts to groundwater from well construction practices and fracking.

H. BLM Has Failed to Meaningfully Consider Impacts to Soil Resources.

As argued more fully in the CalWild et al. Draft EA Comments,[158] BLM has improperly deferred a full analysis of impacts to soil resources to the APD stage rather than conducting a parcel-by-parcel analysis at the lease sale level. As BLM recognizes that "up to 88.95 acres per year of temporary or permanent soil disturbance could potentially occur as a result of future development enabled by the proposed action," the agency must conduct a full analysis of the potential impacts of such disturbance—including but not limited to impacts related to erosion, road maintenance, and effects on vegetation and wildlife—along with parcel-specific mitigation measures.

I. BLM Has Failed to Meaningfully Consider Impacts to Air Quality.

As argued more fully in the CalWild et al. Draft EA Comments, the Draft EA contains an inadequate discussion of air quality impacts and ignores the CalWild et al. Scoping Comments regarding air quality impacts from GHG emissions, venting, and flaring.[159] In particular, the Draft EA (1) improperly deferred CAA conformity review to the APD stage; (2) improperly minimized impacts by failing to consider impacts to public health, in general, and impacts to SB 1137 sensitive receptors, in particular; (3) improperly minimized impacts by focusing on an air basin-wide analysis that ignores the reality that Kern County has some of the worst air quality in the country and the December 2026 Lease Sale will result in significant cumulative impacts, (4) improperly relies on the reasonably foreseeable development scenario in the Bakersfield 2014 RMP, which vastly underestimates development in this region, and (5) ignores the impacts of existing and future idle and orphan wells, which can be super emitters of methane and also emit volatile organic compounds like benzene and other harmful gases like hexane and hydrogen sulfide.

J. BLM Has Failed to Consider a Reasonable Range of Alternatives, in Violation of NEPA.

As argued more fully in the CalWild et al. Draft EA Comments,[160] BLM has not properly considered a reasonable range of alternatives to the December 2026 Lease Sale, as required by

[157] CalWild et al. Draft EA Comments at 40–41.
[158] *Id.* at 41.
[159] *Id.* at 11–15, 35–36, 41–44; CalWild et al. Scoping Comments at 35–36, 50–55.
[160] *Id.* at 44–45.

NEPA.[161] Additionally, as all of the parcels are low leasing preference, BLM should have evaluated the relative conflicts among all of the parcels to ensure compliance with its duties of MUSY and ensuring no UUD to public lands.[162] BLM should have considered, at least, the following alternatives:

- Deferring parcels that fall within or near the Carrizo Plain National Monument and Lokern-Buena Vista ACEC (as identified in the Draft EA Comments);
- Deferring parcels within or adjoining the Chico Martinez, Kettleman Hills, Lokern-Buena Vista, and Panoche-Coalinga ACECs and the Lokern Ecological Reserve;
- Deferring parcels within SB 1137 health protection zones;
- Deferring parcels with potential recreation impacts (including parcels overlapping the Butterfield trail and the Temblor Special Recreation Management Area), especially parcels rated as "low" preference due to recreation and other resources (CA-2099-01-0100, CA-2099-01-0120, CA-2099-01-0123, CA-2099-01-0133, CA-2099-01-0134, CA-2099-01-0152, CA-2099-01-0179, CA-2099-01-0187, CAP106818459, CA-2099-01-0186);
- Deferring parcels with a high (Units 3–4 and Kettleman Outlier) or medium (all parcels) likelihood of protected species;
- Deferring parcels within red-legged frog critical habitat and parcels with a high (Units 3–4 and Kettleman Outlier) or medium (Unit 2 and Fresno Outlier) likelihood of San Joaquin kit fox, given the important role of this species as an "umbrella" species in the *Recovery Plan for Upland Species of the San Joaquin Valley, California*;
- Deferring parcels that overlap with undeveloped and/or wildlife corridor lands, including the parcel BLM already identified as having a low leasing priority due to lack of proximity to existing oil and gas development (CA-2099-01-0078) and other parcels that should have this designation based on a proper leasing preference review;
- Deferring parcels with high sensitivity cultural resources, such as human remains; and
- Leasing fewer acres within the current boundaries of each of the proposed parcels to exclude and protect the most sensitive locations.

VIII. BLM Must Prepare an EIS to Address Significant Effects of the December 2026 Lease Sale.

The 2026 Lease Sale Notice contains no indication that BLM intends its final NEPA documentation to include an Environmental Impact Statement (EIS). NEPA requires that all agencies of the federal government prepare a detailed EIS that discusses the environmental effects of, and reasonable alternatives to, all "major federal actions significantly affecting the quality of the human environment."[163] As argued more fully in the CalWild et al. Draft EA Comments,[164] the impacts discussed in the CalWild et al. Scoping Comments and CalWild et al.

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[161] 42 U.S.C. § 4332(C)(iii); *see also Ctr. for Biological Diversity v. U.S. Dep't of Interior*, 623 F.3d 633, 642 (9th Cir. 2010) (characterizing the analysis of "all reasonable alternatives" as the "heart" of an EIS); *Oregon Nat. Desert Ass'n v. Bureau of Land Mgmt.*, 625 F.3d 1092, 1122 (9th Cir. 2010) (stating that the "[t]he existence of a viable but unexamined alternative renders an environmental impact statement inadequate") (citation modified).
[162] BLM, IM 2023-007 (Nov. 21, 2022), https://www.blm.gov/policy/im-2023-007 (incorporated into 89 Fed. Reg. 30916, 30921 (Apr. 23, 2024)).
[163] 42 U.S.C. § 4332(C).
[164] CalWild et al. Draft EA Comments at 45.

Draft EA Comments, as reiterated in this protest letter, illustrate that the proposed December 2026 Lease Sale will likely have significant adverse effects—including but not limited to adverse effects on public health, recreation, protected species and ecosystems, lands with wilderness characteristics, ACECs, cultural resources, the Carrizo Plain National Monument air quality, GHG emissions, water quality and quantity, and soil resources—such that BLM must prepare a full EIS under NEPA.

CONCLUSION

Thank you for your attention to the points raised throughout this protest letter, as further detailed in the incorporated and attached comment letters. We look forward to receiving your response, as required by 43 C.F.R. § 1610.5-2(a)(3).

If you have any questions about this protest letter and comments, you may reach out to any of us directly or contact Elizabeth Fisher (efisher@earthjustice.org) or Victoria Bogdan Tejeda (vbogdantejeda@biologicaldiversity.org), who helped prepare this submission and who have been authorized to file this protest letter on behalf of the organizations listed herein.

Sincerely,



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ADDENDUM

1. CalWild et al., Comments on Environmental Assessment for the California Bureau of Land Management December 2026 Competitive Oil & Gas Lease Sale (DOI-BLM-CA-C060-2026-0090-EA) (Sept. 18, 2026), incorporating CalWild et al., Scoping Comments on Parcels for the California Bureau of Land Management December 2026 Competitive Oil & Gas Lease Sale, Docket No. DOI-BLM-CA-C060-2026-0090-EA) (July 31, 2026).

2. Voices in Solidarity Against Oil in Neighborhoods et al., Comments on Draft Environmental Assessment for the California Bureau of Land Management December 2026 Competitive Oil & Gas Lease Sale, Docket No. DOI-BLM-CA-C060-2026-0090-EA) (Sept. 18, 2026).

3. CalWild, et al., Protest of Decision to Finalize the Bakersfield Field Office Resource Management Plan Without Amendment and Comments on Final Environmental Impact Statement, Docket No. DOI-BLM-CA-C060-2025-0053-EIS (June 18, 2026).

4. Center for Biological Diversity, Protest and Comments on Final Central Coast Field Office Oil and Gas, Leasing and Development Supplemental Environmental Impact Statement, Docket No. DOI-BLM-CAC090-2025-0017-RMP-EIS (June 18, 2026).

5. Center for Biological Diversity et al., Comments on Draft Bakersfield Field Office Oil and Gas Leasing and Development Supplemental Environmental Impact Statement, Docket No. DOI-BLM-CA-C060-2025-0053-EIS (March 13, 2026).

6. Center for Biological Diversity, Comments on Notice of Availability of the Draft Central Coast Field Office Oil and Gas, Leasing and Development Supplemental Environmental Impact Statement, Docket No. DOI-BLM-CA-C090-2025-0017-RMP-EIS (March 13, 2026).

7. Annotated Bibliography of Fact-Based Sources Cited or Incorporated into November 2, 2026 Protest Letter to the U.S. Bureau Of Land Management (BLM).

Addendum

Addendum 1

CalWild et al. Comments on Environmental Assessment for the California Bureau of Land Management December 2026 Competitive Oil & Gas Lease Sale (DOI-BLM-CA-C060-2026-0090-EA) (Sept. 18, 2026), incorporating CalWild et al. Scoping Comments on Parcels for the California Bureau of Land Management December 2026 Competitive Oil & Gas Lease Sale, Docket No. DOI-BLM-CA-C060-2026-0090-EA) (July 31, 2026).

September 18, 2026

SUBMITTED VIA E-PLANNING

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Re: Comments on Environmental Assessment for the California Bureau of Land Management December 2026 Competitive Oil & Gas Lease Sale (DOI-BLM-CA-C060-2026-0090-EA).

Dear Director Stout and Mr. Thomas:

Thank you for the opportunity to submit these comments on the draft environmental assessment (Draft EA) for the Bureau of Land Management's (BLM's) California December 2026 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, benefits the public and local communities, protects biodiversity, and mitigates the impacts of climate change. These comments build on Scoping Comments submitted on July 31, 2026, which we hereby attach and incorporate by reference.[1] Specifically, we oppose this lease sale and BLM's plan to lease nearly 36,000 acres of public lands despite the serious public health risks and significant environmental impacts associated with this proposal.

The Draft EA fails to meaningfully address the CalWild et al. Scoping Comments, including comments concerning tiering to the flawed environmental analyses related to the governing resource management plans (RMPs),[2] the impacts of the One Big Beautiful Bill Act (OBBBA), the need for compliance with the RMPs' terms and conditions as they relate to California's fracking ban and Senate Bill 1137 (SB 1137), the importance of conducting Clean Air Act (CAA) conformity at the RMP and lease sale stages, and the need for full consideration of other environmental impacts. Likewise, the Draft EA fails to explain the acreage change between the preliminary parcel list and the Draft EA's list of parcels, precluding meaningful public comment.

The lease sale likewise fails to comply with the CAA by deferring conformity review, analyzing emissions at the air basin level, and improperly relying on the outdated reasonably foreseeable development scenario in the Bakersfield 2014 RMP. The lease sale similarly fails to comply with the Endangered Species Act (ESA) by unlawfully deferring consultation obligations.

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[1] CalWild et al. Scoping Comments on Parcels for the California Bureau of Land Management December 2026 Competitive Oil & Gas Lease Sale (DOI-BLM-CA-C060-2026-0090-EA) (July 31, 2026) [hereinafter CalWild et al. Scoping Comments].

[2] *See* BLM, Bakersfield Field Office Record of Decision & Approved Resource Management Plan, I (Dec. 2014) (which applies to 43 out of the 44 parcels) [hereinafter Bakersfield 2014 RMP]; BLM, 2019 Record of Decision for the Central Coast Field Office Resource Management Plan Amendment for Oil and Gas Leasing and Development (Oct. 2019) (which applies to parcel no. CAP106820777) [hereinafter Central Coast 2019 RMPA].

Furthermore, proceeding with this lease sale is inconsistent with BLM's obligations under the Federal Land Policy and Management Act (FLPMA) to balance multiple uses and prevent unnecessary or undue degradation, as BLM acknowledges that each and every parcel has a low leasing preference in light of the parcels' high biodiversity, cultural resource, and/or recreation values. The lease sale includes parcels that pose serious risks to public health and parcels that threaten public recreation, in violation of the terms and conditions of the governing RMPs. The lease sale also includes parcels that threaten the Carrizo Plain National Monument and lands with wilderness characteristics, and parcels that imperil sensitive species and ecosystems. Even so, the Draft EA fails to take a "hard look" at environmental impacts to these sensitive sites and resources and fails to consider a reasonable range of alternatives under the National Environmental Policy Act (NEPA).

For these reasons, we urge BLM to withdraw its Draft EA and prepare a new analysis in the form of a full Environmental Impact Statement (EIS) that adequately addresses these deficiencies under FLPMA, NEPA, the CAA, and the ESA.

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I. The Draft EA Improperly Ignores Detailed Scoping Comments.

NEPA establishes a public comment process intended to ensure meaningful input *before* government agencies make any final decisions. Courts have long understood that compliance with NEPA requires agencies to take a "hard look" at the potential environmental consequences of the proposed action.[3] The "hard look" requirement ensures "that the agency, in reaching its decision, will have available, and will carefully consider, detailed information concerning significant environmental impacts."[4] "General statements about 'possible' effects and 'some risk' do not constitute a 'hard look' absent a justification regarding why more definitive information could not be provided."[5] Furthermore, the "'hard look' 'must be taken objectively and in good faith, not as an exercise in form over substance, and not as a subterfuge designed to rationalize a decision already made.'"[6]

Here, the timing and contents of BLM's Draft EA illustrate that the agency has already made its decision, intends to lease roughly 36,000 acres substantially overlapping with the initial parcel list regardless of public comments and regardless of environmental impacts, and is only going through the motions of complying with NEPA as a box-checking exercise.

During the "scoping" period that just ended on August 1, members of the undersigned organizations provided input on the preliminary parcel list and raised serious concerns, including that

- 21 out of the initial 50 parcels (4,000 acres) are located in Senate Bill 1137 (SB 1137) health protection zones and may not be leased under the terms of the RMPs' conditional surface use stipulation for Existing Surface Use/Management;[7]
- 11 of the initial parcels either adjoin or are located within 1 mile of the Carrizo Plain National Monument;[8]
- 12 of the initial parcels overlap or adjoin Areas of Critical Environmental Concern (ACECs), including the Chico Martinez, Kettleman Hills, Lokern-Buena Vista, Panoche-Coalinga, and Compensation Lands ACECs;[9]
- At least 35 of the initial parcels overlap with habitat for species protected under the ESA or the California Endangered Species Act (CESA);[10] and
- 1 parcel overlaps the state-managed Lokern Ecological Reserve.[11]

In full, the CalWild et al. Scoping Comments provided a detailed analysis addressing the following issues, which we incorporate here by reference:

[3] *Marsh v. Or. Nat. Res. Council*, 490 U.S. 360, 374, 385 (1989).
[4] *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 349 (1989).
[5] *Neighbors of Cuddy Mountain v. U.S. Forest Serv.*, 137 F.3d 1372, 1380 (9th Cir. 1998).
[6] *W. Watersheds Project v. Kraayenbrink*, 632 F.3d 472, 491 (9th Cir. 2011) (citation modified).
[7] CalWild et al. Scoping Comments at 21–23.
[8] *Id.* at 17.
[9] *Id.* at 16–17.
[10] *Id*. at 44–50.
[11] *Id.* at 17.

(A) reasons why it would be improper for BLM to tier to the flawed environmental analyses related to the governing RMPs;[12]
(B) the importance of compliance with FLPMA's overarching mandates and the Mineral Leasing Act (MLA);[13]
(C) BLM's deferral authority and the importance of deferring parcels in or near ACECs and the Carrizo Plain National Monument;[14]
(D) the need for BLM to consider impacts related to the One Big Beautiful Bill Act (OBBBA);[15]
(E) the need for compliance with the RMPs' terms and conditions as they relate to species, habitat, and sensitive sites, including ACECs;[16]
(F) the need for compliance with the RMPs' terms and conditions as they relate to SB 1137, California's fracking ban, and CO_2 injection restrictions;[17]
(G) the importance of complying with NEPA's overarching mandates and the Administrative Procedure Act's call for reasoned decisionmaking;[18]
(H) the need for BLM to take a hard look at impacts to ACECs and other sensitive sites;[19]
(I) the need for BLM to take a hard look at impacts to air quality, including by properly analyzing greenhouse gas (GHG) emissions and climate effects, such as by quantifying such impacts using the social cost of greenhouse gases (SC-GHG);[20]
(J) the need for BLM to take a hard look at impacts to groundwater from well construction practices and fracking;[21]
(K) the need for BLM to properly analyze air quality impacts from venting, flaring, and leaks that would result from this lease sale;[22]
(L) the need for BLM to analyze impacts of oil and gas leasing on public health;[23]
(M) the need for BLM to consider environmental justice impacts;[24]
(N) the need for BLM to consider a reasonable range of alternatives and mitigation measures;[25]
(O) the need for compliance with the Endangered Species Act;[26]
(P) the importance of conducting Clean Air Act conformity at the RMP and lease sale stages;[27]

[12] *Id.* at 5–9.
[13] *Id.* at 10–11.
[14] *Id.* at 10–11, 16–18.
[15] *Id.* at 11–16, 40–41.
[16] *Id.* at 18–21.
[17] *Id.* at 21–24.
[18] *Id.* at 24–25.
[19] *Id.* at 26.
[20] *Id.* at 26–32.
[21] *Id.* at 33–35.
[22] *Id.* at 35–36.
[23] *Id.* at 36–38.
[24] *Id.* at 39.
[25] *Id.* at 39–40.
[26] *Id.* at 41–50.
[27] *Id.* at 50–55.

(Q) the impropriety of relying on the so-called energy emergency;[28]
(R) the invalidity of IM 2025-028 given BLM's statutory duties under FLPMA;[29]
(S) the need to account for proposed changes to the federal oil and gas regulations;[30] and
(T) concerns with the use of artificial intelligence (AI) in connection with the public notice and comment process.[31]

Instead of giving meaningful consideration to such comments, BLM relied on generative AI to process the comments and rushed forward with releasing a draft environmental assessment a mere 21 days after the close of the scoping comment period. While BLM claims that human staffers reviewed all comments to verify the work of AI, the resulting EA is inconsistent with BLM's claims and does not reflect appropriate consideration of these scoping comments.

In particular, the Draft EA's failure to meaningfully consider scoping comments is evident in the following ways, among others discussed throughout these comments:

- The Draft EA states that it is tiering to prior environmental reviews without acknowledging or addressing our comments as to why tiering is inappropriate here;[32]
- The Draft EA acknowledges FLPMA's multiple use and sustained yield mandate in describing the Purpose and Need for the EA, but not BLM's corresponding duty under FLPMA to prevent unnecessary or undue degradation to public lands and resources;[33]
- The Draft EA does not mention or address OBBBA;
- The Draft EA considers deferral of only a small subset of the parcels we identified as warranting deferral based on proximity to the Carrizo Plain National Monument or Lokern-Buena Vista ACEC;[34]
- The Draft EA does not acknowledge our comments or otherwise consider deferring parcels based on their overlap or proximity to the Chico Martinez, Kettleman Hills, Lokern-Buena Vista, Panoche-Coalinga, and Compensation Lands ACECs or the Lokern Ecological Reserve;[35]
- The Draft EA makes no mention of SB 1137 in discussions of the Existing Surface Use/Management stipulation or anywhere else;[36]
- The Draft EA assumes the use of fracking without acknowledging California's fracking ban,[37] and does not address relevant RMP terms and conditions;
- The Draft EA does not acknowledge or respond to our comments regarding quantification of GHG emissions and the use of the SC-GHG method;[38]

[28] *Id.* at 55–56.
[29] *Id.* at 56–60.
[30] *Id.* at 61–62.
[31] *Id.* at 62–63.
[32] Draft EA at 4.
[33] *Id.* at 1–2.
[34] *Id.* at 9.
[35] *Id.* at 7–10.
[36] *Id.* at 8, B-27 to -28, B-34 to -36, D-2, D-4 to -5.
[37] *Id.* at 14–16, 20–21, 35.
[38] *Id.* at 24–29.

- The Draft EA defers a full analysis of impacts to groundwater to "[p]roject-level review";[39]
- The Draft EA does not mention "flaring" and contains a single passing reference to "venting" as a potential source of emissions[40] without acknowledging or responding to our comments regarding the need for the EA to take a hard look at the impacts of methane emissions from venting, flaring, and leaks;
- The Draft EA contains no discussion of public health;
- The Draft EA does not use the phrase "environmental justice" or address this issue;
- The Draft EA does not acknowledge or address our comments regarding the need for middle ground alternatives related to the Chico Martinez, Kettleman Hills, and Panoche-Coalinga ACECs;[41]
- The Draft EA lacks a full discussion of mitigation measures and relies primarily on deferred mitigation;[42]
- The Draft EA asserts that compliance with the ESA may occur at the APD stage or has already occurred based on past consultation[43] and does not acknowledge or address our comments to the contrary;
- The Draft EA asserts that Clean Air Act conformity review "does not apply to lease sales which are made on a broad scale and are followed by exploration and development plans subject to approval on a project level," without acknowledging or addressing our comments to the contrary, and likewise asserts that BLM will conduct conformity review "if required" at the APD stage, without acknowledging or responding to our comments regarding BLM's long history and ongoing practice of deficient APD conformity review and the fact that conformity review at the APD stage is insufficient to address cumulative impacts;[44]
- The Draft EA does not acknowledge or address comments regarding the so-called energy emergency; and
- The Draft EA states that BLM is following IM 2025-028 without acknowledging or addressing comments that the guidance document is inconsistent with FLPMA's text and implementing regulations.[45]

In its revised environmental review, which should take the form of an EIS, BLM must meaningfully consider and respond to all of the substantive comments raised in full in the CalWild et al Scoping Comments, taking a "hard look" at each of the listed categories of environmental impacts.

In addition to reiterating the CalWild et al. Scoping Comments, we offer the following comments specific to the Draft EA.

[39] *Id.* at 51.
[40] *Id.* at 20.
[41] *Id.* at 7–10.
[42] *Id.* at 24, 29, 35, 40, 43, 58–59.
[43] *Id.* at 30, 35, 59.
[44] *Id.* at 19.
[45] *Id.* at B-37.

II. The Draft EA Fails to Explain the Acreage Changes between the Preliminary Parcel List and the Draft EA's List of Parcels.

As part of the scoping comment period, BLM released a preliminary parcel list of 50 parcels totaling 35,843.39 acres. In the Draft EA, BLM revised its parcel list down to 44 parcels, which the EA identifies as totaling 35,127.49 acres (-715.9 net change).[46] The Draft EA contains no explanation for the reduction in parcels and does not even identify the six parcels dropped from the EA by parcel number. A note on the project's webpage asserts that "[d]uring scoping, several adjacent parcels were combined, resulting in 44 parcels instead of 50 parcels."[47] This lone statement does not allow for meaningful review of the changes by the public.

A close comparison between the preliminary parcel list and the parcel list in Appendix B of the EA reflects unexplained changes in acreage to a total of 13 parcels, including both additions and reductions in acreage. Combined, these changes produce a net deficiency of -955.9 acres, which is different from the -715.9-acre change described by BLM.

Parcel Number	**Prelim Acreage**	**EA Acreage**	**Difference**
CA-2099-01-0123	2,080	1,360	-720
CA-2099-01-0132	240.00	1,044.47	804.47
CA-2099-01-0133	1,786.47	1,791.57	5.1
CA-2099-01-0142 Split Estate	495.6	1,295.60	800
CA-2099-01-0143 Split Estate	160	Excluded from EA parcel list	-160
CA-2099-01-0151 Split Estate	1,713.22	1,712.22	-1
CA-2099-01-0167	161.91	841.91	680
CA-2099-01-0168	680	Excluded from EA parcel list	-680
CA-2099-01-0173	484.47	Excluded from EA parcel list	-484.47
CA-2099-01-0174	320	Excluded from EA parcel list	-320
CA-2099-01-0178 Split Estate	640	Excluded from EA parcel list	-640
CA-2099-01-0179	467.58	547.58	80
CA-2099-01-0185	320	Excluded from EA parcel list	-320
		Total Acreage Change:	-955.9

The EA contains a single footnote stating that parcel CA-2099-01-0185 was combined with parcel CA-2099-01-0179,[48] but even this assertion is mystifying given the above chart showing that parcel CA-2099-01-0185 contained 320 acres while parcel CA-2099-01-0179 only increased by 80 acres between the initial parcel list and the parcel list in the EA.

Moreover, it appears that there are inconsistencies between the acreage listed in the preliminary parcel list, the acreage listed in Appendix B of the Draft EA, and BLM's GIS files. For example,

[46] *Id.* at B-1 to -19.
[47] BLM, Project Name: Central California District Oil and Gas Lease Sale, NEPA Number: DOI-BLM-CA-C060-2026-0090-EA, https://eplanning.blm.gov/Project-Home/?id=87A64EA5-2776-F111-AB0D-001DD8029ED0.
[48] Draft EA at 9 n.2.

while Appendix B shows no change in acreage from the preliminary parcel list for parcel CA-2099-01-0134 (which BLM describes as 2,111.26 acres in both documents), the preliminary parcel GIS data layer shows this parcel as 1,977.46 acres and the Draft EA GIS data layer shows an increase in this parcel's acreage to 2,132.79 acres. Likewise, while Appendix B shows no change in acreage from the preliminary parcel list for parcel CA-2099-01-0152 (which BLM describes as 1,560 acres in both documents), the preliminary parcel GIS data layer shows this parcel as 1,736.44 acres and the Draft EA GIS data layer shows a decrease in this parcel's acreage to 1,578.1 acres.

BLM must show its work and explain to the public the basis for each addition and each reduction in parcel acreage, otherwise the agency will prevent meaningful public input and participation in this process in violation of NEPA. Likewise, BLM must explain and remedy the discrepancies between the acreage in the preliminary parcel list, Appendix B of the Draft EA, and the GIS data files.

III. The Draft EA Violates FLPMA by Offering to Lease Low-Priority Parcels.

BLM has a duty under FLPMA to manage public lands for multiple use and sustained yield and prevent unnecessary or undue degradation of such lands and their resources.[49] BLM cannot simply go along with "industry expressions of interest . . . in leasing specific land parcels," but must, instead, undertake "independent agency determinations of which parcels to offer for oil and gas leases."[50] Consistent with this obligation under FLPMA, BLM must give leasing preference to lands that would not impair the functioning of important fish and wildlife habitats or connectivity areas, recreation, cultural resources, and other important uses or resources like wilderness areas and national monuments.[51]

Here, BLM admits that all of the lease sale parcels have a low leasing preference under FLPMA due to their high biodiversity and cultural resource values, with many also having a low leasing preference due to their high value for recreation or other resources.[52] Likewise, BLM admits that one parcel has a low leasing preference because it is not located in proximity to existing oil and gas development.[53] In other words, *all* of these parcels are worth preserving and BLM should not move forward with leasing *any* of them.

The preamble to BLM's Leasing Rule states that "[t]he preference criteria . . . were proposed consistent with the MLA to direct the BLM's administrative resources to leasing tracts most likely to be developed, to reduce conflicts between oil and gas development and other public land uses that were not resolved in the [RMPs], and to 'take[ ] into account the long-term needs of future generations for renewable and nonrenewable resources.'"[54] Additionally, BLM explained that it "will apply the criteria . . . consistent with the BLM's existing policy and implementation of IM 2023–007, *Evaluating Competitive Oil and Gas Lease Sale Parcels for*

[49] 43 U.S.C. §§ 1701(a)(7)–(8), 1702(c) and (h), 1712(c)(1), 1732(a)–(b).
[50] *Mont. Wildlife Fed'n v. Bernhardt*, 127 F.4th 1, 43 (9th Cir. 2025).
[51] 43 C.F.R. § 3120.32(a)–(d).
[52] Draft EA at 9, C-2 to -3.
[53] *Id.* at C-3 (parcel CA-2099-01-0078).
[54] 89 Fed. Reg. 30916, 30919 (Apr. 23, 2024) (quoting 43 U.S.C. § 1702).

Future Lease Sales."[55] While BLM has rescinded IM 2023-007, the Leasing Rule's requirement that the BLM apply the preference criteria consistent with the principles in that IM remains. Those principles direct deferral of parcels with identified conflicts with the criteria,[56] such as parcels in San Joaquin kit fox habitat, red-legged frog critical habitat, and other parcels with a "high" or "medium" likelihood of protected species, along with parcels within or impacting ACECs, wilderness, recreation areas, and the Carrizo Plain National Monument.

It is also important to note that while BLM acknowledges in its discussion of Alternatives that all of the parcels are low preference, BLM's leasing preference table lists two parcels twice (CA-2099-01-0132, CA-2099-01-0136) while omitting two parcels from consideration (CA-2099-01-0149, CA-2099-01-0180). BLM must fix this error and conduct a full leasing preference analysis for the missing parcels.

Moreover, as discussed in the biodiversity section, below, it appears that BLM has misidentified a number of parcels as having a high leasing preference based on their proximity to oil and gas development.[57] BLM only identified one parcel as low preference due to proximity, but this number should have been much higher.

Finally, BLM says the parcel list was "nominated through Expressions of Interest (EOI), *or internally selected by BLM*."[58] BLM must make clear which parcels were nominated through EOIs and which nominations were driven solely by the agency. It makes even less sense to proceed with leasing low preference parcels where no operator has expressed interest.

IV. The Draft EA Fails to Comply with the Clean Air Act.

BLM continues to evade proper CAA review in its oil and gas decisionmaking in this region, including for this proposed lease sale.[59] BLM's use of the U.S. Environmental Protection Agency's (EPA's) Air Quality Index (AQI) in the Draft EA does *not* satisfy CAA requirements, is arbitrary and capricious, and cannot establish that air emissions are minimal. Instead, BLM's required conformity analysis must include specific emission contributions from individual criteria pollutants/precursors that the Planning Area is in nonattainment with. The Draft EA's tactic of just adding up all pollutants and comparing to AQI levels for the region is not connected to any CAA requirements and minimizes the importance of the most harmful pollutants.[60]

The Draft EA is the latest entry in BLM's long running scheme of kicking the can down the road when analyzing air quality impacts in its three-stage oil and gas decisionmaking process. In the Bakersfield 2014 RMP, BLM incorrectly determined that estimated emissions from the plan fall below *de minimis* levels for conformity review purposes. Specifically, the agency found that the total projected emissions from oil and gas development in the San Joaquin Valley would result in an additional 2.058 tons per year (TPY) of NOx and 6.779 TPY of reactive organic gas (ROG)/volatile organic compound (VOC) emissions—both of which are below the region's *de*

[55] *Id.* at 30921.
[56] BLM, IM 2023-007 (Nov. 21, 2022), https://www.blm.gov/policy/im-2023-007.
[57] Draft EA at C-2 to -3.
[58] *Id.* at 1 (emphasis added).
[59] *Id.* at 19.
[60] *Id.* at 17, 21–22.

minimis threshold of 10 TPY each.[61] These estimates are unsubstantiated, unrealistically low, and over a decade old, however.

The 2026 Final Supplemental Environmental Impact Statement (2026 FSEIS) BLM recently approved for the Bakersfield 2014 RMP and 2020 lease sale in Kern County appears to update these numbers and now estimates total emissions from the RMP's reasonably foreseeable development scenario would result in 473.3 TPY of NOx and 536.6 TPY of ROGs/VOCs, including fracking and mid-stream emissions.[62]

Although these estimates are significantly higher than in the Bakersfield 2014 RMP, and way over the 10 TPY threshold, they are *still* unsubstantiated and unrealistically low and—as EPA has previously commented on BLM's air estimates for the region—still "do not allow for a full understanding of the emissions."[63] As discussed in environmental groups' scoping comments regarding the flaws in the 2026 FSEIS and why BLM should not be tiering to it for this lease sale, commenters have notified BLM that the estimates continue to lack "detailed emissions calculations" including, among other factors, "a breakout of emissions calculated for individual equipment and area sources, as well as emissions estimates for transportation (e.g., number of truck trips for set-up, fracturing, take-down)" and an explanation of "emission factors and required horsepower (hp) for all equipment."[64] The estimates also lack entire categories of emissions like well pad construction, power poles, and pipelines needed at well sites, and power and water generation needed to supply operations. EPA and commenters have repeatedly requested this information for years to no avail.[65] The lack of detail makes it impossible to compare BLM's latest estimates with the numbers provided in the Bakerfield 2014 RMP, which similarly lack any detail or context.

Moreover, BLM limited its updated estimates to the reasonably foreseeable development scenario in the Bakersfield 2014 RMP, which vastly underestimates development in this region, for example ignoring the hundreds of other wells drilled per year on existing leases in the area, and emissions from highly common and polluting enhanced oil recovery practices used on wells.

As in the 2026 FSEIS where BLM argued that conformity review is not required at the RMP stage, the agency is yet again claiming that conformity is not applicable at the leasing stage—which is incorrect—and will instead be analyzed at the application for permit to drill (APD)

[61] BLM, Proposed Resource Management Plan & Final Environmental Impact Statement for the Bakersfield Field Office, Vol. 1, 402, 756 (Aug. 2012) [hereinafter Bakersfield 2012 FEIS].
[62] BLM, Bakersfield Field Office, Final Supplemental Environmental Impact Statement at 49 (May 22, 2026) [hereinafter Bakersfield 2026 FSEIS].
[63] EPA, Comments on Bakersfield Field Office Hydraulic Fracturing Draft Supplemental Environmental Impact Statement at 2 (June 10, 2019).
[64] *Id.* at 1–2.
[65] *Id.*; EPA, Comments on Bakersfield Field Office Hydraulic Fracturing Draft Supplemental Environmental Impact Statement at 1–2 (Dec. 2, 2019); Letter from Matthew J. Lakin, Acting Director, Air and Radiation Division, EPA Region 9 to Michelle Ghafar (Oct. 20, 2022); Emails between Thomas Plenys at EPA Region 9, Environmental Review Branch and Matthew J. Thomas and Franklin E. Giles at BLM's Bakersfield Field Office (Nov. 16, 2022 through Feb. 21, 2023); Letter from Tom Kelly, Air and Radiation Division, EPA Region 9 to Matthew Thomas at BLM's Bakersfield Field Office (Apr. 3, 2023); Center for Biological Diversity et al., Comments on Applications for Permit to Drill in the Bakersfield Field Office, submitted to BLM (Dec. 18, 2025).

stage.[66] But BLM has a long history of evading conformity at the APD stage too. Indeed, a coalition of organizations including some of those on this letter has repeatedly sued BLM for its deficient APD analysis, undermining the per-well emissions estimates the Draft EA relies on from recent APDs in the region.[67] BLM already conceded in response to this litigation that its estimates are entire orders of magnitude too low and that its emissions methodology for California needed to be scrapped.[68] This litigation is ongoing and BLM's deficient permitting process has not been fixed. Thus, now in its second round of leasing review for the Bakersfield area, BLM continues to refuse to do the complete and accurate conformity review required at this stage.

Indeed, BLM fails to mention that by the time it reaches the APD stage, which is the final stage of its decisionmaking process, drilling projects are routinely segmented into smaller actions. What was once an entire regional plan for petroleum operations, or a lease-level plan, has by then become a project with just a single or handful of APDs. This means that at the very final point at which petroleum extraction could undergo a conformity determination, it evades the process again and the entire oil development process skirts review. For this reason, BLM has never found any APD project in the Bakersfield region exceeds the *de minimis* threshold of 10 TPY, despite the fact it permits hundreds of APDs per year. This practice violates federal laws. NEPA law doctrines prevent federal projects from being "segmented" or piecemealed to circumvent proper review.[69] The same prohibition against segmentation under NEPA applies to conformity review under the CAA.[70]

For example, BLM recently approved 25 APDs for Holmes Western Oil Corporation on the same day at the same location in the same oil field in Kern County, but segmented the permits across three different permit packages and EAs.[71] In another example, BLM allowed Chevron to split

[66] Draft EA at 19.
[67] *Ctr. for Biological Diversity v. U.S. Bureau of Land Mgmt*., No. 1:25-cv-00140-JLT-CDB (E.D. Cal., filed Feb. 4, 2025); *Ctr. for Biological Diversity v. U.S. Bureau of Land Mgmt*., No. 1:23-cv-00938-JLT-CDB (E.D. Cal., filed June 22, 2023); Second Amended Complaint for Declaratory and Injunctive Relief, *Ctr. for Biological Diversity v. U.S. Bureau of Land Mgmt.*, No. 1:23-CV-00938-JLT-CDB (E.D. Cal., filed April 4, 2025), Dkt. No. 71; *see also* Expert Declaration of Dr. Ranajit Sahu in Support of Plaintiffs' Response to Motion for Voluntary Remand (Dec. 19, 2023), *Ctr. for Biological Diversity v. U.S. Bureau of Land Mgmt*., No. 1:23-cv-00938-JLT-CDB, Dkt. No. 23-3; Letter from coalition of community, environmental justice, and environmental organizations to BLM, DOI, and EPA officials re. BLM's Routine Violations of the Clean Air Act in Issuing Oil and Gas Drilling Permits on Public Land in California (July 16, 2024).
[68] Federal Defendants' Motion for Voluntary Remand and Memorandum in Support at 7–8, Decl. of Gabriel Garcia in Support of Federal Defendants' Motion at 1–4, *Ctr. for Biological Diversity v. U.S. Bureau of Land Mgmt.*, No. 1:23-CV-00938-JLT-CDB (E.D. Cal., filed Nov. 7, 2023), Dkt. Nos. 21-1, 21-2.
[69] *Del. Riverkeeper Network v. F.E.R.C.*, 753 F.3d 1304, 1308–09, 1320 (D.C. Cir. 2014) (holding agency had improperly segmented a pipeline project and failed to assess cumulative impacts).
[70] EPA, General Conformity Training Module (2010) at 12 (stating that an "action cannot be segmented to create several smaller projects with the emissions from each compared to the de minimis levels").
[71] *See* BLM, Environmental Assessment, Holmes Western Oil Corporation, Eleven Applications for Permit to Drill in Midway Sunset, DOI-BLM-CA-C060-2024-0084-EA (Dec. 18, 2024); BLM, Environmental Assessment, Holmes Western Oil Corporation, Ten Applications for Permit to Drill in Midway Sunset, DOI-BLM-CA-C060-2024-0060-EA (Dec. 18, 2024); BLM, Environmental Assessment, Holmes Western Oil Corporation, Four Applications for Permit to Drill in Midway Sunset, DOI-BLM-CA-C060-2024-0085-EA (Dec. 18, 2024).

41 APDs at the same location into five separate EAs, avoiding conformity review for them all.[72] These are representative examples of how BLM typically handles air emissions at the APD stage in the Bakersfield region. As a result, BLM's emissions estimates for each package are unrealistically low and unsupported,[73] conflicting with per-well estimates in the Oil and Gas Zoning Ordinance Environmental Impact Report issued by Kern County itself as well as estimates for BLM APDs in other states where the *de minimis* level is conveniently higher.[74] In fact, due to commenters repeatedly requesting this information from BLM's Bakersfield Field Office to no avail, EPA has also requested this information repeatedly but has yet to receive a response either.[75]

The agency also routinely omits important sources of emissions from its calculations, like from the construction of the well pads, power poles, and pipelines that are slated to be built and from emissions due to power and water generation needed to supply well operations. Indeed, after conceding its emissions methodology was seriously flawed in response to several commenters' litigation challenging Bakersfield area APDs, BLM's revised estimates are several orders of magnitude higher now, with NOx estimates for one representative permit package increasing by more than *12,000%*—from 0.053 tons per year for well development to 6.8 tons per year. Because BLM considered this package in a vacuum divorced from any other APDs it is issuing, it claimed these emissions are nonetheless below the *de minimis* threshold.

Given the agency's unhindered piecemealing at the APD stage, the Draft EA's claim that conformity is not applicable now but "will be analyzed and a determination made if required for each APD submitted on any leases issued following this action" is false and not borne out in practice.[76] BLM must analyze the aggregated emissions impacts for all drilling in the lease sale

[72] BLM either approved or slated for approval 41 APDs for Chevron at the same location in the Midway Sunset oil field. BLM, Environmental Assessment, Chevron USA Incorporated, Twelve Applications for Permit to Drill in Midway Sunset, DOI-BLM-CA-C060-2020-0095-EA; BLM, Environmental Assessment, Chevron USA Incorporated, Three Applications for Permit to Drill in Midway Sunset, DOI-BLM-CA-C060-2020-0141-EA; BLM, Environmental Assessment, Chevron USA Incorporated, Three Applications for Permit to Drill in Midway Sunset, DOI-BLM-CA-C060-2020-0123-EA; BLM, Environmental Assessment, Chevron USA Incorporated, Nine APDs in Midway Sunset, DOI-BLM-CA-C060-2021-0010-EA; BLM, Environmental Assessment, Chevron USA Incorporated, Fourteen APDs Drill in Midway Sunset, DOI-BLM-CA-C060-2021-0054-EA.

[73] *See, e.g.*, BLM, Environmental Assessment, Berry Petroleum, Nineteen Applications for Permit to Drill in Main Camp, DOI-BLM-CA-C060-2024-0059-EA at 35 (in a permit package approved in 2025 for nineteen wells to Berry Petroleum in Midway Sunset, BLM calculated total maximum year emissions for nineteen wells at 2.79 tons of VOC (or 0.147 tons per well) and 2.58 tons of NOx (or 0.136 tons per well)).

[74] *See, e.g.*, Center for Biological Diversity et al., Comments on Applications for Permit to Drill in the Bakersfield Field Office, submitted to BLM (Dec. 18, 2025) at 54–57; BLM, Environmental Assessment, DJR Operating LLC, Nageezi Unit 2309 and 2409 Cluster Oil Wells Projects, DOI-BLM-NM-FO10-2020-0029 at 108 (project EA for four well pads and 16 APDs in San Juan County, New Mexico estimating emissions as 4.36 TPY of NOx and 18.306 TPY of VOC per well).

[75] *See* Emails between Thomas Plenys, EPA Region 9, Environmental Review Branch, and Matthew Thomas and Franklin Giles, BLM Bakersfield Field Office (Nov. 16, 2022 through Feb. 21, 2023), where Mr. Plenys repeatedly requested Draft EAs for APDs from Mr. Thomas and Mr. Giles but did not receive this information; Letter from Tom Kelly, EPA Region 9, Geographic Strategies and Modeling Section, Air and Radiation Division, to Matthew Thomas (cc Franklin Giles) (Apr. 3, 2023), requesting again "an example of the calculations supporting a general conformity applicability analysis, i.e., the comparison of estimated project emissions with the general conformity de minimis thresholds" and noting EPA had "not yet received this information and remain interested in viewing calculations" for a Bakersfield Field Office APD.

[76] Draft EA at 19.

now in order to perform a proper cumulative assessment for conformity review. Indeed, EPA also urges BLM to complete more comprehensive emissions analysis for the Bakersfield area with "mitigation measures (including control measures and design features)" identified at earlier stages prior to APDs "to help ensure consistency for all future BLM-authorized activities."[77]

BLM's position in the Draft EA that conformity review is not required at the leasing stage is also contradicted by its own emissions estimates which point to the necessity for a conformity analysis. In the Draft EA, the NOx emissions estimate of 10.94 tons per year and the VOC estimate of 11.37 tons per year (excluding fracking, mid-stream, and end use emissions) from the proposed sale are above the *de minimus* thresholds for the Valley.[78] These are also likely an underestimate given they are based on the faulty reasonably foreseeable development scenario in the Bakersfield 2014 RMP, and again lack any information about the assumptions, categories of emissions, data sources, or other details needed to understand them and that have been requested by plaintiffs and EPA for years. NOx and VOCs are pre-cursors that form ground-level ozone. The agency must therefore demonstrate that additional emissions of either NOx or VOCs from the proposed sale—which the Draft EA indicates will constitute a "major source" of pollution under the CAA[79]—meet the federal air quality standards by conducting conformity review now.

BLM's failure to meet both NEPA information accuracy and CAA conformity requirements are clear in this Draft EA. To comply with the CAA, BLM must support its findings with calculations, assumptions, data sources, and explanations. Further, BLM's final emissions estimates must be reasonable and based on the best data available. Unrealistically low estimates that BLM is unable to support, or that are based on outdated or otherwise inferior data, cannot properly exempt these emissions from a conformity determination. Finally, BLM must actually perform site-specific analysis that shows individualized project-based estimates. Failure to perform any one of these will constitute arbitrary and capricious behavior by BLM in its failure to comply with the CAA's General Conformity Rule.[80]

V. The Draft EA Does Not Comply with the Endangered Species Act.

BLM must fulfill its federal ESA obligations at the leasing stage. In the Draft EA, BLM unlawfully defers its ESA obligations to the APD stage, pursuant to its flawed reasoning that "[a]t the leasing phase, there would be no effect on listed species and their associated habitats because issuance of a lease does not authorize any on-the-ground oil and gas activities."[81] As stated in the CalWild et al. Scoping Comments,[82] that reasoning does not hold up against the ESA, caselaw, and BLM's own statements and commitments.

[77] EPA, Scoping Comments for Bakersfield Draft 2025 SEIS at 3–4.
[78] Draft EA at 21.
[79] *See* 42 U.S.C. § 7511a(e); 40 C.F.R. § 51.165(a)(1)(iv)(A).
[80] An agency's analysis will be considered arbitrary and capricious if it has "relied on factors which Congress has not intended it to consider, entirely failed to consider an important aspect of the problem, offered an explanation for its decision that runs counter to the evidence before the agency, or is so implausible that it could not be ascribed to a difference in view or the product of agency expertise." *Bark v. U.S. Forest Serv.*, 958 F.3d 865, 869 (9th Cir. 2020) (citation modified).
[81] Draft EA at 59.
[82] CalWild et al. Scoping Comments at 42–44.

The ESA mandates that an agency must initiate consultation with the U.S. Fish and Wildlife Service (USFWS) whenever it takes an action that "may affect" a listed species or its critical habitat.[83] Agencies must also reinitiate consultation "[i]f new information reveals effects of the action that may affect listed species or critical habitat in a manner or to an extent not previously considered."[84] "Actions that have *any chance* of affecting listed species or critical habitat—even if it is later determined that the actions are 'not likely' to do so—require at least some consultation under the ESA."[85]

In the 2026 Bakersfield Field Office SEIS, BLM contradicts its claim that leases do not authorize ground-disturbing oil and gas activities, stating "a lease does grant the lessee certain rights to drill for and extract oil and gas…."[86] In line with that admission, the 10th Circuit has held that for leases without a no surface occupancy (NSO) stipulation, "BLM could not prevent the impacts resulting from surface use after a lease issued, [so] it was required to analyze any foreseeable impacts of such use before committing the resources."[87] In a recent case against BLM, the District of Colorado ruled that at the leasing stage, "[t]he locations, size, and timing of the leases provided more information than was reviewed at the RMP stage, and thus, that information should have triggered new consideration under the ESA."[88] The court recognized that the agencies "may be correct that the BLM will know more specifics at the development stage," but even so, "BLM had new information at the leasing stage that revived its duties under the ESA. The BLM ignored those duties, and thus it violated the ESA . . . ."[89]

BLM claims it is enough that "[a]ll the proposed lease parcels would be subject to CSU stipulations for protected species and sensitive species that require pre-disturbance surveys and plan of development approval."[90] However, for example, the CSU stipulation for parcels with critical habitat states that "[c]onsultation or conference with the USFWS is required if designated or proposed critical habitat *may be affected*."[91] Because more information is available at this leasing stage, and because none of the 44 parcels come with NSO stipulations, BLM must complete further consultation for each individual lease parcel where oil and gas development may affect listed species or designated critical habitat. Consultations must be completed prior to lease issuance, and must also take into account the cumulative impacts from development on all 44 lease parcels.

[83] 50 C.F.R. § 402.14(a).
[84] 50 C.F.R. § 402.16(a)(2).
[85] *Karuk Tribe of Cal. v. U.S. Forest Serv.*, 681 F.3d 1006, 1027 (quoting 50 C.F.R. § 402.14(b)(1)) (emphasis added).
[86] Bakersfield 2026 FSEIS at 69.
[87] *New Mexico ex rel. Richardson v. Bureau of Land Mgmt.*, 565 F.3d 683, 718 (10th Cir. 2009).
[88] *Bd. of Cnty. Comm'rs of San Miguel v. U.S. Bureau of Land Mgmt.*, 706 F. Supp. 3d 1180, 1209 (D. Colo. 2022).
[89] *Id*. at 1210.
[90] Draft EA at 59.
[91] *Id*. at B-24 (emphasis added). Note that parcel CA-2099-01-0078 is "located within red-legged frog critical habitat." *Id.* at 8.

VI. The Draft EA Fails to Take a "Hard Look" at Environmental Impacts under NEPA and Fails to Balance Multiple Uses and Prevent Unnecessary or Undue Degradation under FLPMA.

NEPA recognizes that "each person should enjoy a healthful environment" and requires that the federal government uses all practicable means to "assure for all Americans safe, healthful, productive, and esthetically and culturally pleasing surroundings," and to "attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences."[92] NEPA requires that all agencies of the federal government prepare a detailed EIS that discusses the environmental effects of, and reasonable alternatives to, all "major federal actions significantly affecting the quality of the human environment,"[93] taking a "hard look" at environmental impacts.[94]

It is well established that leasing constitutes an "irreversible, irretrievable commitment of resources," and that the BLM is therefore obliged to analyze such impacts at this stage.[95] Federal courts have repeatedly rejected agency attempts to avoid analyzing reasonably foreseeable future impacts by claiming that considering them at the lease sale stage would be speculative.[96]

In prior litigation involving the Bakersfield 2014 RMP, a judge ruled that BLM "may not avoid an obligation to analyze in an EIS environmental consequences that foreseeably arise . . . merely by saying that the consequences are unclear or will be analyzed later," and that "[u]ncertainty about *which* specific parcels and wells will employ [certain techniques] in the future does not obviate the necessity to evaluate the *cumulative* environmental consequences" of BLM's decisionmaking.[97] Rather, "[t]o allow the Bureau to designate the lands as 'open' and ask questions later is the type of environmentally blind decision-making NEPA was enacted to avoid."[98]

Additionally, FLPMA requires BLM to manage public lands in a manner that promotes "multiple use and sustained yield" (MUSY) and avoids "unnecessary or undue degradation of the lands" (UUD).[99] MUSY requires ensuring "harmonious and coordinated management of the various resources without permanent impairment of the productivity of the land and the quality of the environment."[100] "It is past doubt that the principle of multiple use does not require BLM to prioritize development over other uses . . . . Development is a *possible* use, which BLM must

[92] 42 U.S.C. § 4331(b)–(c).
[93] 42 U.S.C. § 4332(C).
[94] *Marsh*, 490 U.S. at 374, 385.
[95] *Sierra Club v. Peterson*, 717 F.2d 1409, 1412 (D.C. Cir. 1983).
[96] *See, e.g.*, *N. Plains Res. Council, Inc. v. Surface Transp. Bd.*, 668 F.3d 1067, 1078–79 (9th Cir. 2011); *Conner v. Burford*, 848 F.2d 1441, 1450–51 (9th Cir. 1988); *W. Watersheds Project v. Bernhardt*, 543 F. Supp. 3d 958, 992 (D. Idaho 2021); *WildEarth Guardians v. U.S. Bureau of Land Mgmt.*, 457 F. Supp. 3d 880, 888–89 (D. Mont. 2020); *Wilderness Soc'y v. U.S. Dep't of Interior*, No. 22-CV-1871 (CRC), 2024 WL 1241906, at *17 (D.D.C. Mar. 22, 2024).
[97] Order re Pls.' Mot. Summ. J. [17]; Federal Defs.' Mot. Summ. J. [21] at 22, *Ctr. for Biological Diversity v. U.S. Bureau of Land Mgmt*., No. CV-15-4378-MWF (JEMx) (C.D. Cal. Sep. 6, 2016), Dkt. 28 (citation modified).
[98] *Id.* at 22–23.
[99] 43 U.S.C. §§ 1702(c), (h), 1712(c)(1), 1732(b).
[100] 43 U.S.C. § 1702(c).

weigh against other possible uses—including conservation to protect environmental values . . . ."[101]

Under FLPMA, BLM must develop and maintain RMPs that guide all subsequent implementation-level decisions on public lands.[102] FLPMA prohibits BLM from taking subsequent actions inconsistent with the provisions of final and approved RMPs, as BLM "shall manage the public lands . . . in accordance with the land use plans," and "[a]ll future resource management authorizations and actions . . . and subsequent more detailed or specific planning, shall conform to the approved plan[s]."[103]

For the reasons in the CalWild et al. Scoping Comments and as discussed throughout this comment letter, the Draft EA fails to satisfy BLM's obligations under both NEPA and FLPMA.

A. The Draft EA Fails to Address the Lease Sale's Serious Risks to Public Health, in Violation of NEPA and the RMPs' Terms and Conditions.

BLM's decision to ignore scoping comments regarding SB 1137 and proceed with plans to lease thousands of acres in health protection zones is illegal and unconscionable.

As discussed further in the CalWild et al. Scoping Comments,[104] a growing body of science confirms the public health risks of exposure to pollution from oil and gas activities, including that the risks increase in proximity to oil and gas operations, such that a minimum 3,200-foot buffer zone is critical to protect public health.[105] Additionally, the impacts of pollution are greater on children, as their bodies and immune systems are still developing.[106] Under NEPA, BLM must meaningfully consider and respond to comments concerning SB 1137. Moreover, FLPMA requires compliance with the terms and conditions of RMPs as noted above, and as discussed fully in the CalWild et al. Scoping Comments, the governing RMPs recognize the need to prohibit drilling where it will cause a risk to public health and safety by imposing a ban on oil and gas activities closer to existing uses than allowed by law.[107]

Among other sensitive locations, the lease sale parcels include Maricopa elementary, middle, and high schools, and their development will expose schoolchildren to unhealthy levels of pollution.

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[101] *New Mexico*, 565 F.3d at 710.
[102] 43 U.S.C. § 1712; 43 C.F.R. pt. 1610.
[103] 43 U.S.C. § 1732(a); 43 C.F.R. § 1610.5-3(a).
[104] CalWild et al. Scoping Comments at 22, 36–38.
[105] Letter from Cal. Oil & Gas Public Health Rulemaking Scientific Advisory Panel, Response to CalGEM Questions (Oct. 1, 2021), https://www.conservation.ca.gov/calgem/Documents/public-health/Public%20Health%20Panel%20Responses_FINAL%20ADA.pdf; Cal. Oil & Gas Pub. Health Rulemaking Sci. Advisory Panel, Public Health Dimensions of Upstream Oil and Gas Development in California: Scientific Analysis and Synthesis to Inform Science-Policy Decision Making ES-8–ES-9 (June 21, 2024) [hereinafter CalGEM Scientific Advisory Panel Report], https://www.conservation.ca.gov/calgem/Documents/Public%20Health%20Panel%20Final%20Report_20240621.pdf.
[106] CalGEM Scientific Advisory Panel Report at ES-9 to -10, 7-27 to -28.
[107] Bakersfield 2014 RMP at 87–88; Central Coast 2019 RMPA at A-10 to -11; CalWild et al. Scoping Comments at 21–23.

While BLM made some parcel and acreage changes between the preliminary parcel list and the parcel list in the Draft EA, it appears that BLM still intends to lease at least 3,000 acres in SB 1137 health protection zones, as follows:

Parcel Identified in Scoping Comments as Overlapping with SB 1137 Health Protection Zones	**Changes in Draft EA**
CA-2099-01-0081	No Change
CA-2099-01-0103	No Change
CA-2099-01-0123	Health protection zones remain part of the parcel, unexplained reduction in 720 acres
CA-2099-01-0132	Increase in acreage based, in part, on combination with parcel CA-2099-01-0173
CA-2099-01-0135	No Change
CA-2099-01-0136	No Change
CA-2099-01-0143	Parcel number removed but acreage added to parcel CA-2099-01-0142
CA-2099-01-0144	No Change
CA-2099-01-0147	No Change
CA-2099-01-0149	No Change
CA-2099-01-0162	No Change
CA-2099-01-0165	No Change
CA-2099-01-0167	Increase in acreage based on combination with CA-2099-01-0168
CA-2099-01-0168	Parcel number removed but acreage added to parcel CA-2099-01-0167
CA-2099-01-0172	No Change
CA-2099-01-0173	Parcel number removed but acreage added to parcel CA-2099-01-0132
CA-2099-01-0175	No Change
CA-2099-01-0177	No Change
CA-2099-01-0188	No Change
CAP106818522	No Change
CAP106820777	No Change

In other words, 19 of the adjusted 44 parcels overlap with SB 1137 health protection zones, in violation of the conditional use stipulation (CSU) in the RMPs for Existing Surface Use/Management.[108]

In particular, the Existing Surface Use/Management CSU required BLM to conduct "[a] preliminary environmental review . . . to identify possible conflict between surface use and fluid

[108] Bakersfield 2014 RMP at 87–88; Central Coast 2019 RMPA at A-10 to -11.

mineral development."[109] This CSU explicitly required BLM to determine "[t]he locations and number of acres affected . . . at the leasing stage."[110] BLM has failed in its obligation to conduct this preliminary environmental review and identify acreage within the nominated parcels "[c]loser to any development (e.g., public highway, institution, place of public assembly, or occupied dwelling) than allowed by the county/city regulation or statue applicable to the area in which the proposed action occurs," including the parcels identified above.[111]

Leasing these parcels is further inconsistent with the Bakersfield 2014 RMP's requirement that operators obtain "all necessary" state permits before developing a lease,[112] language in the Bakersfield 2012 EIS recognizing that state statutes concerning "public health and safety issues" "will be recognized and enforced on public land,"[113] language in the Central Coast 2019 EIS recognizing that "oil and gas operators must comply with both Federal and State statutes and regulations to the extent that State regulations are consistent with Federal law and Federal lease rights" and that APDs generally "would also require approval from [the State],"[114] and FLPMA's requirement that BLM must "coordinate the land use inventory, planning, and management activities of or for such lands with the land use planning and management programs . . . of the States and local governments within which the lands are located."[115]

BLM also admits that approximately 352 feet of the Butterfield Overland National Historic Trail crosses through one of the lease sale parcels. Rather than taking proper action to mitigate this health risk, it offers a hypothetical non-solution by stating it will "reserve the right to prohibit" oil and gas infrastructure within a 250-foot buffer of the trail. Given the science on the risks of proximity to oil and gas drilling, a potential 250-foot buffer is insufficient to protect trail users.

Accordingly, BLM must remove those parcels located within SB 1137 health protection zones from the lease sale, including the parcel impacting the Butterfield trail.

B. The Draft EA Fails to Meaningfully Consider the Lease Sale's Threats to Protected Lands and Public Recreation in Violation of NEPA and the RMP's Terms and Conditions.

BLM admits that three parcels are adjacent to Lands with Wilderness Characteristics (Temblor Unit of the Carrizo Plain National Monument), such that adverse impacts may occur to these lands if the leases are developed.[116] BLM also admits that two of these parcels are located within the Carrizo Plain National Monument's potential viewshed, such that development could cause changes to landscape characteristics.[117]

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[109] Bakersfield 2014 RMP at 87; Central Coast 2019 RMPA at A-10.
[110] Bakersfield 2014 RMP at 88; Central Coast 2019 RMPA at A-11.
[111] Bakersfield 2014 RMP at 87–88; Central Coast 2019 RMPA at A-10 to -11.
[112] Bakersfield 2014 RMP at XVI.
[113] Bakersfield 2012 FEIS at 582.
[114] BLM Central Coast Field Office, 2019 Proposed Resource Management Plan Amendment and Final Environmental Impact Statement for Oil and Gas Leasing and Development, 1-5 (May 2019) [hereinafter Central Coast 2019 FEIS].
[115] 43 U.S.C. § 1712(c)(9); 43 C.F.R. § 1610.3-1.
[116] Draft EA at D-4.
[117] *Id.* at D-3.

Likewise, BLM admits that 11 parcels overlap with the Temblor Special Recreation Management Area (Temblor SRMA) but defers a full analysis of impacts and mitigation.[118] Instead, BLM says it will impose the Existing Surface Use/Management lease sale condition, which it describes as providing that future drilling "shall not significantly and adversely impact natural resources or existing recreation opportunit[ies]."[119]

Similarly, BLM's equivocal approach to addressing health impacts related to the Butterfield trail (discussed above) also conflicts with the RMPs' ban on fluid mineral activities that adversely impact recreation.

BLM misunderstands its obligations under FLPMA and the applicable RMPs with regard to the Existing Surface Use/Management CSU. This CSU actually requires BLM to ban fluid mineral activities that "significantly and adversely impact natural resources or existing recreation opportunity of which the surface owner/administrator is charged with the management and protection."[120] BLM cannot satisfy this CSU by simply "attach[ing]" it to particular parcels in the lease sale.[121] Instead, BLM must conduct "[a] preliminary environmental review" and determine "[t]he locations and number of acres affected . . . at the leasing stage."[122] In other words, now is the time for BLM to determine not just whether the Existing Surface Use/Management CSU attaches to parcels within the lease sale, but whether it must exclude all or a portion of such parcels from fluid mineral leasing as a result of significant adverse effects to recreation. BLM has failed in this respect and must revise its environmental analysis accordingly to ensure meaningful consideration of such impacts under NEPA. Moreover, these risks to our public lands are unacceptable under FLPMA, and BLM must remove these parcels from the lease sale.

C. The Draft EA Inadequately Addresses Impacts to Cultural Resources.

While BLM admits that all 44 parcels have a low leasing preference due, in part, to high cultural resource values,[123] the Draft EA's discussion of impacts to cultural resources is inadequate.

BLM concedes that "[t]hese leases may be found to contain historic properties and/or resources protected under the National Historic Preservation Act (NHPA), Archaeological Resource Protection Act (ARPA), American Indian Religious Freedom Act (AIRFA), Native American Graves Protection and Repatriation Act (NAGPRA), Executive Order 13007, or other statutes and executive orders."[124] Likewise, BLM admits that "[c]ulturally important remains associated with Native American ancestral occupation of this region are scattered throughout the area."[125]

[118] *Id.* at 41.
[119] *Id.* at 43.
[120] Bakersfield 2014 RMP at 87–88; Central Coast 2019 RMPA at A-10 to -11.
[121] Draft EA at 43.
[122] Bakersfield 2014 RMP at 87–88; Central Coast 2019 RMPA at A-10 to -11.
[123] Draft EA at 9, C-2 to -3.
[124] *Id.* at 37.
[125] *Id.* at 36.

Even so, the Draft EA improperly relies on a Class I literature and records review that only covers 4 out of the 44 parcels in full, and improperly defers a Class III survey until after the leasing stage.[126] In particular, the survey table in Appendix H shows that BLM was unable to complete even a Class I records review for 16 out of the 44 parcels covering a total of 8,976.90 acres, because these parcels have never been surveyed for cultural resources.[127] For another 19 parcels (nearly 20,000 acres), Appendix H shows that preexisting cultural resource surveys cover less than 50% of the total acreage proposed for leasing, with less than 20% survey coverage for 17 of those 19 parcels (nearly 18,000 acres).[128]

Moreover, the Draft EA contains no discussion of BLM's findings from the Class I records review—i.e., no acknowledgement that cultural resources are or are not present on each of the particular parcels covered by the records review, and no discussion of the potential impacts to such cultural resources from oil and gas leasing. BLM Manual 8100 (which BLM cites in the Draft EA) describes a Class I survey as "a professionally prepared study that includes a compilation and analysis of all reasonably available cultural resource data and literature, and a management-focused, interpretive, narrative overview, and synthesis of the data."[129] Indeed, the Manual states that a Class I inventory is "[n]ot a mere 'records check.'"[130] BLM must release the results of any professionally repaired Class I study and make those results available for public notice and comment.

BLM justifies its deferral of a proper impacts analysis on the false assumption that "[t]he leasing of the forty-four oil and gas parcels does not entail ground disturbing activities as part of the undertaking. Therefore, this undertaking would not result in direct impacts to cultural resources."[131]

Under NEPA and FLPMA, BLM must analyze impacts at the leasing stage as much as possible. As BLM has denominated the boundaries of each parcel through GIS shapefiles, it has the data necessary to conduct a proper parcel-by-parcel Class III survey.

At a minimum, BLM must conduct a Class II survey, which "is most useful for improving cultural resource information in a large area, such as for planning or EIS purposes, where insufficient systematic identification work has been done in the past," and which "may be appropriate when comparing alternative locations for proposed undertakings."[132]

A so-called Class I records review that does not include the professional study required under BLM's Manual and only applies in full to 4 parcels, does not apply at all to 16 parcels, and applies to less than 50% of 19 parcels is insufficient for BLM to satisfy its obligations in this respect.

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[126] *Id.*
[127] *Id.* at F-1, Appendix H.
[128] *Id.*
[129] BLM, Manual 8110, Identifying and Evaluating Cultural Resources, 0.2 (Dec. 3, 2004), https://www.blm.gov/sites/blm.gov/files/uploads/mediacenter_blmpolicymanual8110_0.pdf.
[130] *Id.* at 0.21A1a(2).
[131] Draft EA at 37.
[132] BLM, Manual 8110 at 0.21B.

D. The Draft EA Fails to Meaningfully Address Impacts to Sensitive Species and Ecosystems.

The CalWild et al. Scoping Comments provided data indicating the percentage of species overlap with BLM proposed lease parcels.[133] The data came from overlaying California Natural Diversity Database (CNDDB) occurrence data and critical habitat location data on top of the "2026 Proposed Lease Parcel Shapefiles" posted to BLM's project website.[134] In this Draft EA, BLM's parcel descriptions and characterizations of the lease areas ignore this data and/or present other errors without explanation, and in doing so, the Draft EA fails to accurately disclose to the public the likelihood of certain species being present and fails to take a proper "hard look" at impacts to species an ecosystems, especially with regard to the following parcels:

- **CA-2099-01-0186**
  - This is an outlier parcel located within the Kettleman Hills ACEC.[135]
  - The CalWild et al. Scoping Comments show that this parcel has **99.9996% overlap with Tipton kangaroo rat** (ESA-endangered; CESA-endangered) habitat,[136] yet BLM improperly characterizes this parcel has having a "low" likely occurrence of Tipton kangaroo rat.[137]
  - BLM's characterization should be changed to a "high" likely occurrence of Tipton kangaroo rat.
- **CA-2099-01-0100**
  - This is a parcel in Unit 2.[138]
  - The CalWild et al. Scoping Comments show that this parcel has **97.2035% overlap with San Joaquin kit fox** (ESA-endangered; CESA-threatened) habitat,[139] yet BLM improperly characterizes this Unit has having only a "medium" likely occurrence of San Joaquin kit fox.[140]
  - BLM's characterization should be changed to a "high" likely occurrence of San Joaquin kit fox.
- **CAP106820777**
  - This is an outlier parcel in Fresno County and within the San Joaquin Desert biome.[141]
  - The CalWild et al Scoping Comments show that this parcel has **92.3530% overlap with San Joaquin kit fox** (ESA-endangered; CESA-threatened) habitat,[142] yet BLM improperly characterizes this parcel has having only a "medium" likely occurrence of San Joaquin kit fox.[143]

[133] CalWild et al. Scoping Comment at 44–45.
[134] *Id.* at 44.
[135] Draft EA at 8, 14.
[136] CalWild et al. Scoping Comment at 44.
[137] Draft EA at F-1, Appendix G.
[138] *Id.* at 12.
[139] CalWild et al. Scoping Comment at 44.
[140] Draft EA at F-1, Appendix G.
[141] *Id.* at 13–14, 33.
[142] CalWild et al. Scoping Comment at 44.
[143] Draft EA at F-1, Appendix G.

- Moreover, BLM's Draft EA's textual description of biological resources on this parcel is misleading, in that it says "potential for occurrence is low due to presence of non-native annual grasses and the low suitability of habitats associated with listed species" on the parcel.[144] This claim is directly contradicted by data provided in the scoping comments, and BLM does not address this discrepancy.
- BLM's characterization should be changed to a "high" likely occurrence of San Joaquin kit fox.

Additionally, leases on all 44 parcels would have attached the CSU – Protected Species stipulation,[145] and such non-NSO leases will result in ground-disturbing activity. Thus, prior to any lease issuance, BLM must abide by that stipulation, which mandates that "a preliminary environmental review will be conducted for all surface disturbing activities."[146] Here, BLM appears to have conducted only a general record review when assessing the likelihood of species presence,[147] rather than "site-specific surveys for plant and animal species conducted according to established methods" as contemplated by the Protected Species CSU[148] and necessary for compliance with FLPMA.

Finally, as noted further below, the Draft EA does not mention the CESA-protected California mountain lion, despite that species' wide range throughout California and potential overlap with lease parcels. This could be because the mountain lion is not yet appearing in the CNDDB.[149] This does not mean, however, that no data is available; to the contrary, the Center for Biological Diversity's GIS specialist ran an overlay of proposed lease parcels with maps in the 2019 mountain lion listing petition and 2025 California Department of Fish and Wildlife (CDFW) special status review. Those maps are included (along with citations) below. BLM should use these maps as a starting point and then perform additional data analysis to determine and analyze likely overlap between mountain lions and lease parcels, to ensure a NEPA-compliant environmental review.

1. BLM Improperly Ignores Its Incorporated Conservation Strategy to Protect the San Joaquin Kit Fox.

Per BLM's Biological Resources Conservation Strategy, which incorporates the U.S. Fish and Wildlife Service's Recovery Plan for Upland Species of the San Joaquin Valley into the 2014 Bakersfield RMP, "[e]mphasis should be placed on the San Joaquin kit fox as an umbrella species" in that "fulfilling the management and habitat needs of the San Joaquin kit fox will also meet the needs of many other species."[150]

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[144] *Id.* at 33.
[145] *Id*. at 8
[146] *Id*. at B-21.
[147] *Id.* at F-1, Appendix G.
[148] *Id.*; Bakersfield 2014 RMP at 79; Central Coast 2019 RMPA at A-3.
[149] *See* Cal. Nat'l Res. Agency, Special Animals List at 97 (July 2026), https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=109406&inline (listing mountain lion as a CESA threatened species but noting that there are no records in the CNDDB).
[150] Bakersfield 2014 RMP at 268, Appendix 4.

The 2026 lease sale makes no mention of this principle, despite many (perhaps over half) of the proposed parcels ranking high for San Joaquin kit fox likely occurrence. According to the Draft EA, Units 3 and 4 rank as "high" likelihood of occurrence, with Unit 2 and outlier parcel CAP106820777 ranking as "medium".[151] As we point out above those rankings should likely be higher given the data we ran showing, for example, that parcel CAP106820777 has a 92.3530% overlap with San Joaquin kit fox habitat.

In scoping comments on the 2026 Central Coast and Bakersfield SEISs, environmental groups brought several recent studies on the San Joaquin kit fox to BLM's attention, to no avail. We again urge BLM to review those studies and evaluate their findings against its proposed action here, and now, against BLM's pledge to treat the kit fox as a conservation "umbrella" species.

For example, those scoping comments shared with BLM a USFWS study (2020) confirming that "[t]oday, land conversion due to transportation, energy development, agriculture, and urbanization continues to stress the San Joaquin kit fox and its habitat while also presenting an obstacle to recovery efforts."[152] Further, "[p]ermanent modification to habitat due to oil and gas activities can reduce the species' ability to disperse and find new habitat. As more land is affected by extraction of natural resources, there could be population level responses associated with habitat degradation and habitat modification."[153]

Cypher et al. (2023) found that preventing kit foxes from accessing and possibly creating dens on construction sites is extremely difficult. "Foxes visiting active work sites are at risk of harm from vehicle and equipment strikes, accidental entombment and entrapment, and exposure to harmful substances."[154] Given that there are likely less than 3,000 kit foxes left, "avoiding losses of individuals from anthropogenic activities . . . is a paramount concern."[155]

2. The Draft EA Fails to Take a Hard Look at Impacts to Seven Newly Listed and Proposed Species.

One glaring flaw in the Central Coast and Bakersfield updated SEISs (both adopted in June 2026) was BLM's failure to consider impacts to newly listed and proposed species. This includes species listed or proposed under the ESA and CESA. BLM's earlier failure is relevant here because without discussion or analysis as to occurrence likelihood at the earlier SEIS level, there is no evidence that lease stipulations and conditions will address impacts to the newly listed and proposed species. BLM should have tackled those questions at the earlier SEIS stage, and BLM must address those questions now with the proposed lease sale.

In the Central Coast, since BLM's 2019 FEIS, five species—including the foothill yellow-legged frog, western spadefoot, and northwestern pond turtle—have been listed for protection or proposed for listing under the ESA.[156] At least five species have been given protection under

[151] Draft EA at F-1, Appendix G.
[152] USFWS, Species Status Assessment Report for the San Joaquin kit fox at 32 (2020).
[153] *Id.* at 35.
[154] Cypher, B. et al., Response of San Joaquin Kit Foxes to Road Construction Sites; prepared for the California Department of Transportation at 33 (2023) [hereinafter Cypher, Response of San Joaquin Kit Foxes].
[155] *Id.*
[156] BLM, Central Coast Field Office Draft Supplemental Environmental Impact Statement at 13 (2025).

CESA: including the Temblor legless lizard, Crotch's bumble bee, the western bumble bee, and the burrowing owl.[157]

In Bakersfield, since the BLM's 2019 FEIS, six species—the Southern Sierra Nevada Distinct Population Segment (DPS) of fisher, Kern Canyon slender salamander, monarch butterfly, northwestern pond turtle, southwestern pond turtle,[158] and western spadefoot[159]—have been "either proposed for listing or formally listed" under the ESA. Since 2019, five species within the Planning Area gained protected status under CESA—the south coast DPS and south Sierra DPS of the foothill yellow-legged frog, the Temblor legless lizard, Crotch's bumble bee, Western bumble bee, and burrowing owl.[160]

Moreover, California mountain lions were given protected status as "threatened" under the CESA in February 2026.[161] The population segments protected include the Central Coast North (CC-N), Central Coast Central (CC-C), Central Coast South (CC-S), the Santa Ana Mountains/San Gorgonio (SGSB), and Eastern Peninsular Range populations.[162]

The Draft EA for the 2026 lease sale mentions whether some, but not all, of the species named above may occur on lease parcels. This deficiency must be corrected. Specifically, BLM must disclose and analyze whether the 2026 lease sale will impact the following species:

- California mountain lion;
- Crotch's bumble bee;
- Foothill yellow-legged frog;
- Kern County slender salamander;
- Southwestern pond turtle;
- Southern Sierra Nevada DPS of fisher; and
- Western bumble bee

3. The Draft EA Must Analyze Impacts of the Lease Sale on California Mountain Lions.

The Draft EA makes no mention of the threatened California mountain lion, even though they are widespread throughout California, are now protected as "threatened" under CESA, and are susceptible to harms from the loss of habitat connectivity and impacts of oil and gas

[157] *Id.* at 50-51.
[158] BLM, Bakersfield Field Office Draft Supplemental Environmental Impact Statement at 41, Table 3-7 (Dec. 10, 2025).
[159] Center for Biological Diversity et al., Comments on Draft Bakersfield Field Office Oil and Gas Leasing and Development Supplemental Environmental Impact Statement, Docket No. DOI-BLM-CA-C060-2025-0053-EIS at 76-77 (March 13, 2026) (noting that BLM's draft SEIS did not mention the western spadefoot, even though it was proposed for listing in 2023 and likely overlaps with oil and gas designations).
[160] *Id.* at 72.
[161] *See generally* CDFW, Press Release, California Fish and Game Commission Finds CESA Protections Warranted for Southern California and Central Coast Mountain Lion (Feb. 20, 2026), https://wildlife.ca.gov/News/Archive/california-fish-and-game-commissionfinds-cesa-protections-warranted-forsouthern-californiaandcentral-coastmountain-lion.
[162] CDFW, A Status Review of the Petitioned Southern California/Central Coast Evolutionarily Significant Unit (ESU) of Mountain Lion (Puma concolor cougar) in California at vii-viii (2025) [hereinafter CDFW, Mountain Lion Status Review].

development. BLM must revise the Draft EA to disclose the likelihood of mountain lion occurrence within and near the lease areas, and the Draft EA must discuss any impacts that could occur to the species.

Environmental groups' 2026 Central Coast and Bakersfield SEIS comments provide extensive information on the species, including the need to maintain habitat connectivity and genetic flow and the impacts oil and gas development could have on their viability.[163] Despite these comments, final SEISs for both the Central Coast and Bakersfield regions, adopted in June 2026, are both deficient in how they address mountain lions. For the Central Coast, neither the 2019 FEIS nor 2026 SEIS analyze the impacts that the development authorized by the RMP would have on the mountain lion; the 2026 SEIS does not mention the mountain lion at all, despite evidence provided during the comment period it occurs in the Planning Area.[164] Similarly for Bakersfield, neither the 2019 FEIS nor 2026 SEIS mention mountain lions, much less consider the impacts oil and gas leasing would have on that species.[165]

Failing to mention mountain lions is unacceptable and erroneous. For the 2026 proposed lease sale, BLM must a) analyze the likelihood of mountain lion occurrence on—and around—the lease parcels; b) analyze the possible impacts of oil and gas development of those lease parcels on mountain lions; and c) propose ways to reduce and mitigate those impacts, including not leasing the parcels altogether.

As flagged above, as of July 2026, mountain lion data was not yet in the CNDDB.[166] One way of evaluating potential overlap is to overlay the parcel locations with the maps of mountain lion range and occurrence.

Below are two examples where GIS experts with the Center for Biological Diversity have created an overlay of 2026 lease parcels with mountain lion maps. We encourage BLM to use these overlays in their assessment, and to conduct its own analysis of occurrence.

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[163] Center for Biological Diversity et al., Comments on Draft Bakersfield Field Office Oil and Gas Leasing and Development Supplemental Environmental Impact Statement, Docket No. DOI-BLM-CA-C060-2025-0053-EIS at 84–87 (March 13, 2026); Center for Biological Diversity, Notice of Availability of the Draft Central Coast Field Office Oil and Gas, Leasing and Development Supplemental Environmental Impact Statement, DOI-BLM-CA-C090-2025-0017-RMP-EIS at 60–67 (March 13, 2026); *see also* Gustafson, K.D., et al., Multi-population puma connectivity could restore genomic diversity to at-risk coastal populations in California, 15(2) Evolutionary Applications 286–99 (2022), https://doi.org/10.1111/eva.13341; Yap, T.A., et al., California Connections: How Wildlife Connectivity Can Fight Extinction and Protect Public Safety (2021) [hereinafter Yap, How Wildlife Connectivity Can Fight Extinction]; Gustafson, K.D., et al., Genetic source–sink dynamics among naturally structured and anthropogenically fragmented puma populations, 20(2) Conservation Genetics (2018); Benson, J.F., et al., The ecology of human-caused mortality for a protected large carnivore, 120(13) Proceedings of the National Academy of Sciences 1–11 (2023).

[164] *See generally* Center for Biological Diversity, Protest and Final SEIS Comments, Central Coast DOI-BLM-CA-C090-2025-0017-RMP-EIS at 23 (June 18, 2026) (noting further that BLM said Appendix L of the 2019 FEIS "discusses other special status species, which include California State-listed species," but Appendix L does not discuss the mountain lion) (citation modified).

[165] The Bakersfield 2012 FEIS contains mere mentions of mountain lions but has no substantive discussion of impacts. Mentions include: Bakersfield 2012 FEIS at 280 (noting the Sierra bioregion includes the mountain lion); *id.* at 344 (discussing Bitter Creek and noting "Recently, three condors have been lost to a mountain lion in the area."); *id.* at 355 (noting the Back Country Byway has mountain lion habitat).

[166] Cal. Nat'l Res. Agency, Special Animals List at 97.

In the first figure below, Figure 1, the lease parcels are overlaid onto a map from the 2019 petition to list the mountain lion submitted to the California Natural Resources Agency.[167] The figure is labeled in the petition as ES-1, and described as a map of "genetically distinct mountain lion populations and major roadways in California based on data collected from 1992-2016 (the division and status of these populations could change over time and with further research)."[168] The GIS overlay shows overlap of the parcels with the CC-C and Western Sierra Nevada populations of mountain lion.

Figure 1: Proposed 2026 Lease Parcels Overlaid onto 2019 Petition Map ES-1

Central (CC-C), Central Coast South (CC-S, which includes the mountain lions in the Santa Monica Mountains), San Gabriel/San Bernardino Mountains (SGSB), Santa Ana Mountains (SAM), and Eastern Peninsular Range (EPR) (Gustafson et al. 2018).

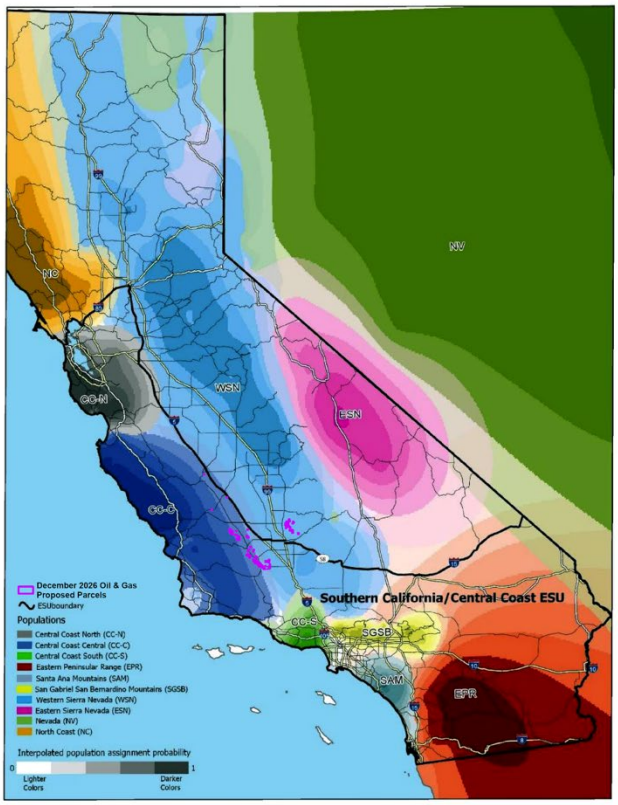


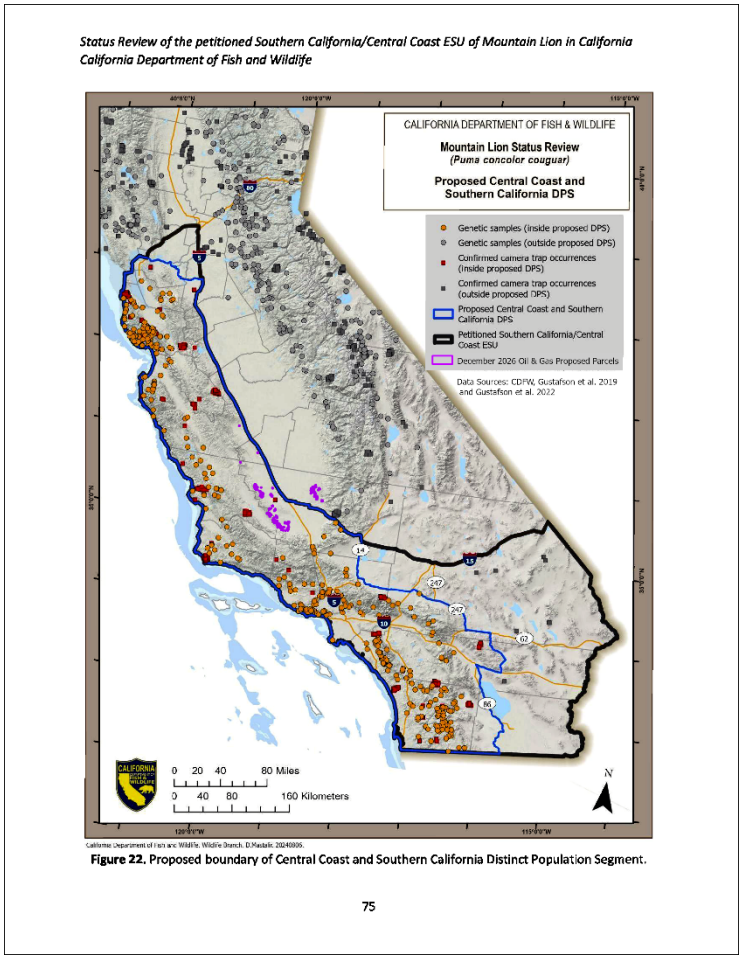
Figure ES-1. Map of genetically distinct mountain lion populations and major roadways in California based on data collected from 1992-2016 (the division and status of these populations could change over time and with further research). The black lines show the proposed Southern California/Central Coast ESU boundary. Derived from Gustafson et al. (2018). Genetics data source: Kyle Gustafson, PhD, Department of Biology and Environmental Health, Missouri Southern State University, and Holly Ernest, DVM, PhD, Department of Veterinary Sciences, Program in Ecology, University of Wyoming, Laramie. Roads data source: ESRI.

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[167] Center for Biological Diversity et al., A Petition to List the Southern California/Central Coast Evolutionarily Significant Unit (ESU) of Mountain Lions as Threatened under the California Endangered Species Act (CESA) at 3, Figure 1 (June 25, 2019), https://mountainlion.org/wp-content/uploads/2021/01/CESA-Petition.pdf.
[168] *Id.*

In the second figure below, Figure 2, the lease parcels are overlaid onto a map from the CDFW's 2025 status review of the mountain lion.[169] The map depicts confirmed camera trap sightings of mountain lions and instances where genetic samples could be taken.[170] The GIS overlay shows parcels adjacent to areas of high mountain lion occupancy in two parts of Kern County. Several proposed lease parcels in Kern County are near a confirmed camera trap sighting.

Figure 2: Proposed 2026 Lease Parcels Overlaid onto 2025 CDFW Status Review Map of Confirmed Sightings and Occurrences



4. The Draft EA Must Analyze Impacts of the Lease Sale on the Temblor Legless Lizard and Incorporate CDFW Mitigation Measures.

While the Draft EA at least mentions the Temblor legless lizard (TLL), it still has shortcomings with regard to the species and its protection. In particular, BLM must disclose and consider the direct overlap of several parcels with TLL sightings and habitat (and decline to lease those parcels), and incorporate updated TLL conservation measures from the CDFW.

[169] CDFW, Mountain Lion Status Review at 75, Figure 22.
[170] *Id.*

As a foundational matter, environmental groups' comments on the 2026 Central Coast and Bakersfield SEISs, incorporated here by reference, documented in detail the numerous impacts that oil and gas development has on the rare, range-restricted habitat specialist—the TLL.[171] These comments brought to BLM's attention the survey methods and mitigation measures that have been outlined by the CDFW and other experts. The Draft EA erroneously fails to acknowledge or incorporate this information, even though oil and gas development on lease sale parcels could harm the TLL.

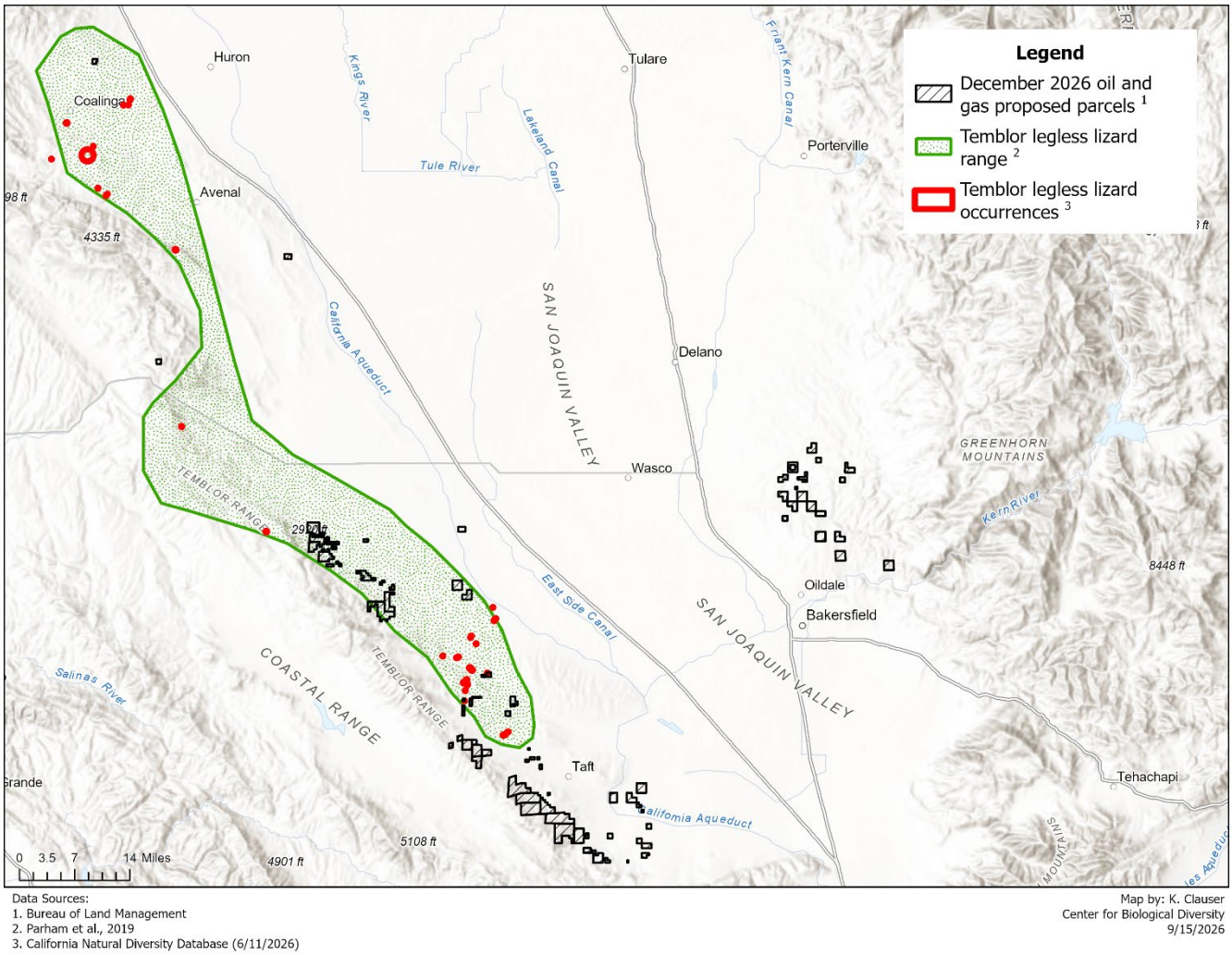
Second, the Draft EA identifies the lizard as having a "high" likelihood of occurrence in Unit 3 and "medium" likelihood of occurrence in Unit 4.[172] Our detailed GIS analysis, as shown in the table and map below, found that the lease sale parcels in Units 3 and 4 have extensive overlap with the TLL's narrow range, directly overlap two detection sites in Unit 3, and are near many other sites where the lizards have been found, making it very likely that the lease sale will harm the species.

Specifically, our GIS analysis found that two parcels (CA-2099-01-0095 and CA-2099-01-0081) in Unit 3 overlap sites where TLLs have recently been found. A total of 13 parcels overlap the TLL's narrow range: four in Unit 3, eight in Unit 4, and one in the Outlier unit within the Panoche-Coalinga ACEC. Eleven of 13 parcels have 100% overlap with the TLL's range.

Parcel ID	**EOI**	**County**	**Lease Sale Unit**	**Parcel Acres**	**TLL Range Overlap Acres**	**Percent Overlap of Parcel with TLL Range**	**TLL Detection Within Parcel**
CA-2099-01-0098	CA00016540	Kern	3	520.57	520.57	100	
CA-2099-01-0095	CA00016540	Kern	3	329.17	167.38	51	yes
CA-2099-01-0081	CA00016540	Kern	3	305.45	305.45	100	yes
CA-2099-01-0169	CA00016525	Kern	4	237.97	237.97	100	
CA-2099-01-0171	CA00016525	Kern	4	39.95	39.95	100	
CA-2099-01-0147	CA00016853	Kern	4	1,008.45	1,008.45	100	
CA-2099-01-0180	CA00016853	Kern	3	1,118.78	1,118.78	100	
CA-2099-01-0172	CA00016525	Kern	4	630.76	630.76	100	
CA-2099-01-0151	CA00017327	Kern	4	1,828.65	1,828.65	100	
CA-2099-01-0191	CA00017330	Kern	4	1,524.90	1,524.90	100	
CA-2099-01-0189	CA00017329	Kern	4	80.55	80.55	100	

[171] Center for Biological Diversity et al., Comments on Draft Bakersfield Field Office Oil and Gas Leasing and Development Supplemental Environmental Impact Statement, Docket No. DOI-BLM-CA-C060-2025-0053-EIS at 60-63 (March 13, 2026).
[172] Draft EA at F-1, Appendix G.

CA-2099-01-0188 CAP106820777	CA00017328 CA00016853	Kern Fresno	4 Outlier	1,714.97 139.99	1,343.91 139.99	78 100	



BLM should at minimum decline to offer the parcels for lease where TLLs have been recently detected (CA-2099-01-0095 and CA-2099-01-0081) due to the high likelihood of harm.

Third, in June 2025, CDFW specified mitigation measures to reduce threats to the TLL from oil and gas development under the Kern County Ordinance that governs oil and gas permitting in Kern County.[173] CDFW concluded that oil and gas development activities associated with the Kern County Ordinance "would be likely to significantly impact TLL."[174] CDFW then laid out mitigation measures for habitat assessment and surveys for TLL; importantly, CDFW specified

[173] CDFW, Revisions to Title 19 – Kern County Zoning Ordinance (2024) focused on oil and gas local permitting (Project), Second Supplemental Recirculated Environmental Impact Report (SSREIR), SCH: 2013081079 at 3–4 (June 26, 2025).
[174] *Id.* at 3.

that multiple surveys should be conducted at surveys sites during February to April, and it recommended site surveys over multiple years to increase the probability of lizard detection.[175] CDFW also recommended consultation if TLL are documented or suspected to be present to discuss project implementation and take avoidance, including an incidental take permit if avoidance is not feasible.[176]

The studies and information detailed in the prior comments and the mitigation measures outlined by CDFW should be treated as standard operating procedures, incorporated into BLM's environmental review, and included as requirements for leased parcels.[177]

5. The Draft EA Must Analyze Impacts of the Lease Sale on the Western Burrowing Owl and Incorporate CDFW Mitigation Measures.

The Draft EA is flawed in several ways with regard to the western burrowing owl. First, the Draft EA fails to recognize that the western burrowing owl is a state candidate for listing under CESA, labeling its status only as "BLM SS."[178] This error must be corrected.

Second, the Draft EA identifies the western burrowing owl as having a "medium" likelihood of occurrence in all units, including all outlier units,[179] making it a species that could be significantly impacted by the lease sale. Yet the Draft EA and Bakersfield 2014 RMP provide no specific mitigation measures for the burrowing owl, other than the 2012 FEIS stating that avoidance buffers must be "50 feet from burrowing owl burrows."[180] This is much smaller than the avoidance buffers specified in the 2012 CDFW Staff Report on Burrowing Owl Mitigation that requires a 50 meter to 500 meter buffer, depending on the time of year and level of disturbance.[181] The Draft EA must include updated requirements for buffers on lease parcels.

Third, in May 2025, CDFW specified detailed mitigation measures for the western burrowing owl (BUOW) to reduce threats from oil and gas development under the Kern County Ordinance.[182] In its letter, CDFW expressly stated that the Kern County Ordinance EIR's mitigation measures were "not sufficient to mitigate for potential significant impacts and unauthorized take of the species."[183] CDFW specified that the following mitigation measures should be used:

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[175] *Id.*
[176] *Id.* at 4.
[177] *See* Bakersfield 2012 FEIS at 950, Appendix L ("Once protection measures are identified in federal biological opinions or in CDFG permits, they generally become SOPs to obtain subsequent USFWS and CDFG permits. As additional measures are developed to minimize the adverse effects from future management activities, they are likely to become required actions in order to comply with ESA and CESA and thus would become additional SOPs.").
[178] Draft EA at F-2, Appendix G.
[179] *Id.*
[180] Bakersfield 2012 FEIS at 975, Appendix L.
[181] CDFW, Staff Report on Burrowing Owl Mitigation, State of California, Natural Resources Agency at 9 (Mar. 7, 2012).
[182] CDFW, Comments on Revisions to Title 19 – Kern County Zoning Ordinance (2024) focused on oil and gas local permitting (Project), Draft Second Supplemental Recirculated Environmental Impact Report (DSSREIR) at 3–4 (May 15, 2025).
[183] *Id.* at 3.

> *Preconstruction Surveys* – CDFW recommends that a qualified biologist conduct surveys for BUOW following the 2012 Staff Report on Burrowing Owl Mitigation, and that surveys be conducted the survey season immediately prior to initiation of ground-disturbance activities.
>
> *Avoidance Buffer* – Should a BUOW or known BUOW den (active or inactive) be detected, either during pre-construction surveys or construction activities, CDFW recommends that no-disturbance buffers, as outlined in the 2012 Staff Report on Burrowing Owl Mitigation, be implemented prior to and during any ground-disturbing activities. CDFW also recommends that these buffers be implemented for both wintering and breeding BUOW.
>
> *Take Authorization* – According to CDFW, if a BUOW or known BUOW den (active or inactive) is detected, and the no-disturbance buffers outlined in the 2012 Staff Report on Burrowing Owl Mitigation are not feasible, consultation with CDFW is warranted to discuss how to implement the Project and avoid take. If take cannot be avoided, take authorization through the acquisition of an incidental take permit, pursuant to Fish and Game Code section 2081 subdivision (b) is necessary to comply with CESA.
>
> Additionally, CDFW stresses that passive relocation of BUOW…should not occur without prior take authorization pursuant to Fish and Game Code section 2081 subdivision (b). Passive relocation is likely to directly result in unauthorized take of the species, and implementation of the measure could itself result in a potentially significant impact under CEQA.[184]

CDFW's western burrowing owl mitigation measures outlined above should be incorporated into BLM's environmental analysis and included as requirements for leased parcels.

E. Leasing Parcels in Undisturbed and/or Wildlife Corridor Areas Contradicts the Bakersfield 2014 RMP and Other BLM Conservation Strategies, and Threatens Special-Status Species, in Violation of FLPMA.

As discussed above, FLPMA requires BLM's commitment to MUSY and preventing UUD, and BLM's compliance with terms and conditions of applicable RMPs. Wildlife connectivity and habitat integrity are important to the survival of species[185] and, thus, the avoidance of UUD under FLPMA.

Leasing could significantly impact wildlife connectivity and habitat integrity through the construction of new roads, fencing, noise and light pollution, direct habitat destruction, and increased human presence and traffic in the region, among other activities.[186] These kinds of

[184] *Id.* at 3–4.
[185] Hilty, J. A., et al., *Guidelines for conserving connectivity through ecological networks and corridors*, International Union for Conservation of Nature at xii (2020).
[186] Yap, How Wildlife Connectivity Can Fight Extinction at 1–2.

activities can negatively and significantly impact an animal's behavior, movement patterns, reproductive success, and physiological state, which can lead to significant impacts on individual wildlife, populations, communities, landscapes, and ecosystem function.[187] Habitat fragmentation from roads and development has been shown to cause increased local extinction risk in amphibians and reptiles[188] and cause high levels of avoidance behavior and mortality in birds and insects.[189]

Recent NEPA analysis by BLM confirms the importance of wildlife connectivity. In the 2019 Central Coast FEIS, BLM explains that wildlife movement across habitats is "important to long-term genetic variation and demography" and that habitat fragmentation "considerations are especially important for rare, threatened, or endangered species, and wide-ranging species such as large mammals, which exist in low population densities."[190]

Yet in the proposed 2026 lease sale, a number of parcels are *not* within existing oil fields and could lead to loss of wildlife connectivity. BLM does not address this, disclose which parcels are outside oil fields, or consider how leasing parcels outside oil fields could contradict its other policies. Those errors must be corrected.

1. BLM Must Disclose Exactly How Many Parcels and How Much Acreage Is Outside Developed Oil Fields.

BLM must disclose which parcels are outside existing oil fields and account for those impacts if those parcels are subject to oil and gas development. The Draft EA offers some clues, but even these are too vague to adequately disclose information to the public. The Draft EA states, for example, that in Unit 4 "less than 5%" of parcels are in existing oil fields—meaning, in this Unit,

[187] *See generally* Brehme, C.S., et al., Permeability of roads to movement of scrubland lizards and small mammals, 27(4) *Conservation Biology* 710–20 (2013); Ceia-Hasse, A., et al., Population persistence in landscapes fragmented by roads: Disentangling isolation, mortality, and the effect of dispersal, 375 Ecological Modelling 45–53 (2018); Haddad, N.M. et al., Habitat fragmentation and its lasting impact on Earth's ecosystems, Science Advances 1–9 (2015); Marsh, D.M., et al., Direct effects of roads on small animal populations, Roads and Ecological Infrastructure: Concepts and Applications for Small Animals 42–56 (2015); Trombulak, S.C. et al., Review of ecological effects of roads on terrestrial and aquatic communities, 14(1) Conservation Biology 18–30 (2000); van der Ree et al., Effects of roads and traffic on wildlife populations and landscape function: Road ecology is moving toward larger scales, 16(1) Ecology and Society 48 (2011).

[188] Brehme, C.S., et al., An objective road risk assessment method for multiple species: Ranking 166 reptiles and amphibians in California, 33 Landscape Ecology 911–35 (2018); Cushman, S.A., Effects of habitat loss and fragmentation on amphibians: A review and prospectus, 128 Biological Conservation 231, 233 (2006).

[189] Benítez-López, A. et al., The impacts of roads and other infrastructure on mammal and bird populations: A meta-analysis, Biological Conservation at 1307 (2010); Kantola, T. et al., Spatial risk assessment of eastern monarch butterfly road mortality during autumn migration within the southern corridor, 231 Biological Conservation at 150 (2019); Loss, S.R. et al., Estimation of bird-vehicle collision mortality on U.S. roads, J. of Wildlife Mgmt. at 1 (2014).

[190] Central Coast 2019 FEIS at 3.11-3. The 2019 FEIS further notes that "New barriers to wildlife movement, such as roads or fences, could interrupt local biological connectivity." *Id.* at 4.11-4. Neither the Central Coast nor the Bakersfield updated SEISs finalized in 2026 discuss the importance of habitat connectivity, a flaw pointed out in comment letters, such as the one from the California Natural Resources Agency. *See, e.g.,* Bakersfield 2026 FSEIS at A-208 (May 22, 2026) ("Prior to finalizing the SEIS, BLM should perform a supplemental analysis of the effects on habitat connectivity and wildlife movement utilizing updated information to support decision-making and conservation planning efforts. BLM should utilize the updated terrestrial habitat connectivity map and terrestrial habitat connectivity mapping tools and datasets discussed above.").

over 95% of parcels are *outside* already-developed oil field lands.[191] For other units, BLM offers only vague, unquantified descriptions such as how in Units 1, 2, and 3, "[o]ver half" of each unit is within an existing oil field.[192]

Similarly, BLM does not disclose which parcels in ACECs could subject those lands to new oil and gas development. For example, the Draft EA offers only that parcels in Unit 3 are within the Lokern-Buena Vista ACEC,[193] without addressing that this ACEC is "one of the largest relatively *undeveloped remnants* of the San Joaquin Valley natural habitats that sustain populations of" multiple listed species.[194]

Moreover, while the Draft EA includes a leasing preference chart assigning a high-to-low ranking for each parcel based on proximity to existing oil and gas development as required, the above examples and the following discussion illustrate that BLM's chart is inaccurate in that it only lists a single parcel as having low leasing preference for lack of existing development.

In compliance with FLPMA's regulations,[195] BLM must revise its analysis, including the leasing preference chart, and explicitly discuss which parcels could lead to development outside of oil fields or in undisturbed and/or wildlife corridor areas. The maps BLM provides are insufficient for the public to discern this information; BLM must add an accurate textual narrative within the body of its environmental review document making this information clear.

2. Over 70% of Parcels Could Be Outside Oil Fields.

The Draft EA relies on the assertion that impacts to protected species "would primarily occur within landscapes that have experienced historical oil and gas development and contain existing roads, pipelines, well pads, and other energy infrastructure,"[196] and, "[a]s a result, future development would generally expand existing disturbed areas rather than introduce widespread new fragmentation across previously undisturbed landscapes."[197] BLM's assertion appears to be false.

The following parcels appear to be located entirely outside of existing oil field boundaries[198]:

- Unit 1
  - CA-2099-01-0144
- Unit 2
  - CA-2099-01-0100
  - CA-2099-01-0152

[191] Draft EA at 13.
[192] *Id.* at 11–13.
[193] *Id.* at 9.
[194] 2012 FEIS at 349 (emphasis added). The Draft EA not only fails to mention the "undeveloped" nature of this ACEC, but offers, somewhat misleadingly, that surrounding lands "are used for agriculture, grazing, oil and gas development, residences, dispersed recreation, transportation, and wildlife habitat." Draft EA at 13.
[195] 43 C.F.R. § 3120.32.
[196] Draft EA at 34.
[197] *Id*. at 34–35.
[198] Based on analysis using the Draft EA at Appendix A, Maps 3-6.

    - CA-2099-01-0165
    - CA-2099-01-0166
    - CA-2099-01-0179
    - CA-2099-01-0187
    - CAP106818459
- Unit 3
    - CA-2099-01-0095
    - CA-2099-01-0142
    - CA-2099-01-0162
- Unit 4
    - CA-2099-01-0150
    - CA-2099-01-0151
    - CA-2099-01-0171
    - CA-2099-01-0189
    - CA-2099-01-0191

That amounts to 16 of 44 parcels (36%) that are located entirely outside of areas already heavily disturbed by oil and gas activity.

Additionally, the following parcels appear to be located at least partially (for some, mostly) outside of existing oil field boundaries[199]:

- Unit 1
    - CA-2099-01-0132
    - CA-2099-01-0175
    - CA-2099-01-0177
- Unit 2
    - CA-2099-01-0120
    - CA-2099-01-0123
    - CA-2099-01-0133
    - CA-2099-01-0134
    - CA-2099-01-0149
    - CA-2099-01-0153
- Unit 3
    - CA-2099-01-0098
    - CA-2099-01-0167
- Unit 4
    - CA-2099-01-0147
    - CA-2099-01-0169
    - CA-2099-01-0172
    - CA-2099-01-0180
    - CA-2099-01-0188

[199] *Id*.

That is an additional 16 parcels. Therefore, if leased, 32 of the 44 parcels (73%) would be subject to new, intense oil and gas disturbance.

BLM's hard look at the lease sale's impacts on biological resources, including special status species and their habitats, under NEPA, and its leasing preference analysis under FLPMA, cannot rely on the assumption that future development would "primarily" occur on previously disturbed and developed land. This assumption fundamentally corrupts the Draft EA's analysis and must be corrected.

3. Leasing Parcels in Undeveloped and/or Wildlife Corridor Lands Contradicts BLM Strategies and Could Threaten Special-Status Species.

Leasing parcels in undeveloped and/or corridor lands is not only bad for wildlife, but doing so contradicts the terms and conditions of the 2014 Bakersfield RMP and other BLM resource management strategies. For one, BLM's Biological Resources Conservation Strategy, which incorporates the Recovery Plan for Upland Species of the San Joaquin Valley, provides that "[a] key component of the reserve and corridor linkage strategy *is to maintain* suitable amounts of habitat *that are largely undisturbed* by development activities."[200] That Recovery Plan further directs that "[u]ses and actions on public land, such . . . oil [and] gas . . . should occur so as to minimize degradation of habitat for special status species."[201] It does not appear that BLM has taken these management principles into account. BLM must consider these principles and explain how its 2026 lease sale decision aligns (or does not) with their strategies.

Ultimately, BLM must revise its environmental analysis to disclose which parcels are within these important undeveloped and/or corridor lands, and then BLM must decline to offer such parcels for lease.

4. BLM Ignores Its Own Leasing Preference Ratings and Arbitrarily Inflates Proximity to Existing Development Ratings.

BLM's analysis also fails to reconcile its leasing preference ratings, undertaken in accordance with 43 C.F.R. section 3120.32, with its decision to offer all 44 parcels for leasing. BLM admits that all 44 parcels "were rated as low preference overall," due to habitat values, cultural resource values, and, for some parcels, recreation values.[202] With specific regard to habitat, BLM admits that all 44 parcels are located "within known or potentially suitable habitat for BLM sensitive species and/or ESA species."[203] For the reasons described in our scoping comment, BLM cannot rely on Instruction Memorandum 2025-028 to push low-preference lease parcels into a lease sale.[204] IM 2025-028 conflicts with 43 C.F.R. section 3120.32, in that the regulation clearly intends to aid BLM in exercising its discretion, whereas IM 2025-028 purports to eliminate BLM's discretion not to offer low-preference parcels for leasing.

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[200] Bakersfield 2012 FEIS at 774, Appendix B (emphasis added); Bakersfield 2014 RMP at 270, Appendix 4.
[201] Bakersfield 2014 RMP at 268, Appendix 4.
[202] Draft EA at 9, C-2.
[203] *Id.* at C-1.
[204] CalWild et al. Scoping Comments at 56–60.

BLM's leasing preference ratings are also flawed because of the agency's arbitrary definition of what constitutes "proximity to existing development." Without pointing to any authority, BLM asserts that "[p]arcels within five miles of existing oil and gas infrastructure are rated as high preference."[205] Because of this arbitrary definition, BLM misleads the public by rating 43 of 44 parcels as high preference in terms of proximity to existing development. But five miles is not a short distance, especially for impacts to special status species and their habitats.

Five miles away means, for example, at least five miles of new, habitat-fragmenting roads and pipelines. BLM does not disclose or analyze how new oil sites up to five miles away from existing infrastructure will increase impacts on special status species. For example, one recent study found that San Joaquin kit foxes "will continue using a construction site despite extensive disturbance and intensive construction activities occurring on the site."[206] In other words, kit foxes are not deterred by construction activity, and proximity to such activity puts them in harm's way. In addition, another recent study found increased bird predation of blunt-nosed leopard lizards at oil sites compared to undeveloped habitat.[207] BLM asserts that there is a high likelihood of occurrence of San Joaquin kit fox on Unit 3 and Unit 4 parcels, and a medium likelihood of occurrence on Unit 2 parcels and the Fresno parcel.[208] Likewise, BLM asserts that there is a high likelihood of occurrence of blunt-nosed leopard lizard on Unit 3 and Unit 4 parcels and the Kettleman parcel, and a medium likelihood of occurrence on the Unit 2 parcels.[209]

Despite these admitted likelihoods, the Draft EA does not analyze how each of these protected species will be affected by new development from leasing on individual parcels. The Draft EA only states that development across all 44 parcels could "result[] in localized habitat loss and fragmentation," and "[c]onstruction activities would increase dust, noise, vibration, lighting, vehicle traffic, and human activity, which could temporarily disturb or displace wildlife, interrupt breeding, nesting, denning, roosting, or foraging activities, and increase the potential for wildlife mortality from vehicle collisions."[210] Impacts to protected species are not sufficiently analyzed or disclosed by a one-size-fits-all generalization.

BLM must revise its environmental analysis to accurately and sufficiently analyze and disclose this lease sale's impacts on special status species and their habitats.

[205] Draft EA at C-1.
[206] Cypher, Response of San Joaquin Kit Foxes at 3.
[207] Germano, D.J. et al., Effects of Oil Fields on Home Range, Movements, and Rates of Predation of Blunt-nosed Leopard Lizards (*Gambelia Sila*), 58(2) Journal of Herpetology 135–47 (2024).
[208] Draft EA at F-1, Appendix G.
[209] *Id*.
[210] *Id.* at 34.

F. The Draft EA Does Not Comply with RMP Terms and Conditions Concerning Mitigation Measures.

FLPMA requires compliance with the terms and conditions of RMPs,[211] and mitigation measures established as part of the NEPA process are likewise binding.[212] Additionally, NEPA requires consideration of mitigation measures to address significant environmental impacts.

Here, the Bakersfield 2014 RMP contains a number of specific requirements concerning mitigation of impacts that the Draft EA improperly fails to address.

First, as the Bakersfield 2014 RMP acknowledges, a "key component of the reserve and corridor linkage strategy is to maintain suitable amounts of habitat that are largely undisturbed by development activities."[213] To achieve this involves limiting "the amount of habitat (and ground) disturbance."[214] The RMP then specifies that:

> Within the reserve areas (generally Lokern-Buena Vista ACEC and portions of Compensation Lands and Upper Cuyama Valley ACECs), habitat disturbance is limited to 10% of the surface area of individual BLM parcels or 10% of adjoining BLM parcels. Parcels that adjoin only at one corner are considered separate parcels. Most remaining public lands within the southern San Joaquin Valley have been identified in the regional conservation strategy as connecting corridors. The BLM would manage public lands in these corridors as links between reserve areas. In the corridor areas, habitat disturbance is limited to 25% of the surface area of individual BLM parcels or 25% of adjoining BLM parcels.[215]

While the Draft EA estimates the nearly 90 acres will experience surface disturbance as a result of developing 43 wells,[216] the Draft EA does not discuss these habitat disturbance percentages and provides no way for the public to evaluate whether the 2026 lease sale aligns with the Bakersfield 2014 RMP's requirements to limit habitat and ground disturbance in adjoining parcels and in corridor areas. BLM must revise its environmental analysis to provide this information.

Second, the 2014 Bakersfield RMP establishes a 3:1 "compensation ratio" for San Joaquin Valley species with permanent impacts and 1.1:1 for temporary impacts, with exceptions for Kern mallow (9:1 for permanent impacts and 6:1 for temporary impacts on known populations), the western Kern County kit fox core area (4:1 for permanent impacts), and vernal pool habitat (5:1 with a replacement element).[217] Then, "if a new compensation ratio becomes established for a county or species, the BLM and USFWS may decide to modify compensation ratios."[218]

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[211] 43 U.S.C. § 1732(a); 43 C.F.R. § 1610.5-3(a).
[212] *Friends of Animals v. Sparks*, 200 F. Supp. 3d 1114, 1123 (D. Mont. 2016) (citing *Sierra Club v. Jacobs*, No. H–04–0374, 2005 WL 6247793 at *7 (S.D. Tex. Sept. 30, 2005); *Tyler v. Cisneros*, 136 F.3d 603, 608 (9th Cir. 1998)).
[213] 2014 Bakersfield RMP at 270, Appendix 4.
[214] *Id.*
[215] *Id.*
[216] Draft EA at 16.
[217] Bakersfield 2014 RMP at 244, Appendix 3.
[218] *Id.*

The Draft EA does not mention the phrase "compensation ratio," even though BLM admits that "[f]uture potential development of the leased parcels could result in direct and indirect impacts to biological resources" including around 89 acres/year of "localized habitat loss and fragmentation."[219] While the Draft EA then references the CSU – Protected Species stipulation that provides for possible "offsite compensation that would satisfactorily offset the loss of habitat,"[220] the Draft EA fails to adequately connect the lease sale's habitat impacts to the RMP's requirements for compensation, and it fails to disclose what the compensation ratios would be for each proposed lease parcel.

Because of the 89 acres/year of habitat loss and fragmentation (which could be higher once BLM takes CESA-protected species and other data discussed in these comments into consideration), compensation ratios will foreseeably be triggered by leasing. BLM must revise its environmental analysis to discuss which compensation ratios apply to each of the lease parcels, and to reflect any new compensation ratios that have been established since the Bakersfield 2014 RMP.

G. The Draft EA Contains an Inadequate Discussion of Impacts to Water Resources.

In addition to ignoring the CalWild et al. Scoping Comments regarding the need for BLM to take a "hard look" at impacts to groundwater from well construction practices and fracking, the Draft EA contains an inadequate discussion of impacts to water resources, in violation of NEPA, and fails to properly consider whether water resources impacts will violate MUSY and result in UUD for purposes of FLPMA.

In the Draft EA, BLM states "no parcel-specific development plans, well locations, targets, depths, water sources, drainage plans, engineering designs, or produced-water management proposals are available" and purports to analyze "the water-resource effects that could reasonably result from future development and the factors that would influence where and to what extent those effects could occur, rather than predicting local, parcel-specific, or site-specific effects."[221] The Draft EA continues by providing general geographic and hydrogeological background information at a high level in describing the affected environment, but then maintains that "[l]ease issuance would not itself authorize ground disturbance, drilling, water withdrawal, injection, or other development activities" in the absence of parcel-specific development plans and claims that "[t]he nature and magnitude of those effects would depend on site-specific conditions and development decisions that are not known at the leasing stage."[222] The Environmental Effects section of the Draft EA discusses potential exposure pathways at such a high level of generality that it does not qualify as a meaningful analysis of potential impacts of the proposed action—i.e., leasing the 44 proposed parcels for oil and gas development.

Moreover, the Draft EA identifies Appendix J as a "Water Resources Technical Report," which is a name that misleads the public into believing that BLM has conducted a full and proper analysis

[219] Draft EA at 34.
[220] *Id.* at B-21 (citing Bakersfield 2014 RMP at 78–80).
[221] *Id.* at 44.
[222] *Id.* at 45–50.

of water resources impacts associated with the lease sale.[223] The Draft EA contains no explanation regarding the contents or function of this document. A review of this document shows that it is essentially a bibliography of the sources used to prepare the non-analysis in the Draft EA, rather than any independent or supplemental analysis of parcel-specific impacts to water resources as necessary for NEPA compliance. Accordingly, BLM must revise its water resources analysis to meaningfully account for parcel-specific impacts.

H. The Draft EA Fails to Meaningfully Consider Impacts to Soil Resources.

Rather than considering parcel-specific impacts to soil resources, the Draft EA states that "[p]otential effects on soil resources are analyzed in a general sense because information on components such as specific well locations, location of access roads, and equipment needed are not available at this time. These types of site-specific elements would be analyzed under future NEPA following an APD."[224]

Even so, BLM acknowledges that "up to 88.95 acres per year of temporary or permanent soil disturbance could potentially occur as a result of future development enabled by the proposed action," some parcels have "severe (435.1 acres) or very severe (138.9 acres) erosion hazard," this combination "may require increased road maintenance" and "could lead to effects on other resources of the area, such as vegetation," and will require site-specific mitigation.[225]

BLM's decision to defer consideration of parcel-specific impacts and mitigation in this respect is improper under NEPA and also represents a failure to properly consider MUSY and UUD under FLPMA. BLM must revise its environmental analysis to include such parcel-specific consideration.

Moreover, BLM's inclusion of a "Soil Resources Report" at Appendix I of the Draft EA is misleading in the sense that it incorrectly signals to the public that BLM has conducted a full and proper analysis under NEPA and FLPMA. Instead, the report is limited to geographic and geologic background information, without regard to the potential effects of the December 2026 lease sale on such background conditions.

I. The Draft EA Fails to Meaningfully Consider Impacts to Air Quality.

In addition to BLM's decision to ignore the CalWild et al. Scoping Comments regarding air quality impacts from GHG emissions, venting, and flaring, BLM's substantive approach to air quality impacts in the Draft EA illustrates the agency's failure to take a "hard look" at this category.

First, the above discussion of CAA conformity review shows that BLM's deferral of such review to the APD stage[226] is impermissible under NEPA and results in an undercounting of emissions. Second, BLM's failure to consider impacts to public health, in general, and impacts to SB 1137

[223] *Id.* at iv.
[224] *Id.* at 37; *see also id.* at 40 ("These types of site-specific elements would be analyzed under future NEPA following an APD.").
[225] *Id.* at 40.
[226] *Id.* at 19.

sensitive receptors, in particular (as discussed above), has resulted in the agency improperly minimizing impacts. Third, the Draft EA's methodology of examining "current conditions in the San Joaquin Valley air basin,"[227] rather than a narrower geographic nexus that better fits the parcels' location has produced an improperly skewed analysis of such impacts. The vast majority of the parcels are located in Kern County, which has some of the worst air quality in the country, and a Kern County-focused analysis of these parcels is necessary to gain a true understanding of cumulative impacts. As discussed above with regard to CAA conformity review, the Draft EA's tactic of just adding up all pollutants and comparing to AQI levels for the region minimizes the importance of the most harmful pollutants and is not the same as a cumulative analysis of development on the potential leases.[228] Fourth, the Draft EA improperly relies on the reasonably foreseeable development scenario in the Bakersfield 2014 RMP, which vastly underestimates development in this region, as discussed further above.

Finally, the Draft EA ignores the impacts of existing and future idle and orphan wells. In the Draft EA's "Standard Operating Procedures," BLM states that "[t]imely plugging and abandonment of depleted wells will be required…includ[ing] plugging the wellbore with cement, removing all materials and equipment, and recontouring/revegetation."[229] BLM acknowledges that, "by 1990, a large number of wells were remaining idle for longer and longer periods" within the Bakersfield Field Office area, but the agency assures that "[m]onitoring and correction of the problem have been successfully undertaken by the California Division of Oil, Gas, and Geothermal Resources and the local BLM Field Office."[230] However, as shown in the table below, the state of the three previously developed parcels being offered for lease here demonstrates that BLM does not effectively enforce its "timely" decommissioning requirement.[231] The problem persists.

Parcel	Well Designation	Idle Start Date[232]	Years Idle
CAP106818522	Mitchel 53	3/1/1988	38
	Mitchel 54	2/1/1991	35
	Mitchel 56	3/1/1986	40
	Mitchel 63	1/1/1987	39
	Mitchel 64	4/1/1991	35
	Mitchel 65	8/1/1985	41
	Mitchel 66	8/1/1991	35
	Mitchel 67	1/1/1987	39

[227] *Id.* at 16.
[228] *Id.* at 17, 21–22.
[229] *Id.* at E-1.
[230] *Id.* at E-4.
[231] The information in the first two columns is sourced from BLM's Lease Notices at Draft EA B-31 to -34.
[232] CalGEM, 2024 IWMP Inventory (available at https://www.conservation.ca.gov/calgem/idle_well/Pages/idle-well-operators.aspx#inventories).

	Mitchel 73	8/1/1991	35
	Mitchel 74	7/1/2012	14
	Mitchel 75	7/1/2012	14
	Mitchel 76	6/1/1991	35
	Mitchel 77	7/1/2012	14
	Mitchel 83	12/1/1991	35
	Mitchel 84	3/1/2000	26
	Mitchel 85	3/1/2000	26
	Mitchel 86	7/1/2012	14
	Mitchel 87	7/1/2012	14
	Mitchel 88	12/1/1991	35
CAP106818459	BLM 1-29RD	5/1/2017	9
	BLM 2-29	5/1/2018	8
	BLM 3-29	11/1/2017	9
	Cree 1-30[233]	4/1/2017	9
CA-2099-01-0187	BLM 1-33	8/1/2018	8
	BLM 2-33	3/1/2015	11
	BLM 3-33	6/1/2014	12
	BLM 4-33	1/1/2014	12

All the existing wells on these parcels are "long-term idle wells" under California law.[234] The environmental impacts of idle and orphan wells are detailed in the Center for Biological Diversity's supplemental comment letter on the 2026 Draft Bakersfield SEIS (submitted March 13, 2026), which, along with its attached sources, has been incorporated by reference into this lease sale's administrative record. To reiterate, wells that are not promptly plugged and remediated cause long-lasting and severe environmental harm. They emit dangerous toxic gases, including VOCs like benzene, other harmful gases like hexane and hydrogen sulfide, and methane, a potent greenhouse gas.

BLM is aware of this problem and its growing magnitude, but nonetheless does not analyze it at all in the Draft EA. BLM must consider, discuss, and disclose how oil and gas development

[233] The Draft EA lists the well "BLM 1-30," but that well does not seem to exist. Idle well "Cree 1-30" is located within the described location.
[234] Cal. Pub. Resources Code § 3008(e) ("…any well that has been an idle well for eight or more years.").

resulting from this lease sale will contribute to the idle and orphan well crisis and its attendant adverse environmental impacts. Additionally, BLM must address how it will prevent, on all 44 parcels, the unnecessary and undue degradation caused by idle and orphan wells, as exemplified by the long-term idle wells already degrading three lease sale parcels.

For all of these reasons, the Draft EA fails to ensure compliance with MUSY or prevent UUD under FLPMA with regard to air quality and fails to take a "hard look" at air quality impacts under NEPA.

J. The Draft EA Fails to Consider a Reasonable Range of Alternatives, in Violation of NEPA.

BLM must consider a reasonable range of alternatives to the proposed lease sale. The range of alternatives is the "heart" of a NEPA document because "[w]ithout substantive, comparative environmental impact information regarding other possible courses of action, the ability of [a NEPA analysis] to inform agency deliberation and facilitate public involvement would be greatly degraded."[235]

Here, BLM claims that it considered deferring nine of the parcels listed above due to their proximity to the Carrizo Plain National Monument or the Lokern-Buena Vista ACEC, but it acted improperly by refusing to conduct a detailed analysis into this alternative.

Additionally, the Leasing Rule, discussed above, states that, "[i]f there are no high preference parcels available for the sale, [BLM] will select one or more low preference parcels that present the least conflicts . . . to analyze for potential inclusion in the sale" after taking into account relevant public comments in this respect.[236]

Based on the foregoing, BLM should have evaluated the relative conflicts among all of the 44 low preference parcels, and should have considered deferring other high conflict parcels, including (but not limited to)—

- Deferring the additional parcels mentioned above that fall within or near the Carrizo Plain National Monument and Lokern-Buena Vista ACEC;
- Deferring parcels within or adjoining the Chico Martinez, Kettleman Hills, Lokern-Buena Vista, and Panoche-Coalinga ACECs and the Lokern Ecological Reserve;
- Deferring parcels within SB 1137 health protection zones;
- Deferring parcels with potential recreation impacts (including parcels overlapping the Butterfield trail and the Temblor SRMA), especially parcels rated as "low" preference due to recreation and other resources (CA-2099-01-0100, CA-2099-01-0120, CA-2099-01-0123, CA-2099-01-0133, CA-2099-01-0134, CA-2099-01-0152, CA-2099-01-0179, CA-2099-01-0187, CAP106818459, CA-2099-01-0186);

[235] *New Mexico*, 565 F.3d at 708; *see also California v. Block*, 690 F.2d 753, 767 (9th Cir. 1982) (stating that the "touchstone" is whether the agency's "selection and discussion of alternatives fosters informed decision-making and informed public participation").
[236] BLM, IM 2023-007 (Nov. 21, 2022), https://www.blm.gov/policy/im-2023-007.

- Deferring parcels with a high (Units 3-4 and Kettleman Outlier) or medium (all parcels) likelihood of protected species;
- Deferring parcels within red-legged frog critical habitat and parcels with a high (Units 3-4 and Kettleman Outlier) or medium (Unit 2 and Fresno Outlier) likelihood of San Joaquin kit fox, given the important role of this species as an "umbrella" species in the *Recovery Plan for Upland Species of the San Joaquin Valley, California*;
- Deferring parcels that overlap with undeveloped and/or wildlife corridor lands, including the parcel BLM already identified as having a low leasing priority due to lack of proximity to existing oil and gas development (CA-2099-01-0078) and other parcels that should have this designation based on a proper leasing preference review;
- Deferring parcels with high sensitivity cultural resources, such as human remains; and
- Leasing fewer acres within the current boundaries of each of the proposed parcels to exclude and protect the most sensitive locations.

VII. BLM Must Prepare an EIS to Address Significant Effects of the Lease Sale.

Under NEPA, agencies must prepare an EIS rather than an EA where an action will significantly affect "the quality of the human environment."[237] The impacts discussed in the CalWild et al. Scoping Comments and throughout this letter illustrate that the proposed December 2026 lease sale will likely have significant adverse effects—at a minimum—on public health, recreation, protected species and ecosystems, lands with wilderness characteristics, ACECs, cultural resources, and the Carrizo Plain National Monument. There will also likely be significant impacts on broader categories that BLM has not adequately analyzed to date, including but not limited to air quality, GHG emissions, water quality and quantity, and soil resources.

Moreover, the CalWild et al. Scoping Comment letter and these comments have already demonstrated why it would be improper for BLM to rely on its claims that impacts are nonexistent and/or too speculative to analyze at the leasing stage as a basis for declining to prepare an EIS.

VIII. Conclusion.

We appreciate your consideration of these comments. We look forward to seeing an adjusted list of parcels and a thorough environmental review to ensure adequate protection of sensitive sites and public health. Should you have any questions, please do not hesitate to contact us.

If you have any questions about this protest letter and comments, you may reach out to any of us directly or contact Elizabeth Fisher (efisher@earthjustice.org) or Cooper Kass (ckass@biologicaldiversity.org) who helped prepare this submission.

Respectfully submitted,

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[237] 42 U.S.C. § 4332(C).

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July 31, 2026

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Re: Scoping Comments on Parcels for the California Bureau of Land Management December 2026 Competitive Oil & Gas Lease Sale (DOI-BLM-CA-C060-2026-0090-EA).

Dear Director Stout and Mr. Thomas:

Thank you for the opportunity to submit these scoping comments on parcels under consideration for the Bureau of Land Management's (BLM's) California December 2026 Oil and Gas Lease Sale.[1] 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, benefits the public and local communities, protects biodiversity, and mitigates the impacts of climate change.

For this sale, BLM is considering 50 parcels covering 36,000 acres. As BLM prepares for this lease sale and evaluates which parcels to offer for lease, the agency must continue to abide by its obligations under all applicable federal, state, and local laws and regulations and all federal court rulings.

[1] There is insufficient information about the parcels in question to submit complete comments. Accordingly, we will be able to provide additional input only when a draft environmental analysis is released, which we fully expect will occur in compliance with the National Environmental Policy Act.

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I. BLM's California December 2026 Lease Sale cannot rely on the 2026 Final Supplemental Environmental Impact Statement (FSEIS) for the Bakersfield 2014 Resource Management Plan (2014 RMP) or the 2026 FSEIS for the 2019 Central Coast Field Office RMP Amendment (2019 RMPA) because those documents are deficient.

FLPMA governs BLM's management of public lands and sets forth requirements for RMPs and amendments thereto, in tandem with NEPA's environmental review requirements. The 50 parcels proposed for leasing include areas covered by two different RMPs—the 2014 RMP for the Bakersfield Field Office and the 2019 RMPA for the Central Coast Field Office. Accordingly, both planning documents govern and are relevant to the December 2026 leasing proposal.

There is a long history of administrative advocacy and litigation challenging BLM's environmental reviews for the Bakersfield 2014 RMP and Central Coast 2019 RMPA. BLM's environmental review for the Bakersfield 2014 RMP and the Central Coast 2019 RMPA have consistently failed to adequately analyze the environmental and public health impacts of the significant oil and gas development it authorizes in each Planning Area. The 2026 FSEISs for each of these RMPs reiterate problematic portions of prior reviews and fail to properly account for new information and changed circumstances. Accordingly, neither of the 2026 FSEIS documents complies with BLM's obligations under FLPMA to manage public lands according to principles of multiple use and sustained yield while avoiding unnecessary or undue degradation,[2] or its obligation to take a "hard look" at such impacts under NEPA.

As the environmental reviews associated with the Bakersfield 2014 RMP and Central Coast 2019 RMPA are deficient, reliance on the same in BLM's forthcoming environmental analysis for the California December 2026 lease sale would likewise violate FLPMA and NEPA.

A. Bakersfield 2014 RMP

BLM's Bakersfield Field Office administers federal land and mineral estate within the Bakersfield Field Office's "Planning Area"—an administrative geographic region of approximately 17 million acres of land stretching from the coastal islands in the Pacific Ocean across the Central Valley to the crest of the Sierra Nevada Range.[3] Within this Planning Area, the Bakersfield Field Office is directly responsible for the management of approximately 400,000 acres of public land and 1.2 million acres of subsurface mineral estate (the decision area).[4] The Planning Area ranges in character from coastal urban areas near Los Padres National Forest, to dry expanses in the San Joaquin Valley, to rugged hills in the Sierra bioregion.[5] The area offers rich public and private recreation sites for outdoor enthusiasts who enjoy the natural habitats and "extraordinary biodiversity."[6] The area also includes numerous national parks and monuments,

[2] 43 U.S.C. §§ 1701(a)(7)–(8), 1702(c), 1702(h), 1712(c)(1), 1732(a)–(b).
[3] Bureau of Land Mgmt. [BLM], Bakersfield Field Office Record of Decision & Approved Resource Management Plan, I (Dec. 2014) [hereinafter 2014 RMP].
[4] *Id.* at 1.
[5] BLM, Proposed Resource Management Plan & Final Environmental Impact Statement for the Bakersfield Field Office, Vol. 1, at 217 (Aug. 2012) [hereinafter 2012 FEIS].
[6] 2014 RMP at 2–3, 96–97; 2012 FEIS at 1, 217, 279–80.

including Yosemite, Sequoia, and Kings Canyon National Parks; Sierra, Sequoia, and Los Padres National Forests; Giant Sequoia and Carrizo Plain National Monuments; and numerous popular wilderness and recreation areas.[7]

In December 2014, BLM issued its record of decision adopting its RMP for the Bakersfield Field Office decision area.[8] The 2014 RMP opened up 1,011,470 acres of land to oil and gas leasing and development, encompassing nearly eighty-five percent of the decision area.[9] This region is already the epicenter of oil and gas drilling in California.[10] Kern County alone is the source of 71 percent of the state's oil and 78 percent of its natural gas.[11] Several of the largest oil fields in the country are also located in Kern County.[12] Residents in this region suffer from serious air and water pollution and water scarcity problems, and live on the frontlines of climate change.[13] To make matters worse, many counties in the region have significant minority and low-income populations that are disproportionately impacted by pollution from industrial agriculture, heavy diesel truck traffic, and intensive oil and gas development.[14] BLM is therefore proposing additional oil and gas development in one of the most overburdened areas in the country.

In June 2015, two of the organizations on this letter, Center for Biological Diversity (Center) and Los Padres ForestWatch, challenged BLM's decision for numerous reasons, including failing to analyze the environmental impacts of hydraulic fracturing (fracking) authorized by the 2014 RMP.[15] In September 2016, the Central District of California agreed and held that BLM failed to adequately analyze the impacts of fracking, ordering the agency to prepare a SEIS "to examine the cumulative environmental impacts" of fracking "in a comprehensive manner[.]"[16] In May 2017, the court approved a settlement agreement in which the parties agreed to partial remand without vacatur of the record of decision adopting the 2014

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[7] 2012 FEIS at 235, 327, 590.
[8] 2014 RMP at I–XVIII.
[9] *Id.* at 75 (using RMP pagination)
[10] 2012 FEIS at 381.
[11] Kern Econ. Development Found., *The Economic Contribution of the Oil and Gas Industry in Kern County* 1 (2021), https://kernedc.com/wp-content/uploads/2021/04/KEDF-Economic-Contribution-of-the-Oil-and-Gas-Industry-in-Kern-County_-2021.pdf.
[12] 2012 FEIS at 318.
[13] *See* U.S. Env't Prot. Agency (EPA), California Nonattainment/Maintenance Status for Each County by Year for All Criteria Pollutants (June 30, 2026), https://www3.epa.gov/airquality/greenbook/anayo_ca.html; Am. Lung Ass'n, *State of the Air Report Card: Kern County* (2026), https://www.lung.org/research/sota/city-rankings/states/california/kern (last visited July 30, 2026); Cal. Dep't of Just. (Cal. DOJ), Comments on the December 2020 Oil and Gas Lease Sale Environmental Assessment of BLM's Bakersfield Field Office 13 (Sept. 25, 2020); 2012 FEIS at 291; Ctr. for Biological Diversity, *Oil Stain: How Dirty Crude Undercuts California's Climate Progress* 1 (2017), https://www.biologicaldiversity.org/programs/climate_law_institute/energy_and_global_warming/pdfs/Oil_Stain.pdf; *see generally* State Water Res. Control Board (SWRCB), Report to the Legislature: Communities that Rely on a Contaminated Groundwater Source for Drinking Water (2013), https://www.waterboards.ca.gov/gama/ab2222/docs/ab2222.pdf;
[14] *See* 2012 FEIS at 388; Sierra Club, *The $23 Billion Question: What Created California's Orphan and Idle Well Crisis* 10-11 (2023) at 10–11, https://www.sierraclub.org/sites/default/files/2023-12/Idle%20Wells%20Report.pdf; *see generally* Cal. Off. of Health Hazard Assessment, CalEnviroScreen 4.0 (Oct. 2021), https://oehha.ca.gov/calenviroscreen/report/calenviroscreen-40.
[15] *See generally* Complaint for Declaratory & Injunctive Relief, *Ctr. for Biological Diversity v. U.S. Bureau of Land Mgmt.*, No. 2:15-cv-04378-MWF/JEM (C.D. Cal. June 10, 2015) [hereinafter *BLM I*].
[16] *BLM I*, No. 2:15-cv-04378-MWF/JEM, 2016 WL 5172009, at *7 (C.D. Cal. Sept. 6, 2016).

RMP.[17] BLM agreed that pending its issuance of the new environmental review document considering the impacts of fracking, it would not hold any oil or gas lease sales within the decision area.[18]

Rather than comprehensively analyzing the impacts of fracking and new information relevant to the 2014 RMP, BLM issued an SEIS in 2019 that discounted thousands of public comments from community members and expert government agencies, drastically undercounted the number of wells likely to be fracked, ignored the health risks of fracking to the surrounding communities, and failed to grapple with evidence that fracking can further pollute already scarce groundwater resources in the area. A diverse coalition of environmental justice, conservation, and business groups, including some of the organizations on this letter, once again brought suit against the 2019 SEIS in the Central District of California in *Center for Biological Diversity v. U.S. Bureau of Land Management*, No. 2:20-CV-00371-DSF-SS (C.D. Cal., filed Jan. 14, 2020) [hereinafter *BLM II*].

In December 2020, before the Central District could resolve the challenge to the 2019 SEIS, the agency barreled ahead with a lease sale in Kern County, selling 4,133 acres of public land near Bakersfield.[19] Because BLM's analysis of the sale's impacts relied on the deficient analysis in the 2019 SEIS, without supplementing the analysis or correcting those deficiencies, several of the groups on this letter also challenged the lease sale in *Center for Biological Diversity v. U.S. Bureau of Land Management*, No. 1:21-cv-00475-DAD-SAB (E.D. Cal., filed March 22, 2021) [hereinafter *BLM III*].

BLM opened settlement discussions in both the challenge to the 2019 SEIS and the challenge to the 2020 Lease Sale and finalized agreements in July 2022 with a variety of commitments from the agency, including: new supplemental analyses for the 2014 RMP and 2020 Lease Sale; remand "to allow Federal Defendants to reconsider the 2019 ROD" and to "consider whether to amend the 2014 RMP"; improved public participation requirements that include Spanish translation and interpreters; and no new lease sales in either field office or permits to drill on the seven leased parcels involved in the litigation until the new analyses are complete.[20] In response to the settlements, BLM released a scoping notice in June 2025, announcing its intention to prepare a new SEIS and potential RMP amendment,[21] and a number of the groups on this comment letter submitted scoping comments.[22] Likewise, some of these same organizations submitted comments on the draft SEIS that BLM released in 2025, along

[17] Settlement Agreement at 3, *BLM I*, No. 2:15-cv-04378-MWF/JEM (C.D. Cal. May 3, 2017).
[18] *Id.*
[19] *See* BLM, "The Bureau of Land Management California completes oil and gas lease sale" (Dec. 10, 2020), DOI-BLM-CA-C060-2020-0120-EA, https://eplanning.blm.gov/Project-Home/?id=1a4668bc-a7f2-f011-8407-001dd803dca7 (last visited July 30, 2026).
[20] Stipulated Settlement Agreement at 4–6, *Center for Biological Diversity v. U.S. Bureau of Land Management*, No. 2:20-cv-00371-DSF (C.D. Cal. July 31, 2022) [hereinafter *BLM II*]; Stipulated Settlement Agreement at 2–4, *Center for Biological Diversity v. U.S. Bureau of Land Management*, No. 1:21-cv-00475-DAD-SAB (E.D. Cal. July 29, 2022) [hereinafter *BLM III*].
[21] 90 Fed. Reg. 26605-01 (June 23, 2025).
[22] Ctr. for Biological Diversity, Scoping Comments for Draft 2025 SEIS (July 23, 2025); CalWild et al., Scoping Comments for Draft 2025 SEIS (July 23, 2025).

with a protest letter on the 2026 FSEIS,[23] both of which are attached to these scoping comments and hereby incorporated by reference.[24]

Our organizations have raised numerous legal deficiencies that have characterized each step of BLM's planning process for the Bakersfield region and are deeply concerned that these issues continue to go unresolved, including in the most recent 2026 FSEIS. The agency must remedy the serious shortcomings in its 2014 RMP and 2026 FSEIS in compliance with its statutory obligations under federal law, including its obligation to act consistently with relevant state laws.

In particular, the 2026 FSEIS should have addressed new information and changed circumstances concerning the following topics: the One Big Beautiful Bill Act (OBBBA); an outdated reasonably foreseeable development scenario (RFDS); the growing public health crisis facing local communities in the Bakersfield Planning Area; air quality, including consistency review; climate change and greenhouse gas emissions; surface and groundwater resources; geologic and seismicity risks; impacts to sensitive species and the ESA's consultation requirements; energy supply and demand; lands with wilderness characteristics, Areas of Critical Environmental Concern (ACECs), recreation and visual resources, and cultural resources; the growing idle and orphan well crisis; and consistency with management plans for adjacent field offices. Instead, BLM declined to consider and/or failed to adequately consider such information and circumstances in lieu of an improperly narrow focus on fracking in the 2026 FSEIS. Likewise, BLM declined to amend the 2014 RMP to address such information and changes identified in public comments and improperly deferred a substantial portion of environmental review to later stages of the planning process.

B. Central Coast 2019 RMPA

At least some of the undersigned organizations have participated extensively in BLM's Central Coast oil and gas planning process for years. The Central Coast 2019 RMPA establishes a framework for BLM to manage the 792,430 acres of federal public lands and mineral estate within the Central Coast Planning Area.

The planning process for the Central Coast Field Office included a draft RMPA and EIS released in 2017, which considered five alternatives, each of which proposed opening different acreages for oil and gas leasing and development. Environmental organizations submitted multiple sets of public comments focused around BLM's preferred alternative.

In 2019, BLM released a FSEIS that identified a wholly new alternative as its preferred alternative, even though that alternative was not included or analyzed in the draft EIS. This new alternative opened for oil and gas development a total of 725,500 acres of federal mineral estate,

[23] BLM, Bakersfield Field Office Oil and Gas Leasing and Development Final Supplemental Environmental Impact Statement (May 22, 2026) [hereinafter Bakersfield 2026 FSEIS].
[24] Ctr. for Biological Diversity, et al., Comments on Draft Bakersfield Field Office Oil and Gas Leasing and Development Supplemental Environmental Impact Statement, Docket No. DOI-BLM-CA-C060-2025-0053-EIS (Mar. 13, 2026); CalWild, et al., Protest of Decision to Finalize the Bakersfield Field Office Resource Management Plan Without Amendment and Comments on Final Environmental Impact Statement, Docket No. DOI-BLM-CA-C060-2025-0053-EIS (June 18, 2026).

more than 91 percent of all land and mineral estate in the Planning Area under BLM's control, and nearly double the mineral estate open under the previous preferred alternative.

After BLM approved the 2019 RMPA and Final EIS over multiple protests, the Center, Sierra Club, and two local governments challenged that decision in federal court, alleging violations of NEPA, FLPMA, and the APA, including failure to properly evaluate reasonable alternatives, failure to supplement the Final EIS, failure to coordinate with local governments or otherwise discuss conflicts and inconsistencies, and failure to properly analyze environmental impacts related to air quality; greenhouse gas emissions and the climate; groundwater quality and availability; surface water quality and availability; seismicity; and wildlife and plant species.

In December 2022, the U.S. District Court for the Northern District of California approved a stipulated settlement agreement in *Center for Biological Diversity* v. *BLM* (Case No. 3:19-cv-07155-JSC). BLM agreed to prepare a SEIS for the six alternatives previously analyzed and to consider incorporating new alternatives, and to defer oil and gas leasing in the Central Coast Field Office pending a new decision on the 2019 RMPA.

BLM issued a 2025 Draft SEIS and 2026 FSEIS[25] that implicate the same issues asserted throughout the public comment process, protest letters, and litigation: protecting public lands, climate, water, air quality, public health, and imperiled species from the harms of expanded fossil fuel leasing and development in the Central Coast Planning Area. Some of the undersigned organizations submitted detailed comments on the Central Coast 2025 Draft SEIS, along with a protest letter on the Central Coast 2026 FSEIS, both of which are attached to these scoping comments and hereby incorporated by reference.[26]

BLM's decision to re-adopt its preferred alternative from the 2019 RMPA, which provides for continued and expanded oil leasing and development on BLM lands and mineral estate, continues to lack adequate analysis of, and mitigation for, the direct, indirect, and cumulative impacts of such activities on the environment as required by NEPA, and violates other federal laws including FLPMA, the Endangered Species Act (ESA), the Clean Air Act, and the APA.

For all of these reasons, the environmental review associated with the proposed December 2026 Lease Sale must independently ensure compliance with FLPMA, NEPA, and other applicable laws rather than relying on the deficient portions of prior environmental reviews, such as the 2026 FSEIS for each field office.

[25] BLM, Central Coast Field Office Oil and Gas Leasing and Development Final Supplemental Environmental Impact Statement (May 22, 2026) [hereinafter Central Coast 2026 FSEIS].
[26] Ctr. for Biological Diversity, Comments on Notice of Availability of the Draft Central Coast Field Office Oil and Gas, Leasing and Development Supplemental Environmental Impact Statement, California [A2407–014–004–065516; O2509–014–004–125222] (March 13, 2026); Ctr. for Biological Diversity, Protest and Comments re Notice of Availability of the Final Central Coast Field Office Oil and Gas, Leasing and Development Supplemental Environmental Impact Statement, California [FRL OPRM-FAD-223] (June 18, 2026).

II. BLM must ensure that leasing complies with the Federal Land Policy and Management Act (FLPMA).

Under FLPMA, BLM must manage public lands according to "multiple use" and "sustained yield" and "in a manner that will protect the quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resources, and archeological values; that, where appropriate, will preserve and protect certain public lands in their natural condition; that will provide food and habitat for fish and wildlife and domestic animals; and that will provide for outdoor recreation and human occupancy and use."[27] Multiple use obligates the agency to make the "most judicious use" of public lands and their resources to "best meet the present and future needs of the American people."[28] This requires taking "into account the long-term needs of future generations" and ensuring "harmonious and coordinated management of the various resources without permanent impairment of the productivity of the land and the quality of the environment."[29] Sustained yield mandates "achiev[ing] and maint[aining] in perpetuity . . . a high-level annual or regular periodic output of the various renewable resources of the public lands consistent with multiple use."[30] "It is past doubt that the principle of multiple use does not require BLM to prioritize development over other uses . . . . Development is a *possible* use, which BLM must weigh against other possible uses—including conservation to protect environmental values . . . ."[31] FLPMA also requires BLM to "take any action necessary to prevent unnecessary or undue degradation of the lands."[32]

A. BLM has authority to defer lease parcels—and must evaluate deferral of lease parcels—proposed for this sale.

To comply with these FLPMA resource conservation mandates, BLM must analyze the deferral of lease parcels and defer parcels where conflicts with other uses exist. Accordingly, under the Mineral Leasing Act (MLA), BLM has traditionally exercised broad discretion over whether to lease lands for oil and gas development as well as over the conditions under which leasing occurs.[33] While the MLA provides for quarterly lease sales in each state "where eligible lands are available,"[34] the courts have made clear that this language does not reduce BLM's discretion, because (among other reasons) lands are not "available" for leasing under the MLA

[27] 43 U.S.C. §§ 1701(a)(7)–(8), 1712(c)(1), 1732(a).
[28] *Id.* § 1702(c).
[29] *Id*.
[30] *Id.* § 1702(h).
[31] *New Mexico ex rel. Richardson v. Bureau of Land Mgmt.*, 565 F.3d 683, 710 (10th Cir. 2009) (emphasis in original).
[32] 43 U.S.C. § 1732(b).
[33] *See Udall v. Tallman*, 380 U.S. 1, 4 (1965) ("The Mineral Leasing Act of 1920 . . . left the Secretary discretion to refuse to issue any lease at all on a given tract."); *United States ex rel. McLennan v. Wilbur*, 283 U.S. 414, 419 (1931) (ruling that the Interior Secretary possesses "general powers over the public lands as guardian of the people," which include the authority to deny oil and gas lease applications); *Mont. Wildlife Fed'n v. Haaland*, 127 F.4th 1, 44 (9th Cir. 2025) ("We note that there is no doubt that the government has the authority affirmatively to determine which parcels shall be offered for oil and gas leasing . . . ."); *Bob Marshall All. v. Hodel*, 852 F.2d 1223, 1230 (9th Cir. 1988) ("[T]he Mineral Leasing Act gives the Interior Secretary discretion to determine which lands are to be leased under the statute. . . . Thus refusing to issue the . . . leases . . . would constitute a legitimate exercise of the discretion granted to the Interior Secretary under that statute.").
[34] 30 U.S.C. § 226(b)(1)(A).

until all statutory requirements are met and legal reviews are complete.[35] Moreover, the MLA itself requires that the agency "regulate all surface-disturbing activities conducted pursuant to any lease . . . in the interest of conservation of surface resources," that it lease lands for oil and gas development only in the public interest, and that it include in each lease provisions to ensure "the safeguarding of the public welfare."[36]

B. BLM must address the impact of the 2025 Budget Reconciliation Act, also known as the One Big Beautiful Bill Act (OBBBA), on the proposed lease sale and must demonstrate that this lease sale complies with FLPMA's substantive obligations in light of that impact.

The recently enacted OBBBA contains several amendments to the statutes governing BLM's management of oil and gas development.[37] In its analysis of this proposed lease sale, BLM must explain the impact of OBBBA and must demonstrate—in light of that impact—that the lease sale complies with BLM's substantive obligations under FLPMA.

1. BLM must address any changes that OBBBA makes with respect to its deferral authority.

Among other changes to the leasing process, OBBBA amends the MLA to replace language providing that lands subject to disposition which are known or believed to contain oil or gas deposits "*may* be leased," with a provision stating that such lands "*shall* be made available for leasing . . . not later than 18 months after the date of receipt . . . of an expression of interest in leasing the applicable parcel."[38] OBBBA also amends the provision of the MLA providing for quarterly lease sales "where eligible lands are available" to define "eligible lands" as those "not excluded from leasing by a statutory prohibition" and "available" lands as those designated as open for leasing under a RMP and "that have been nominated for leasing through the submission of an expression of interest, are subject to drainage in the absence of leasing, or are otherwise designated as available pursuant to regulations adopted by the Secretary."[39] Additionally, as amended, the MLA provides that any oil and gas leases issued "may not require any stipulations or mitigation requirements not included in the approved resource management plan."[40]

As discussed above, *see* discussion *supra* Section II.A, under the MLA, BLM has traditionally exercised broad discretion to defer parcels from leasing to comply with its obligations under FLPMA. Since the passage of OBBBA, BLM has been inconsistent with respect to how it has interpreted the Act's impact on its discretion to defer parcels nominated for

[35] *See, e.g.*, *W. Energy All. v. Biden*, No. 21-CV-13-SWS, 2022 WL 18587039, at *9 (D. Wyo. Sept. 2, 2022) ("[T]he postponed lease sales involved lands that were not 'available' because . . . the EAs, required by NEPA for lease sales, needed additional review and possible reworking").
[36] 30 U.S.C. §§ 187, 192, 226(g); *see also Powder River Basin Res. Council v. U.S. Dep't of Interior*, No. 22-CV-2696 (TSC), 2026 WL 555013, at *5 (D.D.C. Feb. 27, 2026); *NRDC v. Berklund*, 458 F. Supp. 925, 936 n.17 (D.D.C. 1978), *aff'd*, 609 F.2d 553 (D.C. Cir. 1979) (interpreting "safeguarding of the public welfare" to provide "broad authority to set lease terms to prevent environmental harm").
[37] *See* OBBBA, Pub. L. No. 119-21, § 50101, 139 Stat. 72, 137–39 (2025).
[38] *Compare* 30 U.S.C § 226(a) (Aug. 16, 2022 to July 5, 2025) (emphasis added), *with* 30 U.S.C. § 226(a) (effective July 4, 2025) (emphasis added).
[39] 30 U.S.C. § 226(b)(1)(A).
[40] *Id.* § 226(a)(2)(A)(ii).

leasing. To date, BLM has issued minimal formal guidance outlining how it will implement OBBBA.[41] In practice, BLM has interpreted the Act, in some instances, as leaving room for deferral discretion.

In response to public comment on the New Mexico Second Quarter 2026 lease sale, for example, the agency unequivocally stated that it has discretion to defer parcels, quoting from OBBBA to support the proposition:

> The BLM has discretion to offer or defer any parcel during any sale. 30 U.S.C. § 226(a) ("Any parcel of land subject to disposition…..that is known or believed to contain oil or gas deposits shall be made available for leasing…..if the Secretary determines that the parcel of land is open to oil or gas leasing under the approved resource management plan applicable to the planning area …that is in effect on the date on which the expression of interest was submitted to the Secretary.") . . . [T]he BLM AO retains the discretion to lease none, some, or all the nominated lease parcels.[42]

Moreover, BLM has in many cases continued to exercise its authority to defer lease sale parcels since the passage of OBBBA.[43]

On the other hand, the agency has elsewhere interpreted OBBBA as significantly altering its discretion throughout the oil and gas development process, potentially requiring BLM to offer for lease all lands designated as open if requested by industry. In its recently issued Oil and Gas Leasing proposed rule, for example, the agency stated that OBBBA "requires the BLM to offer a parcel within 18 months of receipt of the lands within an [expression of interest]."[44] The agency

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[41] *Cf.* BLM, Instruction Memorandum 2026-018, Impacts of the One Big Beautiful Bill Act of 2025 (Pub. L. No. 119-21) to the Oil and Natural Gas Leasing Program (May 12, 2026); 90 Fed. Reg. 36117 (Aug. 1, 2025) (amending the definitions of "eligible" and "available" for consistency with OBBBA).

[42] BLM Farmington Field Office, Competitive Oil and Gas Lease Sale Environmental Assessment, New Mexico Quarter 2 2026 DOI-BLM-NM-F010-2026-0001-EA D-29 (Mar. 20, 2026).

[43] *See, e.g.*, BLM Wyoming, Decision Record DOI-BLM-WY-0000-2026-0001-EA 1–2 (June 9, 2026) (for the Wyoming Second Quarter 2026 lease sale, selecting Alternative 3, which defers parcels based on sage-grouse prioritization, the need for Surface Management Agency (SMA) consent, conflicts with existing coal leases, and tribal consultation requirements); BLM Wyoming, Decision Record DOI-BLM-WY-0000-2025-0003-EA 1–2 (May 11, 2026) (for the Wyoming First Quarter 2026 lease sale, selecting Alternative 3, which defers parcels based on sage-grouse prioritization); BLM Wyoming, 2025 Fourth Quarter Competitive Oil and Gas Lease Sale Decision Record DOI-BLM-WY-0000-2025-0002-EA 2 (Dec. 3, 2025) (for the Wyoming Q4 2025 lease sale held on December 3, 2025, deferring parcels due to sage-grouse prioritization and lack of SMA consent); BLM Colorado, Decision Record for September 2025 Competitive Oil and Gas Lease Sale DOI-BLM-CO-0000-2025-0001-EA 2 (Sept. 8, 2025) (for the Colorado Q3 2025 lease sale held on September 9, 2025, deferring portions of two parcels due to their overlap with the Yellow Creek Area of Critical Environmental Concern); BLM Wyoming, 2025 Third Quarter Competitive Oil and Gas Lease Sale Decision Record DOI-BLM-WY-0000-2025-0001-EA 3 (Sept. 16, 2025) (for the Wyoming Q3 2025 lease sale held on September 16, 2025, deferring five parcels located in Priority Habitat Management Areas).

[44] 91 Fed. Reg. 38084, 38103 (proposed June 24, 2026) (to be codified at 43 C.F.R. pts. 3000, 3100, 3110, 3120, 3130, 3140, 3150, 3160, 3180). Commenters note that the comment period is currently open for this proposed rule and it has not been finalized. Therefore, BLM is still guided by its 2024 Fluid Mineral Leases and Leasing Process Rule (Leasing Rule), 89 Fed. Reg. 30916 (April 23, 2024), for purposes of this lease sale, and commenters will refer to BLM's obligations under the Leasing Rule throughout this comment.

has also proffered this interpretation in a recent court filing.[45] BLM's Bakersfield Field Office and Central Coast Field Office offered a similar interpretation in erratas to the FSEIS documents for its RMPs.[46] And, in the oil and gas lease sale context, BLM's Montana-Dakotas office recently stated that the "BLM's discretion at the leasing stage is limited by [OBBBA's] amendments to the Mineral Leasing Act and, regardless, does not create a mandatory duty to exercise deferral in the absence of supporting analysis. The exercise of discretion occurs within the bounds of existing RMPs."[47]

Regardless of these differing interpretations, BLM is not required to actually *lease* parcels. The agency retains the authority to defer lease sale parcels, even after bidding has concluded.[48]

However, the position advanced by the agency in its recent proposed rule and elsewhere gives rise to serious questions about BLM's ability to balance oil and gas development against other public land values and achieve its statutory obligations. BLM must address those questions and clarify its interpretation of OBBBA as it applies to the proposed leasing. To the extent that BLM believes that OBBBA restricts its discretion over oil and gas leasing, the agency faces additional burdens in demonstrating that its proposed lease sale comports with FLPMA's substantive mandates.

A recent case in the District of Montana illustrates this point; there, the judge stated that "FLPMA's requirements to maintain sustainable wildlife populations and avoid unnecessary or undue degradation of public lands . . . remain in force under [OBBBA] . . . . The statutory text of [OBBBA] does not effectively eliminate BLM's discretion so broadly as to mandate the sale and issuance of leases without oversight."[49] The court also looked to OBBBA's legislative history to determine that the "shall be made available" language in OBBBA means something different

[45] *See* Fed. Defs.' Opening Br., *Mont. Wildlife Fed'n v. Burgum*, No. 22-35367, 2026 WL 886552, at *36 (9th Cir. Jan. 14, 2026) ("[T]he [Act] requires the [BLM] to offer parcels nominated by industry through an expression of interest for lease within 18 months of receipt of the nomination, so long as those lands are open to leasing under the applicable resource management plan."); *see also* Intervenor-Def. State of Wyoming Notice of Suppl. Authority at 2–3, *W. Watersheds Project v. Bernhardt*, 1:18-cv-00187 (D. Idaho Aug. 12, 2025) (in litigation to which the United States is a party, the state of Wyoming interpreting the 2025 Reconciliation Act as stripping the BLM of discretion to determine which parcels should be offered for lease; "mandat[ing]" an approach in which the BLM's response to industry nominations may "create[] widespread leasing, even in sensitive habitat"; and restricting the BLM's ability to impose protective mitigations or stipulations on leases beyond those identified in the RMP, limiting the agency's role to "passively processing expressions of interest" (citation omitted)).

[46] *See* BLM, Errata for Bakersfield Field Office Comment Response (June 4, 2026) ("The BLM issues this errata to clarify that, under [OBBBA], BLM must offer for lease within 18 months of receipt of an expression of interest any parcel subject to disposition under the MLA that is known or believed to contain oil or gas deposits, so long as the parcel is open to leasing under the applicable approved resource management plan."); BLM, Errata for Central Coast Field Office Comment Response (June 4, 2026) (same).

[47] BLM Montana-Dakotas, Appendix K Montana-Dakotas Quarter 3 2026 Oil and Gas Lease Sale Response to Comments 167 (June 1, 2026).

[48] *See McDonald v. Clark*, 771 F.2d 460, 463 (10th Cir. 1985) (holding that the "fact that land has been offered for lease does not bind the Secretary to actually lease the land, nor is the Secretary bound to lease the land when a qualified applicant has been selected"); *see also W. Energy All. v. Salazar*, No. 10-CV-0226, 2011 WL 3737520, at *4–7 (D. Wyo. June 29, 2011) (holding that BLM is not required to issue leases after offering them at auction; it only needs to make a decision within 60 days on *whether* to issue the leases).

[49] *Mont. Wildlife Fed'n v. Burgum*, No. CV-18-69-GF-BMM, 2026 WL 1707576, at *5 (D. Mont. June 12, 2026).

than "shall offer" and does not require leasing. Indeed, on May 20, 2025, "Congress contemplated, and ultimately rejected," language requiring "that BLM 'shall . . . offer' lands within 18 months,"[50] and "later amended the bill to require only that the lands 'shall be made available for leasing' within 18 months."[51] And, as the court stated, OBBBA defines lands that are eligible for leasing to exclude lands that cannot be leased due to a statutory prohibition, which "restrict[s] BLM from selling and issuing leases that violate FLPMA's mandates for the protection of public lands and resources."[52]

The fundamental assumption in BLM's three-stage process for managing oil and gas development on public lands[53]—and one on which all RMPs rest—is that the designation of lands as open to leasing at the RMP-stage is *not* a decision that those lands will be offered for lease or leased. At the first step, BLM develops RMPs for each land management unit.[54] Each RMP specifies those lands that will be open or closed to oil and gas leasing and under what conditions.[55] At the second step, BLM may (but is not required to) offer leases in areas designated as open, subject to the requirements of the RMP.[56] At the final step, lessees file applications for permits to drill (APDs), and BLM reviews those applications before deciding whether to approve and issue the permit.[57] BLM's RMPs list the vast majority of public land—over 80%—as open to oil and gas leasing.[58] But BLM has elected not to lease the majority of these lands[59] based on BLM's longstanding understanding of its discretion to determine, in service of its FLPMA obligations to manage for multiple-use and sustained-yield, not to offer to lease or to ultimately lease lands designated as open.

To the extent BLM believes OBBBA removes the agency's discretion not to offer for lease or to lease areas designated as open in an RMP, and instead obligates the agency to offer for lease or to lease any open land for which it receives an industry expression of interest (EOI), BLM's assessment of its compliance with its duties under FLPMA must account for that fundamental change. For example, if BLM believes it now has a non-discretionary duty to offer for lease or to lease all lands designated as open if requested by industry, it must demonstrate that those current open-to-leasing designations in an RMP comport with FLPMA's multiple use and sustained yield requirements. And if—as is likely—they do not, BLM must revisit those designations in light of such a fundamental change in its discretion.

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[50] *Id.* (quoting H.R. 1, 119th Cong. § 80101(a)(1) (May 20, 2025)).
[51] *Id.* (quoting 30 U.S.C. § 226(a)(1)); *see also id.* ("Few principles of statutory construction are more compelling than the proposition that Congress does not intend sub silentio to enact statutory language that it has earlier discarded in favor of other language.") (quoting *INS v. Cardoza-Fonseca*, 480 U.S. 421, 442–43 (1987)).
[52] *Id.* (citing 30 U.S.C. § 226(b)(1)(A)).
[53] *W. Energy All. v. Zinke*, 877 F.3d 1157, 1161–63 (10th Cir. 2017).
[54] *Id.* at 1161; 43 U.S.C. § 1712(a).
[55] *Zinke*, 877 F.3d at 1161; 43 C.F.R. § 1601.0-5(n).
[56] *Haaland*, 127 F.4th at 44; *Zinke*, 877 F.3d at 1162.
[57] *New Mexico*, 565 F.3d at 689 n.1; 43 C.F.R. § 3162.3-1(c).
[58] The Wilderness Society, *Open for Drilling: The Outsized Influence of Oil & Gas on Public Lands* 2 (2025), https://www.wilderness.org/sites/default/files/media/file/Open%20for%20Drilling_TWS%20Report.pdf.
[59] *See* U.S. Gov't Accountability Off., GAO-22-103968, Oil and Gas Leasing: BLM Should Update its Guidance and Review its Fees 3 (Nov. 2021) (finding that between 2009 and 2019, the BLM nominated 87 million acres for leasing but only offered 18 million acres—or 21% of nominated land—at auction).

The obligation to comply with FLPMA's substantive sustained yield and unnecessary and undue degradation requirements applies at each stage of BLM's three-step oil and gas management process.[60] BLM, however, has frequently taken the position in litigation that it can satisfy its substantive FLPMA obligations by imposing any needed protective conditions at the final stage of the process—i.e., when approving APDs.[61]

If BLM determines OBBBA precludes the agency from imposing lease stipulations or other mitigations beyond those included in the governing RMP, then the agency must demonstrate complete compliance with its substantive FLPMA obligations *before* holding the proposed lease sale. It cannot defer the development of protective measures without assessing the adequacy of the requirements in the RMP. On the other hand, if BLM believes it continues to have discretion to impose additional stipulations and mitigation measures on leases beyond those in the RMP, it needs to make that clear, including by proposing appropriate stipulations to protect wildlife and other public-land values during the lease sale process.

Moreover, while OBBBA may prohibit the application of stipulations or mitigation requirements not included in the RMP at the leasing stage, the agency has interpreted this requirement as not applying to conditions of approval or mitigation that can be implemented at the permitting stage, nor does it apply to the agency's ability to apply stipulations specified by Federal surface management agencies for lands managed by those other agencies.[62] Given BLM's ongoing obligations under FLPMA to provide for multiple use and sustained yield and to prevent unnecessary and undue degradation, and the MLA's direction to include lease provisions to ensure the safeguarding of the public welfare, BLM must develop and implement new, site-specific mitigation measures at the permitting stage as necessary to comply with those obligations, and it must continue to apply stipulations deemed necessary by the relevant surface management agencies.

2. BLM must address other changes made by OBBBA.

In addition to the aforementioned potential changes to BLM's deferral authority made by the 2025 Reconciliation Act, the Act makes other process changes, the effect of which the agency must also address. As indicated above, OBBBA provides that any oil and gas leases issued "shall be subject to the terms and conditions of the approved resource management plan" and "may not require any stipulations or mitigation requirements not included in the approved resource management plan."[63] In addition to addressing the implications of this language on its substantive FLPMA mandates, BLM must also address which RMP—and therefore which RMP's stipulations—will apply to a parcel once leased.

While BLM has not issued a formal interpretation of this language, the agency has indicated that it is interpreting OBBBA as requiring it to apply stipulations from the RMP that

[60] *See, e.g.*, 43 C.F.R. § 3120.32 (requiring the BLM to address substantive FLPMA obligations in determining whether to offer lands for lease).
[61] *See, e.g.*, *Dakota Res. Council v. Dep't of Interior*, 2024 WL 1239698, at *22 (D.D.C. 2024); *Bd. of Cnty. Comm'rs of San Miguel v. Bureau of Land Mgmt*, 584 F. Supp. 3d 949, 978 (D. Colo. 2022).
[62] 91 Fed. Reg. 38084-01, 38097 (proposed June 24, 2026) (to be codified at 43 C.F.R. pts. 3000, 3100, 3110, 3120, 3130, 3140, 3150, 3160, 3180).
[63] 30 U.S.C. § 226(a)(2)(A).

was in place at the time of the EOI submission.[64] In proffering this interpretation, BLM appears to be conflating the RMP that is relevant for purposes of determining whether land is open or closed to leasing with the RMP that contains the applicable stipulations and mitigation requirements. OBBBA provides that land is deemed open to oil and gas leasing based on the "approved resource management plan . . . that is in effect on the date on which the expression of interest was submitted to the Secretary (referred to in this subsection as the 'approved resource management plan')."[65] The question is whether this definition applies to 30 U.S.C. § 226(a)(2), which subjects leasing to the stipulations included in the "approved resource management plan."[66] It makes no sense at all to subject leases issued today to stipulations from previous RMPs that are no longer in effect, nor does it make sense to craft terms and conditions under an RMP only to have them not apply to presently issued leases. The resulting situation—in which two leases may be issued at once in adjoining parcels but subject to different stipulations based on the time of EOI submission—is an absurd result that ought to be avoided.[67] Subjecting presently issued leases to outdated terms and conditions also runs afoul of BLM's obligations under FLPMA to provide for multiple use and sustained yield and to prevent unnecessary and undue degradation, and the MLA's directive to include lease provisions that ensure the safeguarding of the public welfare.

C. BLM should defer parcels that overlap Areas of Critical Environmental Concern (ACECs) due to conservation conflicts.

Actual conflicts exist between eight of the parcels proposed for leasing and BLM's FLPMA resource conservation mandates. Seven of these parcels are located wholly or partially within ACECs, and one overlaps with an ecological reserve managed by the California Department of Fish and Wildlife. BLM should defer leasing these parcels given their unique conservation values.

Sensitive Site	Parcel Number	Conservation Values
Chico Martinez ACEC	CA-2099-01-0147	"Significant exposures of important paleontological resources and geologic rock type formations"[68]
Kettleman Hills ACEC	CA-2099-01-0186	"occupied habitat for several San Joaquin Valley federal/state listed plant and animal species (including the San Joaquin kit fox, blunt-nosed leopard lizard, giant kangaroo rat, San Joaquin antelope squirrel, LeConte's thrasher, and San Joaquin wooly-threads)"; "large scale remnant where the ecological process of the Valley upland habitats maintains ecological function and processes"; "habitat linkage" and

[64] *See, e.g.*, Carlsbad Field Office, Oil and Gas Lease Sale Environmental Assessment, New Mexico Quarter 3 2026, DOI-BLM-NM-P020-2026-0484-EA 2 (Apr. 15, 2026) ("[O]il and gas lease parcels are subject to the terms and conditions of the approved RMP that is in effect at the time a parcel's EOI is submitted.").
[65] 30 U.S.C. § 226(a)(1).
[66] *Id.* § 226(a)(2).
[67] *See United States v. LKAV*, 712 F.3d 436, 440 (9th Cir. 2013) ("[S]tatutory interpretations which would produce absurd results are to be avoided." (alteration in original) (quoting *Ariz. State Bd. for Charter Schs. v. U.S. Dep't of Educ.*, 464 F.3d 1003, 1008 (9th Cir. 2006))).
[68] 2012 FEIS at 337.

		"core recovery area"; "known to contain significant paleontological resources"[69]
Lokern-Buena Vista ACEC	CA-2099-01-0102 CA-2099-01-0098 CA-2099-01-0081 CA-2099-01-0103	"one of the largest relatively undeveloped remnants of the San Joaquin Valley natural habitats that sustain populations of the federally listed San Joaquin kit fox, blunt-nosed leopard lizard, giant kangaroo rat, Tipton kangaroo rat, and State listed San Joaquin antelope squirrel"; "also noted for its populations of the federally listed Kern Mallow along with several other BLM-sensitive plant species"[70]
Lokern Ecological Reserve	CA-2099-01-0188	"marsh, valley sink scrub, and valley saltbush scrub habitat" with native plant species including iodine bush and seepweed and animal species including raptors[71]
Panoche-Coalinga ACEC	CAP106820777	"significant habitat for rare, threatened, and endangered plants and wildlife"; "important historic and paleontological resources"; "outstanding scenic and recreational values"[72]

Moreover, potential resource conflicts exist with 15 additional parcels that border ACECs or are close enough to sensitive sites to warrant deferral in the interest of avoiding potential spillover effects from neighboring leases, such as air pollution, water pollution, and noise, which could impact species who live in the sensitive sites as well as visitors:

ACEC or Other Sensitive Site	**Parcel Number**	**Description**
Carrizo Plain National Monument[73]	CA-2099-01-0133 CA-2099-01-0134 CA-2099-01-0152 CA-2099-01-0153 CA-2099-01-0179 CA-2099-01-0185 CA-2099-01-0187 CAP106818459 CA-2099-01-0120 CA-2099-01-0100 CA-2099-01-0149	First eight parcels located adjacent to Monument; last three parcels located 0.50 mi, 0.75 mi, and 1.06 mi from the border, respectively.
Chico Martinez ACEC	CA-2099-01-0172 CA-2099-01-0188	Parcels share a border.
Compensation Lands ACEC	CA-2099-01-0189	Parcel shares a border.
Lokern-Buena Vista ACEC	CA-2099-01-0180	Parcel shares a border.

[69] *Id.* at 348.
[70] *Id.* at 349.
[71] Cal. Dep't of Fish & Wildlife, Lokern Ecological Reserve, https://wildlife.ca.gov/Lands/Places-to-Visit/Lokern-ER (last visited July 30, 2026).
[72] BLM Central Coast Field Office, 2019 Proposed Resource Management Plan Amendment and Final Environmental Impact Statement for Oil and Gas Leasing and Development [hereinafter 2019 FEIS] 3.14-2.
[73] The Carrizo Plain National Monument is the "largest undeveloped remnant of San Joaquin Valley grassland ecosystem," "a refuge for endangered, threatened and rare plant and animal species, as well as important populations of pronghorn antelope and tule elk," contains the "largest remaining alkali wetland in Southern California" (Soda Lake), and has "significant fossil assemblages," along with "archaeological and cultural resources." BLM, Carrizo Plain National Monument Approved Resource Management Plan and Record of Decision, II-9 (Apr. 2010).

FLPMA obligates BLM to take its resource inventory into account when preparing management plans and authorizing uses, "giving priority to areas of critical environmental concern" and observing the principles of multiple use and sustained yield.[74] In making decisions about leasing areas for oil and gas development, BLM can and should protect wildlife, scenic values, recreation opportunities, and wilderness character on public lands. This is necessary and consistent with the definition of multiple use, which identifies the importance of various aspects of wilderness characteristics (such as recreation, wildlife, and natural scenic values).[75] FLPMA also requires BLM to "take any action necessary to prevent unnecessary or undue degradation of the lands."[76] Accordingly, BLM should defer leasing all parcels overlapping and adjoining, or in close proximity, to both sets of sites listed above.

D. BLM must enforce binding terms and conditions from the Bakersfield 2014 RMP and Central Coast 2019 RMPA.

BLM must "follow through with the commitments it makes in a record of decision."[77] Indeed, OBBBA continues to acknowledge that "[a] lease issued by the Secretary…with respect to an applicable parcel . . . shall be subject to the terms and conditions of the approved resource management plan . . . ."[78] Here, the Bakersfield 2014 RMP and Central Coast 2019 RMPA contain multiple terms and conditions applicable specifically at the lease sale level; BLM must ensure their compliance.

Such binding terms and conditions include stipulations to add stipulations at the leasing level. Any stipulations or mitigation measures added at the leasing level would not be "new" for purposes of OBBBA where they result from existing stipulations in the 2014 RMP that mandate environmental review or other analysis at the lease sale level and specify that such review must result in further stipulations as necessary pending the results of such review.

1. BLM must ensure compliance with Protected Species, Sensitive Species, and Raptor stipulations.

The Bakersfield 2014 RMP identifies specific ACECs as "open to fluid mineral leasing, subject to major constraints,"[79] including allowing surface use of such areas solely on a conditional basis, pending compliance with various stipulations containing binding commitments designed to protect species and habitat.[80]

In particular, as relevant to the parcels proposed for leasing and cited above, the Chico Martinez ACEC, Lokern-Buena Vista ACEC, and Kettleman Hills ACEC are subject to

[74] 43 U.S.C. §§ 1711(a), 1712(c)(1).
[75] *Id.* § 1702(c); *see also Or. Nat. Desert Ass'n v. Bureau of Land Mgmt*, 625 F.3d 1092, 1120–21 (9th Cir. 2010) (discussing the BLM's continuing duty to consider and manage for wilderness characteristics).
[76] 43 U.S.C. § 1732(b).
[77] *Friends of Animals v. Sparks*, 200 F. Supp. 3d 1114, 1123 (D. Mont. 2016); *see also Soda Mountain Wilderness Council v. Norton*, 424 F. Supp. 2d 1241, 1260 (E.D. Cal. 2006) (treating plan language as binding where an agency "went out of its way to make clear it was committing to a certain process").
[78] OBBBA, Pub. L. No. 119-21, § 50101(b)(3), 139 Stat. 72, 139 (2025) (amending 30 U.S.C. § 226(a)(2)(A)).
[79] 2014 RMP at 76.
[80] *Id.* at 23, 85, 125-35.

conditional surface use (CSU) stipulations for both "Protected Species" and "Sensitive Species."[81] The CSU for Protected Species states that "[p]rohibition of all surface disturbing activities on the lease *will* only *occur* as needed to avoid jeopardizing the continued existence of a listed or proposed species, or when the proposed action is inconsistent with the recovery needs of a species as identified in an approved USFWS Recovery Plan through consultation with USFWS."[82] The Protected Species CSU attaches "[a]t the time of leasing" "to all leases within the range of federally listed or proposed species," and commits BLM to the following sequential process at the leasing stage:

(1) "A list of [protected] species will be provided at the time of leasing and updated as necessary over the term of the lease,"
(2) "a preliminary environmental review *will* be conducted for all surface disturbing activities" in order "[t]o determine whether species on this list or their habitat are present,"
(3) "[p]resence of habitat or species may result in the proposed action being moved, modified, or delayed to mitigate project effects," including "[o]ffsite compensation," and
(4) BLM "will" make a decision to prohibit all surface-disturbing activities "as needed."[83]

Based on the need for this environmental review, the RMP authorizes the delay of "processing times for proposed actions . . . beyond established standards to accommodate species surveys, and consultation or conferencing with the USFWS."[84]

Moreover, the Protected Species stipulation "shall not be waived," but can only be modified or exceptions granted under limited circumstances, where "an environmental review determines the action as proposed or conditioned would have no effect on listed or proposed species," or where there is "new information with regard to the range of listed or proposed species through the expansion or reduction of lands subject to this stipulation for a specific species."[85] The objective of the stipulation is "[t]o minimize or eliminate adverse effects associated with fluid mineral development on federally proposed and listed species."[86]

The Sensitive Species CSU similarly serves as a "major constraint" on leasing and is designed to "minimize[e] or eliminat[e] adverse effects associated with fluid mineral development on federal candidate, State listed and BLM sensitive species."[87] The Sensitive Species CSU attaches "to all leases that are within the range of a federal candidate, state listed or BLM sensitive species" "when the lease is issued."[88] This stipulation mandates that "a preliminary environmental review *will* be conducted for all surface disturbing activities" at the leasing stage, and states that "[p]resence of habitat or species may result in the proposed action

[81] *Id.* at 127, 131-32.
[82] *Id.* at 78 (emphasis added).
[83] *Id.* (emphasis added).
[84] *Id.* at 78–79.
[85] *Id.* at 79.
[86] *Id.*
[87] *Id.* at 82.
[88] *Id.* at 83.

being moved more than 200 meters (656 feet) but not more than a quarter-mile or off of the lease and prohibition of activities during seasonal use period."[89] The stipulation is non-waivable and is only subject to exception or modification under limited circumstances.[90]

The Chico Martinez ACEC and Kettleman Hills ACEC are further subject to a "Raptor" CSU stipulation, which applies to "[a]ll or a portion of [a] lease [that] has been identified as an important raptor foraging, wintering, or nesting area."[91] Like the other species-related CSUs, the CSU for Raptors is a "major constraint" on oil and gas leasing and is designed to "minimize[e] or eliminat[e] adverse effects associated with fluid mineral development on sensitive raptor foraging areas, winter roosting areas, or nest sites."[92] Under the Raptor CSU, "[a]ny proposed surface disturbing activity *will* be reviewed to determine if the activity would affect raptor foraging, wintering, or nesting habitat," and "[d]etermination of effects to raptor foraging, wintering, or nesting habitat may result in the proposed action being moved more than 200 meters (656 feet) but not more than a half-mile and prohibition of activities during seasonal use period."[93]

The Central Coast 2019 RMPA contains similar Protected Species and Sensitive Species CSU stipulations,[94] which should apply to the Panoche-Coalinga ACEC. Additionally, the Panoche-Coalinga ACEC is "subject to [No Surface Occupancy (NSO)] stipulations within the Ciervo-Panoche Natural Area."[95]

The CSU stipulations in both the Bakersfield 2014 RMP and Central Coast 2019 RMPA represent binding commitments by BLM that the agency must enforce in their entirety in the leasing process—including those aspects of the CSU stipulations calling for additional surface closures and/or relocation of surface-disturbing activities depending on the outcome of the mandated leasing level environmental reviews. In other words, for purposes of OBBBA, any derivative stipulations or mitigation incorporated at the leasing stage must be deemed further refinement of existing stipulations rather than any prohibited addition of new stipulations or mitigation.

2. BLM must ensure compliance with the No Surface Occupancy restriction for Compensation Lands ACEC.

As noted above, one of the parcels proposed for leases adjoins the Compensation Lands ACEC. Compensation Lands are "lands acquired as compensation for third-party habitat disturbance."[96] "It is the nature of compensation lands that they possess important wildlife resources and natural systems that have been identified for the conservation and recovery of threatened and endangered species," including in the Recovery Plan of Upland Species of the

[89] *Id.* (emphasis added).
[90] *Id.*
[91] *Id.* at 84; *see id.* at 127, 131.
[92] *Id.* at 84.
[93] *Id.* (emphasis added).
[94] BLM, 2019 Record of Decision for the Central Coast Field Office Resource Management Plan Amendment for Oil and Gas Leasing and Development [hereinafter 2019 RMPA] A-2–A-9.
[95] 2019 FEIS at 4.14-7.
[96] 2012 FEIS at 345 (citation modified)

San Joaquin Valley.[97] Such lands may "require special management attention to ensure that these lands are managed over the long term consistent with the purposes for which they were acquired."[98]

The 2014 RMP establishes an NSO stipulation for the Compensation Lands ACEC that "prohibits surface disturbance on the entire lease for the purpose of minimizing or eliminating adverse effects associated with fluid mineral development on lands acquired as compensation lands . . . ."[99] Further, the stipulation states that "access to federal minerals within the lease will only be allowed from off-site sources not considered to be compensation lands (e.g., compensation land in private ownership)."[100] Due to the proximity of the parcel identified above to the Compensation ACEC—and in the event BLM declines to defer leasing on this parcel as discussed above—it will be important for BLM to ensure respect for parcel boundaries and compliance with these terms and conditions,

3. BLM must delete parcels/portions of parcels that are in SB 1137 Health Protection Zones (HPZs).

The Bakersfield 2014 RMP and Central Coast 2019 RMPA prohibit fluid mineral development closer to existing development than allowed by applicable "statutes," which necessarily includes California's landmark oil and gas buffer law, Senate Bill 1137 (SB 1137).

The CSU stipulation for "Existing Surface Use/Management," is designed to "minimize[e] or eliminat[e] conflict between fluid mineral development and existing surface use . . . including risk to public health and safety, and social and economic impacts (noise, aesthetics, etc.)."[101] The 2014 RMP recognizes that certain leases "may be incompatible with fluid mineral development" and commits BLM to a process under which it will conduct environmental review at the leasing stage and determine whether surface disturbing activities need to be "moved, modified, or prohibited" based on "incompatibility."[102]

Specifically, the 2014 RMP recognizes that "fluid mineral development shall not occur," inter alia, (1) "[c]loser to any development (e.g., public highway, institution, place of public assembly, or occupied dwelling) than allowed by the county/city regulation *or statue [sic] applicable to the area in which the proposed action occurs*"; (2) "[i]n a manner that significantly and adversely impacts natural and/or cultural resources of which the surface owner/administrator is charged with the management and protection"; or (3) "[i]n a manner that significantly and adversely impacts existing recreation opportunity of which the surface owner/administrator is charged with the management and protection."[103]

The Existing Surface Use/Management stipulation "shall not be waived," and is only subject to exception or modification under limited conditions, such as where it is necessary to

[97] *Id.*
[98] *Id.*
[99] 2014 RMP at 76.
[100] *Id.* at 77.
[101] *Id.* at 87.
[102] *Id.*
[103] *Id.* at 87–88 (emphasis added).

"further restrict surface use . . . following an environmental review (e.g., greater than county/city restrictions on fluid mineral development)."[104] The RMP specifically states that "[t]he locations and number of acres affected would be determined at the leasing stage."[105]

The Central Coast 2019 RMPA contains the same Existing Surface Use/Management stipulation.[106]

For purposes of the Existing Surface Use/Management stipulation, SB 1137 is an applicable statute that regulates the proximity of fluid mineral development to other types of development. California enacted SB 1137 in 2022 in recognition that public health is not compatible with oil and gas activities, based on a growing body of research which has confirmed that communities living on the frontlines of oil and gas production are undergoing a public health crisis due to pollution exposure, particularly in the Bakersfield Planning Area. Based on this research, including preliminary findings[107] in 2021 by a blue-ribbon panel of public health experts convened by the California Department of Conservation's Geologic Energy Management Division (CalGEM), SB 1137 precludes most new oil and gas development within 3,200 feet of sensitive receptors like homes, schools, and hospitals, including on federal lands. CalGEM's Scientific Advisory Panel confirmed and elaborated on its preliminary findings in a detailed report released in June 2024, concluding "with a high level of certainty . . . that there is a causal relationship between close residential proximity to upstream oil and gas development and adverse perinatal and respiratory outcomes" "at distances of 1 km (3,281 ft) and beyond," and that a "health-protective, minimum surface setback . . . . between upstream oil and gas operations and human populations" of at least 3,281 feet "is critical to protect public health."[108]

Despite the Existing Surface Use/Management stipulation, BLM is proposing to offer 21 parcels covering nearly 4,000 acres that appear to fall wholly or partially within SB 1137 health protection zones:

- CA-2099-01-0149
- CA-2099-01-0103
- CA-2099-01-0081
- CA-2099-01-0162
- CA-2099-01-0167
- CA-2099-01-0168
- CA-2099-01-0123
- CA-2099-01-0165

[104] *Id.* at 88.
[105] *Id.*
[106] 2019 RMPA A-10–A-11.
[107] Letter from Cal. Oil & Gas Public Health Rulemaking Scientific Advisory Panel, Response to CalGEM Questions (Oct. 1, 2021), https://www.conservation.ca.gov/calgem/Documents/public-health/Public%20Health%20Panel%20Responses_FINAL%20ADA.pdf.
[108] Cal. Oil & Gas Pub. Health Rulemaking Sci. Advisory Panel, Public Health Dimensions of Upstream Oil and Gas Development in California: Scientific Analysis and Synthesis to Inform Science-Policy Decision Making ES-8–ES-9 (June 21, 2024) [hereinafter CalGEM Scientific Advisory Panel Report], https://www.conservation.ca.gov/calgem/Documents/Public%20Health%20Panel%20Final%20Report_20240621.pdf.

- CA-2099-01-0173
- CA-2099-01-0132
- CA-2099-01-0135
- CA-2099-01-0147
- CA-2099-01-0143
- CA-2099-01-0136
- CA-2099-01-0177
- CA-2099-01-0144
- CA-2099-01-0175
- CA-2099-01-0172
- CA-2099-01-0188
- CAP106818522
- CAP106820777

Under the Existing Surface Use/Management stipulation, BLM cannot lease such acreage.

Moreover, leasing parcels in SB 1137 health protection zones is also incompatible with portions of the 2014 RMP specifically mandating compliance with state authority on federal land, stating that BLM "requires operators on Federal minerals [sic] to acquire all necessary Federal, state, and local permits prior to developing a lease,"[109] which will not be possible for parcels located within health protection zones.[110]

Consequently, BLM must swiftly remove the 21 parcels located wholly or partially within SB 1137 health protection zones from this lease sale.

4. BLM must ensure that leasing complies with California's fracking ban and CO2 injection restrictions.

The Bakersfield 2014 RMP requires operators to "meet[] the requirements of SB 4 where applicable" "prior to developing a lease," and to comply with "any . . . regulations promulgated by SB 4" that are "more stringent than" federal law with regard to fracking "as additional safeguards."[111] SB 4 is a precursor to California's fracking ban**.**[112]

The Central Coast 2019 RMPA similarly requires operators "to file information . . . that is required by SB 4" and comply with "proposed mitigation measures—along with the permanent SB regulations."[113]

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[109] 2014 RMP at XVI.

[110] Notably, BLM failed to offer the State of California an opportunity to weigh in on this matter upon finalization of the 2026 FSEIS for each field office, as it should have done under FLPMA. *See* 43 U.S.C. § 1712(c)(9) ("Land use plans . . . shall be consistent with State and local plans to the maximum extent . . . consistent with Federal law and the purposes of this Act."); 43 C.F.R. § 1610.3-2(e) (requiring BLM to offer an RMP to the Governor for a consistency review prior to approval or amendment).

[111] 2014 RMP at XVI.

[112] Cal. Code Regs. tit. 14, § 1780(d).

[113] 2019 FEIS at 4.4-19. *See also* 2019 RMPA at A-11–A-12.

SB 4 mandated an investigation into the impacts of fracking and other well stimulation treatments and called for the promulgation of regulations concerning these practices.[114] Accordingly, California's fracking ban is a regulation promulgated by SB 4, and lease sale terms must include a ban on fracking.

California also prohibits carbon dioxide injection for the purposes of enhanced oil recovery.[115] Accordingly, lease terms must include a ban on carbon dioxide injection for the purposes of enhanced oil recovery.

III. BLM must ensure that leasing complies with NEPA and the APA.

BLM must evaluate the environmental impacts of this proposed lease sale under NEPA.[116] NEPA fosters informed decision-making by federal agencies and promotes informed public participation in government decisions.[117] To meet those goals, NEPA requires that BLM "'consider every significant aspect of the environmental impact of a proposed action'" and inform the public of those impacts.[118] BLM must take a "hard look" at the environmental effects before making any leasing decisions, ensuring "that the agency, in reaching its decision, will have available, and will carefully consider, detailed information concerning significant environmental impacts."[119] Environmental "[e]ffects are reasonably foreseeable if they are sufficiently likely to occur that a person of ordinary prudence would take [them] into account in reaching a decision."[120] The agency must undertake a thorough analysis that considers the potential impacts (direct, indirect, and cumulative[121]) of new leasing and development.

BLM must analyze these environmental impacts at the lease sale stage. It is well established that leasing constitutes an "irreversible, irretrievable commitment of resources," and that the BLM is therefore obliged to analyze such impacts at this stage.[122] Federal courts have

[114] S.B. 4, 2013 Leg., 2013-2014 Reg. Sess. (Cal. 2013) (enacted as Chapter 313, 2013 Cal. Stat. 313).
[115] Cal. Pub. Resources Code, § 3132(b).
[116] *See* 42 U.S.C. §§ 4331–4336f.
[117] *See Baltimore Gas & Elec. Co. v. Nat. Res. Def. Council, Inc.*, 462 U.S. 87, 97 (1983).
[118] *Id.* (quoting *Vt. Yankee Nuclear Power Corp. v. Nat. Res. Def. Council, Inc.*, 435 U.S. 519, 553 (1978)); *Concerned About Trident v. Rumsfeld*, 555 F.2d 817, 827 (D.C. Cir 1976); *City of Davis v. Coleman*, 521 F.2d 661, 673–74 (9th Cir. 1975); *Env't Def. Fund, Inc. v. Corps of Eng'rs of U.S. Army*, 492 F.2d 1123, 1135 (5th Cir. 1974); *Nat. Res. Def. Council, Inc. v. Morton*, 458 F.2d 827, 834–36 (D.C. Cir. 1972); *Calvert Cliffs' Coordinating Comm., Inc. v. U.S. Atomic Energy Comm'n*, 449 F.2d 1109, 1114 (D.C. Cir. 1971).
[119] *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 349–50 (1989).
[120] *Sierra Club v. Fed. Energy Reg. Comm'n*, 867 F.3d 1357, 1371 (D.C. Cir. 2017) (alteration in original) (citation omitted), *abrogated in part by Seven Cnty.*, 605 U.S. 168, *accord Sierra Club v. Fed. Energy Reg. Comm'n*, 153 F.4th 1295, 1308 (D.C. Cir. 2025).
[121] Courts have long held that NEPA's mandate includes considering cumulative effects. *See, e.g.*, *Swain v. Brinegar*, 542 F.2d 364, 369–70 (7th Cir. 1976); *Henry v. Fed. Power Comm'n*, 513 F.2d 395, 406–07 (D.C. Cir. 1975); *Sierra Club v. Morton*, 510 F.2d 813, 824–25 (5th Cir. 1975); *Hanly v. Kleindienst*, 471 F.2d 823, 830–31 (2d Cir. 1972); *Kleppe v. Sierra Club*, 427 U.S. 390, 409–10 (1976); *Nat. Res. Def. Council, Inc. v. Callaway*, 524 F.2d 79, 89 (2d Cir. 1975); *Swain v. Brinegar*, 517 F.2d 766, 775–76 (7th Cir. 1975); *Minn. Pub. Interest Res. Grp. v. Butz*, 498 F.2d 1314, 1322 (8th Cir. 1974).
[122] *Sierra Club v. Peterson*, 717 F.2d 1409, 1412 (D.C. Cir. 1983).

repeatedly rejected agency attempts to avoid analyzing reasonably foreseeable future impacts by claiming that considering them at the lease sale stage would be speculative.[123]

In fact, in prior litigation involving the 2014 RMP a judge ruled that BLM "may not avoid an obligation to analyze in an EIS environmental consequences that foreseeably arise . . . merely by saying that the consequences are unclear or will be analyzed later," and that "[u]ncertainty about *which* specific parcels and wells will employ [certain techniques] in the future does not obviate the necessity to evaluate the *cumulative* environmental consequences" of BLM's decisionmaking.[124] Rather, "[t]o allow the Bureau to designate the lands as 'open' and ask questions later is the type of environmentally blind decision-making NEPA was enacted to avoid."[125]

BLM must also ensure that it is considering this environmental analysis as part of its decision-making process under the APA. The APA authorizes judicial review of agency actions and provides that courts "shall . . . hold unlawful and set aside agency action, findings, and conclusions found to be . . . arbitrary [and] capricious."[126] An agency acts arbitrarily and capriciously when it, among other things, "entirely fail[s] to consider an important aspect of the problem"[127] or fails to conduct a "'reasoned evaluation of the relevant factors.'"[128] As one court explained, the agency's failure to consider environmental harm as part of its decision-making process is "at odds with the APA['s mandate] . . . . to consider an important aspect of the problem."[129]

A. BLM must adequately analyze the environmental impacts of leasing.

Given the aforementioned conflicts between the proposed parcels and conservation values, *see* discussion *supra* Section II.C, as well as the consequences that oil and gas leasing can have related to a plethora of environmental issues including climate, groundwater, methane emissions, public health, and environmental justice, BLM must sufficiently analyze the environmental impacts of leasing and consider those impacts as part of its decision-making in order to comply with its obligations under NEPA and the APA. The following subsections discuss various issues that BLM must address as part of its environmental analysis.

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[123] *See, e.g.*, *N. Plains Res. Council, Inc. v. Surface Transp. Bd*., 668 F.3d 1067, 1078–79 (9th Cir. 2011); *Conner v. Burford*, 848 F.2d 1441, 1450–51 (9th Cir. 1988); *W. Watersheds Project v. Bernhardt*, 543 F. Supp. 3d 958, 991–92 (D. Idaho 2021); *Wildearth Guardians v. Bureau of Land Mgmt.*, 457 F. Supp. 3d 880, 888–89 (D. Mont. 2020); *Wilderness Soc'y v. U.S. Dep't of Interior*, No. 22-CV-1871 (CRC), 2024 WL 1241906, at *17 (D.D.C. Mar. 22, 2024).

[124] Order re Pls.' Mot. Summ. J. [17]; Federal Defs.' Mot. Summ. J. [21] at 22, *BLM I*, No. CV-15-4378-MWF (JEMx) (C.D. Cal. Sep. 6, 2016) (citation omitted).

[125] *Id.* at 22–23.

[126] 5 U.S.C. § 706(2)(A).

[127] *Motor Vehicle Mfrs. Ass'n of U.S., Inc. v. State Farm Mut. Auto. Ins. Co*., 463 U.S. 29, 43 (1983).

[128] *San Luis & Delta-Mendota Water Auth. v. Locke*, 776 F.3d 971, 995 (9th Cir. 2014) (quoting *Marsh v. Or. Nat. Res. Council*, 490 U.S. 360, 378 (1989)).

[129] *Wilderness Soc'y*, 2024 WL 1241906, at *24 (citation omitted).

1. BLM must provide adequate analysis of impacts to ACECs and other sensitive sites.

As discussed above, some of the leasing parcels at issue overlap or border ACECs and sensitive sites. It is particularly important for BLM to analyze the impacts of leasing in these areas and to consider these impacts as part of its leasing decisions given the role that these areas play in BLM's ability to manage for multiple use. *See* discussion *supra* Section II.C.

A thorough evaluation of these impacts is mandated by NEPA and the APA.[130] BLM's approach to analyzing impacts of oil and gas development has been deemed insufficient under NEPA where it, among other things, failed to assess the positions of parcels relative to proposed and existing ACECs.[131]

2. BLM must analyze greenhouse gas (GHG) emissions and climate effects, and must factor GHG emissions and climate effects into its leasing decisions.

Given that the climate is "widely regarded as the most pressing environmental threat facing the world today," BLM must give appropriate attention to its consideration of GHG emissions and climate impacts.[132] NEPA requires BLM not only to properly analyze and quantify the direct, indirect, and cumulative GHG emissions and climate impacts that may result from leasing, but also to factor GHG emissions into its leasing decisions.[133] As one court explained, "[a]ny claim that the analysis of GHG emissions was informational only and did not inform BLM's decision-making is hard to square with [NEPA's] purpose. . . . [and] is equally at odds with the APA."[134] NEPA also requires the agency to consider unquantified effects, recognize the worldwide and long-range character of climate change impacts, and incorporate this analysis of ecological information into its environmental analysis.[135] BLM has the tools to undertake this analysis. Failing to do so for this lease sale would be arbitrary and capricious.

The requirement to consider GHG emissions and climate impacts is further reinforced by other components of the statutory scheme. For example, the MLA's requirement to lease lands for oil and gas development only in the public interest and FLPMA's mandate to prevent

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[130] *See* 42 U.S.C. § 4332(C)(i) (mandating consideration of "reasonably foreseeable environmental effects of the proposed agency action"); *State Farm*, 463 U.S. at 43 (holding that an agency acts arbitrarily and capriciously when it "fail[s] to consider an important aspect of the problem").
[131] *See Bd. of Cnty. Comm'rs v. Bureau of Land Mgmt.*, 706 F. Supp. 3d 1180, 1202 (D. Colo. 2022).
[132] *Wilderness Soc'y*, 2024 WL 1241906, at *24.
[133] *Id.* at *25 (stating that the BLM "must . . . explain how its GHG analysis inform[s] the decision to select" its preferred alternative, noting 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"); *see also Powder River Basin Res. Council*, 2026 WL 555013, at *7 (finding that the "BLM violated its obligation to rigorously evaluate a reasonable range of alternatives to its proposed action" in contravention of NEPA's requirements by "eliminating . . . greenhouse gas reduction alternatives without further analysis").
[134] *Wilderness Soc'y*, 2024 WL 1241906, at *24.
[135] *See* 42 U.S.C. § 4332(A), (B), (D), (I), (K).

unnecessary and undue degradation both demand BLM to consider adverse effects to health and the environment.[136]

Court decisions clearly establish that NEPA mandates consideration and analysis of the indirect and cumulative climate impacts of BLM fossil fuel production decisions, including at the leasing stage.[137] The Supreme Court's recent decision in *Seven County Infrastructure Coalition v. Eagle County*, 605 U.S. 168 (2025), does not alter BLM's NEPA obligations to analyze GHG emissions and climate impacts for this lease sale. *Seven County* affirmed that agencies must still analyze indirect effects under NEPA.[138]

Here, the downstream GHG emissions that will result from this lease sale require analysis. Oil and gas development and extraction is the precise purpose of the leases being issued and is thus not too proximately separate in time or place.[139] And here, unlike in *Seven County*, BLM controls the oil and gas leasing process and thus possesses regulatory authority over managing the oil or gas subject to the prospective leasehold.[140] As such, under a rule of reason, BLM must analyze the GHG emissions that would result because it manages and exerts authority over oil or gas development and extraction, which is the direct result of this lease sale.

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[136] *See* 30 U.S.C. § 192; 43 U.S.C. § 1732(b); *Sierra Club*, 867 F.3d at 1373–74 (holding that where an agency is vested with statutory authority to deny a project based on harm to the environment, that agency must consider direct and indirect environmental effects—including GHG emissions—as part of its decision).

[137] *See, e.g.*, *350 Mont. v. Haaland*, 50 F.4th 1254, 1266–70 (9th Cir. 2022); *Vecinos para el Bienestar de la Comunidad Costera v. Fed. Energy Regul. Comm'n*, 6 F.4th 1321, 1329–30 (D.C. Cir. 2021); *Sierra Club*, 867 F.3d at 1371–75 (requiring quantification of indirect greenhouse gas emissions); *Ctr. for Biological Diversity v. Nat'l Highway Transp. Safety Admin*., 538 F.3d 1172, 1215–16 (9th Cir. 2008) (requiring assessment of the cumulative impacts of climate change); *WildEarth Guardians v. Bureau of Land Mgmt.*, 870 F.3d 1222, 1236–38 (10th Cir. 2017); *Mid States Coal. for Progress v. Surface Transp. Bd*., 345 F.3d 520, 550 (8th Cir. 2003); *Wilderness Soc'y*, 2024 WL 1241906, at *24 (explaining that the BLM cannot "overlook[] what is widely regarded as the most pressing environmental threat facing the world today"); *WildEarth Guardians v. Zinke*, 368 F. Supp. 3d 41, 63 (D.D.C. 2019) (invalidating nine BLM NEPA analyses in support of oil and gas lease sales because "BLM did not take a hard look at drilling-related and downstream GHG emissions from the leased parcels, and it failed to sufficiently compare those emissions to regional and national emissions").

[138] *See Seven County*, 605 U.S. at 187 ("To be clear, the environmental *effects* of the project at issue may fall within NEPA even if those *effects* might extend outside the geographical territory of the project or might materialize later in time . . . . But if the project at issue might lead to the construction or increased use *of a separate project* . . . the agency need not consider the environmental effects *of that separate project*."); *id.* at 189 (holding that the Surface Transportation Board rightly considered indirect effects such as soil erosion from new rail embankments and air pollution from trains in evaluating the environmental effects of a railroad line construction); *see also Las Vegas Paiute Tribe*, 200 IBLA 172, 187–88 (2025) (applying the Court's holding in *Seven County* to find that the tribe was likely to succeed on the merits of its claim that the BLM had unlawfully failed to consider how a transfer of land for development might impact the tribe's water availability or its ability to exercise water rights, because those were reasonably foreseeable potential impacts of the land sale).

[139] *Cf. Seven County*, 605 U.S. at 187 (distinguishing between an agency's obligation to conduct NEPA analysis where "effects might extend outside the geographical territory of the project or might materialize later in time" and effects of "a possible future project or one that is geographically distinct from the project at hand"—"for example, a housing development that might someday be built near a highway"—that do not require NEPA analysis (citation modified)).

[140] *Cf. id.* at 175 ("[T]he Board possesses no authority or control over potential future oil and gas development in the Basin." (citation modified)); *id.* at 195 (Sotomayor, J., concurring in judgment) ("The Board cannot control the products transported on the proposed rail line." (citation modified)).

BLM must ensure that it fully considers not only the GHG emissions from prospective wells drilled on the leases sold at this lease sale—and the climate change impacts of those GHG emissions—but also the cumulative impacts from other federal lease sales in the state, region, and nation, as well as impacts of GHG emissions from non-federal sources. BLM must consider GHG emissions in the aggregate along with other foreseeable emissions. Such analysis is necessary to meet the cumulative impacts demands of NEPA.

The indirect and cumulative impacts must be given meaningful context—including within carbon budgets—rather than being simply dismissed as insignificant compared to national or global total GHG emissions.[141] "Without establishing the baseline conditions . . . there is simply no way to determine what effect the proposed [action] will have on the environment and, consequently, no way to comply with NEPA."[142] Excluding climate change effects from the environmental baseline ignores the reality of the already deteriorating, climate-impacted state of the resources, ecosystems, human communities, and structures that will be affected. BLM's climate effects analysis "must give a realistic evaluation of the total impacts and cannot isolate a proposed project, viewing it in a vacuum."[143] In addition, BLM must make a significance determination "that is grounded in the record and available scientific evidence" and does not just summarily dismiss the impacts as minor relative to other global sources of GHGs.[144]

a. BLM must quantify climate impacts with a tool such as the social cost of greenhouse gases.

In analyzing these impacts, BLM must consider the full lifecycle of development activities and GHG emissions that are reasonably foreseeable under a BLM oil and gas lease. The social cost of greenhouse gases (SC-GHG) is a useful tool to aid in this analysis. Courts have rejected agency refusals to properly quantify the impact of GHG emissions and have approved of social cost estimates as an available tool to do so.[145] While "NEPA does not require

[141] *See, e.g.*, *WildEarth Guardians*, 368 F. Supp. 3d at 76–77 (finding that the "BLM's refusal to quantify GHG emissions rendered the EAs' cumulative impacts analyses inadequate" because it failed to "quantify the emissions from each leasing decision—past, present, or reasonably foreseeable—and compare those emissions to regional and national emissions, setting forth with reasonable specificity the cumulative effect of the leasing decision at issue").
[142] *Half Moon Bay Fisherman's Mktg. Ass'n v. Carlucci*, 857 F.2d 505, 510 (9th Cir. 1988).
[143] *Grand Canyon Tr. v. Fed. Aviation Admin.*, 290 F.3d 339, 342 (D.C. Cir. 2002); *see also Great Basin Mine Watch v. Hankins*, 456 F.3d 955, 972–74 (9th Cir. 2006) (holding the agency's cumulative impacts analysis insufficient based on failure to discuss other mining projects in the region); *Kern v. Bureau of Land Mgmt.*, 284 F.3d 1062, 1078 (9th Cir. 2002) (holding that the BLM arbitrarily failed to include cumulative impacts analysis of reasonably foreseeable future timber sales in the same district as the current sale); *Blue Mountains Biodiversity Project v. Blackwood*, 161 F.3d 1208, 1214–15 (9th Cir. 1998) (holding a Forest Service EA inadequate where it analyzed impacts of only one of five concurrent logging projects in the same region); *San Juan Citizens All. v. Bureau of Land Mgmt.*, 326 F. Supp. 3d 1227, 1248 (D.N.M. 2018) (finding that the BLM failed to take a hard look at the cumulative impact of GHG emissions because "the agency 'must provide the necessary contextual information about the cumulative and incremental environmental impacts' . . . because, even though the rule's impact might be 'individually minor,' its impact together with the impacts of other actions would be 'collectively significant'" (quoting *Nat'l Highway Transp. Safety Admin.*, 538 F.3d at 1217)).
[144] *350 Mont.*, 50 F.4th at 1266–70.
[145] *See, e.g.*, *Mont. Env't Info. Ctr. v. U.S. Off. of Surface Mining*, 274 F. Supp. 3d 1074, 1094–99 (D. Mont. 2017) (rejecting agency's failure to incorporate the federal social cost of carbon (SCC) estimates into its cost-benefit analysis of a proposed mine expansion); *High Country Conservation Advocs. v. U.S. Forest Serv.*, 52 F. Supp. 3d

agencies to perform a full cost-benefit analysis . . . . [this] does not support a decision to overlook GHGs and their corresponding social costs entirely."[146] Moreover, it is "arbitrary and capricious to quantify the *benefits* . . . and then explain that a similar analysis of the *costs* was impossible when such an analysis was in fact possible."[147] An agency may not assert that the social cost of fossil fuel development is zero.[148]

Merely listing the tons of GHGs emitted by a project is insufficient under NEPA if the agency "does not reveal the meaning of those impacts in terms of human health or other environmental values," since "it is not releases of [pollution] that Congress wanted disclosed" but rather "the effects, or environmental significance, of those releases."[149] In other words, the actual effects and relevant factors that must be analyzed and disclosed to the public are the incremental climate impacts caused by a project's GHG emissions, including: property lost or damaged by sea-level rise; increases in energy demand; lost agricultural productivity; and human health impacts, such as cardiovascular and respiratory mortality from heat-related illnesses, changing disease vectors like malaria and dengue fever, increased diarrhea, and changes in associated pollution that cause or exacerbate other health conditions. These impacts are all included to some degree in the different assessment models included in SC-GHG estimates.[150]

Even in combination with a general, qualitative discussion of climate change, an agency that only calculates the tons of GHGs emitted fails to meaningfully assess the actual incremental impacts to property, human health, productivity, and so forth.[151] An agency therefore falls short of its legal obligations and statutory objectives by disclosing only volume estimates. To take an analogous example, courts have held that just quantifying the acres of timber to be harvested or the miles of road to be constructed does not constitute a "description of *actual* environmental effects," even when paired with a qualitative "list of environmental concerns such as air quality,

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1174, 1189–93 (D. Colo. 2014) (rejecting the agency's post-hoc attempts to justify not using SCC estimates); *Zero Zone, Inc. v. U.S. Dep't of Energy*, 832 F.3d 654, 678–79 (7th Cir. 2016) (holding that SCC estimates used to date by agencies were reasonable).

[146] *Wilderness Soc'y*, 2024 WL 1241906, at *24–25.

[147] *High Country Conservation Advocs.*, 52 F. Supp. 3d at 1191.

[148] *See id.* at 1192 ("[B]y deciding not to quantify the costs at all, the agencies effectively zeroed out the cost in its quantitative analysis."); *Nat'l Highway Transp. Safety Admin.*, 538 F.3d at 1200 (holding that while there is a range potential social cost figures, "the value of carbon emissions reduction is certainly not zero").

[149] *Nat. Res. Def. Council, Inc. v. Nuclear Regul. Comm'n*, 685 F.2d 459, 486–87 (D.C. Cir. 1982), *rev'd on other grounds sub nom. Baltimore Gas & Elec. Co. v. Nat. Res. Def. Council, Inc.*, 462 U.S. 87 (1983).

[150] *See, e.g.*, EPA, Report on the Social Cost of Greenhouse Gases: Estimates Incorporating Recent Scientific Advances 45-61 (2023) [hereinafter Greenhouse Gas Report].

[151] *See Nat'l Highway Transp. Safety Admin.*, 538 F.3d at 1216–17 (rejecting analysis under NEPA when agency "quantifie[d] the expected amount of [carbon dioxide] emitted" but failed to "evaluate the incremental impact that these emissions will have on climate change or on the environment more generally," noting that this approach impermissibly failed to "discuss the *actual* environmental effects resulting from those emissions" or "provide the necessary contextual information about the cumulative and incremental environmental impacts" that NEPA requires (citation modified)); *California v. Bernhardt*, 472 F. Supp. 3d 573, 623 (N.D. Cal. 2020) ("Mere quantification [of greenhouse gas emissions] is insufficient." (citation omitted)); *Mont. Env't Info. Ctr.*, 274 F. Supp. 3d at 1096–99 (D. Mont. 2017) (rejecting the argument that the agency "reasonably considered the impact of greenhouse gas emissions by quantifying the emissions which would be released if the [coal] mine expansion is approved, and comparing that amount to the net emissions of the United States"); *High Country Conservation Advocs.*, 52 F. Supp. 3d at 1190 ("Beyond quantifying the amount of emissions relative to state and national emissions . . . and giving general discussion to the impacts of global climate change . . . , [the agencies] did not discuss the impacts caused by these emissions.").

water quality, and endangered species," when the agency fails to assess "the degree that each factor will be impacted."[152]

Monetizing climate damages using the SC-GHG helps the agency assess the incremental and actual effects of emissions on the public interest. SC-GHG calculates how the emission of an additional unit of GHG affects atmospheric greenhouse concentrations, how that change in atmospheric concentrations changes temperature, and how that change in temperature incrementally contributes to economic damages, including property damages, energy demand effects, lost agricultural productivity, human mortality and morbidity, lost ecosystem services and non-market amenities, among other impacts.[153] The SC-GHG captures the factors that actually affect public welfare and assesses the degree of impact to each factor, in ways that merely estimating the volume of emissions cannot.

The Interior Department previously "adopt[ed] . . . [the EPA's 2023] estimates of the social cost as the best available science."[154] For years and over multiple projects, BLM has quantified climate impacts, primarily relying on well-supported SC-GHG estimates.[155]

BLM is now omitting SC-GHG from its environmental analysis, without replacing it with any other adequate quantitative evaluation of the costs of emissions.[156] But BLM failed to provide proper justification for changing its position.[157]

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[152] *Klamath-Siskiyou Wildlands Ctr. v. Bureau of Land Mgmt.*, 387 F.3d 989, 995 (9th Cir. 2004) ("A calculation of the total number of acres to be harvested in the watershed is . . . not a sufficient description of the actual environmental effects that can be expected from logging those acres."); *see also Or. Nat. Res. Council v. Bureau of Land Mgmt.*, 470 F.3d 818, 822–23 (9th Cir. 2006).

[153] *See, e.g.*, Interagency Working Grp. on Soc. Cost of Carbon, Technical Support Document: Social Cost of Carbon for Regulatory Impact Analysis 1-7 (Feb. 2010).

[154] 90 Fed. Reg. 4779-01, 4779 (Jan. 16, 2025); *see* U.S. Dep't of the Interior, Informational Memorandum: DOI Comparison of Available Estimates of Social Cost of Greenhouse Gases (SC-GHG) 1, 8 (Oct. 16, 2024) (directing the BLM to "adopt the EPA's 2023 estimates of the Social Cost of Greenhouse Gases (SC-GHG) as the best available science (as of September 30, 2024)").

[155] *See, e.g.*, BLM Wyoming, Environmental Assessment, DOI-BLM-WY-0000-2023-0001-EA, 2023 Second Quarter Competitive Lease Sale 60-65 (2023); BLM Pecos District Office, Oil and Gas Lease Sale Environmental Assessment, Chaves and Lea Counties, New Mexico, June 2022, DOI-BLM-NM-P000-2021-0001-EA 76–77 (2022); *see also* Peter Howard et al., Institute for Policy Integrity, Zero Rationality: What OIRA's New Memorandum Gets Wrong on Monetizing Climate Impacts 2–3 (May 2025) [hereinafter Zero Rationality] (noting that "[f]ederal agencies have used SC-GHG estimates for more than 15 years," first using the estimates developed in 2010 by the Interagency Working Group on the Social Cost of Greenhouse Gases, and then using EPA's 2023 estimates).

[156] *See, e.g.*, BLM Wyoming, Response to Public Comments: 2026 Second Quarter Competitive Oil and Gas Lease Sale Environmental Assessment, DOI-BLM-WY-0000-2026-0001-EA 62–66 (2026); BLM Carlsbad Field Office, Oil and Gas Lease Sale Environmental Assessment, Quarter 1 2025, DOI-BLM-NM-P020-2024-0740-EA 87–88 (Feb. 2025) (omitting its quantification of climate impacts in its final EA, despite having included it in the draft EA).

[157] *Cf. Fed. Commc'ns Comm'n v. Fox Television Stations, Inc.*, 556 U.S. 502, 515 (2009) (holding that an agency must provide "good reasons" for a change in position and must provide "a more detailed justification" when a "new policy rests upon factual findings that contradict those which underlay [an agency's] prior policy; or when its prior policy has engendered serious reliance interests that must be taken into account").

BLM has used the same or similar justifications across lease sales to rationalize its omission of this quantification, all of which fall flat.[158] First, BLM asserts that "NEPA does not require agencies to prepare SCC or SC-GHG estimates or cost-benefit analyses."[159] This contention does not address the issue of the agency changing position nor does it address the arbitrariness of quantifying the benefits of leasing without quantifying the costs. Second, BLM maintains that "the full social benefits of carbon-based energy production have not been monetized, and quantifying only the costs of GHG emissions, but not the benefits, would yield information that is both potentially inaccurate and not useful," a confusing and misleading statement given that the agency's analysis often quantifies benefits but not costs.[160] And third, the agency states that "costs attributed to GHGs are often so variable and uncertain that they are unhelpful for BLM's analysis."[161]

This third contention, with no reference or explanation to support it, is insufficient to justify a change in position. Contrary to BLM's assertions, the tool's estimates are based on nearly two decades of extensive expert development and peer review.[162] The Environmental Protection Agency's (EPA's) 2023 SC-GHG report underwent public comment and peer review by eminently qualified experts.[163] EPA valued climate impacts using the best available scientific information, relying on three state-of-the-art damage functions from leading climate economists and research laboratories: the Climate Impact Lab with experts from the University of Chicago and the University of California, Berkeley among other institutions; the Resources for the Future Social Cost of Carbon Initiative in collaboration with dozens of researchers from private and public institutions across the globe; and a meta-analysis from Dr. Thomas Sterner and Dr. Peter Howard that integrates and combines many other published estimates.[164] Collectively, these three damage functions capture various market and non-market damages caused by climate change, including impacts on health, energy, labor productivity, agriculture, and coastal regions.[165] The choice to combine three independently constructed damage functions helped to ensure that analysis was rigorous and to safeguard against overreliance on any one methodology. Subsequently, numerous federal agencies (including the Department of the Interior, as noted

[158] The Office of Information and Regulatory Affairs' May 5, 2025, memorandum directing agencies to minimize consideration of climate impacts likewise contains deeply flawed reasoning that cannot support failure to use SC-GHG. *See generally* Exec. Off. of the President, Off. of Mgmt. & Budget, Memorandum M-25-27, Memorandum for Regulatory Policy Officers at Departments and Agencies and Managing and Executive Directors of Commissions and Boards Re: Guidance Implementing Section 6 of Executive Order 14154, Entitled "Unleashing American Energy" (May 5, 2025).

[159] *See, e.g.*, BLM, Wyoming Response to Public Comments: 2026 Second Quarter Competitive Oil and Gas Lease Sale Environmental Assessment DOI-BLM-WY-0000-2026-0001-EA 66 (2026); BLM, *see also* Carlsbad Field Office Oil and Gas Lease Sale Environmental Assessment, Quarter 1 2025 DOI-BLM-NM-P020-2024-0740-EA 88 (Feb. 2025) ("NEPA does not require agencies to prepare SCC estimates or cost-genefit analyses . . . .")

[160] *See, e.g.*, BLM Farmington Field Office, Competitive Oil and Gas Lease Sale Environmental Assessment, New Mexico Quarter 2 2026 DOI-BLM-NM-F010-2026-0001-EA D-9, D-41 (Mar. 2026).

[161] *See, e.g.*, BLM, Wyoming Response to Public Comments: 2026 Second Quarter Competitive Oil and Gas Lease Sale Environmental Assessment DOI-BLM-WY-0000-2026-0001-EA 66 (2026); BLM, Carlsbad Field Office Oil and Gas Lease Sale Environmental Assessment, Quarter 1 2025 DOI-BLM-NM-P020-2024-0740-EA 88 (Feb. 2025).

[162] *See* Zero Rationality at 1.

[163] *See* EPA, Details of External Peer Review Panel Process for the Review of EPA's "Report on the Social Cost of Greenhouse Gases: Estimates Incorporating Recent Scientific Advances" 2–4 (2023) (listing peer reviewers).

[164] *See* Greenhouse Gas Report at 2, 47, 52.

[165] *Id.* at 52 tbl. 2.3.1, 55 tbl. 2.3.2.

above) assessed EPA's updated estimates and determined that the updated estimates reflect the best available science on monetizing GHG emissions.[166]

Moreover, federal courts have repeatedly recognized that agency analysis necessitates making predictive judgments under uncertain conditions, explaining that "[r]egulators by nature work under conditions of serious uncertainty,"[167] and "are often called upon to confront difficult administrative problems armed with imperfect data."[168] As the Ninth Circuit has explained, "the proper response" to the problem of uncertain information is not for the agency to ignore the issue but rather "for the [agency] to do the best it can with the data it has."[169]

Experts have also accounted for uncertainty in SC-GHG estimation in rigorous ways. In addition to applying three damage models developed by different experts to develop its SC-GHG estimates, as indicated above, EPA incorporated a range of probabilistic socioeconomic and emissions scenarios.[170] Further, to address uncertainty and how it compounds throughout the different modules, EPA used a Monte Carlo simulation-based approach.[171] And while this approach produced a range of estimates, EPA provided average estimates at different discount rates including a "central" discount rate of 2%.[172] Accordingly, EPA both rigorously accounted for uncertainty and provided a single central SC-GHG estimate that regulators can apply, and the Interagency Working Group on the Social Cost of Greenhouse Gases, in its estimates, did so as well.[173]

Failing to properly quantify climate impacts in this process would thus be arbitrary and capricious.

Finally, NEPA requires agencies to "identify and develop methods and procedures . . . which will ensure that presently unquantified environmental amenities and values may be given appropriate consideration in decisionmaking along with economic and technical considerations."[174] A livable climate is one such unquantified amenity. By neglecting to use SC-GHG, BLM would be failing to "identify and develop methods and procedures" to ensure that this "presently unquantified environmental . . . value" is "given appropriate consideration in decisionmaking."[175]

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[166] *See* Off. of Mgmt. & Budget, Report to Congress on the Benefits and Costs of Federal Regulations and Agency Compliance with the Unfunded Mandates Reform Act: Fiscal Year 2023 21–22, 22 n.52 (2024), https://bidenwhitehouse.archives.gov/wp-content/uploads/2025/01/FY23-Benefit-Cost-Report.pdf.
[167] *Pub. Citizen v. Fed. Motor Carrier Safety Admin*., 374 F.3d 1209, 1221 (D.C. Cir. 2004).
[168] *Mont. Wilderness Ass'n v. McAllister*, 666 F.3d 549, 559 (9th Cir. 2011).
[169] *Id.*
[170] *See* Greenhouse Gas Report at 21–33.
[171] *See id.* at 2.
[172] *See id.* at 12.
[173] *See* Zero Rationality at 3–4.
[174] 42 U.S.C. § 4332(2)(B).
[175] *Id.*

3. BLM must take a hard look at impacts to groundwater from well construction practices and fracking.

NEPA and the APA require BLM to thoroughly evaluate the impact of oil and gas development on groundwater before issuing leases.[176]

Groundwater is a critical resource that supplies many communities—particularly rural ones—with drinking water. Protecting these resources is imperative for protecting human health and the environment, especially because groundwater will become more important as increased aridity and higher temperatures due to climate change alter water use, quality, and availability. The EPA has acknowledged that future access to drinking water "will likely be affected by changes in climate and water use" and that existing drinking water resources "may not be sufficient in some locations to meet future demand," necessitating increased reliance on "groundwater . . . to meet the demand for drinking water."[177] As a result, BLM must protect aquifers currently being used for drinking water as well as any aquifers that could serve as drinking water sources in coming decades, including aquifers that are deeper and higher salinity than those commonly utilized today.

Oil and gas drilling typically involves boring wells to depths thousands of feet below the surface, often through or just above groundwater aquifers. Without proper oil or gas well construction and vertical separation between aquifers and the production zone, oil and gas development can contaminate underground sources of water.[178]

In practice, usable water lacks adequate protection. Federal rules and regulations do not provide specific directions for BLM and operators on how to protect usable water. As a result, agency regulations, like the requirement at 43 C.F.R. § 3172.7 (formerly Onshore Order No. 2) to "protect and/or isolate all usable water zones," are inconsistently applied and often disregarded.[179]

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[176] *See WildEarth Guardians*, 457 F. Supp. 3d at 886–89; *see also* 42 U.S.C § 4321 (describing the underlying purpose of NEPA as including "stimulat[ing] the health and welfare of man"); *id.* § 4331(b)(2) (requiring agencies to "assure for all Americans safe, healthful, productive, and esthetically and culturally pleasing surroundings"); *State Farm*, 463 U.S. at 43 (holding that an agency acts arbitrarily and capriciously when it "fail[s] to consider an important aspect of the problem").

[177] EPA, Hydraulic Fracturing for Oil and Gas: Impacts from the Hydraulic Fracturing Water Cycle on Drinking Water Resources in the United States, EPA/600/R-16/236F 2-1 (Dec. 2016), https://cfpub.epa.gov/ncea/hfstudy/recordisplay.cfm?deid=332990 (last visited July 30, 2026) [hereinafter Hydraulic Fracturing Report].

[178] *See* Hydraulic Fracturing Report at ES-28–ES-33; Gayathri Vaidyanathan, *Fracking Can Contaminate Drinking Water*, Sci. Am. (Apr. 4, 2016), https://www.scientificamerican.com/article/fracking-can-contaminate-drinking-water/; Dominic C. DiGiulio & Robert A. Jackson, *Impact to Underground Sources of Drinking Water and Domestic Wells from Production Well Stimulation and Completion Practices in the Pavillion, Wyoming Field*, 50 Env't Sci. & Tech. 4524, 4524–36 (2016) [hereinafter DiGiulio 2016]; Tetiana Cantlay et al., *Contamination of Private Water Supplies After a Well Communication Event (Frac-Out) in Southwest Pennsylvania*, 15 Nature Portfolio (2025), https://doi.org/10.1038/s41598-025-16976-5.

[179] *See* BLM, Regulatory Impact Analysis for the Final Rule to Rescind the 2015 Hydraulic Fracturing Rule 44 (Dec. 2017), https://downloads.regulations.gov/BLM-2017-0001-0464/content.pdf (removing the Usable Water Requirement in the 2015 Final Rule, which "provided more detail about what would be considered isolation of usable water zones"); *Wilderness Soc'y*, 2024 WL 1241906, at *8 ("Beyond the general directive to protect usable

In fact, industry has admitted that it often does not protect usable water. The Western Energy Alliance and the Independent Petroleum Association of America told BLM that the "measuring the numerical quality of water" underlying drilling locations with precision would add a new burden to the "existing practice for locating and protecting usable water, admitting in effect that the existing practice does not consider whether all usable water would be protected during drilling.[180] Reports studying existing federal oil and gas wells in Wyoming and Montana confirm these industry admissions that well casing and cementing practices do not always protect underground sources of usable drinking water.[181] And a study of fracking in Pavillion, Wyoming, indicated that oil and gas drilling had contaminated underground sources of drinking water in that area due to lack of vertical separation between the aquifer and target formation.[182] Indeed, courts have invalidated BLM lease sales in recent years due to the agency's failure to grapple with this evidence.[183]

Given these risks to a critical resource, BLM must evaluate potential groundwater impairment from any lease parcels it proposes to offer.

First, as a threshold matter, BLM must provide a detailed accounting of all groundwater resources that could be impacted in the areas considered for leasing, including usable aquifers that are not currently being used as a drinking water supply. The accounting must include, at minimum, all aquifers with up to 10,000 parts per million total dissolved solids (ppm TDS) (the standard for usable water and underground sources of drinking water). This data is readily available from the USGS and other resources,[184] and BLM cannot substitute existing drinking water wells or other inadequate proxies for a full accounting of all potentially usable groundwater resources in the area. BLM must provide an explanation of the impacts to usable water zones where fracking is already occurring (even if those zones are not currently being used as a drinking water source), and how that fracking may degrade the quality of groundwater.

Second, BLM must use that accounting to assess how new oil and gas wells might impact groundwater resources. That evaluation must assess the sufficiency of protective measures that will be employed during all phases of the operation, including the depth of surface casing, the extent to which deeper areas of the wellbore are both cased and cemented (especially across zones containing groundwater with less than 10,000 ppm TDS), and vertical separation between

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water sources, however, Onshore Order No. 2 does not specify what exactly operators must do to ensure compliance. Nor does it expressly require operators to test underground water sources to identify all usable water zones before drilling can commence. The Bureau tried to close this regulatory gap in 2015 by imposing new standards . . . but it later reversed course in 2017 when it rescinded the 2015 Rule . . . .").

[180] Western Energy Alliance and Independent Petroleum Association of America, Comment on Oil and Gas; Hydraulic Fracturing on Federal and Indian Lands; Rescission of a 2015 Rule,82 Fed. Reg. 34464, 59 (Sept. 25, 2017), https://www.regulations.gov/document?D=BLM-2017-0001-0412.

[181] *See generally* Rebecca Tisherman et al., PSE Health Energy, Examination of Groundwater Resources in Areas of Wyoming Proposed for the June 2022 BLM Lease Sale (May 11, 2022) [hereinafter Tisherman Report]; Dominic DiGiulio, PSE Health Energy, Examination of Groundwater Resources in Areas of Montana Proposed for the March 2018 BLM Lease Sale (Jan. 10, 2018) [hereinafter DiGiulio Report].

[182] *See* DiGiulio 2016 at 4532.

[183] *See Wilderness Soc'y*, 2024 WL 1241906, at *8–11; *see also WildEarth Guardians*, 457 F. Supp. 3d at 886–89.

[184] *See* Tisherman Report at 4–5 (describing research methods using this data); DiGiulio Report at 1–2 (describing research methods using this data).

aquifers and the oil and gas formations likely to be fracked. In assessing these protections, BLM cannot presume that state and federal regulations will protect groundwater, because of the shortcomings and industry noncompliance described above.

Third, BLM may not defer its analysis until the APD stage because information is readily available at the lease sale stage to evaluate groundwater risks.[185] As noted above, data is available to identify the presence, depth, quantity, and quality of aquifers in the area of proposed leasing. BLM can look to nearby existing oil and gas wells for a forecast of the likely depth of new wells and whether those wells present concerns over adequate casing and cementing. A failure to conduct such an analysis would violate NEPA.[186]

4. BLM must properly analyze the impacts of venting, flaring, and leaks that would result from this lease sale.

Venting (the release of natural gas), flaring (the burning off of natural gas), and leaks during oil and gas production are a major cause of methane emissions, a potent GHG. Based on BLM's aforementioned obligation to consider GHG emissions at the lease sale stage, BLM must take the requisite hard look at the impacts of methane emissions that will result from development of and production on these lease parcels.[187]

In 2019 and on federal and tribal lands alone, venting, flaring, and leaks accounted for over 160 billion cubic feet of methane.[188] A study conducted in 2019-2021 found that, in the Permian Basin, companies lose 3.5% of the gas that they produce and that flares malfunction or remain unlit about 10% of the time, venting methane directly into the atmosphere.[189] Researchers noted that the oil and gas industry is one of the world's largest sources of methane emissions.[190]

Venting, flaring, and leaks have additional implications, including on the economy and on public health. The wasted gas leads to millions in lost revenue every year. An analysis conducted by Synapse Energy Economics calculated the economic value of gas lost in 2019 due to venting, flaring, and leaks from natural gas operations on federal and Tribal lands, and found a loss of $63.6 million in royalties, $18.8 million in state revenue from taxes (from the top six states), and $509 million in lost potential sales revenue.[191] Oil fields in the San Joaquin Valley also have a high intensity of methane leakage compared to market gas production. *See* discussion *infra* Section VIII.

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[185] *See WildEarth Guardians*, 457 F. Supp. 3d at 888–89.
[186] *See id.*
[187] *See* discussion *supra* Section III.A.2; *see also, e.g.*, *W. Org. of Res. Councils v. Bureau of Land Mgmt.*, No. CV 16-21-GF-BMM, 2018 WL 1475470, at *15, 18 (D. Mont. Mar. 26, 2018) (at the land use planning stage, finding that the BLM violated NEPA where it "failed to acknowledge evolving science" and, thus, failed to properly quantify the magnitude of methane pollution of future leasing/development).
[188] Olivia Griot et al., Synapse Energy Economics Inc., Onshore Natural Gas Operations on Federal and Tribal Lands in the United States: Analysis of Emissions and Lost Revenue 3 (Jan. 20, 2023) [hereinafter Griot Report], https://blogs.edf.org/energyexchange/files/2023/01/EMBARGOED_EDF-TCS_Public_Lands_Analysis.pdf.
[189] Env't Def. Fund, *PermianMAP Final Report* 9 (2021).
[190] *Id.* at 4.
[191] Griot Report at 3.

Venting and flaring also have significant health impacts. Proximity to flaring has been linked to shorter gestation, preterm birth, and lower birthweight.[192] A study published in 2024 estimates that emissions from venting and flaring cause over $7.4 billion in health damages, 710 premature deaths, and 73,000 asthma exacerbations among children annually.[193] Given that oil and gas wells are disproportionately sited near historically marginalized populations, [194] these communities suffer from these and other adverse health impacts at a disproportionate rate. Indeed, the aforementioned 2024 study found based on emissions modeling estimates that of the early deaths caused by flaring and venting, one in three occurred in low-income census tracts, 33% occurred in census tracts with more Hispanic/Latino residents, and 10% occurred in census tracts with more Native residents.[195] Similar proportions of impact were seen for childhood asthma exacerbations among these census tracts, with a slightly larger proportion of impact in Hispanic/Latino-identified tracts (40%).[196]

BLM should not issue additional oil and gas leases until the agency addresses the issue of venting and flaring, particularly for the leases and oilfields proposed here, and the agency must adequately grapple with these impacts pursuant to its obligations under NEPA.

5. BLM must analyze the impacts of oil and gas leasing on public health.

Protecting public health is fundamental to the underlying purpose of NEPA, which includes "stimulat[ing] the health and welfare of man,"[197] and mandates that agencies consider the degree to which their proposed actions affect public health or safety. NEPA requires federal agencies "to use all practicable means, consistent with other essential considerations of national policy" to "assure for all Americans safe, healthful, productive and esthetically and culturally pleasing surroundings."[198] To protect public health and promote informed agency decision-making, transparency, and public participation, NEPA imposes "action-forcing procedures . . . requir[ing] that agencies take a hard look at environmental consequences," which includes public health.[199]

Oil and gas development poses myriad public health concerns. An extensive and ever-growing body of peer-reviewed research has shown what people living near oil and gas operations already know firsthand: proximity to drilling operations—including fracking—and other oil and gas facilities is linked to adverse health risks and impacts. These risks and impacts include, but are not limited to:

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[192] *See* Lara J. Cushing et al., *Flaring from Unconventional Oil and Gas Development and Birth Outcomes in the Eagle Ford Shale in South Texas*, 128 Env't Health Perspectives 077003-1, 077003-1–077003-8 (2020), https://pubmed.ncbi.nlm.nih.gov/32673511/.
[193] Huy Tran et al., *Air Quality and Health Impacts of Onshore Oil and Gas Flaring and Venting Activities Estimated Using Refined Satellite-Based Emissions*, 8 GeoHealth 1, 1 (Mar. 6, 2024), https://agupubs.onlinelibrary.wiley.com/doi/10.1029/2023GH000938.
[194] *See* Jeremy Proville et al., *The Demographic Characteristics of Populations Living Near Oil and Gas Wells in the USA*, 44 Population & Env't 1, 10–12 (June 17, 2022), https://doi.org/10.1007/s11111-022-00403-2.
[195] Huy Tran, Air Quality and Health Impacts of Onshore Oil and Gas Flaring and Venting Activities Estimated Using Refined Satellite-Based Emissions at 11.
[196] *Id.*
[197] 42 U.S.C § 4321.
[198] *Id.* § 4331(b)(2).
[199] *Robertson*, 490 U.S. at 350 (citation omitted).

- Reproductive harms, including birth defects, low birth weight, preterm births, miscarriages, and infant mortality;
- Respiratory health effects, including asthma, lung disease, breathing difficulty, and, most recently, increased vulnerability to COVID-19;
- Eye, skin, and throat irritation and rashes;
- Cardiovascular effects, including higher blood pressure and other indicators of, or precursors to, heart disease;
- Possible disruption of the endocrine system (a system of glands producing hormones that regulate a variety of functions in the body, including metabolism, growth and development, reproduction, sleep, and mood);
- Cancer, including lung cancer, childhood cancers such as leukemia, and other types of cancer;
- Motor vehicle injuries and fatalities, and other health and safety risks associated with increased vehicle traffic (and the air pollutants it emits) from oil and gas development;
- Injuries and fatalities from explosions, fires, spills, and leaks; and
- Trauma and psychological stress.[200]

The ROGER database contains the best available scientific information, which shows the voluminous public health risks and impacts associated with oil and gas activities that result from BLM's leasing decisions.[201]

There is a "robust" collection of studies specific to impacts to infant health—"including preterm births, low birth weight, small-for-gestational age births, and congenital malformations"—an effect that can be seen within a large radius of residences, potentially up to 10 miles.[202] Another well studied health impact among residents living near drilling and fracking

[200] *See, e.g.*, Longxiang Li et al., *Exposure to Unconventional Oil and Gas Development and All-Cause Mortality in Medicare Beneficiaries*, 7 Nature Energy 177, 177–85 (Jan. 27, 2022), https://pmc.ncbi.nlm.nih.gov/articles/PMC9004666/; Zoya Banan & Jeremy M. Gernand, *Emissions of Particulate Matter Due to Marcellus Shale Gas Development in Pennsylvania: Mapping the Implications*, 148 Energy Policy 1, 1–10 (Jan. 2021); Katie Jo Black et al., *Economic, Environmental, and Health Impacts of the Fracking Boom*, 13 Ann. Rev. of Res. Econ. 311, 311–34 (Oct. 2021), https://www.annualreviews.org/content/journals/10.1146/annurev-resource-110320-092648; Roxana Z. Witter et al., *Occupational Exposures in the Oil and Gas Extraction Industry: State of the Science and Research Recommendations*, 57 Am. J. of Indus. Med. 847, 847–56 (Mar. 14, 2014); *see generally* CalGEM Scientific Advisory Panel Report.

[201] Physicians, Scientists, and Engineers for Healthy Energy maintains this Repository for Oil and Gas Energy Research (ROGER), which is available at the following link: https://www.zotero.org/groups/248773/repository_for_oil_and_gas_energy_research_roger_-_pse_healthy_energy/collections/SASKSKDG (last visited July 30, 2026).

[202] Seth B.C. Shonkoff et al., PSE Health Energy, Public Health Dimensions of Upstream Oil and Gas Development in California: Scientific Analysis and Synthesis to Inform Science-Policy Decision Making, at 3-16–3-17 (June 21, 2024) [Exs. Xa & Xb], https://www.conservation.ca.gov/calgem/Documents/Public%20Health%20Panel%20Final%20Report_20240621.pdf ("We have a high level of certainty in the findings from the body of epidemiological studies for perinatal . . . health outcomes because of the consistency of results across multiple studies conducted using different methodologies, in different locations, with diverse populations, and during different time periods . . . ."); *see* Lisa M. McKenzie et al., *Birth Outcomes and Maternal Resident Proximity to Natural Gas Development in Rural Colorado*,

operations is on respiratory health, including asthma, reduced lung function, and asthma hospitalization.[203]

Another recent study shows the negative implications of fracking and drilling near people's homes on mental health. In particular, the study found two key institutional barriers driving negative mental health impacts for people living near unconventional oil and gas production, namely: "1) *uncertainty*, due to inaccessible, untransparent information about environmental and public health risks and 2) *powerlessness* to meaningfully impact regulatory or zoning processes."[204] In turn, "these institutional barriers make [unconventional oil and gas] production a *chronic* stressor – which can be more insidious, negative, and, significantly, can generate longer-term mental health impacts . . . ."[205]

BLM must take a hard look at the adverse health risks and effects associated with proximity to oil and gas activity and facilities and disclose them to the public. The agency should disclose, at minimum, how many residences are within approximately 1, 5, and 10 miles of the proposed leases.

BLM must take a hard look not only at direct health impacts and proximity-related health impacts of oil and gas development, but also at cumulative health risks and impacts. Cumulative health risks and impacts can arise not only from multiple pollutant exposures, and cumulative pollution exposures over time, but also from compounding structural, social, and economic factors, many of which are rooted in systemic inequities and injustices. To adequately analyze human health impacts, BLM should incorporate findings from regionally relevant health impact assessments (HIAs). An HIA is a preventative health tool that anticipates the human health impacts of new or existing development projects, programs, or policies. The overall goal of this type of assessment is to identify and minimize negative health effects of a particular action, such as oil and gas development and production.

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122 Env't Health Perspectives 412, 414 (2014), https://pmc.ncbi.nlm.nih.gov/articles/PMC3984231/ (finding that babies whose mothers lived within 10 miles of multiple oil and gas wells with more than 125 wells/mile were 30% more likely to be born with heart defects than babies born to mothers who did not live close to oil and gas wells); *see also, e.g.*, Janet Currie et al., *Hydraulic Fracturing and Infant Health: New Evidence from Pennsylvania*, 3 Sci. Advances 1, 1–9 (Dec. 13, 2017), https://www.science.org/doi/10.1126/sciadv.1603021?url_ver=Z39.88-2003&rfr_id=ori:rid:crossref.org&rfr_dat=cr_pub%20%200pubmed (finding evidence of significant decline in birth weight where there was in utero exposure to fracking sites within 3 km of a mother's residence).

[203] Seth B.C. Shonkoff, Public Health Dimensions of Upstream Oil and Gas Development in California at 3-17–3-18.

[204] Stephanie A. Malin, *Depressed Democracy, Environmental Injustice: Exploring the Negative Mental Health Implications of Unconventional Oil & Gas Production in the United States*, 70 ENERGY RSCH. & SOCIAL SCI. 1, 2 (Sept. 11, 2020), https://pmc.ncbi.nlm.nih.gov/articles/PMC7486049/.

[205] *Id.*

6. BLM should thoroughly analyze the impacts of oil and gas leasing on environmental justice.

BLM must analyze the lease sale's impact on environmental justice to determine whether development "'will have a disproportionately adverse effect on minority and low income populations.'"[206]

Courts have repeatedly held that agencies must take a hard look at environmental justice pursuant to their obligations under NEPA and the APA.[207]

It is particularly important to consider environmental justice implications prior to oil and gas leasing given that oil and gas wells are disproportionately sited near low-income communities and communities of color.[208] This means that these communities suffer from the aforementioned health consequences of proximity to oil and gas development at a disproportionate rate, *see* discussion *supra* Section II.D.3, Section III.A.4-5, in addition to all of the other consequences that proximity to this development can entail, including on recreation, property value, aesthetics, water quality, infrastructure strain, noise, and quality of life.

B. BLM must consider a range of reasonable alternatives.

BLM must evaluate a range of reasonable alternatives in the NEPA document prepared for this lease sale.[209] The range of alternatives is the "heart" of a NEPA document because "[w]ithout substantive, comparative environmental impact information regarding other possible courses of action, the ability of [a NEPA analysis] to inform agency deliberation and facilitate public involvement would be greatly degraded."[210]

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[206] *Friends of Buckingham v. State Air Pollution Control Bd*., 947 F.3d 68, 87 (4th Cir. 2020) (quoting *Mid States Coal. for Progress v. Surface Transp. Bd*., 345 F.3d 520, 541 (8th Cir. 2003)).

[207] *See, e.g.*, *Standing Rock Sioux Tribe v. U.S. Army Corps of Eng'rs*, 255 F. Supp. 3d 101, 140 (D.D.C. 2017) ("[T]he Corps did not properly consider the environmental-justice implications of the project and thus failed to take a hard look at its environmental consequences."); *Nat'l Ass'n for Advancement of Colored People Erie Unit 2262 v. Fed. Highway Admin.*, 648 F. Supp. 3d 576, 591 (W.D. Pa. 2022) ("[C]ourts may overturn a NEPA approval where a 'bare-bones' environmental justice analysis, concluding the community would not be disproportionately harmed, violates NEPA's 'hard look' requirement." (quoting *Standing Rock Sioux Tribe*, 255 F. Supp. 3d at 140)); *Coliseum Square Ass'n, Inc. v. Jackson*, 465 F.3d 215, 232 (5th Cir. 2006) ("[W]e review the agency's consideration of environmental justice issues under the APA's . . . 'arbitrary and capricious' standard." (quoting *Cmtys. Against Runway Expansion, Inc. v. Fed. Aviation Admin.*, 355 F.3d 678, 688 (D.C. Cir. 2004))); *Latin Ams. for Soc. & Econ. Dev. v. Fed. Highway Admin.*, 756 F.3d 447, 465, 475–77 (6th Cir. 2014) (discussing the agency's "hard look" at environmental justice impacts).

[208] *See* Jeremy Proville et al., *The Demographic Characteristics of Populations Living Near Oil and Gas Wells in the USA*, 44 Population & Env't 1,10–12, https://doi.org/10.1007/s11111-022-00403-2.

[209] *See* 42 U.S.C. 4332(2)(F) (requiring agencies to "study, develop, and describe technically and economically feasible alternatives").

[210] *New Mexico*, 565 F.3d at 708; *see also California v. Block*, 690 F.2d 753, 767 (9th Cir. 1982) (stating that the "touchstone" is whether the agency's "selection and discussion of alternatives fosters informed decision-making and informed public participation").

An environmental review offering a choice between leasing every parcel nominated and leasing nothing at all under the no-action alternative fails to present a reasonable range of alternatives. A middle-ground alternative must consider deferring at least some parcels.[211]

Inclusion of middle-ground alternatives is particularly important when considering impacts to sensitive sites, such as the Chico Martinez, Kettleman Hills, Lokern-Buena Vista, and Panoche-Coalinga ACECs, and the Carrizo Plain National Monument. For this lease sale, BLM must evaluate an alternative that would defer leasing on some or all parcels in and abutting ACECs and the National Monument, along with deferrals based on other use conflicts.

C. BLM must properly evaluate mitigation measures.

NEPA requires BLM to include a discussion of possible mitigation measures in its EA.[212] BLM must, in the following order: seek to avoid impacts, minimize impacts, and, only if those approaches are insufficient to fully mitigate the impacts, appropriately and sufficiently compensate for any remaining impacts.[213] For a discussion of OBBBA's bearing on the agency's obligation to explore mitigation measures, see discussion *supra* Section II.B, Section II.D.

D. BLM's NEPA analysis for this lease sale must reflect the impacts of OBBBA.

As discussed in detail above, OBBBA amends the statutes governing BLM's management of oil and gas development.[214] To the extent BLM believes that OBBBA removes the agency's discretion not to offer for lease or to lease areas designated as open in an RMP and instead obligates the agency to offer for lease or to lease any open land for which it receives an industry expression of interest, BLM's NEPA analysis must account for that fundamental change. If BLM must lease all lands for which it has received an expression of interest and cannot apply mitigation measures and stipulations not contained in the RMP to the leases, it must account for this in its NEPA analysis of all affected lease sales, including this lease sale. For instance, BLM must consider important questions such as: apart from the parcels being considered for this sale, how many additional expressions of interest have been submitted that overlap with ACECs? How many additional expressions of interest in these same areas are foreseeable in the coming years? And how would BLM's non-discretionary response to any such expressions of interest affect its compliance with fundamental NEPA mandates for oil and gas leasing, discussed above?

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[211] *Rocky Mountain Wild v. Bernhardt*, 506 F. Supp. 3d 1169, 1185–88 (D. Utah 2020) (finding that the BLM's inclusion of two "polar opposite alternatives" to "lease all or lease none" of the available parcels "fell short of NEPA's requirements"); *see also Powder River Basin Res. Council*, 2026 WL 555013, at *6–7 (finding that the "BLM violated its obligation to rigorously evaluate a reasonable range of alternatives to its proposed action" by "eliminating reduced rate of development . . . alternatives without further analysis" because "[i]t is beyond doubt that NEPA requires consideration of reasonable alternatives to a contemplated action that minimize or reduce the environmental effects of its decision").

[212] *See WildEarth Guardians v. U.S. Fish & Wildlife Serv.*, 784 F.3d 677, 698 (10th Cir. 2015) (holding that an EA must "explore mitigation measures where it acknowledges the possibility that the agency action will cause environmental harm").

[213] BLM, Mitigation: Supporting Multiple Use and Sustained Yield, https://www.blm.gov/how-we-manage/mitigation-policy (last visited July 30, 2026).

[214] *See* discussion *supra* Section II.B.

BLM developed the 2026 FSEIS for the Bakersfield 2014 RMP and the 2026 FSEIS for the Central Coast 2019 RMPA on the assumption that additional mitigation measures or stipulations needed to protect sensitive species and habitat would be developed during the leasing stage of oil and gas development. For example, the 2014 RMP rests on the premise that "[a]dditional [conditional surface use] stipulations may be applied to all new leases in conjunction with the lease sale as determined appropriate and in conformance with the RMP,"[215] and both the 2012 FEIS and biological opinion associated with the RMP emphasize the importance of "[u]pdated protections and restrictions, such as . . . fluid mineral leasing stipulations . . . to protect and conserve vegetation, wildlife and ecosystem processes."[216] Likewise, the biological opinion for the Central Coast 2019 RMPA contemplates an annual review by BLM and the U.S. Fish and Wildlife Service to "determine if any adjustments need to be made to . . . any . . . portion of the program,"[217] and the 2026 FSEIS for the Central Coast states that BLM will "manage potential impacts through appropriate lease stipulations" for state parks."[218]

BLM is obligated, at the leasing stage, to prepare a NEPA analysis that accurately reflects the agency's understanding of the oil and gas leasing process as amended by OBBBA. If BLM understands OBBBA to limit its discretion over the leases to be offered and the mitigation measures and stipulations that subsequently can be applied to those leases, the NEPA analysis must reflect that understanding. BLM cannot tier to the EISs for the RMPs, which all assume that BLM has discretion to apply additional mitigation and stipulations at the leasing stage.[219]

In short, BLM must prepare a NEPA analysis for the proposed lease sale that reflects any change in agency discretion over oil and gas development under OBBBA and that displays for the public the environmental impacts of that change.

IV. BLM must comply with its obligations under the Endangered Species Act (ESA).

A preliminary review of the 50 parcels proposed for leasing shows significant overlap between lease parcels and species and habitat protected under the ESA. Accordingly, it is

[215] 2014 RMP at 76. *See also* 2014 RMP at 253 ("The standard fluid minerals lease is used to provide an overall framework for regulation of operations. This framework is built upon by adding stipulations to the lease and, later if operations are proposed, by adding site appropriate COAs.").
[216] U.S. Fish and Wildlife Service [USFWS], Programmatic Biological Opinion and Conference Report on the Bakersfield Resource Management Plan, No. OSESMF00-2012-F-0682 7 (Oct. 23, 2014); 2012 FEIS at 420. *See also Oregon Natural Desert Ass'n v. Bushue*, 644 F. Supp. 3d 813, 821 (D. Or. 2022) (stating that BLM has an obligation to "contemporaneously enforc[e] relevant environmental laws governing the use of public lands" (alteration in original) (quoting *Gardner v. U.S. Bureau of Land Mgmt*., 638 F.3d 1217, 1220 (9th Cir. 2011))).
[217] USFWS, Programmatic Biological Opinion on Oil and Gas Leasing and Development on Bureau of Land Management Lands in the Central Coast Field Office (Fresno, Monterey and San Benito Counties) 32 (2019).
[218] Central Coast 2026 FSEIS at A-7.
[219] *See, e.g.*, *Wilderness Soc'y*, 2024 WL 1241906, at *16 ("Having deferred analysis of future lease sales when preparing its RMPs, the Bureau cannot now point back to those plans in lieu of doing additional analysis."); *W. Watersheds Project*, 543 F. Supp. 3d at 991–92 (finding that the BLM's tiering to RMP EISs was insufficient to fulfill its NEPA duties given that the agency "expressly deferred . . . analysis [of site-specific impacts] to later implementing decisions"); *Diné Citizens Against Ruining Our Env't v. Bernhardt*, 923 F.3d 831, 856 (10th Cir. 2019) (holding that the BLM erred in tiering EAs for APDs to flawed analysis of water use in RMP EIS); *WildEarth Guardians v. Zinke*, 368 F. Supp. 3d at 71 (holding that the BLM erred in tiering lease sale NEPA analyses to RMP EISs that relied on outdated data and methodologies and were too broad to support forecasts at the leasing stage).

particularly important that BLM complies with its ESA obligations prior to leasing any of these 50 parcels.

A. BLM must insure that its leasing decisions do not jeopardize protected species or adversely modify critical habitat.

The ESA provides that, "[e]ach federal agency shall…insure that any action authorized, funded, or carried out by such agency… . is not likely to jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of [critical] habitat of such species."[220] The obligation to "insure" against a likelihood of jeopardy or adverse modification requires the agencies to give the benefit of the doubt to endangered species and to place the burden of risk and uncertainty on the proposed action.[221] In fulfilling this obligation, "each agency shall use the best scientific and commercial data available."[222]

Section 7 of the ESA establishes an interagency consultation process to assist federal agencies in complying with their duty to ensure against jeopardy to listed species or destruction or adverse modification of critical habitat. An agency must initiate consultation with the U.S. Fish and Wildlife Service (USFWS) whenever it takes an action that "may affect" a listed species or its critical habitat.[223] Agencies must also reinitiate consultation "[i]f new information reveals effects of the action that may affect listed species or critical habitat in a manner or to an extent not previously considered."[224] "The minimum threshold for an agency action to trigger consultation with FWS is low."[225] "Section 7(a)(2) consultation is required so long as a federal agency has 'some discretion' to take action for the benefit of a protected species."[226] "Actions that have any chance of affecting listed species or critical habitat—even if it is later determined that the actions are 'not likely' to do so—require at least some consultation under the ESA."[227] Even effects that are mitigated or "trivial" meet the "may affect" threshold.[228]

In the 2026 Bakersfield Field Office SEIS, BLM claims that it would only "complete site-specific ESA review" at the APD stage,[229] and "[a]t the leasing phase, there would be no direct impact on the environment because, by itself, a lease does not authorize any on-the-ground oil and gas activities . . . ."[230] In the very same sentence, BLM contradicts that assertion, stating

[220] 16 U.S.C. § 1536(a)(2); *see also* 50 C.F.R. § 402.14(a).
[221] *Conner v. Burford*, 848 F.2d 1441, 1454 (9th Cir. 1988).
[222] 16 U.S.C. § 1536(a)(2).
[223] *See* 50 C.F.R. § 402.14(a).
[224] 50 C.F.R. § 402.16(a)(2).
[225] *W. Watersheds Project v. Kraayenbrink*, 632 F.3d 472, 496 (9th Cir. 2011).
[226] *Nat. Res. Def. Council v. Jewell*, 749 F.3d 776, 779 (9th Cir. 2014) (quoting *Karuk Tribe v. U.S. Forest Serv*., 681 F.3d 1006, 1024 (9th Cir. 2012)) (en banc).
[227] *Karuk Tribe*, 681 F.3d at 1027 (quoting 50 C.F.R. § 402.14(b)(1)).
[228] *Swan View Coal. v. Weber*, 52 F. Supp. 3d 1133, 1145–46 (D. Mont. 2014), *on reconsideration in part,* 52 F. Supp. 3d 1160 (D. Mont. 2014), and *vacated in part on other grounds,* 783 F. App'x 675 (9th Cir. 2019).
[229] Bakersfield 2026 FSEIS at A-9.
[230] *Id.* at 69, A-8; *see also* Central Coast 2026 FSEIS at 77 ("There would be no effect on other populations of new listed or proposed species and their associated habitats from leasing under the range of alternatives, because the potential direct and indirect impacts on special status species from leasing of fluid minerals depend on site-specific

"however, a lease does grant the lessee certain rights to drill for and extract oil and gas . . . ."[231] In the NEPA context, the 10th Circuit held that "issuing an oil and gas lease without an NSO stipulation" is "an irretrievable commitment of resources."[232] At the leasing stage, "[b]ecause BLM could not prevent the impacts resulting from surface use after a lease issued, it was required to analyze any foreseeable impacts of such use before committing the resources."[233] Thus here, certainly on leases where BLM will not apply an NSO stipulation, consultation at the leasing stage is likewise required.

A recent case, in which BLM was one of the defendants, is instructive. In *Bd. of County Comm'rs of San Miguel v. United States BLM*, 706 F.Supp.3d 1180 (D. Colo. 2022), the court agreed with BLM and USFWS "that, at the programmatic level, the agencies did 'not have sufficient information about where, when, or to what extent, actions may occur that may affect [the Gunnison sage-grouse] or its occupied critical habitat.'"[234] The court held that the leasing stage was different:

> At the leasing stage, however, the BLM could assess at least some of this information for the specific parcels. Location and size details became available, and it was known when the leases would commence and that they are valid for ten years. The BLM could also evaluate the extent of potential activity due to the increased traffic anticipated from the lessees' staking, surveying, and accessing the parcels. And, significantly, the lease parcels could have been considered in conjunction with any other prospective and existing leases and facilities. The locations, size, and timing of the leases provided more information than was reviewed at the RMP stage, and thus, that information should have triggered new consideration under the ESA.[235]

The court recognized that the agencies "may be correct that the BLM will know more specifics at the development stage," but even so, "BLM had new information at the leasing stage that revived its duties under the ESA. The BLM ignored those duties, and thus it violated the ESA . . . ."[236] Similarly, "[d]ue to the general nature of the Bakersfield RMP," the 2014 Programmatic Biological Opinion and Conference Report on the Bakersfield Resource Management Plan (2014 PBO) explicitly assumed that future formal consultation may be necessary.[237] USFWS was "unable to determine specific adverse effects at this program level because the program-level biological assessment does not provide enough information to accurately analyze adverse effects at the individual project or activity level. Quantification of adverse effects will occur when specific program actions are appended to the PBO."[238]

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project proposals; therefore, they would be further analyzed at the leasing stage to identify stipulations applied at that stage.").

[231] Bakersfield 2026 FSEIS at 69; *see also* Central Coast 2026 FSEIS at A-4 ("If there are future proposals for site-specific oil and gas development activities with potential to affect listed species, then the BLM would consult with the USFWS, as appropriate.").

[232] *New Mexico*, 565 F.3d at 718.

[233] *Id*.

[234] *Bd. of County Comm'rs*, 706 F. Supp. 3d at 1209 (alteration in original).

[235] *Id*.

[236] *Id*. at 1210.

[237] USFWS, Programmatic Biological Opinion and Conference Report on the Bakersfield Resource Management Plan at 5-6.

[238] *Id*. at 45.

Because more, site-specific information is available at the leasing stage, BLM must complete further consultation for each individual lease parcel where oil and gas development may affect listed species or designated critical habitat. Such consultations must also take into account the cumulative impacts from development on all 50 lease parcels.

B. Preliminary information shows that at least 35 parcels overlap with protected species habitat.

In order to aid BLM in meeting its ESA obligations, as well as its NEPA "hard look" obligations regarding consideration and disclosure of impacts on all protected species, we completed a preliminary, non-comprehensive inventory of protected species that occur on the 50 lease parcels. We overlaid California Natural Diversity Database (CNDDB) occurrence data and critical habitat location data on top of the "2026 Proposed Lease Parcel Shapefiles" posted to BLM's project website. As shown in the table below, at least 35 of the 50 lease parcels overlap with habitat for species protected under the ESA or the California Endangered Species Act (CESA).

For at least 12 lease parcels, 50% or more of the parcel overlaps with protected species habitat. The following 5 parcels are particularly notable given their near-complete overlap with the habitat of a single species:

- CA-2099-01-0186: 99.9996% overlap with Tipton kangaroo rat (ESA-endangered; CESA-endangered) habitat;
- CA-2099-01-0100: 97.2035% overlap with San Joaquin kit fox (ESA-endangered; CESA-threatened) habitat;
- CAP106820777: 92.3530% overlap with San Joaquin kit fox (ESA-endangered; CESA-threatened) habitat;
- CA-2099-01-0081: 87.6761% overlap with San Joaquin kit fox (ESA-endangered; CESA-threatened) habitat; and
- CA-2099-01-0095: 85.6378% overlap with San Joaquin kit fox (ESA-endangered; CESA-threatened) habitat.

In its forthcoming NEPA review, BLM must analyze, for each individual parcel and cumulatively for all 50 parcels, the impacts of oil and gas development on protected species; whether the Bakersfield RMP and Central Coast RMP stipulations, mitigation measures, best management practices, and standard operating procedures are sufficient to avoid harm to protected species or their habitats; and, given the amount of overlap on each parcel, whether the RMP measures are even possible.

Parcel	Parcel Acreage	Species	ESA/CESA Listing	CNDDB Overlap (acres)	% Overlap
CA-2099-01-0078	158.0145639	Nelson's antelope squirrel	State Threatened	7.543769564	4.7741%

		California red-legged frog	Federal Threatened	104.3*	66.0066%
CA-2099-01-0081	305.4503796	San Joaquin kit fox	Federal Endangered; State Threatened	267.8069506	87.6761%
		Giant kangaroo rat	Federal Endangered; State Endangered	71.60669189	23.4430%
		Nelson's antelope squirrel	State Threatened	29.02834678	9.5035%
		Blunt-nosed leopard lizard	Federal Endangered; State Endangered	28.53252757	9.3411%
		Temblor legless lizard	State Candidate Endangered	4.960317617	1.6239%
		Kern mallow	Federal Endangered	2.974076203	0.9737%
CA-2099-01-0095	329.169878	San Joaquin kit fox	Federal Endangered; State Threatened	281.8938726	85.6378%
		Blunt-nosed leopard lizard	Federal Endangered; State Endangered	189.4140899	57.5430%
		Nelson's antelope squirrel	State Threatened	52.4648511	15.9385%
		Giant kangaroo rat	Federal Endangered; State Endangered	40.46630041	12.2934%
		Kern mallow	Federal Endangered	6.47862277	1.9682%
		Temblor legless lizard	State Candidate Endangered	4.611689337	1.4010%
CA-2099-01-0098	520.5722815	San Joaquin kit fox	Federal Endangered; State Threatened	306.0890358	58.7986%

		San Joaquin woolythreads	Federal Endangered	159.3448731	30.6096%
		Blunt-nosed leopard lizard	Federal Endangered; State Endangered	132.5884636	25.4698%
		Giant kangaroo rat	Federal Endangered; State Endangered	9.027727026	1.7342%
CA-2099-01-0100	544.8534536	San Joaquin kit fox	Federal Endangered; State Threatened	529.6166251	97.2035%
CA-2099-01-0102	22.33347106	Blunt-nosed leopard lizard	Federal Endangered; State Endangered	15.62251815	69.9511%
CA-2099-01-0103	260.4294079	San Joaquin kit fox	Federal Endangered; State Threatened	131.9352616	50.6607%
		Blunt-nosed leopard lizard	Federal Endangered; State Endangered	17.93957319	6.8885%
		Nelson's antelope squirrel	State Threatened	9.465181838	3.6345&
CA-2099-01-0120	1832.349112	Nelson's antelope squirrel	State Threatened	1162.262306	63.4302%
		San Joaquin kit fox	Federal Endangered; State Threatened	36.10978912	1.9707%
CA-2099-01-0123	2115.565021	San Joaquin kit fox	Federal Endangered; State Threatened	821.9354376	38.8518%
		Nelson's antelope squirrel	State Threatened	327.3230311	15.4721%
		Blunt-nosed leopard lizard	Federal Endangered;	258.7532569	12.2309%

			State Endangered		
		Le Conte's thrasher	State Candidate Threatened	258.7532569	12.2309%
		Kern mallow	Federal Endangered	4.947851656	0.2339%
CA-2099-01-0133	1819.572376	San Joaquin kit fox	Federal Endangered; State Threatened	875.2377256	48.1013%
		Blunt-nosed leopard lizard	Federal Endangered; State Endangered	69.39845605	3.8140%
CA-2099-01-0134	1977.456237	San Joaquin kit fox	Federal Endangered; State Threatened	478.2595245	24.1856%
		Nelson's antelope squirrel	State Threatened	266.7923543	13.4917%
CA-2099-01-0135	161.9274042	San Joaquin kit fox	Federal Endangered; State Threatened	59.93827499	37.0155%
		Nelson's antelope squirrel	State Threatened	2.310624938	1.4270%
CA-2099-01-0136	611.6020915	Tricolored blackbird	State Threatened	0.002356344	0.0004%
CA-2099-01-0138	562.590464	San Joaquin kit fox	Federal Endangered; State Threatened	36.69027417	6.5217%
CA-2099-01-0142	494.9135905	Kern mallow	Federal Endangered	7.927648492	1.6018%
		Burrowing owl	State Candidate Endangered	6.270037959	1.2669%
CA-2099-01-0147	1008.448909	San Joaquin kit fox	Federal Endangered;	523.4493817	51.9064%

			State Threatened		
		Blunt-nosed leopard lizard	Federal Endangered; State Endangered	181.5135461	17.9993%
		Nelson's antelope squirrel	State Threatened	14.34610017	1.4226%
CA-2099-01-0149	1050.773848	San Joaquin kit fox	Federal Endangered; State Threatened	28.12797387	2.6769%
		Nelson's antelope squirrel	State Threatened	0.475835016	0.0453%
CA-2099-01-0150	239.9000109	Nelson's antelope squirrel	State Threatened	0.332233586	0.1385%
CA-2099-01-0151	1828.65451	Nelson's antelope squirrel	State Threatened	911.2880502	49.8338%
		Blunt-nosed leopard lizard	Federal Endangered; State Endangered	12.62540163	0.6904%
CA-2099-01-0153	1614.815339	San Joaquin kit fox	Federal Endangered; State Threatened	244.2283584	15.1242%
CA-2099-01-0162	482.438956	San Joaquin kit fox	Federal Endangered; State Threatened	177.076642	36.7045%
CA-2099-01-0166	141.745846	Blunt-nosed leopard lizard	Federal Endangered; State Endangered	26.84024968	18.9355%
CA-2099-01-0168	684.184007	San Joaquin kit fox	Federal Endangered; State Threatened	15.44544844	2.2575%

		Blunt-nosed leopard lizard	Federal Endangered; State Endangered	2.178955324	0.3185%
CA-2099-01-0169	237.9741916	Nelson's antelope squirrel	State Threatened	6.809174786	2.8613%
CA-2099-01-0172	630.7621584	Blunt-nosed leopard lizard	Federal Endangered; State Endangered	4.744676804	0.7522%
		San Joaquin kit fox	Federal Endangered; State Threatened	2.276563366	0.3609%
CA-2099-01-0173	484.241539	San Joaquin kit fox	Federal Endangered; State Threatened	0.12847651	0.0265%
CA-2099-01-0175	1632.912431	Blunt-nosed leopard lizard	Federal Endangered; State Endangered	484.5858445	29.6762%
		Burrowing owl	State Candidate Endangered	2.230209388	0.1366%
CA-2099-01-0178	634.5834421	Tipton kangaroo rat	Federal Endangered; State Endangered	79.34527269	12.5035%
		Tricolored blackbird	State Threatened	31.43527515	4.9537%
CA-2099-01-0180	1118.782601	Le Conte's thrasher	State Candidate Threatened	58.66571632	5.2437%
CA-2099-01-0186	233.512158	Tipton kangaroo rat	Federal Endangered; State Endangered	233.5112347	99.9996%
		Blunt-nosed leopard lizard	Federal Endangered; State Endangered	51.21030921	21.9305%

CA-2099-01-0187	1032.374484	San Joaquin kit fox	Federal Endangered; State Threatened	741.5157329	71.8262%
CA-2099-01-0188	1714.969753	San Joaquin kit fox	Federal Endangered; State Threatened	76.78098814	4.4771%
		Nelson's antelope squirrel	State Threatened	3.602862634	0.2101%
CA-2099-01-0191	1524.904687	Nelson's antelope squirrel	State Threatened	212.2498976	13.9189%
CAP106818459	652.8025126	San Joaquin kit fox	Federal Endangered; State Threatened	1.415772749	0.2169%
CAP106820777	139.9858002	San Joaquin kit fox	Federal Endangered; State Threatened	129.2811211	92.3530%

*Overlap acreage of designated critical habitat, not CNDDB occurrence data.

V. BLM must make a general conformity determination under the Clean Air Act.

The San Joaquin Valley air basin, where a majority of the proposed lease sale parcels are located, maintains the worst designation for ozone pollution in the country and has yet to attain fine particulate matter ($PM_{2.5}$) National Ambient Air Quality Standard (NAAQS).[239] On February 7, 2024, EPA strengthened the annual health-based NAAQS for $PM_{2.5}$ from a level of 12 micrograms per cubic meter to 9 micrograms per cubic meter.[240] The Valley is not expected to

[239] San Joaquin Valley Air Pollution Control Dist., Ambient Air Quality Standards & Attainment Status, https://ww2.valleyair.org/air-quality-information/ambient-air-quality-standards-valley-attainmnet-status/ (last visited Mar. 11, 2026).

[240] *See generally* EPA, Reconsideration of the National Ambient Air Quality Standards for Particulate Matter (prepublication version, signed Feb. 5, 2024); 89 Fed. Reg. 16202 (Mar. 6, 2024) (to be codified at 40 C.F.R. pts 50, 53, 58); *accord* EPA, *EPA Finalizes Stronger Standards for Harmful Soot Pollution, Significantly Increasing Health and Clean Air Protections for Families, Workers, and Communities* (Feb. 7, 2024), https://www.epa.gov/newsreleases/epa-finalizes-stronger-standards-harmful-soot-pollution-significantly-increasing.

meet the new standard even by 2032,[241] heightening the importance of further restrictions on polluting projects and activities throughout the airshed.[242]

Despite growing concerns over the lasting impacts that air pollution will have on community members, wells within the Bakersfield Field Office continue to produce the bulk of California's crude oil and main most of the state's active wells, which cause significant air pollution.[243] Despite the stark air pollution crisis in the region, BLM has never meaningfully considered the General Conformity Rule—the CAA provision that was enacted to prevent the federal government from worsening air quality in already polluted geographies—at any point in approving petroleum extraction in this region.

BLM has a responsibility to provide accurate air emissions estimates for all oil and gas development in the region, including details about the calculations and assumptions used to achieve those numbers, and to perform a conformity determination for the aggregated effects of all drilling activity. As BLM has refused calls to perform this analysis at the planning stage, conformity review at the leasing stage is necessary.

A. CAA Conformity requirements

The purpose of the Clean Air Act is "to protect and enhance" air quality in the United States.[244] To achieve this goal, states are required to submit a State Implementation Plan (SIP) to EPA that regulates the states' fulfillment of the CAA and the enforcement of the NAAQS.[245] Functionally, NAAQS work by establishing upper limits for six common criteria pollutants in order to protect public health and welfare.[246] Namely, the six criteria pollutants are: ozone (O_3), particulate matter ($PM_{2.5}$ and PM_{10}), sulfur dioxide (SO_2), nitrogen dioxide (NO_2), lead (Pb), and carbon monoxide (CO).[247] When an area is unable to comply with one or more NAAQS, the EPA designates it as "nonattainment" and requires it to abide by stricter regulations that are intended to drive the area toward attainment.[248] One such requirement for areas designated as nonattainment is that they must comply with the General Conformity Rule pursuant to United States Code section 7506(c).

The EPA promulgated its final General Conformity Rule under the CAA in 1993.[249] Under this rule, the federal government is required to conform "to an implementation plan's

[241] EPA, EPA Projects More than 99% of Counties Would Meet the Revised Fine Particle Pollution Standard (2024), https://www.epa.gov/system/files/documents/2024-02/2024-pm-naaqs-final-2032-projections-map.pdf.
[242] *See* Alejandro Lazo, *California's Pursuit of Clean Air Just Got Much Harder: New Soot Standards Set* (Feb. 7, 2024), https://calmatters.org/environment/2024/02/california-new-soot-standards ("Emissions from agriculture, energy production and goods transport are among the major sources.").
[243] Western States Petroleum Association (WSPA), *San Joaquin Valley: The Oil and Gas Industry's Production Workhorse* (2019), https://www.wspa.org/wp-content/uploads/LAEDC_regional_factsheet_SanJoaquin_v2.pdf.
[244] 42 U.S.C. § 7401(b)(1).
[245] *Id.* § 7410(a).
[246] EPA, NAAQS Table (Nov. 4, 2025), https://www.epa.gov/criteria-air-pollutants/naaqs-table.
[247] EPA, Environments and Contaminants – Criteria Pollutants (2025), https://www.epa.gov/americaschildrenenvironment/environments-and-contaminants-criteria-air-pollutants#About%20the%20Criteria%20Air%20Pollutants%20Indicators.
[248] 42 U.S.C. §§ 7407 (on area designation), 7502–7509a (on requirements for nonattainment areas).
[249] 58 Fed. Reg. 63214-01 (Nov. 30, 1993) (to be codified at 40 C.F.R. pts 6, 51, 93).

purpose of eliminating or reducing the severity and number of violations of the national ambient air quality standards and achieving expeditious attainment of such standards."[250] Specifically, the federal government may not cause new NAAQS violations, intensify the rate or severity of NAAQS violations, or interrupt the timely attainment of any NAAQS or interim milestones.[251] In other words, the federal government's actions must be consistent with a state's implementation plan and its goals for achieving attainment.

An action will trigger a formal conformity determination if it requires federal funding or approval, occurs in a nonattainment or maintenance area, exceeds federal *de minimis* levels, and is not otherwise exempt.[252] These threshold requirements constitute the applicability analysis—at the end of which the federal agency must determine whether it must support its action with a formal conformity determination.[253]

Estimating emissions for comparison with the region's *de minimis* levels is an important component of the applicability analysis. To determine whether the emissions contributed by the federal government's actions are *de minimis*, the federal agency must show that total direct and indirect emissions, combined, are below the region's stipulated thresholds.[254] Direct emissions are those that are caused by the action and indirect emissions are those that may be separated by time or space but are of the type that "the agency can practically control" and for which "the agency has continuing program responsibility."[255] All emissions must be "reasonably foreseeable," which means that they may be calculated based on reasonable assumptions regarding techniques and equipment to be used.[256]

B. The Bakersfield Planning Area is one of the most polluted places in the nation.

Vast swaths of the Bakersfield Planning Area, particularly the San Joaquin Valley, are currently designated as nonattainment for 8-hour ozone and $PM_{2.5}$ NAAQS, and as nonattainment for 1-hour ozone under state standards,[257] based on 25 monitoring stations across the Valley.[258]

In fact, recent research and data show that pollution levels are so severe that the ozone nonattainment status for counties in the Valley is designated as extreme[259]: the worst possible

[250] 42 U.S.C. § 7506(c)(1)(A).
[251] *Id.* § 7506(c)(1)(B).
[252] EPA, General Conformity Training Module 3 (2010), https://www.epa.gov/general-conformity/general-conformity-regulations-training-modules-printable-version.
[253] 40 C.F.R. § 93.152.
[254] EPA, General Conformity Training Module at 21.
[255] 40 C.F.R. § 93.152.
[256] EPA, General Conformity Training Module at 21.
[257] The 1-hour ozone NAAQS was revoked in 2005, but the San Joaquin Valley had previously been classified as extreme nonattainment. Under California standards, the Valley is classified as severe nonattainment. San Joaquin Valley Air Pollution Control Dist., Ambient Air Quality Standards & Attainment Status..
[258] San Joaquin Valley Air Pollution Control Dist., 2022 Plan for the 2015 8-Hour Ozone Standard 2-11, 2-16 (Dec. 15, 2022), https://ww2.valleyair.org/media/q55posm0/0000-2022-plan-for-the-2015-8-hour-ozone-standard.pdf (Figure 2-11: Basin Maximum 8-Hour Average Ozone Concentrations).
[259] San Joaquin Valley Air Pollution Control Dist., Guidance for Assessing and Mitigating Air Quality Impacts (GAMAQI) 29 (Mar. 19, 2015), https://ww2.valleyair.org/media/g4nl3p0g/gamaqi.pdf.

classification for ozone.[260] Currently, there are only a total of 12 counties in the entire nation that are classified at this level.[261] This means that the Valley Air Basin accounts for two thirds of our nation's most severely polluted counties in terms of ozone.

Air pollution is widely known to have serious health effects on communities. One recent study found that people living in areas with the highest pollution in California, including the Valley, experienced 51% higher risk of COVID-19 mortality compared to those living in areas with the least pollution.[262] For the nearly 3 million Californians who live within one kilometer of an oil or gas well, these health effects have acute and lasting impacts on daily life—causing some to experience dramatic challenges in completing normal daily activities.[263]

As a result of the region's ongoing struggles with air pollution and NAAQS violations, this area is often called the most polluted air basin in the country. Until the Valley sheds this label—until it achieves attainment designations for all criteria pollutants—it will be required to comply with the CAA's General Conformity Rule. While the San Joaquin Valley Air Basin continues its efforts toward providing cleaner air for its communities, BLM must ensure that any new leasing comply with the lowest *de minimis* thresholds for ozone precursors as established under the CAA: 10 tons per year (TPY) for both nitrogen oxides (NOx) and reactive organic gases (ROGs) (or VOCs).[264]

C. Oil and gas development produces significant emissions.

At every stage of oil and gas extraction—including construction, drilling, operations, maintenance, plugging, and abandonment—pollutants are released that exacerbate NAAQS violations in the Bakersfield Planning Area, cause adverse health effects to communities, and worsen the consequences of climate change.

The process of oil extraction involves industrial procedures that emit significant amounts of criteria pollutants, both intentionally and unintentionally. Specifically, oil and gas operations can produce emissions from oil production (pumping and extraction), oil handling in tanks and pipelines, well drilling and workovers, well stimulation via fracking and acidization, and the

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[260] *See* 42 U.S.C. § 7511(a)(1) (classifying areas designated as nonattainment for ozone as marginal, moderate, serious, severe, or extreme).
[261] EPA, Greenbook: Current Nonattainment Counties for All Criteria Pollutants (Feb. 28, 2026), https://www3.epa.gov/airquality/greenbook/ancl.html#Top (last visited July 30, 2026).
[262] Paul B. English et al., *Association Between Long-Term Exposure to Particulate Air Pollution with SARS-CoV-2 Infections and COVID-19 Deaths in California, U.S.A.*, 9 Env't Advances 100270 (Oct. 2022), https://doi.org/10.1016/j.envadv.2022.100270.
[263] CalGEM Scientific Advisory Panel Report at ES-4; J.L. Mernit, *The Health Hazards of California's Neighborhood Drilling*, High Country News (Apr. 13, 2021), https://www.hcn.org/articles/climate-desk-oil-the-health-hazards-of-californias-neighborhood-drilling/.
[264] 40 C.F.R. § 93.153(b); *see also* Cal. Council on Sci. & Tech., *An Independent Scientific Assessment of Well Stimulation in California*, vol. 2, ch. 3, 184 ("ROGs" refers to a California-specific defined class of species that are similar to VOCs). Because NOx is a major precursor for $PM_{2.5}$, BLM should also comply with the $PM_{2.5}$ *de minimis* threshold. San Joaquin Valley Air Pollution Control Dist., 2024 Plan for the 2012 Annual PM2.5 Standard 4-23, 5-10 (June 20, 2024), https://ww2.valleyair.org/media/gw5bacvj/2024-pm25-plan.pdf.

separation of oil and water.[265] Pollutants are released from pump seals, tank hatches, site glasses, pipe fittings, gauges, valves, pipe repairs that produce a blowdown, and a number of other common channels.[266]

Leaks are also troublingly common, with state inspectors recently identifying leaks spewing methane from dozens of wells in the Arvin-Lamont area (near Bakersfield).[267] In April 2024, residents and first responders in Bakersfield reported a leak from a nearby well site that caused symptoms including "fatigue, [a] bad headache . . . brain fog, trouble with concentration, and . . . nausea."[268] And as recently as January 2025, EPA reported seven different "super emitter" methane leaks at oil and gas sites across Kern County.[269] EPA's super emitter program reports large leaks "of 100 kilograms per hour of methane or greater" from oil and gas facilities,[270] with some of the leaks as large as 800 kilograms per hour,[271] further highlighting the extent of the crisis facing frontline communities.

Ozone precursors, NOx and VOCs, are of particular concern in this region because it is already in extreme nonattainment for ozone, as is NOx as a $PM_{2.5}$ precursor because the region is in serious nonattainment for $PM_{2.5}$. In oil operations, NOx emissions are specifically attributable to activities that depend on diesel or natural gas engines, such as drilling, workovers, fracking, and general use trucks.[272] Emissions of VOCs are also highly impacted by oil extraction, and in fact the oil and natural gas industry is the largest source of industrial VOCs in the country.[273] A recent study even found that benzene, a known carcinogen, is often leaking from abandoned wells,[274] a vast majority of which are in close proximity to buildings and homes.[275] Hazardous air pollutant (HAP) emissions are also highly significant at drilling sites and can be detected at well production, during completions and recompletions, during flaring, and from equipment leaks.[276]

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[265] Env't Def. Fund, *Filling the Void: The Value of New Technology to Reduce Air Pollution and Improve Information at Oil and Gas Sites in California* 13 (2017).
[266] *Id.*; *see also* CalGEM Scientific Advisory Panel Report at ES-14–ES-15, 4-31, 4-51–4-52.
[267] John Cox, *State Finds 27 Oil Wells Leaking Methane in Arvin-Lamont Area* (June 1, 2023), https://www.bakersfield.com/news/state-finds-37-oil-wells-leaking-methane-in-arvin-lamont-area/article_52120332-00da-11ee-b466-83e7f8b280c5.html.
[268] *See, e.g.*, Identifying Violations Affecting Neighborhoods (IVAN), List of Reports for Kern County, https://kernreport.org/report/list (multiple reports on April 3 to 5, 2024) (last visited July 30, 2026)
[269] EPA, Methane Super Emitter Data Explorer (2025), https://echo.epa.gov/trends/methane-super-emitter-program/data-explorer (last visited July 29, 2026) (search "Kern County" in the Data Explorer to get a list of methane leaks).
[270] EPA, Methane Super Emitter Program (2025), https://www.epa.gov/compliance/methane-super-emitter-program (last visited July 30, 2026).
[271] EPA, Methane Emissions Event Report (Mar. 31, 2025).
[272] Cal. Council on Sci. & Tech., An Independent Scientific Assessment of Well Stimulation in California at 186, 237, 239.
[273] EPA, Controlling Air Pollution from the Oil and Natural Gas Industry (Sep. 10, 2025), https://www.epa.gov/controlling-air-pollution-oil-and-natural-gas-industry/basic-information-about-oil-and-natural-gas (last visited July 29, 2026).
[274] Dominic C. DiGiulio et al., *Chemical Characterization of Natural Gas Leaking from Abandoned Oil and Gas Wells in Western Pennsylvania*, 8 ACS Omega no. 22, 19448 (2023), https://doi.org/10.1021/acsomega.3c00676.
[275] Liza Gross, *Abandoned Oil and Gas Wells Emit Carcinogens and Other Harmful Pollutants, Groundbreaking Study Shows*, Inside Climate News (June 6, 2023), https://insideclimatenews.org/news/06062023/abandoned-oil-gas-wells-health/.
[276] Earthjustice, Petition to the EPA: EPA Must List Oil and Gas Wells and Associated Equipment as an Area Source Category and Set National Air Toxics Standards to Protect Public Health (May 13, 2014) at 26–29.

By one estimate, total fuel chain emissions from California-refined oil between 2013 and 2017 produced around 75.9 metric tons of $PM_{2.5}$ and were responsible for more than 8,000 deaths.[277]

Oil and gas regions can experience spikes in emissions where dramatic increases can occur in just a few minutes. These spikes can amount to emissions in the wheelhouse of "a thousand or more wells in routine operation" occurring simultaneously.[278] Such is the case during the region's recent "super emitter" leaks in Kern County, discussed above.

Other times, delinquent operators have failed to prevent, stop, or report crude oil spills and have failed to fix corroded equipment and problem wells for years, adding additional air pollution.[279] Even the state agency responsible for enforcing compliance with regulations at extraction sites, CalGEM, admits that it is unable to "prosecute enforcement actions in a timely manner" or to "adequately protect the health and safety of the citizens of the state."[280]

In the area with the worst ozone designation under the CAA, actions that have the potential to contribute to the ambient pollution of ozone precursors must be scrutinized carefully at the leasing stage. Oil extraction in California emits significant pollution at every step of the process, and our state lacks the resources to ensure compliance with basic health and safety measures as they exist now—allowing significant deterioration of machinery and leaks to go unnoticed. The General Conformity Rule's exception for *de minimis* emissions, which recognizes that some actions do not significantly contribute to emissions and should therefore be exempted, cannot apply to activities that promise to contribute significantly to air pollution concerns in the San Joaquin Valley such as well drilling—which BLM has failed to show fall below *de minimis* levels.

VI. BLM may not rely on the so-called energy emergency in its oil and gas leasing.

Evidence does not support the existence of a "national energy emergency" as declared in Executive Order 14156, 90 Fed. Reg. 8433 (Jan. 29, 2025), or the associated emergency procedures set forth in the "Alternative Arrangements for NEPA Compliance."[281] For detailed discussion as to why the declaration of a national energy emergency is unjustified and why BLM

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[277] Greg Karras, *Decommissioning California Refineries: Climate and Health Paths in an Oil State* 22-25 (July 2020), https://www.cbecal.org/wp-content/uploads/2020/07/Decomm-CA-Refineries-July2020.pdf (compiling deaths attributable to chronic exposure to $PM_{2.5}$, and excluding deaths related to other pollutants and indirect emissions such as wildfires).

[278] David T. Allen, *Emissions from Oil and Gas Operations in the United States and their Air Quality Implications*, 66 J. AIR & WASTE MGMT. ASSN 549, 558 (June 1, 2016), https://www.tandfonline.com/doi/full/10.1080/10962247.2016.1171263.

[279] Janet Wilson, *Are California Oil Companies Complying with the Law? Even Regulators Often Don't Know*, ProPublica (Mar. 22, 2021), https://www.propublica.org/article/are-california-oil-companies-complying-with-the-law-even-regulators-often-dont-know.

[280] *Id*.

[281] *See* Dep't of the Interior, Alternative Arrangements for NEPA Compliance (Apr. 2025), https://www.doi.gov/sites/default/files/documents/2025-04/alternative-arrangements-nepa-during-national-energy-emergency-2025-04-23-signed_1.pdf; Press Release, Dep't of the Interior, *Department of the Interior Implements Emergency Permitting Procedures to Strengthen Domestic Energy Supply* (Apr. 23, 2025), https://www.doi.gov/pressreleases/department-interior-implements-emergency-permitting-procedures-strengthen-domestic [collectively, "Emergency Procedures"] (last visited July 29, 2026).

cannot use the Emergency Procedures for leasing, please refer to the May 16, 2025, letter submitted to the Secretary of the Interior, which this comment letter incorporates by reference.[282]

As discussed in detail in that letter, the Emergency Procedures are unlawful for numerous reasons, including that: (1) they are premised on the baseless and unsupported declaration of a "national energy emergency"; (2) they conflict with the Department of the Interior's NEPA regulation on emergency responses; (3) they violate the Department's public participation obligations; (4) they fail to conform to the requirements for APA notice and comment rulemaking; and (5) they are inconsistent with the timeframes and participation periods mandated by BLM's oil and gas leasing regulations. The Department must clarify that the Emergency Procedures cannot be used to approve onshore oil and gas leasing because, among other reasons, they are inconsistent with the timeframes and participation periods mandated by 43 C.F.R. § 3120.42(b). As currently in effect, BLM's regulation contains no exceptions and requires BLM to provide a 30-day scoping period, 30-day comment period, a Notice of Competitive Lease Sale at least 60 calendar days prior to the lease auction, and a 30-day protest period following the posting of the Notice of Competitive Lease Sale. The Emergency Procedures are inconsistent with these requirements and thus cannot be used to approve onshore oil and gas leasing.

Despite the unlawfulness of doing so, BLM has relied on the so-called energy emergency in its oil and gas leasing process. BLM's recently issued Instruction Memorandum (IM) 2025-028 directs the agency to offer for lease "all eligible parcels"—regardless of leasing preference designation—based on the national energy emergency declaration.[283] This IM is unlawfully directing BLM offices to offer parcels for lease irrespective of conflicts with wildlife habitat, cultural resources, or the other issues identified in the agency's leasing preference criteria,[284] premised on the unlawful national energy emergency. In accordance with this directive, BLM has in some instances elected to move forward all eligible parcels even after designating all of them as low preference for leasing based on conflicts with conservation values.[285] As discussed in more depth below, to comply with the agency's obligations pursuant to its own leasing regulations and the statutory requirements of FLPMA and NEPA, BLM must rescind this IM and disregard its invalid directives for this lease sale.[286]

VII. BLM may not rely on IM 2025-028, which undercuts its obligations under NEPA and FLPMA.

In direct tension with its regulations, BLM's recently released IM 2025-028 mandates that the agency move forward all "eligible" parcels for leasing regardless of their preference

[282] *See* Letter from Earthjustice et al. to Doug Burgum, Secretary of the Interior on Department of the Interior Emergency NEPA Procedures (May 16, 2025).[282]
[283] BLM, Instruction Memorandum (IM) 2025-028, Oil and Gas Leasing – Land Use Planning and Lease Parcel Reviews 5 (May 8, 2025).
[284] *See* 43 C.F.R. § 3120.32.
[285] *See, e.g.*, BLM Pecos District Office, Competitive Oil and Gas Lease Sale Environmental Assessment, New Mexico Quarter 2 2026 DOI-BLM-NM-P000-2026-0001-EA 187–89 (Mar. 2026); BLM Farmington Field Office, Competitive Oil and Gas Lease Sale Environmental Assessment, New Mexico Quarter 2 2026 DOI-BLM-NM-F010-2026-0001-EA C-1 (Mar. 2026).
[286] *See* discussion *infra* Section VII.

designation.[287] The IM's directive is unlawful not only because it roots the command to offer all parcels in the illegitimate energy emergency declaration,[288] but also because: (a) the IM conflicts with BLM's legal requirements; and (b) it represents a substantive agency rule that requires, but did not receive, notice and comment under the APA.

First, the IM conflicts with BLM's obligations under FLPMA and NEPA. BLM's eligibility determination is general and performed before BLM has examined what specific resource conflicts might exist for nominated parcels. BLM cannot ascertain those conflicts until it conducts the environmental analysis and examines resource conflicts for the specific parcels at issue for a particular sale. Thus, the IM's directive to move forward all "eligible" parcels binds the agency to offering parcels for lease irrespective of their resource conflicts. This violates BLM's obligations under FLPMA.

The IM also fails to recognize that lands must not only be "eligible" for leasing but also "available." By requiring that all lands BLM determines are "eligible" be leased, without also determining whether acreage is "available," the IM violates both the MLA and the agency's own regulations, as currently in effect.[289]

Indeed, BLM has recognized the importance of retaining the ability to defer parcels after conducting its environmental review. Pursuant to the Leasing Rule, "[w]hen determining *whether* the BLM should offer lands specified in an expression of interest at lease sales, the BLM *will evaluate* the [agency's] *obligations* to manage public lands for multiple use and sustained yield and to take any action required to prevent unnecessary or undue degradation of the lands and their resources."[290] During the scoping process, BLM must evaluate what lands to offer based on the preference criteria.[291] This means BLM's own regulations require the agency to retain discretion after scoping to determine whether to offer—or defer—certain lands. Otherwise, BLM cannot fulfill its multiple use and sustained yield obligations under FLPMA or account for resource conflicts with industry-nominated parcels. BLM discussed this need in the final Leasing Rule, explaining that it "changed the 'shall' to 'may'" in 43 C.F.R. § 3120.11, which now states that "[a]ll lands eligible and available for leasing may be offered for competitive auction."[292] The agency did so "to clarify that the Secretary retains the discretion to decide, *even after lands have been determined to be eligible and available*, what lands will ultimately be offered for lease."[293]

To meet its legal mandates under FLPMA, BLM must maintain the ability to defer lease parcels that involve resource conflicts.[294] For example, as discussed above, BLM offices must

[287] IM 2025-028 at 6.
[288] *See id.*; discussion *supra* Section VI.
[289] *See* 30 U.S.C. 226(b)(1)(A) ("Lease sales shall be held for each State where eligible lands are *available* at least quarterly and more frequently if the Secretary of the Interior determines such sales are necessary." (emphasis added)); *see also* 43 C.F.R. § 3120.11 ("All lands eligible *and available* for leasing *may be offered* for competitive auction . . . ." (emphases added)).
[290] 43 C.F.R. § 3120.32 (emphases added).
[291] *See id.*
[292] 89 Fed. Reg. 30916-01, 30985 (Apr. 23, 2024) (to be codified at 43 C.F.R. pts. 3000, 3100, 3110, 3120, 3130, 3140, 3150, 3160, 3170, 3180).
[293] *Id.* at 30945 (emphasis added).
[294] *See* discussion *supra* Section II.A-B.

retain the discretion to defer nominated parcels due to conservation conflicts such as conflicts with ACECs.[295]

By supporting use of Determinations of NEPA Adequacy (DNAs),[296] the IM also undercuts BLM's mandate under NEPA to take a "hard look" at environmental impacts. The IM endorses the use of a DNA where the "proposed leasing action is adequately analyzed in an existing NEPA document and is in conformance with the approved RMP."[297] But, as discussed earlier, BLM's EAs are often tiered to severely outdated RMPs.[298] Relying on such outdated RMPs to justify a DNA would violate NEPA's hard-look requirement, in addition to the requirements under NEPA and FLPMA to avoid relying on old or stale environmental analysis.

The IM's directive to use a DNA and forego additional NEPA analysis is particularly problematic given that the agency has engaged in a practice of conducting abbreviated NEPA analyses that fail to meet BLM's obligations. In some recent EAs, for example, the agency has analyzed most of the issues "in brief," rather than analyzing issues in depth for specific resource conflicts based on the scoping parcels.[299]

Curtailing NEPA analysis at the leasing stage is undermined by BLM's pattern and practice of deferring analysis to the permitting stage and then failing to properly conduct that analysis. For example, in the recent Colorado Third Quarter 2025 Draft EA, BLM failed to conduct any analysis of site-specific big game impacts, deferring review to the Application for Permit to Drill (APD) stage.[300] BLM also deferred detailed analysis on vegetation issues.[301] In other lease sale EAs, BLM has punted analysis of recreation impacts,[302] socioeconomic impacts,[303] and groundwater impacts.[304] BLM "cannot escape" proper analysis at the leasing stage "by claiming that a more precise analysis is not feasible and promising a more probing review of the site-specific effects at the APD stage."[305]

Moreover, during the APD process itself, BLM regularly fails to conduct the analysis it claims must wait for the permitting stage. BLM has a practice of issuing drilling permits without any opportunity for public comment on the underlying EA and without providing any

[295] *See* discussion *supra* Section II.C.
[296] *See* IM 2025-028 at 5.
[297] *Id.*
[298] *See* discussion *supra* Section III.D.; *see also, e.g.*, BLM, Pecos District Office Oil and Gas Lease Sale Environmental Assessment, Eddy and Roosevelt Counties, New Mexico, Quarter 4 2025, DOI-BLM-NM-P000-2025-0001-EA, at 2 (Apr. 2025) (relying on RMPs from as far back as 1997 and 1988).
[299] *See, e.g.*, BLM Farmington Field Office, Competitive Oil and Gas Lease Sale Environmental Assessment, Quarter 2 2026 DOI-BLM-NM-F010-2026-0001-EA i (Mar. 20, 2026) (analyzing all but three issues "in brief"); BLM Pecos District Office, Oil and Gas Lease Sale Environmental Assessment, New Mexico, Quarter 4 2025, DOI-BLM-NM-P000-2025-0001-EA i–ii (Apr. 2025) (analyzing all but four issues "in brief").
[300] BLM, DRAFT Environmental Assessment Quarter 3 2025, DOI-BLM-CO-0000-2025-0001-EA E-12 (Mar. 14, 2025) ("[I]n-depth analyses will be conducted as necessary once an action is proposed . . . .").
[301] *See id.* at E-5–E-6.
[302] BLM, Environmental Assessment DOI-BLM-WY-000-2025-0001-EA, 2025 Third Quarter Competitive Lease Sale 12 (Apr. 2025).
[303] *Id.* at 76.
[304] *See, e.g.*, BLM, Environmental Assessment DOI-BLM-WY-000-2021-0003-EA, 2022 Second Quarter Competitive Lease Sale 42 (Apr. 2022).
[305] *Wilderness Soc'y*, 2024 WL 1241906, at *17 (citation modified).

environmental analysis on the drilling project. In fact, BLM routinely issues APDs without first providing the EAs, decision records, or any notice that the APDs have already been approved until well after the approval date, leaving the public completely in the dark on the decision-making process.

BLM's Automated Fluid Minerals Support System (AFMSS) has repeatedly reported approving APDs *before* BLM has released the EAs and decision records. (AFMSS includes only basic well information and does not provide EAs or decision records, so the public has no way of understanding how or why BLM issued the approvals.) BLM, in several instances, has then released the EAs and decision records for the APDs on its National NEPA Register site months or *years* after they were apparently approved. In one instance, BLM posted basic well information on its National NEPA Register website for four APDs in March 2022. In early August 2022, the website reported after the fact that three of the four APDs were *previously approved* as of August 8, 2022, otherwise providing only basic well information with no EA or decision record. *Nearly two years later*, in April 2024, BLM posted the EA and decision record on the National NEPA register website.[306]

This practice of releasing environmental documents on the National NEPA Register site months or even years after they were apparently approved is common. For example, in the Bakersfield Field Office, BLM approved an APD package of 50 wells in July 2021 and did not post its DNA—which was dated November 2021—until August 2025, over *four years later*.[307] In addition, in the Carlsbad Field Office, the EA, Finding of No Significant Impact (FONSI), and Decision Record Documents were released on the National NEPA Register on February 8, 2024, but the documents were dated December 20, 2024. Given that this timing does not make sense, and therefore assuming that the document was incorrectly dated 2024 instead of December 2023, these documents were posted two months *after* their approval date. The posted documents have no dates or signatures authorizing the Decision Records or FONSI to verify if the opportunity to comment took place. These nine APDs from operator COG Operating LLC are labelled as "Completed" for the EA, even with no published decision date.[308] In another example out of the Carlsbad Field Office in New Mexico, on February 21, 2025, BLM posted the EA, a FONSI, and Decision Record for APDs for 39 horizontal oil and gas wells from the operator EOG Resources, Inc.[309] In this instance, BLM released the EAs and decision records for these APDs on its National NEPA Register site the day after the decision date.[310] This is a prevalent issue in

[306] *See* BLM, BLM National NEPA Register, DOI-BLM-CA-C060-2022-0065-EA, https://eplanning.blm.gov/Project-Home/?id=68b004d1-a7f2-f011-8407-001dd806295a (navigate to "Documents" page, then navigate to "NEPA" tab) (showing EA and decision record dated August 2, 2022, with the release date nearly two years later, on April 11, 2024) (last visited May 4, 2026).
[307] *See* BLM, BLM National NEPA Register, DOI-BLM-CA-C060-2021-0074-DNA, https://eplanning.blm.gov/Project-Home/?id=56ddbacb-a7f2-f011-8406-001dd802fdea (navigate to "Documents" page, then navigate to "NEPA" tab) (last visited May 4, 2026).
[308] *See* BLM National NEPA Register, DOI-BLM-NM-P020-2024-0438-EA, https://eplanning.blm.gov/eplanning-ui/project/2030996/570 (compare Project Home page, which is missing a decision date, and then navigate to "Documents" page, which contains decision record and environmental review documents) (last visited July 31, 2026).
[309] *See* BLM, BLM National NEPA Register, DOI-BLM-NM-P020-2024-1325-EA, https://eplanning.blm.gov/eplanning-ui/project/2034305/510 (navigate to "Documents" page, then navigate to "NEPA" tab) (last visited May 4, 2026).
[310] *See id.* (Project Home page showing Decision Date of February 20, 2025).

Wyoming as well. For example, in the Casper Field Office, on February 23, 2024, BLM released the EA, FONSI, and Decision Record in one document for seven horizontal oil and gas wells from one multi-well pad from the operator, 1876 Resources, LLC. The decision date posted on the National NEPA Register is also February 23, 2024.[311]

The agency has also approved APDs a day to a week after posting notice of the application, leaving no time for the public to learn about the application, let alone review and comment on it.[312]

In summary, BLM's failures to adequately review environmental impacts, in addition to its failures to provide opportunity for public comment and to release environmental documents, mean that the analyses BLM punts from the leasing stage to the APD stage are woefully inadequate (or never take place at all). As such, BLM cannot use a DNA for this lease sale or defer environmental analysis to the APD stage.

Moreover, the IM prohibits BLM from satisfying its requirement under NEPA to analyze a reasonable range of alternatives because the agency is required to consider only the no-action alternative and a full-leasing alternative.[313] The IM thus unlawfully (and impractically) constrains BLM's ability to realize its statutory and regulatory obligations.

Second, the IM is akin to a "substantive agency rule . . . that carries the force and effect of law" by creating new obligations.[314] "'The critical factor' in determining whether a directive constitutes a general statement of policy is 'the extent to which the challenged [directive] leaves the agency, or its implementing official, free to exercise discretion to follow, or not to follow, the [announced] policy in an individual case.'"[315]

IM 2025-028 appears to leave the agency and its offices no discretion to defer parcels or consider any other leasing alternative. Moreover, as noted, the IM directly conflicts with BLM's Leasing Rule. The IM's prescriptions render the leasing preference criteria a meaningless paperwork exercise, nullifying the agency's own regulatory requirements. Accordingly, the agency was required to undergo notice-and-comment procedures pursuant to the APA for this IM but failed to do so.

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[311] *See* BLM, BLM National NEPA Register, DOI-BLM-WY-P060-2024-0034-EA, https://eplanning.blm.gov/eplanning-ui/project/2030779/570 (navigate to "Documents" page, then navigate to "NEPA" tab) (last visited May 4, 2026).

[312] *See, e.g.*, BLM, BLM National NEPA Register, DOI-BLM-CA-C060-2022-0046-EA, https://eplanning.blm.gov/Project-Home/?id=e1b104d1-a7f2-f011-8407-001dd806295a (navigate to "Documents" page, then navigate to "NEPA" tab) (last visited May 4, 2026).

[313] *See* IM 2025-028 at 6; discussion *supra* Section III.B.

[314] *See W. Watersheds Project v. Zinke*, 441 F. Supp. 3d 1042, 1067 (D. Idaho 2020), *aff'd in part, rev'd in part on other grounds and remanded sub nom. Mont. Wildlife Fed'n v. Haaland*, 127 F.4th 1 (9th Cir. 2025) (citing *Sacora v. Thomas*, 628 F.3d 1059, 1070 (9th Cir. 2010) (holding that interpretative rules cannot be "inconsistent with" existing laws or "impose new rights or obligations")).

[315] *W. Watersheds Project v. Zinke*, 441 F. Supp. 3d at 1067 (alterations in original) (quoting *Mada-Luna v. Fitzpatrick*, 813 F.2d 1006, 1013 (9th Cir. 1987)).

VIII. BLM's analysis must account for proposed changes to federal oil and gas regulations.

BLM proposed significant changes to regulations related to oil and gas leasing earlier this year. [316] BLM rule amendments are aimed expressly at "Unleashing American Energy" at the behest of Executive Orders. These changes would change the extent and severity of environmental harm resulting from the proposed lease sales. Accordingly, BLM must account for the foreseeable impacts that these rulemakings will cause. If the rulemakings are not final at the time BLM conducts its environmental review, BLM should provide a range of severity of impacts to account for the potential rule changes, or analyze them under a separate alternative.

For example, the proposed regulations would drastically restructure fees, making it much less expensive for operators to obtain leases, while making it much more expensive for the public to file protest letters.[317] BLM also proposes to eliminate two 30-day comment periods during the leasing process,[318] which will deprive agency of input from experts and communities directly impacted by these leases.

BLM also proposes removing "federally recognized Tribes, and underserved communities" as part of BLM's considerations in mitigating adverse impacts.[319] BLM must disclose that impacts this change will have on tribes and communities close to the proposed leases.

BLM's proposed rulemaking would also lower statewide bonding amounts for operators to a mere $10,000 for individual leases and $25,000 for statewide bonding.[320] These requirements amount to a small fraction of the actual remediation costs of a lease. California's state oil and gas regulator notes that recent plugging projects have cost $220,000to $900,000 per well.[321] Individual operators in the state, after declaring bankruptcy, have left the public with tens of millions of dollars' worth of cleanup costs.[322] Failure to impose adequate bonding will lead to extended period of wells sitting unplugged and idle. One study found that one third of unplugged idle wells in California were leaking detectable levels of methane.[323] The failure to impose adequate bonding will also lead to more taxpayer spending on plugging activity that should be borne by the operator. California has already allocated hundreds of millions of public funds toward plugging orphaned wells in the state, and there are still thousands more identified orphan wells that must be plugged.

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[316] 91 Fed. Reg. 38084 (proposed June 24, 2026) (to be codified at 43 C.F.R. pts. 3000, 3100, 3110, 3120, 3130, 3140, 3150, 3160, 3180).
[317] *Id.* at 38087–96.
[318] *Id*. at 38103.
[319] *Id.* at 38097.
[320] *Id.* at 38099.
[321] Cal. Dep't of Conservation, *Oil and Gas Environmental Remediation Account* at 5, Budget Request Name 3480-081-BCP-2025-MR (Mar. 2025).
[322] *See, e.g.*, Suppl. Statement In Support of Protective Proof of Claim of CalGEM at 7, 12, *In re Griffin Res.*, No. 1:24-bk-12873 (E.D. Cal. Apr. 16, 2025) (CalGEM claiming more than $35 million in costs attributable to Debtor's well cleanup).
[323] Lebel, E., *Methane Emissions from Abandoned Oil and Gas Wells in California*, *Env't Sci. & Tech.*, Vol. 54, 14619 (2020).

In addition, BLM is proposing a rule to lower royalty rates and rescind pollution control requirements for operations on public lands.[324] The rule would eliminate the requirement to submit a waste minimization plan with any application for a permit to drill or self-certify that the operator will capture 100 percent of oil-well gas produced by an oil well.[325] The proposed rule also eliminates certain leak detection and repair (LDAR) requirements that will, by BLM's calculations, result in an additional 555,000 Mcf of gas that would otherwise be captured.[326]

BLM further proposes to eliminate limits on royalty-free flaring.[327] The rule rescission will have outsized impacts in California, which has a high intensity of methane emissions from oil fields, according to satellite data.[328] Operators in the San Joaquin Basin release 18 tons of methane per hour.[329] Fugitive methane amounts to 13.1% of marketed gas produced in the San Joaquin Basin.[330] Leases in this area in particular will likely result in disproportionately high methane leaks, and operators may take advantage of BLM's royalty-free flaring rule to a greater extent than elsewhere.

BLM also lowered the general royalty rate from 16.67% to 12.5%.[331] This extra financial incentive may result in more bidding on leases, more drilling, and greater environmental degradation than under the previous higher royalty rate. BLM must account for these changes in its evaluation of the lease sales.

IX. BLM must disclose its use of artificial intelligence (AI) for any components of this scoping process.

BLM must disclose any use of AI throughout this lease sale process, and if AI is used, BLM must describe the AI tools employed and explain how the agency has used them.

While AI can be used appropriately to improve agency efficiency, its use must be properly moderated and disclosed such that the public has the opportunity to identify and correct errors. FLPMA, NEPA, BLM's regulations, and case law emphasize rigorous public engagement in all public lands processes, including leasing.[332] The disclosure of the use of AI is essential to a transparent and rigorous public engagement process. And while high volumes of comments

[324] 91 Fed. Reg. 37906-01 (proposed June 24, 2026) (to be codified at 43 C.F.R. pts. 3160, 3170).
[325] *Id.* at 37911.
[326] *Id.*at 37910.
[327] *Id.*
[328] Env't Def. Fund, *MethaneSAT Reveals High Emissions Intensity in California's San Joaquin Basin* (June 25, 2026), https://www.methanesat.org/project-updates/methanesat-reveals-high-emissions-intensity-californias-san-joaquin-basin.
[329] *Id.*
[330] Env't Def. Fund, *Project Update: First Look at a System Wide View*, MethaneSAT (Feb. 2, 2026), https://www.methanesat.org/project-updates/first-look-system-wide-view (last visited July 29, 2026) ("Gas-normalized methane intensity" chart).
[331] 91 Fed. Reg. 23,017 (Apr. 29, 2026).
[332] *See, e.g.*, 43 U.S.C. § 1702(d) (defining "public involvement" to mean "the opportunity for participation by affected citizens in rulemaking, decisionmaking, and planning with respect to the public lands, including public meetings or hearings held at locations near the affected lands, or advisory mechanisms, or such other procedures as may be necessary to provide public comment in a particular instance"); *Haaland*, 127 F.4th at 41 (citing NEPA's requirement that the public have the "ability to provide 'meaningful' input into the agency's decision"); 43 C.F.R. § 3120.42(a)–(b), (d) (providing several opportunities for public comment and input throughout the leasing process).

certainly could leave an agency searching for efficiency-improving measures, BLM should be aware that the practice of AI-generated response to comments erodes the public trust that the NEPA process is designed to cultivate.[333]

Any undisclosed use of AI could render BLM's leasing process unlawful. Courts have interpreted the arbitrary and capricious language to require reasoned decision-making from the agency.[334] When agencies rely on computer-generated results, like computer models, courts have long held that "ultimate responsibility for the policy decision remains with the agency rather than the computer."[335] Courts have also specified that agencies must respond to comments "in a reasoned manner."[336] Using AI without sufficient human oversight to respond to relevant comments may not fulfill an agency's legal duty of consideration because AI does not think in a reasoned manner. To the extent that BLM uses AI in this scoping process—or intends to use it in the remainder of the lease sale process—without explaining the assumptions and methodology behind that use, any action taken will be unlawful under the arbitrary and capricious standard.

To the extent that BLM uses AI in this leasing process, it is consequently obligated to document its use and any relevant inputs and outputs for the public. In addition, given the rapid and developing use of AI and the importance of the associated obligations concerning its proper use and disclosure, BLM cannot reasonably remain silent on the use of AI in leasing even where no such product was used. In sum, to ensure public confidence in BLM's compliance with NEPA requirements, and judicial confidence in their ability to review a complete record, BLM should confirm whether it will use AI tools throughout this leasing process. The public is entitled to know whether the absence of information on the agency's use of AI is because none was in fact used, or whether it will be used, and how.

X. Conclusion.

We appreciate your consideration of these comments. We look forward to seeing an adjusted list of parcels and a thorough environmental review to ensure adequate protection of sensitive sites and public health. Should you have any questions, please do not hesitate to contact us.

If you have any questions about this protest letter and comments, you may reach out to any of us directly or contact Elizabeth Fisher (efisher@earthjustice.org) or Cooper Kass (ckass@biologicaldiversity.org) who helped prepare this submission.

Respectfully submitted,

[333] *Cf.* Off. of Mgmt. & Budget, Exec. Off. of the President, Memorandum M-25-21, Accelerating Federal Use of AI through Innovation, Governance, and Public Trust 13 (Apr. 3, 2025) (noting that while "[a]gencies must continue to develop AI that serves the public by . . . increasing government efficiency," "[a]gencies must ensure their AI use is trustworthy, secure, and accountable").
[334] *See, e.g.*, *Fox v. Clinton*, 684 F.3d 67, 74–75 (D.C. Cir. 2012).
[335] *Sierra Club v. Costle*, 657 F.2d 298, 334 (D.C. Cir. 1981).
[336] *Conf. of State Bank Supervisors v. Off. of Thrift Supervision*, 792 F. Supp. 837, 846 (D.D.C. 1992).

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Addendum 2

Voices in Solidarity Against Oil in Neighborhoods et al.
Comments on Draft Environmental Assessment for the California Bureau of Land Management December 2026 Competitive Oil & Gas Lease Sale, Docket No. DOI-BLM-CA-C060-2026-0090-EA) (Sept. 18, 2026).

September 18, 2026

SUBMITTED VIA E-PLANNING

Joseph Stout
BLM California State Director
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Matthew Thomas
BLM Project Contact
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Re: Comments on Draft Environmental Assessment for the California Bureau of Land Management December 2026 Competitive Oil & Gas Lease Sale (DOI-BLM-CA-C060-2026-0090-EA).

Dear Director Stout and Mr. Thomas:

The undersigned organizations hereby submit these comments on the draft environmental assessment (EA) for the Bureau of Land Management's (BLM's) California December 2026 Oil and Gas Lease Sale. Our organizations and our members and supporters are deeply invested in sound stewardship of public lands and committed to ensuring that public land management prioritizes the health and resilience of ecosystems, benefits the public and local communities, protects biodiversity, maintains low-impact recreational access, and mitigates the impacts of climate change.

The National Environmental Policy Act (NEPA) establishes a public comment process intended to ensure meaningful input *before* government agencies make any final decisions. Here, the timing and contents of BLM's draft EA illustrate that the agency has already made its decision, intends to lease roughly 36,000 acres substantially overlapping with the initial parcel list regardless of public comments and regardless of environmental impacts, and is only going through the motions of complying with NEPA as a box-checking exercise. The resulting lease sale will jeopardize public health in violation of the terms of the governing Resource Management Plans and the Federal Land Policy and Management Act (FLPMA), compromise the integrity of cherished places like Carrizo Plain National Monument, and imperil threatened species and habitat.

BLM Ignored Scoping Comments

During the "scoping" period that just ended on August 1, members of the public provided input on the preliminary parcel list and raised serious concerns, including that

- 21 out of the initial 50 parcels (nearly 4,000 acres) are located in Senate Bill 1137 (SB 1137) health protection zones and may not be leased under the terms of the governing resource management plans;
- 11 of the initial parcels either adjoin or are located within 1 mile of the Carrizo Plain National Monument;

- 12 of the initial parcels overlap or adjoin Areas of Critical Environmental Concern (ACECs), including the Chico Martinez, Kettleman Hills, Lokern-Buena Vista, and Panoche-Coalinga ACECs;
- 1 parcel overlaps the state-managed Lokern Ecological Reserve; and
- At least 35 of the initial parcels overlap with habitat for species protected under the federal Endangered Species Act or the California Endangered Species Act.

Instead of giving meaningful consideration to such comments, BLM relied on generative artificial intelligence to process the comments and rushed forward with releasing a draft environmental assessment a mere 21 days after the close of the scoping comment period. While BLM claims that human staffers reviewed all comments to verify the work of AI, the resulting EA is inconsistent with BLM's claims and does not reflect appropriate consideration of these scoping comments.

Leasing Low-Priority Parcels Violates FLPMA.

BLM has a duty under FLPMA to manage public lands for multiple use and sustained yield and prevent unnecessary or undue degradation of such lands and their resources. Under FLPMA, BLM must give leasing preference to lands that would not impair the functioning of important fish and wildlife habitats or connectivity areas, recreation, cultural resources, and other important uses or resources like wilderness areas and national monuments. BLM admits that all of the lease sale parcels have a low leasing preference under FLPMA due to their high biodiversity and recreation values. In other words, *all* of these parcels are worth preserving and BLM should not move forward with leasing *any* of them.

The Lease Sale Poses Serious Risks to Public Health.

A growing body of science confirms the public health risks of exposure to pollution from oil and gas activities, including that the risks increase in proximity to oil and gas operations, such that a minimum 3,200-foot buffer zone is critical to protect public health. Additionally, the impacts of pollution are greater on children, as their brains are still developing. The governing resource management plans recognize the need to prohibit drilling where it will cause a risk to public health and safety and impose a ban on oil and gas activities closer to existing uses than allowed by law.

For these reasons, BLM's decision to ignore scoping comments regarding SB 1137 and proceed with plans to lease thousands of acres in health protection zones is illegal and unconscionable. Among other sensitive locations, the lease sale parcels include Maricopa elementary, middle, and high schools, and their development will expose schoolchildren to unhealthy levels of pollution.

BLM also admits that approximately 352 feet of the Butterfield Overland National Historic Trail crosses through one of the lease sale parcels. Rather than taking proper action to mitigate this health risk, it offers a hypothetical non-solution by stating it will "reserve the right to prohibit" oil and gas infrastructure within a 250-foot buffer of the trail. While implementing such limitation could help mitigate historical values, a potential 250-foot buffer is insufficient to protect trail users, given the science on the risks of proximity to oil and gas drilling.

Accordingly, BLM must remove those parcels located within SB 1137 health protection zones from the lease sale, including the parcel impacting the Butterfield trail.

The Lease Sale Threatens Protected Lands and Public Recreation.

BLM admits that three parcels are adjacent to Lands with Wilderness Characteristics (Temblor Unit of the Carrizo Plain National Monument), such that adverse impacts may occur to these lands if the leases are developed. BLM also admits that two of these parcels are located within the Carrizo Plain National Monument's potential viewshed, such that development could cause changes to landscape characteristics.

Likewise, BLM admits that 11 parcels overlap with the Temblor Special Recreation Management Area (Temblor SRMA), but defers a full analysis of impacts and mitigation. Instead, BLM says it will impose a lease sale condition that future drilling "shall not significantly and adversely impact natural resources or existing recreation opportunity[ies]," whereas the applicable resource management plans actually require BLM to ban fluid mineral activities that adversely impact recreation.

Similarly, BLM's equivocal approach to addressing health impacts related to the Butterfield trail (discussed above) also conflicts with the resource management plans' ban on fluid mineral activities that adversely impact recreation.

These risks to our public lands are unacceptable, and BLM must remove these parcels from the lease sale.

The Lease Sale Imperils Sensitive Species and Ecosystems.

The draft EA admits that one lease sale parcel is located in red-legged frog critical habitat and there is a "high" probability that other protected species (blunt-nosed leopard lizard, San Joaquin kit fox, San Joaquin antelope squirrel, and/or temblor legless lizard) are present on 20 of the 44 parcels (Units 3 and 4 and the Kettleman Outlier parcel). Importantly, the San Joaquin kit fox is an umbrella species, according to the *Recovery Plan for Upland Species of the San Joaquin Valley, California*, meaning the protection of this species and its habitat contributes to ensuring the health of many others in the upland San Joaquin Valley ecosystem. BLM admits that parcels in Units 3 and 4 have a high likelihood of San Joaquin kit fox occurrence, and an additional 13 parcels in Unit 2 and the Fresno County Outlier parcel have a medium likelihood. BLM must remove all 34 of these parcels with such strong biodiversity values from the lease sale.

BLM Failed to Consider Reasonable Alternatives.

BLM must consider a reasonable range of alternatives to the proposed lease sale. Here, BLM claims that it considered deferring nine of the parcels listed above due to their proximity to the Carrizo Plain National Monument or the Lokern-Buena Vista ACEC, but it acted improperly by refusing to conduct a detailed analysis of this alternative. BLM also should have considered—

- Deferring the additional parcels mentioned above that fall within or near the Carrizo Plain National Monument and Lokern-Buena Vista ACEC;
- Deferring parcels within or adjoining the Chico Martinez, Kettleman Hills, Lokern-Buena Vista, and Panoche-Coalinga ACECs and the Lokern Ecological Reserve;
- Deferring parcels within SB 1137 health protection zones;
- Deferring parcels with potential recreation impacts (including parcels overlapping the Butterfield trail and the Temblor SRMA);
- Deferring parcels within red-legged frog critical habitat, or parcels with a high or medium likelihood of protected species, and parcels that overlap with undeveloped and/or wildlife corridor lands; and
- Leasing fewer acres within the current boundaries of each of the proposed parcels to exclude and protect the most sensitive locations.

Conclusion

We appreciate your consideration of these comments. We look forward to seeing an adjusted list of parcels and a thorough environmental review to ensure adequate protection of sensitive sites and public health. Should you have any questions, please do not hesitate to contact us.

Respectfully submitted,

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Cc: CalGEM/Governor Newsom

Addendum 3

CalWild, et al., Protest of Decision to Finalize the Bakersfield Field Office Resource Management Plan Without Amendment and Comments on Final Environmental Impact Statement, Docket No. DOI-BLM-CA-C060-2025-0053-EIS (June 18, 2026).

June 18, 2026

Stevan Pearce, BLM Director
Attention: Protest Coordinator (HQ210)
Denver Federal Center, Bldg. 40
Lakewood, CO 80215

RE: Protest of Decision to Finalize the Bakersfield Field Office Resource Management Plan Without Amendment and Comments on Final Environmental Impact Statement, Docket No. DOI-BLM-CA-C060-2025-0053-EIS

Dear Director Pearce:

The undersigned organizations (hereinafter Protesters) respectfully submit this protest of the May 22, 2026 decision[1] by the U.S. Bureau of Land Management (BLM) to approve the resource management plan (RMP) for the Bakersfield, California, field office without amendment to the version in existence since 2014, and to ignore or improperly discount substantive public comments illustrating the need for specific amendments to the 2014 RMP and exposing the inadequacy of the supplemental environmental impact statement (SEIS) used to justify the decision not to amend. Protesters further protest BLM's decision to finalize the 2020 Lease Sale Environmental Assessment (EA), which derives from the 2014 RMP and underlying environmental analyses and is invalid to the same extent.

In the alternative, Protesters offer this letter as public comments on the FSEIS pursuant to the National Environmental Policy Act (NEPA) and Federal Land Policy and Management Act (FLPMA).

INTERESTS OF THE PARTIES

While BLM has not announced a formal protest period for the above-referenced action or offered a protest submission link through the ePlanning website, Protesters have a right to submit this protest letter, as they have participated in the planning process and have interests which have been or may be adversely affected by the final approval of this RMP.[2]

A number of the Protesters submitted scoping comments in this matter, and all of the Protesters submitted comments on the 2025 draft SEIS.[3] The relevant comment letters and sources cited in those letters are included on the flash drive accompanying this letter.

This protest letter addresses issues which Protesters previously commented during the planning process and BLM's specific responses to those comments in the FSEIS.

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[1] 91 Fed. Reg. 30302 (May 22, 2026).
[2] 43 C.F.R. § 1610.5-2(a).
[3] Ctr. for Biological Diversity, et al., Comments on Draft 2025 SEIS (Mar. 13, 2026) [hereinafter Protesters' Comment Letter]; Ctr. for Biological Diversity, Scoping Comments for Draft 2025 SEIS (July 23, 2025); CalWild et al., Scoping Comments for Draft 2025 SEIS (July 23, 2025).

In particular, Protesters' interests include the following:

CalWild is a 501(c)(3) nonprofit organization that is incorporated in the State of California. Since 1976, CalWild has been actively involved in conserving and protecting BLM-managed lands and waters in California with important ecological, cultural, historical, and recreational values. One way CalWild has done so is by engaging in BLM planning processes throughout the State, such as the resource management plan amendment at issue here. CalWild has also worked closely with Representative Salud Carbajal and Senator Alex Padilla in the vetting, drafting, introduction, and support building of the Central Coast Heritage Protection Act (House bill) and the Protecting Unique and Beautiful Landscapes by Investing in California (PUBLIC) Lands Act (Senate companion bill) which propose to designate as Wilderness a number of lands in the Bakersfield and Central Coast Field Offices and the nearby Los Padres National Forest, all of which could be negatively impacted by this SEIS. CalWild's thousands of members and supporters and its staff members visit and recreate on BLM-managed lands in the Bakersfield Planning Area.

The Center for Biological Diversity (the Center) is a national, nonprofit conservation organization with more than 1.8 million members and online activists dedicated to the protection of endangered species and wild places. The Center has nearly 22,000 California members, around 1,500 of which live and recreate in the Bakersfield Planning Area. The Center uses science, policy and law to advocate for the conservation and recovery of species on the brink of extinction and the habitats they need to survive. The Center has and continues to actively advocate for increased protections for species and their habitats in California. The lands that will be affected by the proposed project contain habitat for listed, rare, and imperiled species that the Center has worked to protect including endangered and threatened species and proposed endangered and threatened species such as San Joaquin kit fox, foothill yellow-legged frog, Western spadefoot, northwestern and southwestern pond turtles, monarch butterfly, Kern Canyon slender salamander and relictual slender salamander, mountain lion, and Temblor legless lizard. The Center's board, staff, and members use the public lands in California, including the lands and waters that would be affected by expanded fossil fuel development authorized by this proposed decision, for quiet recreation (including hiking and camping), scientific research, aesthetic pursuits, and spiritual renewal.

Central California Environmental Justice Network (CCEJN) is a 501(c)(3) nonprofit organization based in the San Joaquin Valley, California, with the mission to empower Valley communities and secure their children's future by eliminating negative environmental impacts in low-income communities and communities of color. CCEJN supports grassroots leadership to promote environmental health education, community organizing, and dialogue among rural, underserved communities of color in the San Joaquin Valley. CCEJN actively works to educate Valley residents about the impacts of oil and gas development; to improve residents' ability to identify and monitor oil and gas-related pollution, including by collecting information about potential community health threats by documenting toxic air pollution from oil and gas development sites in the San Joaquin Valley; and to advocate for systemic change that prioritizes the health of fenceline communities. CCEJN has an extensive history advocating for the health

and protection of communities in the Valley, which are located in the Bakersfield Planning Area, from oil and gas drilling.

Environmental Defense Center (EDC) is a 501(c)(3) nonprofit organization located in Santa Barbara, California, that provides legal counsel to other nonprofit organizations. EDC defends nature and advances environmental justice on California's Central Coast through advocacy and legal action. EDC has done extensive work to protect communities and the environment from the harmful effects of oil and gas drilling within the state.

Friends of the Earth - US (FoE) is a national nonprofit conservation organization dedicated to protecting air, water, and land through public education, advocacy, legislation, and litigation, with its headquarters in Washington, D.C. and a regional office in Oakland, California. FoE has more than 150,000 members nationwide, 22,000 members of which who live in California, including some who live, work, or recreate within the Bakersfield Planning Area. For decades, FoE has opposed expanded fossil fuel exploration and production, including on public lands.

Los Padres ForestWatch (ForestWatch) is a community-based nonprofit organization headquartered in Santa Barbara, California with more than 800 members. ForestWatch works to protect, restore, and monitor public lands along California's Central Coast and to expand equitable access to outdoor recreation opportunities for youth and families. ForestWatch also works to educate its members and the public regarding the location of federal leases and lands open for federal leasing and has served as a BLM watchdog for 20 years. ForestWatch has members and staff who live, work, and recreate within the Bakersfield Planning Area. Likewise, many of the areas that ForestWatch seeks to protect are located within the Bakersfield Planning Area. ForestWatch is concerned with the impacts of oil and gas activity on the public lands it seeks to protect and the nearby communities where its members live, including impacts to air and water quality, outdoor recreation, and biodiversity.

National Parks Conservation Association (NPCA) is a national organization whose mission is to protect and enhance America's national parks for present and future generations. NPCA performs its work through advocacy and education. NPCA has 331,000 members and over 1.9 million members and supporters nationwide, including about 38,000 individual members in California. Its main office is in Washington, D.C. with 24 regional and field offices across the US. NPCA is active nationwide in advocating for strong protections for our parks, including advocating against oil and gas drilling on federal lands that are adjacent to national parks. NPCA's members live near, work at, and recreate in all the national parks, including those bordering federal land that this resource management plan amendment would authorize oil and gas drilling on.

Natural Resources Defense Council (NRDC) is a national, non-profit environmental organization with more than 550,000 members and activists, including more than 65,000 in California. NRDC has a longstanding interest in the management of public lands throughout the United States, including California, and in ensuring that decisions regarding fossil fuel development are grounded in sound science, robust environmental review, and responsible management of public lands.

The **Sierra Club** is a national nonprofit organization dedicated to exploring, enjoying, and protecting the wild places of the earth; to practicing and promoting the responsible use of the earth's ecosystems and resources; to educating and enlisting humanity to protect and restore the quality of the natural and human environment; and to using all lawful means to carry out these objectives. Sierra Club has approximately 130,000 members in the state of California, a number of whom use and enjoy the public lands in the Bakersfield Planning Area.

The Wilderness Society (TWS) is a national non-profit organization that works to unite people to protect America's wild places. Founded in 1935, TWS is headquartered in Washington, D.C., with offices throughout the country. TWS has over one million members and supporters nationwide, including more than 31,000 in California. TWS has longstanding expertise and a history of engagement on a wide range of matters concerning public lands, including land management planning, and oil and gas leasing and permitting.

This protest letter is timely, as the U.S. Environmental Protection Agency (EPA) published its notice of receipt of the FEIS finalizing the RMP in the Federal Register on May 22, 2026, and we are submitting this letter within the 30-day window.[4]

[4] 43 C.F.R. § 1610.5-2(a)(1).

STATEMENT OF REASONS IN SUPPORT OF PROTEST LETTER

This protest letter addresses the following issues and parts of the 2014 RMP and FSEIS:

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I. Amendments to the 2014 RMP and a Broader-in-Scope SEIS Are Necessary.

BLM addresses the concept of amending the 2014 RMP and expanding the scope of the SEIS in a very limited manner, despite these topics comprising the bulk of Protesters' lengthy substantive comments.

Protesters called for amendments to the 2014 RMP and a broader SEIS to address new information and changed circumstances related to the following categories:

- deferred environmental review[5];
- the 2025 Budget Reconciliation Act (also known as the One Big Beautiful Bill Act [hereinafter OBBBA])[6]; the reasonably foreseeable development scenario (RFDS)[7];
- the public health crisis facing frontline communities[8];
- California's fracking ban and SB 1137 health protection buffer law[9];
- Clean Air Act conformity[10];
- greenhouse gas (GHG) emissions[11];
- energy supply and demand[12];
- sensitive species[13];
- surface and groundwater resources[14];
- geology and seismicity[15];
- sensitive sites such as wilderness and areas of critical environmental concern (ACECs)[16];
- idle and orphaned wells[17]; and
- management plans from adjacent field offices.[18]

Protesters based these comments on standalone legal obligations under FLPMA and NEPA regarding amendment and supplementation.[19]

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[5] Protesters' Comment Letter at 28-31, 105-06.
[6] *Id.* at 31-34.
[7] *Id.* at 34-41.
[8] *Id.* at 41-46.
[9] *Id.* at 46-49.
[10] *Id.* at 49-61.
[11] *Id.* at 61-69.
[12] *Id.* at 70.
[13] *Id.* at 70-94.
[14] *Id.* at 94-96.
[15] *Id.* at 96-98.
[16] *Id.* at 98-101.
[17] *Id.* at 101-03.
[18] *Id.* at 103.
[19] *See, e.g.*, *id.* at 22 (discussing a need for amendment under FLPMA based on "'monitoring and evaluation findings, new data, new or revised policy, a change in circumstances or a proposed action that may result in a change in the scope of resource uses or a change in the terms, conditions and decisions of the approved plan'") (quoting 43 C.F.R. § 1610.5-5) and 23

Even so, BLM's comment response on these topics occurs primarily in the limited context of the SEIS's Range of Alternatives. In particular, consolidated response ROA-2 acknowledges the following:

> Commenters state that the BLM must amend the 2014 RMP due to the emergence of new information and changed circumstances pertaining to multiple resources, including, but not limited to, public health, wildlife, climate change, and recreation. Commenters request that the BLM incorporate additional resource protections or closure into an RMP amendment.

Nevertheless, BLM's ROA-2 response simply (1) defers to the ROD for the 2019 FSEIS, which incorporated the 2019 FSEIS into the 2012 FEIS, (2) asserts that BLM was entitled to limit the scope of the 2025 draft SEIS based on two settlement agreements,[20] and (3) claims that no amendment to the 2014 RMP was necessary because "[t]he range of alternatives has not changed between the approved 2014 RMP and its 2012 FEIS and the draft SEIS."

Consolidated response Purpose-1 similarly relies on settlement language as the basis for limiting the scope of the draft SEIS, but recognizes that the settlement agreements committed the agency to "reconsider the 2014 RMP fluid mineral decisions, and supplement the 2020 Lease Sale EA,"[21]

These responses do not address why consideration of new information relevant to the 2014 RMP and SEIS would be outside the scope of BLM's acknowledged commitment to "reconsider the 2014 RMP fluid mineral decisions, and supplement the 2020 Lease Sale EA,"[22] both with regard to fracking and beyond the scope of fracking.

Another reference to amending the RMP occurs in consolidated response PO-1, where BLM claims that a 90-day public comment period was not necessary because it was not amending the RMP. This response does not address Protesters' arguments that a 90-day public comment period was necessary because a stated purpose of the comment period was to help BLM evaluate whether to amend the 2014 RMP.[23]

Next, BLM's consolidated response GS-2 acknowledges Protesters' calls for an RMP amendment and a broader SEIS solely in the limited context of geology and seismicity, and then

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(discussing the need for supplementation of environmental review under NEPA to ensure that agencies act based on complete information).

[20] *Ctr. for Biological Diversity v. U.S. Bureau of Land Mgmt.*, No. 2:20-cv-00371-DSF, Dkt. 84-1, Stipulated Settlement Agreement (C.D. Cal. July 31, 2022); Stipulated Settlement Agreement, *Ctr. for Biological Diversity v. U.S. Bureau of Land Mgmt*., No.1:21-cv-00475-DAD-SAB, Dkt. 26-1, Stipulated Settlement Agreement (E.D. Cal. July 29, 2022).

[21] U.S. Bureau of Land Mgmt., Bakersfield Field Office Final Supplemental Environmental Impact Statement, A-16 (2026) [hereinafter 2026 FSEIS].

[22] *Id.*

[23] Protesters' Comment Letter at 14.

simply declines to consider the geologic and seismic impacts of carbon sequestration (see additional discussion below) without actually addressing the substance of Protesters' comments on supplementation and amendment.[24]

Similarly, while consolidated response IA-1 claims to address Protesters' comments regarding SEIS supplementation, this response does not actually respond at all to Protesters' arguments regarding the independent legal bases for broader supplementation of the SEIS under NEPA and FLPMA, but instead addresses a few other topics (RFDS, alternatives, cumulative impacts, see below) in the limited context of the existing scope of the SEIS.[25]

Likewise, consolidated response HS-2 illustrates that BLM improperly limited its health and safety analysis to the scope of fracking in the SEIS rather than conducting a broader review of new information and changed circumstances in this respect that were relevant to the 2014 RMP. BLM states that it "analyzed the risks to public health and safety by looking at air quality, GHGs, soil, and water quality associated with oil and gas leasing and development," but then cites only preexisting portions of the draft SEIS rather than any of the studies proffered by Protesters.[26]

BLM dismissed additional substantive comments by Protesters regarding impacts to species newly listed or proposed for listing in consolidated response VegWild-1, along with new information about impacts to previously listed species, by doubling down on its decision to limit "species within the analysis area that have been identified for additional protection" to those in Table 3-7 in the SEIS, as allegedly compliant with the prior settlement agreements.[27] Similarly, BLM's consolidated response CC-1 claims that BLM might rely on an existing biological opinion from 2017,[28] while ignoring Protesters' comments regarding the limited scope of this biological opinion relative to newly proposed or listed species and impacts.[29]

In sum, BLM's responses completely ignore Protesters' detailed comments that independent legal bases[30] exist for amending the 2014 RMP and broadening the scope of the SEIS in the specific ways Protesters identified in their previous comments. A single sentence in consolidated response Info-1 purporting to have considered and rejected Protesters' considerable substantive comments[31] is patently insufficient to ensure compliance with FLPMA's "multiple use and

[24] 2026 FSEIS at A-11.
[25] *Id.* at A-13.
[26] *Id.* at A-12.
[27] *Id.* at A-22 to A-23.
[28] *Id.* at A-9.
[29] Protesters' Comment Letter at 93-94.
[30] *See, e.g.*, *id.* at 19-24 (discussing supplementation of environmental review and amendments to RMPs under NEPA and FLPMA).
[31] *See* 2026 FSEIS at A-7 (claiming that "BLM has considered all documents submitted directly and indirectly by commenters, including information pertaining to the 2020 Lease Sale parcels, and the conclusions of the analysis remain unchanged").

sustained yield" and "unnecessary and undue degradation" requirements,[32] and NEPA's "hard look" and supplementation requirements,[33] especially in light of the agency's rejection of the underlying premise that amendment or supplementation *could be* necessary here outside the scope of fracking.

II. BLM's Inconsistent Interpretation of the One Big Beautiful Bill Act Illustrates the Agency's Failure to Properly Analyze This Law's Effect on the 2014 RMP, and the Need for BLM to Reevaluate the SEIS.

Protesters identified OBBBA as containing language constraining BLM's discretion, at least to some extent, at the leasing and application for permit to drill stages, such that more robust environmental review, more detailed stipulations, and greater mitigation measures are needed at the RMP stage to ensure compliance with BLM's overarching legal obligations, including but not limited to BLM's responsibilities to comply with FLPMA, NEPA, the Clean Air Act, and the Endangered Species Act (ESA).[34] Protesters argued that OBBBA required amendment to various portions of the 2014 RMP and a broader SEIS to ensure, especially, that BLM fulfills its mandate to prevent unnecessary or undue degradation of public lands and ensure public lands are managed in accordance with principles of multiple use and sustained yield.[35] OBBBA demonstrates the need for amendment with regard to each of the bulleted issue categories listed above.

Despite Protesters quoting specific sections of OBBBA, including language reflecting a federal policy in favor of greater leasing of public lands initially designated as open for leasing, and language precluding the imposition of new stipulations and mitigation measures other than those in approved RMPs,[36] BLM responded in the initial version of the final SEIS, in consolidated response OL-2, that it "does not interpret" OBBBA as "eliminating the BLM's discretion to apply appropriate stipulations or mitigation measures."[37] BLM also stated:

> Identification of lands as available for leasing at the land use planning level does not predetermine future leasing decisions. The BLM does not interpret the Budget Reconciliation Act as eliminating or limiting its responsibility to comply with NEPA, FLPMA, or other applicable laws. Appropriate lease stipulations and mitigation measures may be developed or further refined during subsequent, site-specific review and analysis.

Protesters agree with BLM's recognition of its duty to comply with applicable laws such as FLPMA and NEPA, including BLM's retention of leasing discretion as necessary to ensure such

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[32] *See* Protesters' Comment Letter at 20-21, 26, 62 (discussing the multiple use and sustained yield and unnecessary/undue degradation standards).
[33] *See id.* at 22-23 (discussing NEPA).
[34] *Id.* at 3, 31-34, 51, 98, 106.
[35] *Id.*
[36] *Id.* at 32-33.
[37] 2026 FSEIS at A-15. *See also id.* at A-14 (stating in consolidated response OL-1 that "[d]esignation of lands as open to leasing does not guarantee that leasing or development will occur").

compliance. Even so, BLM's initial response ignored OBBBA's language regarding stipulations and mitigation measures and did not consider the effect of that language on the 2014 RMP.

After plaintiffs filed the FSEIS in a land use dispute involving sage grouse pending in Montana, in which BLM had previously insisted that OBBBA removed *all* of its discretion at the leasing stage,[38] BLM issued an "errata" asserting that the FSEIS initially "contain[ed] potential inconsistencies with the OBBBA's amendments to the Mineral Leasing Act (MLA)," as follows:

> [U]nder the OBBBA, BLM must offer for lease within 18 months of receipt of an expression of interest any parcel subject to disposition under the MLA that is known or believed to contain oil or gas deposits, so long as the parcel is open to leasing under the applicable approved resource management plan. In addition, BLM may not apply to a lease issued as a result of an expression of interest any stipulations or mitigation requirements not included in the applicable approved resource management plan.

The errata did not revise any portion of the SEIS or RMP, yet BLM nevertheless claimed that "[t]he SEIS has analyzed the impacts of reasonably foreseeable oil and gas leasing and development, accounting for the OBBBA."[39]

BLM's amended OBBBA response entirely ignores Protesters' substantive comments about OBBBA as an independent basis for amending the underlying 2014 RMP and expanding the scope of the SEIS. BLM's decision in this respect is particularly perplexing as it has continued to concede in the errata—as it must—that, despite the OBBBA, the agency "must comply with all applicable laws and regulations when engaging in oil and gas leasing, including FLPMA and the MLA as amended by the OBBBA."[40]

In particular, the errata does not reflect reconsideration of BLM's prior statements—and Protesters' prior comments—regarding the dangers of deferred review in light of OBBBA's restrictions on stipulations and mitigation measures and OBBBA's language mandating that

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[38] *Montana Wildlife Federation v. Burgum*, No. 4:18-cv-00069-BMM, Dkt. 513, Defendants' Memorandum in Support of Motion for Summary Judgment (D. Mont. Jan. 16, 2026), Dkt. 539, Defendants' Reply in Support of Motion for Summary Judgment (May 1, 2026), Dkt. 567, Plaintiffs' Notice of Supplemental Authority (May 26, 2026).

[39] The only "accounting" BLM did in the errata related to the reasonably foreseeable development scenario (RFDS) used in the SEIS. BLM claimed that OBBBA did "not alter the underlying assumptions or the environmental consequences analyzed in the SEIS" because "the SEIS's impact analysis was based on development levels projected in the RFDS—not on assumptions about BLM denying leasing requests or using discretion constrained by the OBBBA," which misses the point of Protesters' OBBBA arguments.

[40] The judge in the sage grouse case recently agreed, ruling that "FLPMA's requirements to maintain sustainable wildlife populations and avoid unnecessary or undue degradation of public lands . . . remain in force under OBBBA," and "[t]he statutory text of OBBBA does not effectively eliminate BLM's discretion so broadly as to mandate the sale and issuance of leases without oversight." *Burgum*, No. 4:18-cv-00069-BMM, Dkt. 570, Order on Phase Three Summary Judgment, at 14-15 (June 12, 2026).

certain lands "*shall* be made available for leasing" once designated as open under an approved RMP.[41]

For example, BLM dismissed Protesters' concerns regarding cumulative impacts from hydraulic fracturing via new or existing wells drilled on existing leases, and other oil and gas projects, in consolidated response Info-3, asserting that, during the project-specific analysis (at the application for permit to drill (APD) stage), the agency "would finalize the set of design features, conditions of approval (COAs), BMPs, and stipulations from the 2014 RMP that would be applied to the project," and "that cumulative impacts from other oil and gas development permitting projects would be considered" during this later stage.[42] BLM did not amend this comment response following the errata or offer any explanation as to the effect of its new interpretation of OBBBA on this response.

Additionally, BLM continues to assert in consolidated response IA-2 that "[d]etailed environmental review, inspections, and tailored mitigation measures are conducted at the development (APD) stage, ensuring impacts are analyzed based on actual project proposals and current field conditions," including the development of conditions of approval to "provide the granular mitigation and monitoring requirements,"[43] with no amended discussion of how its errata changes this response, thereby improperly dismissing Protesters' concerns about the ability to mitigate long-term impacts of oil and gas development at the leasing or APD stages.

For the same reasons, BLM's failure to amend consolidated response ROA-2 following the errata renders it inadequate to respond to Protesters concerns regarding the effect of OBBBA. In ROA-2, BLM reiterated its conclusions in the draft SEIS that "moderate risks, such as valley fever, or effects on newly listed species are considered manageable through site-specific review, BMPs, and existing State oversight."[44] But BLM's conclusions were based on an assumption it has since abandoned regarding the extent of its discretion to impose additional stipulations and mitigation measures at later stages.

BLM's consolidated response Purpose-3 suffers from the same deficiencies. Here, BLM once again rebuffed Protesters' concerns with deferred analysis by asserting that "BLM would finalize the set of design features, COAs, BMPs, and stipulations from the 2014 RMP that would be applied to the project" "[d]uring this project-specific analysis," without amending the response to address the effect of OBBBA as interpreted in the errata.[45]

BLM repeats its mistake in consolidated response SMA-1,[46] in which it brushed off Protesters' calls for additional protections at the RMP stage, including no surface occupancy (NSO) stipulations and closures to oil and gas leasing, for ACECs, wilderness and wilderness study

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[41] 30 U.S.C. § 226(a)(1) (emphasis added), as amended by Pub. L. No. 119-21, § 50101(d)(1), 139 Stat. 72, 138 (2025).
[42] 2026 FSEIS at A-7 to A-8.
[43] *Id.* at A-14.
[44] *Id.* at A-19.
[45] *Id.* at A-17.
[46] *Id.* at A-19 to A-21.

areas, locations with potential for wild and scenic rivers, and other sensitive areas that are currently listed as "available for leasing" to ensure proper protection of these areas and the species that rely on these areas.[47] BLM asserted before issuing the errata that existing NSO and controlled surface use (CSU) stipulations in the 2014 RMP "would provide protection from the impacts of ground disturbance associated with oil and gas development," and asserted that other types of special management areas not listed in the 2014 RMP "would be accounted for during later stages in the leasing process," with an inventory of lands with wilderness characteristics to be conducted at the APD-stage to "allow for site-specific environmental analysis and the incorporation of appropriate mitigation measures."[48] But BLM has not addressed Protesters concerns regarding OBBBA's effects on these assumptions, as per BLM's interpretation in the errata.

Next, BLM's consolidated response CC-1 deflects calls for consultation and coordination for newly listed or proposed species by asserting that "consultation would be conducted on a case-by-case basis at the APD stage, if needed."[49] BLM's response is inconsistent with its concession in the errata regarding OBBBA curtailing its ability to impose stipulations and mitigation at later stages.

Consolidated response WR-1 further rebuffs concerns with "the use of water and chemical additives" in fracking operations by asserting that "site-specific analysis is appropriately deferred in light of the BLM's regulatory role,"[50] without addressing OBBBA's effect, and does the same with regard to Protesters' concerns[51] over the use of enhanced oil recovery (EOR) techniques despite "add[ing] clarifying discussion acknowledging that EOR operations in California's heavy-oil settings may involve distinct water use and environmental considerations."[52]

Likewise, BLM's consolidated responses AIR-2 and AIR-3 continue to assert that BLM will assess air quality impacts through APD-level review[53] and that the SEIS "clearly addresses" FLPMA's undue degradation standard,[54] without addressing Protesters' detailed analysis as to why deferring Clean Air Act conformity review and other required air quality analysis to post-RMP stages would be insufficient as a matter of law to satisfy the undue degradation standard and other legal requirements.[55]

BLM's consolidated response VegWild-1 also contains language requiring an update following the errata. In particular, BLM stated "that surveying the entire Bakersfield Field Office analysis area would be impractical," "that the Conservation Strategy mandates buffers that are species

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[47] Comment Letter at 20-21, 26, 34, 98-101.
[48] 2026 FSEIS at A-20 to A-21. It is further concerning that BLM's consolidated response SMA-1 misidentifies the number of ACECs subject to NSO or CSU stipulations in the 2014 RMP.
[49] *Id.* at A-9.
[50] 2026 FSEIS at A-23 to A-24; Protesters' Comment Letter at 111-12.
[51] Protesters' Comment Letter at 35, 37, 57, 63-64.
[52] 2026 FSEIS at A-24.
[53] *Id.* at A-4 to A-6.
[54] *Id.* at A-6.
[55] Protesters' Comment Letter at 28-31, 49-61, 105-06.

specific," and that "[s]ite-specific analysis is required to determine the presence or absence of a particular species during review of a proposed project."[56] Even so, BLM did not analyze the impact of its revised interpretation of OBBBA on these conclusions.

III. BLM Misunderstands the Relationship Between State Laws and Federal Land Use Planning, Especially with Regard to SB 1137 and California's Fracking Ban.

As discussed further in Protesters' comments on the draft SEIS, California has enacted two key laws and regulations relevant to the RMP and FSEIS—a fracking ban,[57] and a law establishing a 3,200-foot health protection buffer between sensitive receptors and oil and gas activities (SB 1137, enacted in 2022).[58] While BLM has a duty to take the fracking ban and SB 1137 into account and ensure consistency between them and the RMP, and while OBBBA further underscores the importance of more detailed analysis at the planning stage, the draft SEIS failed to properly address these topics, despite the fact that both the fracking band and SB 1137 post-date all prior environmental reviews. BLM's comment responses in this respect reflect a fundamental misunderstanding of the agency's authority and obligations under FLPMA and NEPA with respect to state laws, as spelled out in binding terms and conditions in the 2014 RMP. Notwithstanding BLM's responses, additional environmental analysis is necessary, including consideration of an RMP amendment to address the effects of OBBBA rather than assuming conflicts involving SB 1137 and the fracking ban will be resolved at later stages.

BLM's consolidated responses confusingly both recognize the existence of state authority over oil and gas development on public land, which is accurate, and then assert that BLM lacks "authority to administer or enforce" state laws "on other parties," or even to "consider" state laws and policies "when making Federal decisions," which is incorrect.[59] The idea that BLM "cannot consider California statutes, regulations, or policies when making Federal decisions" is contrary to law, including but not limited to FLPMA, NEPA, the ESA, and the Clean Air Act. In fact, as discussed further in Protesters' comment letters, BLM has a duty "coordinate the land use inventory, planning, and management activities of or for such lands with the land use planning and management programs . . . of the States and local governments within which the lands are located," and "[l]and use plans . . . shall be consistent with State and local plans to the maximum extent . . . consistent with Federal law and the purposes of this Act."[60]

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[56] 2026 FSEIS at A-22 to A-23.
[57] 14 Cal. Code Regs. § 1780(d).
[58] Protesters' Comment Letter at 2, 41-49, 68, 103-05.
[59] 2026 FSEIS at A-11; *see also id.* at A-14 (claiming in consolidated response OL-1 that BLM "does not have regulatory or enforcement authority over State or local laws, ordinances, or land use decisions"); *id.* at A-3 (relying on "Federal, State and local agencies" in consolidated response AIR-1 in lieu of a proper air quality impacts analysis); *id.* at A-12 (same with regard to monitoring of water quality impacts on public health in consolidated response HS-2); *id.* at A-24 (same with regard to "management of produced water and associated chemicals" in consolidated response WR-1).
[60] Protesters' Comment Letter at 21 (citing 43 U.S.C. 1712(a)–(b), (c)(9); 43 C.F.R. § 1610.3-1); *see also* 43 C.F.R. § 1610.3-2(e) (requiring BLM to offer an RMP to the Governor for a consistency review prior to approval or amendment).

We appreciate those portions of BLM's comment responses that properly recognize state and local authority. For example, BLM properly recognizes in consolidated response GHG-1 that it must "compl[y] with State and local laws and regulations.[61] BLM also concedes that "[o]il and gas development on BLM public land is under the jurisdiction and subject to the approval authority of various State and local agencies that implement and enforce California statutes and regulations on the projects they review."[62]

Similarly, in consolidated response OL-1, "BLM recognizes that portions of the Planning Area are subject to overlapping State, county, and municipal jurisdictions" in which "each may impose regulations or land use designations relevant to oil and gas development," including that "[t]he California Geologic Energy Management Division [CalGEM], air districts, and other State and local agencies that issue permits for well development" can "determine enforcement of State and local laws with respect to oil and gas development within health protection zones, to the extent allowed by law."[63]

In addition, consolidated response HS-1 responds to comments about the need for spill contingency plans and financial assurance by stating: "Lessees will be required to comply with all applicable laws and regulations,"[64] and consolidated response AIR-1 recognizes that BLM must "meet[] its CAA obligations by complying with the EPA General Conformity regulation, [and] following State and local CAA regulations . . . ."[65]

These responses make it all the more puzzling that BLM would simultaneously disclaim its duties under FLPMA to consider and proceed consistently with state law in connection with the 2014 RMP.

In fact, the terms and conditions of the 2014 RMP specifically mandate operators' compliance with such authority on federal land, stating that BLM "requires operators on Federal minerals [sic] to acquire all necessary Federal, state, and local permits prior to developing a lease, including meeting the requirements of SB 4,[66] where applicable. Should any of the regulations promulgated by SB 4 be more stringent than the requirements of the Approved RMP and BLM's National Hydraulic Fracturing Rules, they will serve as additional safeguards."[67]

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[61] 2026 FSEIS at A-11.
[62] *Id.*; *see also id.* at A-14 (recognizing the authority of state and local agencies to administer and enforce "compliance with state and local requirements").
[63] *Id.* at A-14 to A-15.
[64] 2026 FSEIS at A-12.
[65] *Id.* at A-4.
[66] 2013 Cal. Legis. Serv. 313 [hereinafter SB 4]. SB 4 is a precursor to California's fracking ban; SB 4 mandated an investigation into the impacts of fracking and other well stimulation treatments and called for the promulgation of regulations concerning these practices.
[67] BLM, Bakersfield Field Office Record of Decision & Approved Resource Management Plan, XVI (Dec. 2014) [hereinafter 2014 RMP]; *see also id.* at 14 (recognizing that BLM must "to the extent practicable, [] keep informed of state, local, and tribal plans; assure that consideration is given to such plans; and [] assist in resolving inconsistencies between such plans and federal

Moreover, the Existing Surface Use/Management conditional surface use (CSU) stipulation in the 2014 RMP states that, "Specifically, fluid mineral development shall not occur: (1) Closer to any development (e.g., public highway, institution, place of public assembly, or occupied dwelling) than allowed by the county/city regulation or *statute* applicable to the area in which the proposed action occurs (including those exceptions where closer spacing is allowed)."[68]

In other words, although they are not mentioned by name, the existing terms and conditions in the 2014 RMP already mandate operator compliance with California's fracking ban (which is a "more stringent" regulation flowing from SB 4), and SB 1137 (which is a statute prescribing the distance between fluid mineral development and other types of development), along with local regulations and additional state statutes.

Even so, the language of OBBBA discussed above, as interpreted by BLM in its errata to the FSEIS, demonstrates the importance of a more explicit discussion of the fracking ban and SB 1137 in the RMP, to the extent BLM continues to maintain that "conflicts with State or local plans, conservation designations, and regulatory requirements would be evaluated" during site-specific review.[69]

IV. BLM Continues to Use Improper Methodology for Assessing Air Quality Impacts, Including Greenhouse Gas Emissions.

BLM's consolidated response AIR-1 improperly doubles down on the methodology used in the SEIS to address air quality-related impacts,[70] despite comments from Protesters pointing to deficiencies in the analysis recognized by EPA.[71]

In AIR-2, BLM also reiterates its legally incorrect assertion that conformity review is not needed for planning-level decisions, and because it claims the approved actions under the 2014 RMP will not result in an emissions increase.[72] As argued in Protesters' comments, both of these claims are false.[73]

In addition, BLM's defense of its methodology in AIR-3 on the basis that (1) "[n]either NEPA nor FLPMA specify methods of analysis," and (2) it is allegedly "not possible to determine localized impacts at the planning or leasing stages"[74] does not rebut Protesters' comments

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planning," and acknowledging that BLM must "develop land use plans consistent with State and local plans to the maximum extent found consistent with Federal law and the purposes of FLPMA").

[68] Notably, BLM quotes this CSU stipulation in consolidated response HS-1. 2026 FSEIS at A-12 (emphasis added).

[69] *Id.* at A-15.

[70] *Id.* at A-3 to A-4.

[71] Protesters' Comment Letter at 30, 60.

[72] 2026 FSEIS at A-4 to A-5.

[73] Protesters' Comment Letter at 49-61.

[74] 2026 FSEIS at A-5 to A-6.

demonstrating BLM's prior admission to using improper methodology[75] or the EPA's critique of BLM's methods, including EPA's call for more robust analysis at the planning stage.[76]

Similarly, BLM's attempt to justify its methodology for calculating greenhouse gas emissions by city the Supreme Court's decision in *Seven County*[77] is not responsive to Protesters' scientific critiques.

V. BLM Must Engage in Additional Species-Related Consultation.

In addition to the species-related deficiencies discussed above, which require amendment to the 2014 RMP to address new information and newly listed or proposed species and to account for the effects of OBBBA, Protesters previously flagged the need for additional consultation with the U.S. Fish and Wildlife Service and initial consultation with the National Marine Fisheries Service.[78] BLM's statement in consolidated response CC-1 that consultation is not required at the leasing stage[79] is based on a misstatement of law, for the reasons Protesters identified in our comments, and which BLM has not addressed.

VI. BLM Has Not Cured Procedural Deficiencies Related to the SEIS.

We appreciate BLM's acknowledgment "that there were technical issues related to the ePlanning site," but its attempted justification of extending the public comment period by 14 days was insufficient in light of the 90-day comment period required by law, discussed above, and does not address Protesters' related concerns with the use of AECOM.[80]

VII. BLM's Reasonably Foreseeable Development Scenario Is Outdated and Inaccurate.

BLM acknowledged in consolidated response Info-2 that Protesters raised various critiques concerning the RFDS, but it simply doubles down in asserting that "Section 4.0 (page 35) of the 2025 draft SEIS explains why the RFDS is still valid"[81] without addressing Protesters' detailed critiques to the contrary.[82] BLM claims that the 2018 Prude Memo provides the required explanation[83] but likewise ignores Protesters' comments pointing out flaws in the Prude analysis.[84]

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[75] Protesters' Comment Letter at 31.
[76] *Id.* at 30, 56-57, 59-60.
[77] 2026 FSEIS at A-10 (citing *Seven County Infrastructure Coalition* v. *Eagle County, Colorado*, 605 U.S. 168 (2025)).
[78] Protesters' Comment Letter at 92-94.
[79] 2026 FSEIS at A-8 to A-9.
[80] *Id.* at A-16; Protesters' Comment Letter at 13-14.
[81] 2026 FSEIS at A-7.
[82] Protesters' Comment Letter at 34-41.
[83] 2026 FSEIS at A-7.
[84] Protesters' Comment Letter at 39-40.

BLM reiterates these talking points in consolidated response IA-1, in response to Protesters' comments "that the BLM relies on outdated or inaccurate information throughout the draft SEIS," including with regard to the RFDS such that the RFDS "cannot be used as the basis for the rest of the analysis in the draft SEIS,"[85] without any attempt to refute Protesters' detailed analysis regarding the problems with the RFDS. Instead, BLM repeats an inaccurate claim that "the U.S. District Court, Central District of California found that the 2012 FEIS RFDS was acceptable."[86] As Protesters previously pointed out, "[t]he RFDS was not at issue in that case, and the court made no such finding."[87]

VIII. BLM Ignores the Realities of Attempted Colocation of Carbon Capture and Sequestration Operations with Active Drilling Operations in Kern County.

In consolidated response GS-2, BLM notes Protesters' call for an amendment to the 2014 RMP in light of cumulative impacts from carbon capture and sequestration (CCS) projects proceeding in tandem with active oil drilling. While we agree that there are dangers of collocating active oil drilling and CCS activities, BLM's claim that "these activities would not be collocated" ignores the evidence Protesters previously submitted of attempts to do just that in Kern County in connection with the Carbon TerraVault I project. Thus, BLM's admission that it "did not consider" CCS in the SEIS illustrates the need for further environmental review in this respect.

IX. BLM Must Address New Information and Changed Circumstances Related to Surface Water and Groundwater Resources.

In consolidated response WR-1, BLM asserted that any potential impacts on water quality will be addressed at a later stage—the ADP stage—through site-specific monitoring standards and regulations and application of BMPs.[88] This improper deferral of environmental analysis to a later stage ignores the concerns Protestors raised regarding water contamination from disposing of wastewater from oil and gas operations, including fracking, in unlined pits, and ignores the effect of OBBBA, discussed above. As Protestors pointed out, unlined pits "are prone to leaking," and toxic elements such as arsenic and uranium have been found in water used for human consumption and crop irrigation.[89] Moreover, the failure to mitigate impacts of oil and gas operations on water quality (and water supply) was one of the subjects of litigation that led to BLM's commitment to prepare the Draft 2025 SEIS.[90] BLM should have included monitoring of groundwater and surface water in the FSEIS and additional mitigation measures, such as baseline and post-drilling water testing to measure the impacts of drilling.

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[85] 2026 FSEIS at A-13.
[86] *Id.*
[87] Protesters' Comment Letter at 35 (citing *ForestWatch v. U.S. Bureau of Land Mgmt.*, No. CV-15-4378-MWF, 2016 WL 5172009 (C.D. Cal. Sept. 6, 2016)).
[88] 2026 FSEIS at A-23 to A-24.
[89] Protesters' Comment Letter at 111–12.
[90] *Id.* at 95.

Furthermore, BLM asserted that the amount of "water consumption from four or fewer project wells" on overall consumption would be negligible.[91] However, this ignores Protestors' comments that BLM must address how groundwater supplies in local communities will be affected by oil and gas drilling, not Kern County as a whole.[92] Protestors pointed out that the rate of groundwater depletion in the Central Valley has been accelerating since 2003 and that groundwater overdraft has accelerated in recent years.[93] BLM confuses impacts on consumption with impacts on supply, and while related, they are not the same thing.

X. BLM Has a Statutory Duty to Assure Environmental Justice.

In consolidated response EJ-1, BLM acknowledges receiving comments citing NEPA as a statutory basis for "assur[ing] for all Americans safe, healthful, productive, and esthetically and culturally pleasing surroundings."[94] Even so, BLM responds by claiming it cannot comply with revoked executive orders while failing to address the independent statutory basis for considering environmental justice in connection with the 2014 RMP. Moreover, BLM's response ignores a term and condition of the 2014 RMP that BLM cited in consolidated response HS-2,[95] discussed above, which has the "purpose of minimizing or eliminating conflict between fluid mineral development and existing surface use on both public lands and split estate overlying federal minerals, including risk to public health and safety, and social and economic impacts (noise, aesthetics, etc.)."[96]

XI. BLM Must Consider a Wider Range of Alternatives.

In consolidated responses ROA-1 and ROA-2, BLM concedes that the agency called for commentary on additional alternatives in its scoping notice for the SEIS but then simply asserts that "the range of alternatives has not changed," while providing no explanation for why it carried forward existing alternatives without any discussion of other alternatives proffered by Protesters.[97] In particular, Protesters identified OBBBA (discussed further above) as affecting the range of alternatives previously considered and meriting a need for consideration of alternatives involving reduced acreage designated as open for leasing and broader protective stipulations such as NSO,[98] along with the need for consideration of alternatives that fully mitigate human health impacts[99] and water quality impacts,[100] protect intact landscapes,[101] and otherwise

[91] 2026 FSEIS at A-24.
[92] Protesters' Comment Letter at 95, 112.
[93] *Id.* at 94-95.
[94] 42 U.S.C. § 4331(b)(2).
[95] 2026 FSEIS at A-12.
[96] 2014 RMP at 87.
[97] 2026 FSEIS at A-19.
[98] Protesters' Comment Letter at 33-34, 99.
[99] *Id.* at 48.
[100] *Id.* at 94-96.
[101] *Id.* at 98.

incorporate conservation elements and mitigation measures.[102] BLM must respond to these comments.

XII. BLM Has Failed to Ensure Meaningful Engagement with Tribal Nations.

In consolidated response Tribal-1, BLM asserted that it was in compliance with all laws and policies surrounding coordination and consultation with Tribal Nations,[103] but did not respond to Protesters' comment that 45 days is inadequate to ensure meaningful engagement.[104]

XIII. BLM Must Address Impacts to Recreation and Visual Resources and Cultural Resources.

Protesters raised concerns about the 2014 RMP's ability to protect recreation and visual resources and cultural resources and the lack of a proper analysis on these topics in the draft SEIS.[105] While BLM notes the existence of such comments in consolidated responses ROA-2 and SMA-1, BLM's responses do not actually address Protesters' comments in this respect.[106]

XIV. BLM Must Ensure Public Access to Missing Mapping Data.

In consolidated response Purpose-2, BLM acknowledges Protesters' comment that a shapefile dataset only contained approximately 847,597 acres of federal mineral estate out of approximately 1.2 million acres in the Bakersfield Field Office, making it perplexing that BLM responded by claiming that the publicly available geographic information system files for the planning area "remain accurate" rather than explaining why roughly 400,000 acres were missing from these files.

XV. The FSEIS Contains an Inadequate Analysis of the Impacts of Fracking.

Protesters raised concerns that the fracking-related analysis in the SEIS—

(1) does not properly factor in California's fracking ban and SB 1137,
(2) improperly defers analysis to later stages of BLM's planning process,
(3) downplays air pollution-related impacts on communities in California,
(4) miscalculates greenhouse gas emissions and climate impacts,
(5) ignores or discounts impacts to biological resources,
(6) ignores concerns about the chemicals used in fracking,
(7) relies on unfounded assumptions regarding impacts to surface and groundwater resources,
(8) fails to mitigate soil-related impacts from valley fever,
(9) downplays seismicity concerns,

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[102] *Id.* at 99.
[103] 2026 FSEIS at A-21 to A-22.
[104] Protesters' Comment Letter at 15-17.
[105] *Id.* at 98-101.
[106] 2026 FSEIS at A-18 to A-20.

(10) discounts impacts to recreation and visual resources, and
(11) ignores or downplays impacts to wilderness and ACECs.[107]

BLM's inadequate response to all of these topics are already discussed infra. Most importantly, there is a fundamental flaw to an SEIS that purports to analyze the impacts of fracking but proceeds under an assumption that fracking will be allowed under the 2014 RMP, despite preexisting language in the 2014 RMP mandating operator compliance with more stringent state regulations and the subsequent enactment of California's statewide fracking ban as one such regulation.

XVI. The 2020 Lease Sale EA Suffers from the Same Deficiencies Discussed Infra.

In addition to protesting BLM's decision to finalize the 2014 RMP without amendment and to finalize the SEIS without broadening its scope or adding additional fracking-related analysis, Protesters protest BLM's decision to finalize the 2020 Lease Sale EA without amendment.[108] BLM must remedy the fundamental deficiencies in the underlying 2014 RMP and the 2026 FSEIS before the agency can proceed with any lease sale analysis, as the 2020 Lease Sale EA is dependent on, and tiered from, these foundational documents.[109] While Protesters raised deficiencies with the Lease Sale EA in their comments on the draft SEIS,[110] BLM makes only a few passing mentions of the 2020 Lease Sale in its comment responses and does not squarely address Protesters' comments on the 2020 Lease Sale EA.[111]

CONCLUSION

Thank you for your attention to the points raised throughout this protest letter, as further detailed in our underlying comments. We look forward to receiving your response, as required by 43 C.F.R. § 1610.5-2(a)(3).

If you have any questions about this protest letter and comments, you may reach out to any of us directly or contact Elizabeth Fisher (efisher@earthjustice.org), Tyler Szeto (tszeto@earthjustice.org), Cooper Kass (ckass@biologicaldiversity.org), or Hollin Kretzmann (hkretzmann@biologicaldiversity.org), who helped prepare this submission.

Sincerely,

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[107] Protesters' Comment Letter at 104-13.
[108] *Id.* at 113-15.
[109] *Id.*
[110] *Id.*
[111] *See, e.g.*, 2026 FSEIS at A-7 (claiming, without more, in consolidated response Info-1 that BLM "has considered" information submitted concerning the 2020 Lease Sale); *id.* at A-13 (noting in consolidated response IA-1 that Protesters commented on deficiencies in the 2020 Lease Sale but omitting any response to those comments).

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Addendum 4

Center for Biological Diversity, Protest and Comments on
Final Central Coast Field Office Oil and Gas, Leasing and
Development Supplemental Environmental Impact Statement,
Docket No. DOI-BLM-CAC090-2025-0017-RMP-EIS (June 18, 2026).



June 18, 2026

Bureau of Land Management
BLM Director
Attention: Protest Coordinator (HQ210)
Denver Federal Center, Bldg. 40
Lakewood, CO 80215

Central Coast Field Office
Attn: Sarah Mathews, Zachary Ormsby
940 2nd Ave.
Marina, CA 93933

Submitted via mail and via email to BLM_CA_CCFO_OIL_GAS_SEIS@blm.gov

Re: Protest and Comments re Notice of Availability of the Final Central Coast Field Office Oil and Gas, Leasing and Development Supplemental Environmental Impact Statement, California [FRL OPRM-FAD-223], EIS No. 20260059, 91 Fed. Reg. 30302 (May 22, 2026)

The Center for Biological Diversity ("the Center") submits the following protest and comments in response to the Environmental Protection Agency's ("EPA") Notice of Availability ("NOA") of the Bureau of Land Management's ("BLM") Final Central Coast Field Office Oil and Gas, Leasing and Development Supplemental Environmental Impact Statement, California (hereinafter, the "final SEIS" or "FSEIS"). The final SEIS purports to analyze the environmental effects of the 2019 Central Coast Field Office ("CCFO") Resource Management Plan Amendment ("RMPA" or "RMP") for Oil and Gas Leasing and Development in California.

The Center submits this protest despite BLM offering no formal protest period. Although BLM has "determined [that] no amendment to the 2019 RMPA is necessary,"[1] as we asserted in our March 13, 2026, comments on the Draft SEIS (attached as **Exhibit A**) and as we reiterate below, BLM should have amended the RMP based on new information and changed circumstances.[2] In addition, the December 2022 stipulated settlement agreement in *Center for Biological Diversity v. BLM* (3:19-cv-07155-JSC) requires BLM to "[i]ssue a new decision document following completion of the SEIS."[3] Because BLM should have amended the RMP, and because BLM has indicated it will re-approve the 2019 RMPA in a new decision document, the Center is entitled to file a protest and receive a decision from the BLM Director in accordance with 43 C.F.R. § 1610.5-2. In addition, these comments also serve as public comments on the final SEIS. The Center incorporates by

[1] Final SEIS at 15.
[2] *See* 43 C.F.R. § 1610.5-5.
[3] Final SEIS at 1.

reference into this protest and into its comments its prior submissions and the references therein.[4]

[4] *See* Center for Biological Diversity, Comments on 2025 Draft SEIS (March 13, 2026), attached hereto as Exhibit A. Per 43 C.F.R. § 1610.5-2(a)(2)(iv), the Center submitted scoping comments on July 23, 2025; the Center also submitted comments on the prior Draft Resource Management Plan Amendment/Draft Environmental Impact Statement on April 6, 2017, supplemental comments on November 21, 2018, further supplemental comments on December 17, 2018, and a protest of the prior Proposed Resource Management Plan Amendment (PRMPA) and Final Environmental Impact Statement (FEIS) on June 7, 2019.

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I. Protesting Party: Contact Information and Interests

This Protest is filed on behalf of the Center for Biological Diversity, its board, staff, and members by:

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The Center's interests in the proposed Central Coast Field Office Resource Management Plan Amendment decision and Final Supplemental Environmental Impact Statement for Oil and Gas Leasing and Development are detailed in the Center's comments on the 2025 draft Supplemental Environmental Impact Statement, submitted on March 13, 2026, along with references including relevant studies, papers, and reports. The Center also incorporates by reference its July 2025 scoping comments on BLM's Notice of Intent, its prior comments submitted during the earlier Central Coast RMP amendment and EIS process in 2017 and 2018, its protest of BLM's 2019 Final EIS and Record of Decision, and all supporting references submitted with those comments and protests.

The Center has participated extensively in BLM's Central Coast oil and gas planning process for years. After BLM approved the 2019 RMPA and Final EIS, the Center, Sierra Club, and two local governments challenged that decision in federal court, alleging violations of NEPA, FLPMA, and the APA. In December 2022, the United States (U.S.) District Court for the Northern District of California approved a stipulated settlement agreement in *Center for Biological Diversity* v. *BLM* (Case No. 3:19-cv-07155-JSC). The 2025 draft SEIS and the present final SEIS arise from that same RMP amendment process and implicate the same interests the Center has consistently asserted throughout its administrative comments, protest, and litigation: protecting public lands, climate, water, air quality, public health, and imperiled species from the harms of expanded fossil fuel leasing and development in the Central Coast Planning Area. The Center has an additional interest as a party to the settlement in *Center v. BLM* and asserts its interests in ensuring BLM adheres to the terms of the settlement agreement.

The Center for Biological Diversity is a national, nonprofit conservation organization with more than 1.8 million members and online activists dedicated to the protection of endangered species and wild places. Nearly 4,000 of the Center's members live and recreate in the Central Coast Planning Area. The Center uses science, policy and law to advocate for the conservation and recovery of species on the brink of extinction and the habitats they need to survive. The Center has and continues to actively advocate for increased protections for species and their habitats in California. The lands that will be

affected by the proposed project contain habitat for listed, rare, and imperiled species that the Center has worked to protect including endangered and threatened species such as the California condor, California red-legged frog, California tiger salamander, San Joaquin kit fox, Giant kangaroo rat, and Blunt-nosed leopard lizard. The Center's board, staff, and members use the public lands in California, including the lands and waters that would be affected by expanded fossil fuel development authorized by this proposed decision, for quiet recreation (including hiking and camping), scientific research, aesthetic pursuits, and spiritual renewal.

II. Issues Being Protested and Parts of the Plan Protested

The Center protests the decision not to amend the RMP, as set out in the FSEIS, and to re-adopt BLM's preferred alternative as identified in the FSEIS (Alternative F), which provides for continued and expanded oil leasing and development on BLM lands and mineral estate without adequate analysis of, and mitigation for, the direct, indirect, and cumulative impacts of such activities on the environment as required by the National Environmental Policy Act ("NEPA"), and without compliance with other federal laws including the Federal Land Policy and Management Act ("FLPMA"), the Endangered Species Act ("ESA"), the Clean Air Act ("CAA"), and the Administrative Procedure Act ("APA"). The Center also protests BLM's inadequate analysis of the two suspended leases the FSEIS purports to include within its range of alternatives.

This protest is filed in accordance with 43 C.F.R. § 1610.5-2 and addresses the following issues in Section III below:

A. BLM Should Have Amended the RMP Based on New Information and Changed Circumstances
B. BLM Must Align Its RMP and NEPA Analysis with California and New Federal Laws
C. BLM Improperly Failed to Present, Consider, and Analyze Alternatives
D. BLM Ignored the Center's New Information and "Recent Studies" Flagged and Submitted During the DSEIS Comment Period and Scoping Period
E. BLM Improperly Deferred Analysis of Impacts to the APD Stage
F. BLM Failed Multiple FLPMA Requirements
G. BLM Failed to Take a Hard Look at All Environmental Impacts
H. BLM Failed Its Endangered Species Act Obligations
I. BLM Must Consider and Address Idle and Orphaned Well Cleanup Obligations and Impacts
J. BLM Must Conduct a Clean Air Act Conformity Analysis at the RMP Stage
K. BLM Is Required to Reopen the Comment Period for 90 Days per Regulatory Requirements
L. BLM Must Submit the RMP to the Governor

Our discussion of each of these issues concisely states why we believe the readoption of BLM's preferred alternative, Alternative F, would be in violation of FLPMA,

NEPA, ESA, CAA, and APA. BLM should amend the RMP to comply with BLM's statutory obligations and prepare a further supplemental EIS that complies with NEPA.

III. Statement of Reasons as to Why the Decision is Wrong

The decision to not amend the RMP and to re-approve the prior decision, as reflected in the FSEIS, is substantively and procedurally flawed for the following reasons:

A. BLM Should Have Amended the RMP Based on New Information and Changed Circumstances.

An RMP amendment "*shall* be initiated by the need to consider monitoring and evaluation findings, new data, new or revised policy, a change in circumstances or a proposed action that may result in a change in the scope of resource uses or a change in the terms, conditions and decisions of the approved plan."[5] BLM's refusal to amend its 2019 RMP arbitrarily ignores an abundance of new information before the agency, as described in the Center's attached comments on the draft SEIS and our scoping comments: new information and studies, changed circumstances, new laws, and more. BLM's own SEIS describes a number of these triggering events, such as newly protected species and water resource impacts. BLM must now step back and evaluate the new situation in which it is operating and amend its RMP accordingly.

BLM asserted without support in its NOA that the draft SEIS did not show a "notable increase in total impacts," leading to BLM's conclusion that "[t]herefore, no amendment to the 2019 RMP amendment is necessary."[6] In the FSEIS, BLM again concludes that "[t]he results of the 2025 draft SEIS, added to those identified in the 2019 FEIS, did not show a notable increase in total impacts."[7] BLM still does not elaborate on this conclusion, despite the new information presented to it, beyond stating that "[t]he draft SEIS identifies minor changes to the existing conditions of the Planning Area since the 2019 FEIS was completed," and "[n]o conflicts were found between the estimated impacts of oil and gas leasing and development" and RMPA goals.[8] There is no explanation of what constitutes a "minor change" or why, for example, newly impaired water bodies or newly protected species with habitat overlapping the proposed action do not constitute new information that merits an RMP amendment.

There is also no explanation of what constitutes a "conflict" or how these supposed standards relate to the controlling regulation. BLM claims "the approved RMPA maintains

[5] 43 C.F.R. § 1610.5-5 (emphasis added).
[6] BLM, *Notice of Availability of the Draft Central Coast Field Office Oil and Gas, Leasing and Development Supplemental Environmental Impact Statement, California*, 91 Fed. Reg. 1329, 1330 (Jan. 13, 2026). BLM does not define "notable," nor trace this supposed standard to any legal basis.
[7] Final SEIS at A-10.
[8] *Id*.

the ability to respond to current issues,"[9] despite the fact that these "current issues" did not exist at the time of the prior-approved RMPA.

BLM promises that it "relied on high-quality information and the best available data in preparation of the 2025 draft SEIS,"[10] but BLM has not meaningfully incorporated the new studies the Center has provided. The final SEIS simply states that it "considered all documents submitted directly and indirectly by commenters, and the conclusions of the analysis remain unchanged."[11]

In maintaining that "no amendment to the 2019 RMPA is necessary," BLM relies on the range of alternatives remaining the same "between the 2019 RMPA and its 2019 FEIS and the draft SEIS."[12] However, BLM improperly failed to present, consider, and analyze a reasonable range of alternatives, including new alternatives detailed in the Center's previous submissions.

B. BLM Must Align Its RMP and NEPA Analysis with California and New Federal Laws.

BLM's RMP and NEPA analysis are incompatible with state and local law, and consequently, BLM fails to meet the requirements of the Mineral Leasing Act ("MLA") and FLPMA. The MLA directs that "[n]one of such provisions" in federal leases "shall be in conflict with the laws of the State in which the leased property is situated."[13] Congress further affirmed respect for state law in 30 U.S.C. § 189, which states "[n]othing in this [Act] shall be construed or held to affect the rights of the States or other local authority to exercise any rights which they may have." In addition, FLPMA specifies that federal land use plans must "provide for compliance with applicable pollution control laws, including State . . . air, water, noise, or other pollution standards or implementation plans."[14]

The Center provided a non-exclusive list of state and local laws that the RMP would violate, *inter alia*:

- SB 905, banning the use of carbon dioxide for enhanced oil recovery
- SB 1137, prohibiting new drilling and certain other oil and gas activities within 3,200 feet of a sensitive receptor, as defined by state law. The RMP also fails to require (or even consider) pollution control measures imposed on operators.
- California Code of Regs., title 14, section 1780, banning hydraulic fracturing and other types of well stimulation.

Other recent state laws that BLM should expressly incorporate into its analysis include:

- SB 1057 (Limon), which requires minimum bonding levels for wells in California.

[9] *Id*.
[10] *Id*. at A-9.
[11] *Id*. at A-3.
[12] *Id*. at A-10.
[13] 30 U.S.C. § 187.
[14] 43 U.S.C. § 1712(c)(8).

- AB 1167 (Carrillo), which requires full bonding for companies acquiring ownership or control of a well.
- AB 1866, which requires plugging or fees for wells that meet the state definition of an "idle" well.

The FSEIS does not discuss or incorporate other recent local and regional restrictions on oil and gas drilling mandated by local air districts and regional water boards.

BLM does not provide an adequate response to these concerns in the FSEIS. It erroneously states that Assembly Bill 3233 bans new hydraulic fracturing.[15] AB 3233 affirms local government's authority to regulate and ban oil and gas activities, but does not expressly ban fracking. California imposes a regulatory prohibition on well stimulation permits.[16]

Moreover, the FSEIS fails to explain which laws BLM interprets to apply to oil and gas activities covered by the RMP, noting only that state and local agencies will "determine enforcement of State and local law … to the extent allowed by law."[17] This circular logic does not provide any information about which laws apply, or to what extent. Nor does the FSEIS explain how these state and local laws would affect the environmental impacts of the RMP. BLM also asserts that state and local laws are *preempted* by federal law in other contexts.[18]

BLM also asserts that it "does not have regulatory or enforcement authority over State or local laws, ordinances, or land use decisions, and compliance with those requirements is administered and enforced by the State and local agencies with jurisdiction."[19] But federal law requires BLM to ensure that operators conducting oil and gas activity under the RMP adhere to state and local requirements.[20]

BLM's analysis also fails to note and consider several federal rules that are being rescinded. BLM, for example, (1) lowered the royalty rate for oil and gas operators, (2) delayed imposition of increased bonding requirements, and (3) delayed certain pollution monitoring requirements.[21] These actions individually and collectively increase the likelihood of expanded oil and gas activity. The FSEIS makes no attempt to incorporate these new factors into its analysis and decision.

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[15] Final SEIS at A-5.
[16] 14 Cal. Code Regs., § 1780(d).
[17] Final SEIS at A-5.
[18] *See U.S. v. State of California*, Case No. 2:26-cv-00107-DC-SCR (E.D.Cal. 2026) (asserting SB 1137 is preempted by the MLA and FLPMA).
[19] Final SEIS at A-5.
[20] 30 U.S.C. § 187; 43 U.S.C. § 1712(c)(8).
[21] Bureau of Land Management, Direct Final Rule for 43 C.F.R. Part 3100 (BLM-2025-23228 [Dec. 18, 2025]); 43 C.F.R. Part 3170 (90 Fed. Reg. 238 (Dec. 15, 2025), 57921; 43 C.F.R. Part 3100 (91 Fed. Reg. 82 (Apr. 29, 2026 [BLM-2025-0138].)

C. BLM Improperly Failed to Present, Consider, and Analyze Alternatives.

1. BLM failed to consider additional alternatives.

During the scoping period, the Center proposed the following alternatives: (1) no oil and gas drilling; (2) elimination of fracking; (3) enabling a managed decline of oil and gas production; (4) prohibiting any new land disturbance and requiring "no surface occupancy" ("NSO") on any new leases; and (5) prohibiting leasing in Endangered Species Act critical habitat or areas known to be occupied by special status species.

BLM's reasons for declining to consider these alternatives are unavailing. For example, responding to the request for "No Surface Occupancy on New Leases and/or No Leases in Listed Species Habitats," BLM says it already "considered a range of alternatives that would close all *split estate* lands to oil and gas leasing and development."[22] But the Center suggested requiring NSO on *any* new leases—not just split estates. This is because concerns with new land surface disturbance from oil and gas extends to all lands, not just split estates. BLM was therefore unresponsive to this proposed alternative and did not "consider incorporating [it] into the analysis."[23] BLM also vaguely provided that "closure of Threatened or Endangered (T&E) habitats is already addressed under the range of alternatives considered in this SEIS and no separate analysis is necessary."[24] But BLM fails to recognize that since its 2019 decision dismissing these alternatives, additional species have earned protected status under the federal and California ESAs.

In the FSEIS, BLM again recognizes that it was presented with these alternatives to "apply an NSO stipulation on new leases and/or do not have leases in listed species' habitats" and to "prohibit leasing in ESA critical habitat or areas known to be occupied by special status species."[25] And again, BLM repeats virtually verbatim that it "considered a range of alternatives that would close all *split estate* lands to oil and gas leasing and development" and that "closure of threatened and endangered species' habitats is already addressed under the range of alternatives, and no separate analysis is necessary."[26] These non-responses to the Center's comments on the draft SEIS show that BLM did not consider these alternatives.

2. BLM failed to present a true range of alternatives.

BLM's alternatives approach in the SEIS is flawed: the 2019 FEIS presented six alternatives, and "assumed same level of oil and gas development under the 2015 RFDS would apply to Alternatives A, C, D, E, and F."[27] The SEIS then carried forward the same six alternatives, including their associated "management goals and objectives, management actions, and BMPs common to all alternatives as described in Chapter 2, Section 2.4 on

[22] 2025 DSEIS at 20 (emphasis added).
[23] 2025 DSEIS at 1.
[24] 2025 DSEIS at 20.
[25] Final SEIS at A-8.
[26] *Id*. at A-9 (emphasis added).
[27] *Id*. at 17.

pages 2-3 and 2-4 (BLM 2019)."[28] But assuming the same level of development and prescribing the same objectives and practices does not create a meaningful "range" of alternatives. In our comment letter on the draft SEIS, we asserted that new alternatives must lessen the possible "max" production established in the RFDS.[29]

BLM acknowledges that "[c]ommenters assert that the draft SEIS fails to consider a reasonable range of alternatives."[30] The FSEIS, however, fails to address our contention that assuming the same level of development across five of six alternatives does not create a reasonable range of alternatives.[31] BLM states that it "has a responsibility under FLPMA to act as a steward for the development, conservation, and protection of Federal lands by implementing multiple-use principles."[32] NEPA and conservation and protection of the Federal lands at stake here require, at least, consideration of a reasonable range of alternatives that is actually a range.

3. BLM must withdraw lands with little to no oil and gas potential from alternatives.

We maintain our request that BLM offer a managed decline alternative and a no further oil and gas development alternative, despite BLM's misguided, repeated assertion that it is required to "encourage energy development."[33] "[FLPMA] does not mandate that every use be accommodated on every piece of land . . . . It is past doubt that the principle of multiple use does not require [an agency] to prioritize development over other uses."[34]

It is arbitrary and capricious for BLM to propose making lands with low- to no-productive capacity for oil and gas available for fossil fuel leasing. BLM must withdraw these lands from its alternatives (including Alternative F) and offer at least one new, reduced acreage alternative in a new SEIS.

Alternative F, without explanation, proposes to open mineral estate in *all* provinces and areas—regardless of their production potential—for oil and gas activities. The RFDS notes that only about 454,000 acres of federal mineral estate in the CCFO have "high" or "medium" oil and gas occurrence potential.[35] Under Alternative F, BLM is opening 725,500

[28] *Id*. at 17.
[29] Exhibit A at 7.
[30] Final SEIS at A-8.
[31] *See id*. at A-8 to A-9 (Response Code ROA-1); *see also id.* at A-134 (assigning section "B. Failure to present a true range of alternatives" to Response Code ROA-1).
[32] *Id*. at A-8.
[33] *Id*. at A-9.
[34] *N.M. ex rel. Richardson v. U.S. Bureau of Land Mgmt.*, 565 F.3d 683, 709-10 (10th Cir. 2009) (finding Bureau violated NEPA by failing to include an analysis in its EIS of an alternative closing grasslands to development). *See also id.* at 711 (Courts have recognized that "whether any of the lands in [a] plan area are suitable for fluid minerals development . . . is precisely the question the planning process was intended to address. It would fit well within the scope of the plan objectives for BLM to conclude that no lands in the plan area are suitable for leasing and development.").
[35] 2019 FEIS, Appendix B at B-7.

acres to oil and gas leasing.[36] This means that 40% of the land—or 270,000 acres—that BLM is designating as available for oil and gas leasing under Alternative F cannot even be used for its designated purpose.

Throughout the SEIS, BLM offers some version of the conclusion that impacts of Alternative F will be minimal because, for example, species habitat does not "intersect with areas of high development potential."[37] But "development potential" is not what guides Alternative F. Instead, regardless of development potential, Alternative F is opening almost all federal mineral estate lands in the planning area for private leasing. BLM cannot reasonably have it both ways: on the one hand, opening up vast acreage across the CCFO for oil and gas leasing, while on the other, foregoing analysis of impacts outside the high potential zones. At the very least, BLM should withdraw lands with only moderate, low, or no oil and gas potential from Alternative F. These lands should be managed to protect the environmental values they *do* possess, such as species habitat, water, recreational values, and more.

BLM failed to respond to this section of our comments on the draft SEIS and thus has not demonstrated that it considered withdrawing lands with little to no oil and gas potential.[38]

4. BLM must consider new alternatives in light of the 2025 Budget Reconciliation Act.

To the extent BLM adopts an interpretation of the 2025 Reconciliation Act's amendments to the MLA[39] that would limit BLM's discretion over whether to offer parcels to lease, which parcels to offer, and what mitigation and stipulations can be imposed *at the leasing or permitting stages*, BLM must, during this planning process, revisit its designation of lands open to ensure it can meet its FLPMA multiple use, prevention of unnecessary or undue degradation, and other environmental protection mandates. For purposes of environmental review under NEPA, adopting this interpretation changes the environmental baseline, because lands currently designated as "open" for leasing would now face a substantially higher probability of being leased and developed.[40] Thus, BLM would need to amend the RMP and produce a more comprehensive SEIS to account for and consider the reasonably foreseeable consequences of increased leasing and development.

Whether BLM has adopted this interpretation is unclear; BLM is inconsistent on this issue. In the FSEIS, in response to comments about the Reconciliation Act, BLM states that it "does not interpret this language as mandating the issuance of leases for all lands

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[36] Final SEIS at 2-3. Alternative F proposes closing only 67,500 acres.
[37] *Id*. at ES-1 to ES-2.
[38] *See id*. at A-8 to A-9 (Response Code ROA-1); *see also id*. at A-135 to A-137 (assigning section "C. BLM must withdraw lands with little to no oil and gas potential from alternatives" to Response Code ROA-1).
[39] 30 U.S.C. § 226(a) (2024), as amended by Pub. L. No. 119-21, § 50101(d)(1), 129 Stat. 72, 138 (2025).
[40] BLM also "expects an increase in workload related to processing noncompetitive leases." BLM, Impacts of the One Big Beautiful Bill Act of 2025 (Pub. L. No. 119-21) to the Oil and Natural Gas Leasing Program, IM 2026-018 (May 12, 2026), https://www.blm.gov/policy/im-2026-018.

designated as open, nor as eliminating the BLM's discretion to apply appropriate stipulations or mitigation measures."[41] BLM continues: "Rather, the requirement that lands be made available for leasing ensures that eligible lands designated as open in an RMP may be considered through the Federal leasing process in accordance with applicable laws and regulations."[42] Finally, BLM asserts that "[a]ppropriate lease stipulations and mitigation measures may be developed or further refined during subsequent, site-specific review and analysis."[43]

Without notice and two weeks after publishing the FSEIS, BLM posted to the project website[44] a two-page "Errata for Central Coast Field Office comment response," purporting to correct Section A.4.4.2 (Response Code OL-2) of the FSEIS.[45] In contrast to the FSEIS that was officially published in the Federal Register, BLM states that it issued the Errata "to clarify that, under the [One Big Beautiful Bill Act], BLM *must* offer for lease within 18 months of receipt of an expression of interest any parcel subject to disposition under the MLA that is known or believed to contain oil or gas deposits, so long as the parcel is open to leasing under the applicable approved resource management plan."[46] BLM also asserts in the Errata that it "*may not* apply to a lease issued as a result of an expression of interest any stipulations or mitigation requirements not included in the applicable approved resource management plan."[47]

BLM's adoption in the Errata of this maximally restrictive interpretation of the Reconciliation Act directly conflicts with information provided in the FSEIS, in places outside of Section A.4.4.2 (the only section the Errata purports to clarify). For example, in Section 1.2 where BLM describes the "Supplemental Analysis" it undertook, BLM states the following about the "Leasing" stage:

> The BLM *may add stipulations at this level*, as established in the RMP. The majority of lease sales are the result of expressions of interest (EOI) from external parties. *Land open to leasing will not automatically be nominated, leased, and developed*. Parcels that are nominated for leasing must be reviewed and approved by the BLM prior to leases being sold at an auction. *Upon completing this review, the State Director will determine whether to offer the parcel for lease, and if so, what stipulations to attach to the lease*. *The BLM may determine that not all EOIs are available for leasing*.[48]

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[41] Final SEIS at A-6 (Section A.4.4.2, Response Code OL-2).
[42] *Id*.
[43] *Id*.
[44] https://eplanning.blm.gov/Documents/?id=fb0aabe9-a7f2-f011-8406-001dd802fdea&spid=15f36492-a8f2-f011-8406-001dd8008d46.
[45] Errata for Central Coast Field Office comment response (posted to project website with a June 4, 2026 "Release Date" and "Document Date") ("Errata").
[46] Errata at 1 (emphasis added).
[47] *Id*. (emphasis added).
[48] Final SEIS at 4 (emphasis added).

Despite these internal contradictions and the post-FSEIS posting of the Errata, BLM still asserts, "[t]he SEIS has analyzed the impacts of reasonably foreseeable oil and gas leasing and development, *accounting for the OBBBA*."[49] BLM explains this jump in logic by saying that "[b]ecause the SEIS's impact analysis was based on development levels projected in the RFDS—not on assumptions about BLM denying leasing requests or using discretion constrained by the OBBBA—the OBBBA does not alter the underlying assumptions or the environmental consequences analyzed in the SEIS."[50] However, the RFDS was developed at a pre-OBBBA time when BLM considered itself able to exercise its discretion, and the data the RFDS relied on to make its projections surely encompassed that regulatory environment. If BLM adopts this newly presented interpretation of the Reconciliation Act, then it would be arbitrary and capricious to rely on an RFDS that did not and could not consider whether leasing and development would increase in a regulatory environment where BLM lacks any discretion.

BLM also claims "the SEIS's analysis already assumed the application of the RMP's existing stipulations and mitigation requirements, and the impacts analyzed were based on those requirements," so "the SEIS did not rely on any future stipulations or mitigation requirements that the OBBBA would prohibit."[51] That is not true; the SEIS does rely on future stipulations and mitigation measures that have not yet been developed. For example, BLM concludes "[t]here would be no effect on other populations of new listed or proposed species and their associated habitats from leasing under the range of alternatives, because the potential direct and indirect impacts on special status species from leasing of fluid minerals depend on site-specific project proposals; *therefore, they would be further analyzed at the leasing stage to identify stipulations applied at that stage*."[52] Also, in its response to comments about the draft SEIS's conflicts with state and local laws, BLM states that, in regard to leases proposed near state parks, it "would coordinate with State agencies for surface management agency concurrence and would manage potential impacts *through appropriate lease stipulations*."[53]

The Center does not endorse BLM's newly presented interpretation of the Reconciliation Act.[54] However, given the FSEIS's inconsistencies on this issue, the SEIS

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[49] Errata at 1 (emphasis added).
[50] *Id*.
[51] *Id*. at 2.
[52] Final SEIS at 77 (emphasis added).
[53] *Id*. at A-7 (Section A.4.4.3, Response Code OL-3) (emphasis added).
[54] One federal court, in a very recent decision, flatly rejected BLM's interpretation: "FLPMA's requirements to maintain sustainable wildlife populations and avoid unnecessary or undue degradation of public lands, including sage-grouse habitat, remain in force under OBBBA. 43 U.S.C. § 1732(a); 43 U.S.C. § 1732(b). OBBBA defines lands 'eligible' for leasing to mean 'all lands' 'subject to leasing' unless 'excluded from leasing by a statutory prohibition.' 30 U.S.C. § 226(b)(1)(A) (2026). This definition would restrict BLM from selling and issuing leases that violate FLPMA's mandates for the protection of public lands and resources. … Defendants lastly argue that the language, 'ma[k]e available,' in OBBBA effectively mandates BLM to offer nominated parcels for lease if the parcels are open to leasing and known or believed to contain oil and gas deposits.

fails to provide basic information about how the RMP will be implemented and the resulting foreseeable environmental impacts. Regardless of its chosen interpretation, BLM must amend the RMP and develop and publish a new draft SEIS that resolves inconsistencies and accordingly demonstrates adequate environmental analysis and compliance with federal laws such as FLPMA, NEPA, CAA, and ESA. If BLM does adopt the interpretation presented in the Errata, then it must amend the RMP and produce a more comprehensive SEIS to account for and consider the reasonably foreseeable consequences of the resulting increased leasing and development and to demonstrate compliance with federal laws.

5. BLM did not consider an alternative that protects ACECs.

FLPMA provides that RMPs "shall . . . give priority to the designation and *protection of*" Areas of Critical Environmental Concern ("ACEC").[55] There are ACECs within the Planning Area, but rather than prioritize protection of these highly important areas, BLM's Alternative F opens up ACECs for oil and gas activities.[56] The Center proposed an alternative that closes all ACECs to oil and gas leasing and development.[57]

BLM explains in the FSEIS that it did not analyze impacts to ACECs because "no changes in circumstances related to Special Management Area have occurred within the CCFO."[58] However, the Center provided in its DSEIS comments an example of changed circumstances within the Panoche-Coalinga ACEC: in 2023, BLM limited vehicle access in the Panoche-Coalinga ACEC to "protect habitat for the endangered blunt-nosed leopard lizard," and BLM participates in a multi-institutional captive breeding program "to recover the species from the imminent danger of extinction."[59]

BLM did not include this section from our comments on the DSEIS in its Appendix A.5 "Substantive Comments and BLM Response." Thus, BLM failed to respond to, let alone consider, this proposed alternative. It also failed to consider and respond to our evidence of changed circumstances in ACECs in the Planning Area.

(Doc. 513 at 22–23.) *The statutory text of OBBBA does not effectively eliminate BLM's discretion so broadly as to mandate the sale and issuance of leases without oversight*. OBBBA's legislative history shows that Congress contemplated, and ultimately rejected, such an interpretation as the version of the bill introduced on May 20, 2025, mandated that BLM 'shall . . . offer' lands within 18 months. *See* H.R. 1, 119th Cong. § 80101(a)(1) (May 20, 2025). Congress later amended the bill to require only that the lands 'shall be made available for leasing' within 18 months. *See* 30 U.S.C. § 226(a)(1), as amended by Pub. L. No. 119-21, § 50101(b)(1), 139 Stat. 72.... As a result, the Court interprets the 'made available' language in OBBBA to provide BLM some discretion to limit leasing of sage-grouse habitat that fails to fit within FLPMA's requirements." *Montana Wildlife Federation et al. v. Doug Burgum et al.*, Case 4:18-cv-00069-BMM, Dkt. No. 570, Order on Phase Three Summary Judgment at 14-15 (D. Montana, Jun. 12, 2026) (emphasis added).

[55] 43 U.S.C. § 1712(c)(3) (emphasis added).

[56] Final SEIS at 3 ("NSO stipulations would apply to some lands open to leasing, including Joaquin Rocks Area of Critical Environmental Concern (ACEC) [and] ACECs within the Ciervo Panoche Natural Area").

[57] Exhibit A at 12.

[58] Final SEIS at 13.

[59] BLM, "BLM takes measures to protect endangered species at Panoche Hills" (Feb. 23, 2023), https://www.blm.gov/press-release/blm-takes-measures-protect-endangered-species-panoche-hills-0.

D. BLM Ignored the Center's New Information and "Recent Studies" Flagged and Submitted During the DSEIS Comment Period and Scoping Period.

During scoping and again in comments on the draft SEIS, the Center raised a straightforward concern: BLM prepared this supplemental analysis for the stated purpose of evaluating "new information or changes in circumstances" since the 2019 Final EIS, but then failed to meaningfully consider the recent scientific studies and new information the Center submitted.[60] The provided studies address every major resource area implicated by the SEIS, including climate change and the need to phase out fossil fuel production, air pollution and public health harms from oil and gas development, wildlife and ecological impacts, and species-specific impacts to the San Joaquin kit fox, blunt-nosed leopard lizard, and giant kangaroo rat.[61]

BLM's response does not cure the defect. BLM responded only that NEPA requires agencies to use high-quality information and ensure scientific integrity; that BLM "relied on high-quality information and the best available data"; that BLM "has considered all documents submitted directly and indirectly by commenters"; that "the conclusions of the analysis remain unchanged"; and that the submitted documents "will be included in the administrative record."[62] This is not an adequate response to the Center's comments. It is a conclusion that BLM considered the new information presented to it, without any explanation showing that it actually did so.

This failure is especially significant because a purpose of this SEIS was to evaluate new information and changed circumstances since the 2019 analysis, in order to "determine whether changes are needed to the [prior] fluid mineral decisions."[63] BLM cannot justify its supplemental review on that basis while refusing to engage with the recent studies and new information placed before it. Because BLM failed to meaningfully consider and respond to the Center's submitted studies, failed to explain why those studies did not alter its analysis, and failed to respond to the Center's specific comment that the draft SEIS cited only one of the Center's provided studies, BLM failed to take the hard look NEPA requires and acted arbitrarily and capriciously under the APA. BLM must withdraw the FSEIS, amend the RMP, and prepare a revised SEIS that actually considers and incorporates the recent scientific information submitted by the Center.

E. BLM Improperly Deferred Analysis of Impacts to the APD Stage.

Without a rational or consistent explanation of whether BLM can impose mitigation measures at later stages of approval, the SEIS fails as an informational document. To the extent BLM's position is that it cannot impose additional mitigation measures once the RMP is final, the SEIS is legally deficient because it does not fully account for the resulting

[60] Exhibit A at 12-15.
[61] *Id*.
[62] Final SEIS at A-3.
[63] *Id*. at 4.

environmental impacts of the RMP. Alternatively, to the extent BLM's position is that it can impose mitigation measures later in the process, the SEIS still fails to meet NEPA requirements because it improperly defers analysis of the impacts of oil and gas activity to the drilling stage of approvals. NEPA does not allow an agency to defer analysis in such a manner. BLM can and should consider and adopt mitigation measures at the RMP stage to address the significant impacts the Center has flagged in its comments, including many impacts shown by recent studies to be greater in extent and severity than acknowledged in the SEIS. Bonding requirements, for example, could mitigate the harm from idle and orphan wells that will result from oil and gas development under the RMP. BLM provides no rationale why bonding requirements cannot be considered at the RMP stage rather than deferred to the APD stage.

F. BLM Failed Multiple FLPMA Requirements.

Under FLPMA, BLM must manage public lands "in a manner that will protect the quality of the scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and archeological values,"[64] and give special protection to areas of critical environmental concern.[65] FLPMA further requires BLM to manage all public lands to prevent "unnecessary or undue degradation."[66] BLM must also stay appraised of what values its public lands possess so as to inform its management decisions.[67]

BLM's RMP, and the agency's decision not to amend the RMP (collectively the "RMP decisions" here), violate multiple provisions of FLPMA and are arbitrary and capricious. While we reiterate a number of these deficiencies below, FLPMA's requirements underlay this entire RMP planning process, and BLM's information gathering and analysis failures in the NEPA context also implicate FLPMA.

1. Unnecessary and undue degradation

a. BLM's RMP decisions do not contain specific measures to avoid UUD.

BLM's RMP decisions violate FLPMA because they fail to avoid unnecessary and undue degradation (or hereinafter, "UUD") of biological resources and habitat, air quality and the atmosphere, and water resources—all of which FLPMA requires BLM to protect. There is no evidence that BLM affirmatively addresses the numerous ways fossil fuel development in the Planning Area could cause UUD. Neither the RMP decisions, the SEIS, nor BLM's vague explanation for declining to amend the RMP adequately explain how BLM management under the proposed decision will prevent or mitigate such impacts to the resources BLM manages. BLM defers application of protective measures to the APD stage, and it declines to propose any updates to best management practices ("BMPs") and conditions of approval ("COAs") to avoid UUD, despite new information and changed

[64] 43 U.S.C. § 1701(a)(8).
[65] *Id*. §§ 1701(a)(11), 1702(a).
[66] *Id*. § 1732(b).
[67] *Id*. § 1711(a).

circumstances about the legal landscape and newly listed species, newly impaired water bodies, air pollution nonattainment updates, and more.

BLM responds to these concerns by stating that it "added language to the final SEIS to clarify" the three stages of its process: RMP, leasing, and development.[68] It asserts that "[w]hen specific parcels are proposed for lease, an environmental review evaluates reasonably foreseeable development but defers detailed, site-specific analysis because a lease sale itself does not authorize surface disturbance."[69] However, elsewhere in the FSEIS, BLM states that "a lease does grant the lessee certain rights to drill for and extract oil and gas."[70] And, in contrast to its insistence that "mitigation measures are conducted at the development APD stage" only,[71] the language it added to the final SEIS says "BLM may add stipulations" at the leasing level.[72] These inconsistencies do nothing to explain why BLM cannot and does not affirmatively prevent UUD at this stage.

BLM admits that it "establishes broad resource protections based on landscape-level and cumulative impacts" at the RMP stage.[73] Yet, it does not explain why new circumstances do not warrant updated protective stipulations, BMPs, and COAs designed at the planning level to avoid UUD.

b. Opening acreage with little/no oil and gas potential could lead to UUD.

Opening nearly 300,000 acres of low-potential federal mineral estate to leasing could lead to numerous harms from "wildcat" oil and gas exploration, including from using new or existing roads, wellpad construction, test drilling, night lighting, noise, and chemical use. With these activities come an array of air, water, climate, vegetation, and species harms, among others. With a low likelihood of successful production, this means that many acres in the Planning Area—that otherwise could be managed for conservation values—will be unnecessarily damaged. BLM has not explained why it is opening these nearly 300,000 acres for leasing or how it will avoid UUD should those lease parcels be explored. This violates FLPMA. BLM did not respond to this concern in its FSEIS.[74]

c. BLM should adopt species-specific UUD measures.

BLM must prevent UUD to species occurring within the Planning Area, and the Center proposed RMP-level decisions (such as reducing acreage opened for leasing) BLM can take to do so. The Center even showed that one of the standard operating procedures ("SOPs") proposed by BLM in the 2019 Record of Decision to protect the federally-endangered blunt-nosed leopard lizard with buffer zones was out-of-date and contradicted by the U.S. Fish and Wildlife Service's Programmatic Biological Opinion and by the

[68] Final SEIS at A-11 (Section A.4.6.2, Response Code IA-2).
[69] *Id*.
[70] *Id*. at 37.
[71] *Id*. at A-11.
[72] *Id*. at 4.
[73] *Id*. at A-11.
[74] *Id*. at A-11 to A-12 (Response Code IA-2); *see id*. at A-99 (assigning Section "2. Opening acreage with little/no oil and gas potential could lead to UUD" to Response Code IA-2).

California Department of Fish and Wildlife.[75] Despite this showing, BLM did not update this particular SOP, saying only that the 2019 FEIS included BMPs "mandat[ing] buffers that are species specific."[76]

The Center also informed BLM that it must avoid UUD to newly protected species by a) updating its 2019 guidelines to reflect current and new information; and b) including species-specific measures for newly-protected species.[77] BLM does not mention UUD in its FSEIS response to this section.[78] Despite new information and newly-protected species, BLM simply reiterates without explanation that "the impacts, generalized mitigation strategies, and standard operation procedures that are identified in the 2019 FEIS still apply to the species identified."[79]

Finally, in the FSEIS, BLM does not attempt to correct its irrational reasoning for why it concludes there are not likely to be adverse effects to newly-protected species.[80]

d. BLM should consider ACEC-specific UUD measures.

BLM has still not provided reasoning for why it did not put NSO stipulations on all ACECs, nor did it explain why it did not even consider doing so.[81] Prohibiting surface occupancy in ACECs is a reasonable means of protecting areas requiring special management attention.

Alternative F leaves some ACECs open for oil and gas leasing without NSO stipulations. While Alternative F proposes NSO stipulations in Joaquin Rocks ACEC and ACECs within the Ciervo-Panoche Natural Area,[82] no such stipulations are applied to the whole of the Panoche-Coalinga ACEC, although mineral estate within this ACEC is designated as open for leasing,[83] and that ACEC is home to imperiled species like the blunt-nosed leopard lizard. The Panoche-Coalinga was "established to protect its significant habitat for rare, threatened, and endangered plants and wildlife."[84] BLM acknowledges that biological resources in ACECs may be degraded if oil and gas development occurs in the area.[85] BLM's failures here violate its duty to prevent UUD.

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[75] Exhibit A at 19.
[76] Final SEIS at A-24.
[77] Exhibit A at 19-20.
[78] Final SEIS at A-23 to A-24 (Response Code VegWild-1); *see id*. at A-182 (assigning Section "3. BLM should adopt species-specific UUD measures" to Response Code VegWild-1).
[79] *Id*. at A-24.
[80] *See* Exhibit A at 20; *see also* Final SEIS at A-23 to A-24.
[81] Final SEIS at A-21 to A-22 (Section A.4.14, Response Code SMA-1); *see also id*. at A-143 (assigning Section "4. BLM should consider ACEC-specific UUD measures" to Response Code SMA-1).
[82] *Id*. at 3.
[83] 2019 FEIS at 4.14-7 (noting under Alternative F, areas open to leasing include Panoche-Coalinga ACEC (subject to NSO stipulations within the Ciervo-Panoche Natural Area)).
[84] *Id.* at 3.14-5, 6.
[85] *Id.* at 4.14-7 ("Even with the CSU stipulations and other conditions of approval, oil and gas development within SMAs could degrade biological resources (i.e., ACECs outside the Ciervo-Panoche Natura Area) . . .").

2. FLPMA's inventory requirements

FLPMA directs that "[t]he Secretary shall prepare and maintain on a continuing basis an inventory of all public lands and their resource and other values," and "[t]his inventory shall be kept current so as to reflect changes in conditions and to identify new and emerging resource and other values."[86] Further, FLPMA's inventory regulations require, "in collaboration with any cooperating agencies, [BLM to] arrange for resource, environmental, social, economic and institutional data and information to be collected, or assembled if already available."[87] Similar to this requirement is NEPA's requirement that the agency establish an environmental baseline before decisions are made.[88] BLM fails FLPMA's inventory requirements on several counts, including failing to inventory and present where Alternative F's leasing areas overlap with newly-protected species.[89]

In response to our examples of its failures to inventory Alternative F's overlap with western spadefoot, western pond turtle, Temblor legless lizard, Crotch's bumblebee, Western bumble bee, and burrowing owl occurrences, BLM states only that "[t]he 2019 FEIS acknowledges that surveying the entire analysis area would be impractical based on the landscape area."[90] Complying with FLPMA's inventory requirements does not mean BLM must physically survey the entire Decision Area for all species at the RMP stage. BLM must, however, do more than general description, especially when specific information and data are already available to it.

In response to the NEPA environmental baseline issue, without pointing to a single example of an update, BLM gives only a conclusory statement: "The BLM conducted a review of baseline conditions in the 2019 FEIS and updated its analysis where a change in conditions was present."[91]

We also reiterated EPA's scoping recommendations related to inventorying water resources.[92] BLM insists that "detailed mapping of relevant drinking water sources, wetlands, [and] waters of the United States…would be speculative and premature."[93] However, mapping of these resources at the same level of detail as BLM's mapping of

[86] 43 U.S.C. § 1711(a).
[87] 43 C.F.R. § 1610.4-3.
[88] *Great Basin Res. Watch v. Bureau of Land Mgmt.*, 844 F.3d 1095, 1101 (9th Cir. 2016) ("Without establishing the baseline conditions which exist … before [a project] begins, there is simply no way to determine what effect the [project] will have on the environment and, consequently, no way to comply with NEPA.").
[89] Exhibit A at 21-23.
[90] Final SEIS at A-24 (Section A.4.16.1, Response Code VegWild-1); *see also id*. at A-185 to A-187 (assigning inventory failure examples comment to Response Code VegWild-1).
[91] *Id*. at A-8 (Section A.4.4.4, Response Code OL-4); *see also id*. at A-128 (assigning comment about "environmental baseline" to Response Code OL-4).
[92] Exhibit A at 23.
[93] Final SEIS at A-26 (Section A.4.17.2, Response Code WR-2).

Alternative F's open mineral estate is surely available for BLM's collection, presentation, and consideration.[94]

3. FLPMA requires that BLM protect atmospheric values.

BLM has not fulfilled its duty under FLPMA to prevent impairment of the atmosphere here. While admitting that oil and gas development will lead to emissions of greenhouse gases ("GHGs") such as carbon dioxide (CO_2), methane (CH_4), and nitrous oxide (N_2O),[95] BLM nonetheless is proposing to adopt an alternative that amounts to an all-out fossil fuel extraction option, in that Alternative F opens for leasing much more acreage than is projected to be developed in the RFDS.[96] BLM must prepare an updated RFDS to properly estimate how development under Alternative F will contribute to and exacerbate the climate crisis.

BLM acknowledges that commenters "assert that the [SEIS's GHG] analysis assumes continued effectiveness of Federal methane and VOC regulations that have since been delayed, weakened, or repealed."[97] However, BLM fails to address those comments in its response.[98] BLM claims it "cannot consider California statutes, regulations, or policies when making Federal decisions," but, regardless of whether that is true, it says nothing about considering federal deregulatory actions.[99] Thus, the GHG analysis in the FSEIS is still deficient.

Pursuant to FLPMA's letter and clear intent, BLM must amend the RMP to prevent the degradation of the atmosphere and resulting harms from climate change to future generations.

G. BLM Failed to Take a Hard Look at All Environmental Impacts.

NEPA's purpose is to ensure that an agency, "in reaching its decision, will have available, and will carefully consider, detailed information concerning significant environmental impacts; it also guarantees that the relevant information will be made available to the larger audience that may also play a role in both the decision-making

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[94] *See, e.g.*, Watershed Assessment, Tracking, and Environmental Results System (WATERS), U.S. Environmental Protection Agency, https://www.epa.gov/waterdata/waters-watershed-assessment-tracking-environmental-results-system.
[95] Final SEIS at 66.
[96] 2019 FEIS at 2-1 ("[T]he Preferred Alternative was selected based on the Administration's goal of strengthening energy independence and the BLM support of an all-of-the-above energy plan that includes oil and gas underlying America's public lands. The Preferred Alternative fulfills FLPMA's mandate for multiple use and sustained yield of the BLM lands because it applies the least restrictions necessary to develop Federal minerals within existing oil and gas fields where the vast majority of oil and gas production is projected to occur.").
[97] Final SEIS at A-17 (Section A.4.10, Response Code GHG-1); *see also* Exhibit A at 24-25.
[98] *Id*. at A-18.
[99] *Id*. at A-18.

process and the implementation of that decision."[100] BLM failed these hard look and information disclosure requirements for many issue areas.

1. Failure to adequately analyze Alternative F

In the DSEIS comments, the Center commented that BLM failed to take the required hard look at Alternative F. Alternative F is not a minor variation on the preferred alternative previously presented to the public. In the 2016 draft SEIS, BLM identified Alternative C as its preferred alternative, analyzed it in detail, and made it available for public comment. But in the 2019 FEIS and Record of Decision, BLM selected a new preferred alternative, Alternative F, which substantially expanded the scope and magnitude of oil and gas leasing and development impacts. The 2025 draft SEIS again selected Alternative F as the preferred alternative, yet still failed to provide the analysis necessary to support that choice.

The Center identified three deficiencies. First, BLM omitted analysis of Alternative F's impacts to several resource areas that BLM had analyzed for other (lesser-impacting) alternatives in the 2019 SEIS, including health and safety, geology, seismicity, soil, vegetation, and wildlife habitat.[101] Second, BLM failed to present the alternatives in meaningful comparative form, despite EPA's recommendation that BLM quantify and compare impacts of each alternative to the greatest extent possible.[102] Third, BLM failed to analyze the effects of opening ACECs and Recreation and Public Purpose lands to oil and gas development with surface occupancy, even though surface development on R&PP lands was not contemplated under any alternative analyzed in the 2016 draft SEIS, including the no-action alternative.[103] The Center explained that this change could harm visual resources, recreation, public safety, and habitat for listed species, and that BLM never explained why surface occupancy in these areas was appropriate and never analyzed the impacts of that change.[104]

BLM's response does not address these concerns. Instead, BLM discusses the 2019 FEIS's cumulative impacts analysis, the geographic distinction between the Central Coast and Bakersfield Field Offices, air-basin accounting, and the relative size of future leasing emissions.[105] None of that responds to the Center's objections regarding BLM's failure to adequately analyze Alternative F itself.

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[100] *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 349 (1989).
[101] Exhibit A at 26.
[102] *Id*.
[103] *Id*. at 26-27.
[104] *Id*. at 27.
[105] Final SEIS at A-10 to A-11 (Section A.4.6.1, Response Code IA-1); *see id.* at A-85 (assigning Section "A. Failure to adequately analyze Alternative F" to Response Code IA-1).

BLM's reliance on deferred APD-stage review and general NSO or CSU stipulations also does not cure the defect. NEPA requires analysis at the earliest meaningful point, before BLM makes commitments that narrow future choices.[106]

Because BLM's response discusses cumulative impacts, field-office boundaries, air-basin accounting, and later APD review, but does not address the Center's specific objections to the inadequate analysis of Alternative F, BLM failed to respond to substantive comments and failed to take the hard look NEPA requires. If BLM continues with Alternative F, it must prepare a revised SEIS that analyzes Alternative F's direct, indirect, and cumulative impacts; compares those impacts against the other alternatives; addresses all relevant resource areas (including those that were never analyzed for Alternative F in the prior EIS); and evaluates the consequences of allowing surface occupancy on ACECs and R&PP lands.

2. Climate change and GHGs

The Center explained in its comments that the draft SEIS failed to adequately explain its estimates of GHGs; failed to assess and incorporate significant new data in estimating GHG emissions; did not consider new information and changed circumstances that GHG mitigation measures have been delayed, weakened or nullified; and relies on flawed GHG analysis.[107] The Final SEIS does not address these shortcomings. Instead, BLM responds that it need not update or change its analysis based on recent Supreme Court jurisprudence.[108] Recent case law does not permit BLM to sidestep its central duty under NEPA to provide an updated and accurate assessment of GHG emissions under the RMP.

3. Health and safety

The Center also commented that BLM erroneously eliminated health and safety impacts from further analysis in the 2025 draft SEIS.[109] BLM still claims that "[n]o new circumstances or information were identified during preparation of this SEIS that would change these conclusions" and therefore "no further analysis is warranted."[110] That conclusion is contrary to the record. The Center identified significant public-health concerns from oil and gas development in the planning area. The Center also submitted recent studies post-dating the 2019 SEIS showing that oil and gas development can harm

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[106] *Kern v. BLM*, 284 F.3d 1062, 1072 (9th Cir. 2002) ("An agency may not avoid an obligation to analyze in an EIS environmental consequences that foreseeably arise from an RMP merely by saying that the consequences are unclear or will be analyzed later when an EA is prepared for a site-specific program proposed pursuant to the RMP . . . If an agency were able to defer analysis discussion of environmental consequences in an RMP, based on a promise to perform a comparable analysis in connection with later site-specific projects, no environmental consequences would ever need to be assessed in an EIS at the RMP level if comparable consequences might arise, but on a smaller scale, from a later site-specific action proposed pursuant to the RMP.").
[107] Exhibit A at 27-32.
[108] Final SEIS at A-18.
[109] Exhibit A at 32-34.
[110] Final SEIS at 9.

respiratory health, increase cancer risks, contribute to adverse birth outcomes, and create other health and safety harms, including risks recognized by the 2021 California Oil and Gas Public Health Rulemaking Scientific Advisory Panel.[111]

BLM's response does not address our submissions. BLM responds that it assessed air-quality impacts at the air-basin level, relied on updated emissions inventories and BLM-approved methods, and concluded that oil-and-gas emissions are a small percentage of total regional emissions.[112] But such assessments do not answer the Center's localized public-health concerns. NEPA requires BLM to consider localized impacts where health risks are significant to affected people.[113] BLM's response never explains why living within a half-mile of wells is not relevant, why the recent health studies do not matter, or why air-basin-level emissions percentages adequately capture localized exposure risks to nearby residents.

BLM also did not respond to the Center's comment regarding SB 1137. The 2019 FEIS acknowledged that Alternative F could place emissions near sensitive receptors and suggested that incompatible activities could be moved, denied, or rejected.[114] But BLM is now challenging California's 3,200-foot buffer zone law as preempted on federal lands.[115] Although the court denied the United States' motion for a preliminary injunction, the litigation underscores the need for BLM to disclose whether it is relying on state buffer zone protections, seeking to avoid them, or assuming development may proceed near sensitive receptors. BLM's response says nothing about the lawsuit or the issue.

Because BLM ignored new health studies, relied on regional air-quality analysis to avoid localized health review, deferred analysis to the APD stage, and failed to address SB 1137's impact on the 2019 FEIS's analysis, BLM's elimination of health and safety impacts from detailed analysis was arbitrary and capricious and violated NEPA's hard-look requirement.

4. Air quality

The Center raised several concerns over the draft SEIS's deficient air quality impacts analysis. The assessment does not provide data underlying emission calculations, and it fails to explain why estimates changed drastically from the 2019 EIS. BLM's response to comments merely states that it used "best available data and science."[116] BLM has not

[111] Exhibit A at 33.
[112] Final SEIS at A-12 to A-13.
[113] *State of California v. Bernhardt*, 472 F. Supp. 3d 573, 622 (N.D. Cal. 2020) ("NEPA does not "allow for an abdication of an analysis, especially where increased harm on certain populations living near active oil and gas development on federal and tribal lands is acknowledged and the potential for alternative approaches exists.").
[114] Exhibit A at 33.
[115] *United States v. California*, No. 2:26-cv-00107 (E.D. Cal. filed Jan. 14, 2026)
[116] Final SEIS at A-12.

updated its analysis to account for the increased energy intensity of oil production in the RMP area. Such calculations would significantly increase the air emissions for each project because of the heavy equipment needed to produce increasingly hard-to-extract oil from RMP areas.

It also states that it will follow state and local Clean Air Act regulations, but it is unclear whether BLM will conform to other state laws such as SB 1137. BLM also improperly states that it will defer air emission analysis to project-specific reviews for applications for permits to drill. NEPA requires analysis to be conducted at the RMP stage for those impacts that are reasonably foreseeable.

5. Water Resources

BLM purports to have updated its analysis of water resource impacts in light of new information since the 2019 FEIS.[117] But rather than conducting the rigorous analysis that NEPA demands, BLM retreats behind programmatic generalities and repeatedly defers meaningful analysis to the APD stage. As we detailed in our comments on the draft SEIS, this approach fails to satisfy NEPA's hard look requirement and ignores substantial comments submitted by both the Center and EPA during the scoping period.[118]

As just one example of BLM's analytical failures, it refuses to estimate per-well water demand because it claims that would "require multiple assumptions about unknown future proposals and would produce highly uncertain results of limited usefulness at this planning scale."[119] Yet, the entire SEIS relies on the RFDS, which itself relies on numerous assumptions—without knowledge of future proposals—to reach what BLM asserts are reasonable conclusions. The only reason a per-well water demand estimation analysis—or any other missing analysis, mapping, information, etc.—would be "of limited usefulness" would be because BLM has no use for additional information when it has no intention of diverting away from Alternative F.

In its response to comments on "Water Resources," BLM does not address the shortcomings of its analysis that we identified; it just repeats that it is "deferring detailed site-specific mitigation and monitoring to the APD stage,"[120] and that "detailed mapping of relevant drinking water sources, wetlands, waters of the United States, and other localized resources, as well as project-specific impact analyses, would be speculative and premature."[121] As we've stated repeatedly, this approach is unlawful.[122] Further, if BLM is adopting and committing to implement the restrictive OBBBA interpretation in its "Errata," then all Alternative F areas would be immediately vulnerable to non-discretionary leasing without the possibility and protection of site-specific stipulations or mitigation measures. If

[117] *Id*. at 38.
[118] Exhibit A at 36-45.
[119] Final SEIS at A-26 (Section A.4.17.2, Response Code WR-2).
[120] *Id*. at A-25 (Section A.4.17.1, Response Code WR-1).
[121] *Id*. at A-26 (Section A.4.17.2, Response Code WR-2).
[122] *Kern v. BLM*, 284 F.3d 1062, 1072 (9th Cir. 2002).

that is the case, then filling the gaps in BLM's water resources analysis at the RMP stage is all the more important.

6. Seismic impacts

The Center commented that BLM improperly excluded seismic impacts from detailed analysis in the 2025 draft SEIS.[123] The Center submitted and specifically discussed two new studies relevant to seismic and geologic risks: *Potential increase in oil and gas well leakage due to earthquakes* (2019) and the DiGiulio Report (2024).[124] BLM ignored these studies. BLM merely recites that NEPA requires high-quality information and scientific integrity, states that it relied on the best available data, asserts that it "considered all documents submitted directly and indirectly by commenters," and says that its conclusions "remain unchanged."[125] This boilerplate response is inadequate.

The Center also raised a related and important concern that BLM ignored entirely: the interaction between oil and gas leasing and development under Alternative F and reasonably foreseeable carbon capture and storage ("CCS") injection projects in the planning area.[126] The Center explained that several CO_2 injection hubs are planned for San Joaquin County within the planning area and that many CCS projects in California are proposed for existing oil fields, creating potential overlap or adjacency between CO_2 injection and oil and gas development enabled by the RMP.[127] The Center further identified known risks from CO_2 injection, including groundwater contamination, brine migration, well leakage, sudden releases, impacts to soils and subsurface conditions, alteration of geologic formations, and induced seismicity.[128]

BLM's response does not address these comments. It provides one sentence: "The BLM did not consider carbon sequestration as it relates to seismicity in the SEIS because productive oil and gas leasing and development activities are not compatible with carbon sequestration; therefore, these activities would not be collocated, and the impacts on seismicity are not exacerbated."[129] BLM admits it did not consider this issue. It also does not explain why oil and gas leasing and development activities are not compatible with CCS projects, nor does it explain how it will ensure "these activities would not be collocated." BLM makes no effort to consider readily available information about proposed CCS projects in the Planning Area; it must reevaluate impacts of seismicity and geology based on CCS projects.

[123] Exhibit A at 45-46.
[124] *Id*.
[125] Final SEIS at A-3.
[126] Exhibit A at 45-46.
[127] *Id*.
[128] *Id*.
[129] Final SEIS at A-17 (Response Code GS-3).

7. Vegetation

The Center raised several concerns regarding the SEIS's lack of analysis of vegetation impacts. Recent studies show several new plant communities and new vegetation types are located within the RMP. BLM must incorporate information that is readily available now into its FSEIS rather than deferring study to the APD stage.

8. Biological Resources

The Center's comments on the draft SEIS identified numerous inadequacies within BLM's assessment of the RMP's impacts to biological resources, including but not limited to: ignoring new studies; failing to disclose where newly federal- and state-protected species are known to occur within the Planning Area; failing to disclose and analyze impacts to newly-protected species; failing to explain its choice to impose NSO stipulations for only giant kangaroo rat habitat and not for other imperiled species; failing to consider recommended mitigation measures; failing to take a hard look at impacts to mountain lions; failing to consider new information regarding the California condor; and failing to adequately analyze impacts to wildlife connectivity and impacts from increased nighttime lighting.[130]

In the FSEIS, BLM fails to address all of it: its response to our 26 pages of comments on these issues is less than one page, amounting to statements that "[t]he scope of the SEIS is narrow," and "[b]ecause the 2025 SEIS is intended to tier from the 2019 FEIS, the impacts, generalized mitigation strategies, and standard operation procedures that are identified in the 2019 FEIS still apply to the species identified."[131] BLM does not explain how the 2019 FEIS accounts for newly protected species. As just one example of BLM's refusal to consider and analyze significant information, we submitted extensive comments and numerous studies regarding the mountain lion, which became protected under the California ESA just this year.[132] Yet, the final SEIS fails to mention the mountain lion at all. BLM says Appendix L of the 2019 FEIS "discusses other special status species, which include California State-listed species,"[133] but Appendix L does not discuss the mountain lion.[134]

It appears that the only part of our "Biological Resources" comments that BLM does not assign to Response Code VegWild-1 is a small part of our section on the Temblor legless lizard, entitled "Recommended Mitigation Measure 2: TLL Consultation."[135] However, BLM's response to this comment says nothing about the Temblor legless lizard or

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[130] Exhibit A at 48-73.
[131] Final SEIS at A-24 (Response Code VegWild-1); *see id*. at A-172 to 180, A-190 to A-216 (assigning virtually all of our Section "H. Biological Resources" to Response Code VegWild-1).
[132] Exhibit A at 60-67.
[133] Final SEIS at A-24.
[134] 2019 FEIS, Appendix L.
[135] Final SEIS at A-60 (assigning to Response Code CC-1).

how BLM will consult with the California Department of Fish and Wildlife regarding this protected species.[136]

Given new circumstances and information, and given BLM's failures in this FSEIS, BLM must amend the RMP and issue a new draft SEIS that adequately addresses all of our comments and actually takes a hard look at the RMP's impacts on biological resources.

H. BLM Failed Its Endangered Species Act Obligations.

1. BLM's approach to ESA consultation is still contradictory

In the draft SEIS, BLM stated that both (1) it "completed formal consultation for the 2019 RMPA/FEIS on August 29, 2019," and (2) the 2019 PBO "is not tied to the RMP or lease sales."[137] As we pointed out in our comments on the draft SEIS, both cannot be true.[138]

Now in the final SEIS, BLM notes three "Changes Between Draft and Final," one of which is that "Chapter 6, Consultation and Coordination, was updated *to include* details of *coordination* at the DSEIS stage."[139] A reader would reasonably interpret that language, as vague as it is, to mean that BLM only *added* information to Chapter 6, and that the added information has nothing to do with Endangered Species Act ("ESA") *consultation* requirements. However, that is not the case. In the FSEIS, BLM *removed* several pieces of information from Section 6.3.1 and completely changed its contentions about its supposed ESA compliance. To demonstrate, below is the text of the draft SEIS's Section 6.3.1, with additions to the FSEIS in **bold** and deletions from the draft struck through:

> The [BLM] completed formal consultation **with the USFWS** ~~for the 2019 RMPA/FEIS~~ on August 29, 2019, when the USFWS issued the *Programmatic Biological Opinion on Oil and Gas Leasing and Development on Bureau of Land Management Lands in the Central Coast Field Office ~~(Fresno, Monterey and San Benito Counties) on August 29, 2019~~ (ref. 08ES1YIF00-2019-F-2048)*.
>
> ~~The Programmatic Biological Opinion (2019 PBO) for oil and gas is not tied to the RMP or lease sales.~~ **The programmatic biological opinion fulfills Section 7 requirements of the Endangered Species Act for the BLM's authorization of exploration, development, and production of onshore oil and gas deposits.** The ~~2019 PBO~~ **programmatic biological opinion** identifies the reasonable and prudent measures and terms and conditions for oil and gas projects**, rather than the RMP-level decision to make lands open for leasing**. ~~The BLM determined reinitiation of consultation with FWS is premature at this time because it would be speculative and the BLM is unable to anticipate what lands may be leased or where development may occur on federal mineral leases.~~
>
> ~~Should a development proposal be submitted~~ **If there are future proposals for site-specific oil and gas development activities with potential to affect listed species**, **then** the BLM would **consult with the USFWS, as appropriate** ~~complete a site-~~

[136] *Id*. at A-3 to A-4 (Section A.4.2.1, Response Code CC-1).
[137] Draft SEIS at 80.
[138] Exhibit A at 74.
[139] Final SEIS at ES-3 (emphasis added).

> ~~specific ESA review. If the BLM determines the development proposal may affect listed species, a secondary consultation would be completed before approving the development proposal.~~
>
> ~~The BLM completed~~ **Additionally,** informal consultation ~~for the 2019 RMPA/FEIS~~ **was completed** on July 18, 2019, with **the** N**ational** M**arine** F**isheries** S**ervice** when **the** BLM received a Letter of Concurrence stating that **reasonable foreseeable oil and gas development in the region** ~~the selected alternative [Alternative F]~~ is not likely to adversely affect listed anadromous salmonid species.[140]

BLM's "Changes Between Draft and Final" section of the FSEIS thus misleads the public in violation of NEPA's information disclosure principles.

Beyond that, as is evident from the above, the new text is substantively different from the draft SEIS and contradicts the 2019 Programmatic Biological Opinion ("2019 PBO") it refers to. The FSEIS deletes all references to the "2019 RMPA/FEIS" and contends that the 2019 PBO applies only to "oil and gas *projects*, rather than the RMP-level decision to make lands open for leasing."[141] However, the 2019 PBO clearly states that it "provides [USFWS's] programmatic biological opinion (PBO) on *oil and gas leasing and development* on BLM lands within the boundaries of the Central Coast Field Office," and "[t]he *RMP amendment* covers *oil and gas leasing and development*."[142] The 2019 PBO also relies on the same 2015 RFDS that the FSEIS relies on.[143]

In addition, the FSEIS's changes contradict the 2019 BLM Director's Summary Protest Resolution Report on the CCFO Proposed Resource Management Plan Amendment and Final Environmental Impact Statement for Oil and Gas Leasing and Development ("2019 Protest Resolution Report"). The 2019 Protest Resolution Report states that "BLM initiated formal consultation with the USFWS on May 31, 2018, because the BLM determined that the *Proposed Resource Management Plan Amendment (PRMPA)/Final Environmental Impact Statement (FEIS)* was likely to adversely affect listed species or critical habitat for a selection of listed species."[144] Regarding the letter of concurrence from NMFS that BLM notes in the FSEIS, the 2019 Protest Resolution Report states "[t]he BLM received a letter of concurrence (signed July 3, 2019) from the NOAA/NMFS supporting the BLM's determination that the *Proposed Resource Management Plan Amendment (RMPA)*

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[140] Final SEIS at 82; *compare with* Draft SEIS at 80.
[141] Final SEIS at 82 (emphasis added).
[142] United States Fish and Wildlife Service, Programmatic Biological Opinion on Oil and Gas Leasing and Development on Bureau of Land Management Lands in the Central Coast Field Office (Fresno, Monterey and San Benito Counties) at 1 (Aug. 29, 2019) (emphasis added) ("2019 PBO").
[143] 2019 PBO at 3.
[144] BLM, Bureau of Land Management Director's Summary Protest Resolution Report: Central Coast Field Office Proposed Resource Management Plan Amendment and Final Environmental Impact Statement for Oil and Gas Leasing and Development (PRMPA/FEIS) at 7 (Oct. 4, 2019) (emphasis added) ("2019 Protest Resolution Report").

and FEIS for Oil and Gas Leasing and Development is not likely to adversely affect federally listed salmonid species."[145]

As we wrote in our draft SEIS comment letter,[146] the amendment of an RMP is an "agency action" to which the obligation to consult applies if the amendment "may affect" listed species.[147] "Section 7(a)(2) consultation is required so long as a federal agency retains 'some discretion' to take action for the benefit of a protected species."[148] The decision that BLM proposes to make upon finalization of this SEIS and approval of a new ROD undoubtedly triggers BLM's duty to consult. It is without doubt that a decision on a land use plan is an "agency action" within the meaning of the ESA, as it is a discretionary decision whereby BLM designates which public lands and mineral estate are available for oil and gas leasing and development, imposes conditions on such uses,[149] and thereby satisfies the legally binding preconditions for leasing mineral estate in the Planning Area for oil and gas development. The decision is an action that "may affect" listed species: it is the required first decision that decides exactly where and how federal mineral estate may be developed. Yet, despite BLM and USFWS both previously treating the 2019 PBO as an analysis of the 2019 RMPA/FEIS—and despite the same treatment in BLM's 2025 draft SEIS—BLM attempts to avoid its new ESA obligations by rewriting history in the FSEIS.

Moreover, we asserted in our draft SEIS comment letter that since issuance of the 2019 FEIS and 2019 PBO, the USFWS proposed the northwestern and southwestern pond turtles, western spadefoot, and monarch butterfly for listing under the federal ESA.[150] We reminded BLM of its duty to confer with the USFWS "on any agency action which is likely to jeopardize the continued existence of any species proposed to be listed under [ESA Section 4] or result in the destruction or adverse modification of critical habitat proposed to be designated for such species."[151] In the FSEIS, BLM does not respond to this issue.[152] In fact, BLM's CC-1 "Response" is virtually an exact copy of the heavily amended text in the FSEIS's Section 6.3.1.[153]

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[145] *Id*. at 7 (emphasis added).
[146] Exhibit A at 74.
[147] 50 C.F.R. § 402.02; *All. for the Wild Rockies v. United States Dep't of Agric.*, 772 F.3d 592, 598-99 (9th Cir. 2014); citing *Lane Cty. Audubon Soc'y v. Jamison*, 958 F.2d 290, 293 (9th Cir. 1992) (BLM land use plans that designate areas for particular uses are agency action to which section 7 applies); *Pac. Rivers Council v. Thomas*, 30 F.3d 1050, 1055 (9th Cir. 1994).
[148] *Nat. Res. Def. Council v. Jewell*, 749 F.3d 776, 784 (9th Cir. 2014) (en banc).
[149] See *Pac. Rivers Council v. Thomas*, 30 F.3d 1050 (9th Cir. 1994); *Cottonwood Envtl. Law Ctr. v. United States Forest Serv.*, 789 F.3d 1075 (9th Cir. 2015); *Alliance for Wild Rockies v. U.S. Dept. of Agric.*, 772 F.3d 592, 598-99 (9th Cir. 2014).
[150] Exhibit A at 74.
[151] 16 U.S.C. § 1536(a)(4); 50 C.F.R. § 402.10.
[152] Final SEIS at A-3 to A-4 (Section A.4.2, Response Code CC-1); *see also id*. at A-53 to A-55 (assigning Section "A. BLM's approach to ESA consultation is contradictory" to Response Code CC-1).
[153] *Id*. at A-3 to A-4 ("Response"); *compare with id*. at 82 ("6.3.1 U.S. Fish and Wildlife Service and National Marine Fisheries Service").

2. BLM does not substantiate its conclusions about species occurrence.

BLM makes no effort to substantiate its conclusions on species occurrence. The only reason BLM gave in the DSEIS for finding that Alternative F "is not likely to adversely affect" newly proposed-for-listing species is that "they are outside of areas where the RFDS suggests oil and gas development would occur."[154] The Center explained that these species may occur in these areas and that BLM and USFWS have made similar findings in the past.[155] BLM did not respond to this issue in the FSEIS.[156]

Additionally, in violation of NEPA's information disclosure principles, in the FSEIS BLM deleted the above DSEIS language from Section 4.5 and added an entirely new paragraph to the same section without alerting the public in its "Changes Between Draft and Final" section.[157] This is another disingenuous attempt by BLM to avoid its new ESA obligations.

3. BLM cannot evade ESA consultation by focusing only on high-potential oil and gas areas.

For ESA purposes, the "action area" is "all areas to be affected directly *or indirectly* by the Federal action and *not merely the immediate area involved in the action*."[158] Thus, BLM cannot avoid its ESA obligations by constricting the action area to only "where the RFDS suggests oil and gas development would occur." BLM does not respond to this comment in the FSEIS.[159]

BLM's new position that it does not have ESA obligations with respect to the RMP—a position which is inconsistent with the law and BLM's own actions and statements—does not relieve BLM of its duty to comply with the ESA.

4. BLM must disclose its consultation actions.

Regarding the newly listed foothill yellow-legged frog ("FYLF"), BLM acknowledges there are "lands with Federal mineral estate that are overlapped by the USFWS proposed critical habitat for FYLF."[160] However, despite that acknowledgement, BLM does not disclose whether it has initiated consultation with the USFWS for FYLF. Given the overlap of proposed critical habitat with federal mineral estate authorized for leasing under Alternative F, oil and gas development under the RMPA certainly "may affect" FYLF. Thus,

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[154] Draft SEIS at 75.
[155] Exhibit A at 75.
[156] Final SEIS at A-23 to A-24 (Section A.4.16.1, Response Code VegWild-1); *see id*. at A-181 (assigning Section "B. BLM does not substantiate its conclusions about species occurrence" to Response Code VegWild-1).
[157] *Id*. at ES-3 (noting changes only to Section 3.3.2, Section 4.3, Chapter 6, and Section 6.2.4); *compare* Draft SEIS at 75 (Section 4.5) *with* Final SEIS at 76-77.
[158] 50 C.F.R. § 402.02 (emphasis added).
[159] Final SEIS at A-3 to A-4 (Section A.4.2.1, Response Code CC-1); *see id*. at A-56 (assigning Section "C. BLM cannot evade ESA consultation by focusing only on high-potential oil and gas areas" to Response Code CC-1).
[160] *Id*. at 77.

BLM must initiate and complete consultation in regard to FYLF prior to making a decision. BLM did not respond to this comment in the FSEIS.[161]

As mentioned above, BLM made unannounced changes to the FSEIS regarding FYLF. BLM deleted its unexplained ESA determination that "[a]dditional populations of FYLF and the proposed critical habitat for the Central Coast DPS are not likely to be adversely affected by leasing and development under the range of alternatives because the proposed critical habitat is outside of areas where the RFDS suggests oil and gas development would occur."[162] In place of that, it repeats its new, incorrect position that it does not have ESA obligations at the RMP-level.[163] BLM must explain its ESA determination that was present in the DSEIS, and, again, it must initiate and complete consultation in regard to FYLF prior to making a decision here.

5. Consultation at the RMP stage is appropriate.

In yet another unannounced change between the Draft and Final SEISs, BLM deleted its assertion that it "determined reinitiation of consultation with FWS is premature at this time because it would be speculative and the BLM is unable to anticipate what lands may be leased or where development may occur on federal mineral leases."[164] As explained above, BLM's new ESA position is incorrect and inconsistent, and it must initiate (and reinitiate for species covered by the 2019 PBO) consultation and/or conference processes for all listed and proposed-for-listing species that may be affected by oil and gas development on *any and all* areas open for leasing under Alternative F.

I. BLM Must Consider and Address Idle and Orphaned Well Cleanup Obligations and Impacts.

The Center raised concerns that the draft SEIS failed to consider impacts from idle and orphan wells. These wells can cause harm to health, air, water, wildlife, and climate.[165]

BLM has not provided an environmental review of the effects of idle and orphan wells that will result from this RMP. The analysis should include recent rulemakings under BLM that have made pollution control equipment optional, that have lowered bonding requirements for wells,[166] and the declining production in California. These factors all make it increasingly likely that operators in California will desert their wells without conducting required remediation. California has thousands of orphan wells already. Many have been found leaking and emitting harmful pollutants. Wells in California are susceptible to damage due to seismic activity, and can act as conduits for contaminants to migrate in the

[161] *Id*. at A-3 to A-4 (Section A.4.2.1, Response Code CC-1); *see id*. at A-57 (assigning Section "D. BLM must disclose its consultation actions" to Response Code CC-1).
[162] 2025 DSEIS at 75; *compare with* Final SEIS at 77.
[163] Final SEIS at 77.
[164] Draft SEIS at 80; *compare with* Final SEIS at 82.
[165] *See* Exhibit A at 77-83.
[166] *See, e.g.*, Ian M. Stevenson, *Trump targets Biden's oil well cleanup requirements*, Politico (Jun. 15, 2026), https://subscriber.politicopro.com/article/eenews/2026/06/15/white-house-bonding-rule-rollback-oil-gas-drilling-00962153.

subsurface. BLM must include an analysis of the environmental impacts of these idle and orphan wells. To avoid UUD from idle and orphaned wells, BLM must analyze the issue, consider it in its decisionmaking, and take decisive steps (like those provided by the Center)[167] to avoid this degradation.

In response to this section of our comments, BLM says only that "[c]omments regarding bonding are outside the BLM's scope for this project. Bonding requirements are addressed at the APD stage, not at the leasing stage."[168] In other words, BLM ignores the effects of idle and orphan wells that will result from this RMP, and it unlawfully defers consideration of one of our proposed UUD-preventing measures.

J. BLM Must Conduct a Clean Air Act Conformity Analysis at the RMP Stage.

The Center commented that BLM failed to demonstrate compliance with the Clean Air Act's general conformity requirements.[169] The planning area includes nonattainment areas, and BLM's RMP decision authorizes oil and gas leasing and development that will generate criteria-pollutant emissions, including nitrogen oxides, VOCs, and particulate matter. The Center explained that BLM may not defer conformity review until the APD stage because doing so improperly fragments emissions into smaller project-level pieces and allows BLM to avoid an RMP-level conformity determination altogether.[170] The Center also explained that BLM improperly excluded certain midstream and operational emissions by characterizing them as indirect emissions outside BLM's practical control or continuing program responsibility.[171]

BLM's response does not cure these defects. BLM asserts that land-use planning and oil and gas leasing are categorically excluded from General Conformity requirements under 40 C.F.R. § 93.153(c)(2)–(3), and that conformity will instead be evaluated, if necessary, at the APD stage.[172] It claims that, "by itself, a lease does not authorize any on-the-ground oil and gas activities."[173] However, in the same sentence, BLM states that "a lease does grant the lessee certain rights to drill for and extract oil and gas."[174] And, to the extent BLM moves forward with the discretion-eliminating Reconciliation Act interpretation described in its Errata, as explained above, all Alternative F areas opened for leasing would be subject to "on-the-ground oil and gas activities," making conformity review even more crucial at the RMP stage.

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[167] Exhibit A at 83.
[168] Final SEIS at A-11 to A-12 (Section A.4.6.2, Response Code IA-2); *see id*. at A-89 to A-96 (assigning Section "X. BLM Must Consider and Address Idle and Orphaned Well Cleanup Obligations and Impacts" to Response Code IA-2).
[169] Exhibit A at 84-87.
[170] *Id*.
[171] *Id*.
[172] Final SEIS at A-14.
[173] *Id*. at 37.
[174] *Id*.

In addition, the regulatory provisions BLM cited do not create a blanket exemption for oil and gas RMP decisions. They only exclude actions that "result in no emissions increase" and actions where "emissions are not reasonably foreseeable."[175] Here, BLM itself estimated reasonably foreseeable emissions based on its RFDS.[176] Having estimated the reasonably foreseeable emissions from its decision, BLM cannot also claim those emissions will not occur or are too unforeseeable to trigger conformity review.

BLM's reliance on APD-stage review is also inadequate. The Clean Air Act prohibits federal agencies from approving activities that do not conform to an applicable implementation plan.[177] That obligation applies before the federal action is approved; it is not satisfied by pointing to uncertain, later project-level review after BLM has already made the RMP-level decision determining where leasing may occur. Deferring conformity to the APD stage also ignores the Center's core concern: that BLM's approach piecemeals emissions into individual wells, producing de minimis findings that allow BLM to completely evade the required conformity analysis.

Finally, BLM does not respond to the Center's evidence that BLM previously recognized, in the Bakersfield RMP process, that conformity applicability analysis is required at the RMP stage "to determine…whether a formal conformity determination is required."[178] Nor does BLM explain why EPA Region 9's (unprovided) review of a sample of APD calculations resolves the legal question whether an RMP-level conformity determination is required. A calculation-method review is not a conformity determination.

Because BLM failed to conduct a conformity analysis, improperly defers conformity analyses to the APD stage, inappropriately disclaims responsibility for midstream emissions, and failed to respond to the Center's midstream emissions and changed-position comments, BLM's decision violates the Clean Air Act, NEPA's information disclosure requirements, and is arbitrary and capricious under the APA.

K. BLM Is Required to Reopen the Comment Period for 90 Days per Regulatory Requirements.

The Center and others requested that BLM extend the comment period from 45 to 90 days, as required by BLM's planning regulations. 43 C.F.R. § 1610.2(e) provides that "[n]inety days shall be provided for review of the draft plan and draft environmental impact statement," and that the 90-day period begins when EPA publishes notice of the draft EIS filing in the Federal Register. The Center explained that this requirement is triggered by BLM's preparation of a draft EIS in connection with an RMP decision, and that the regulation contains no exception allowing BLM to shorten the comment period where the

[175] 40 C.F.R. § 93.153(c)(2)–(3).
[176] Final SEIS at A-13.
[177] 42 U.S.C. § 7506 (stating that no agency may "engage in, support in any way or provide financial assistance for, license or permit, or approve, any activity which does not conform to an implementation plan").
[178] Exhibit A at 84-85; *see* Final SEIS at A-39 (assigning this contention to Response Code AIR-2); *see also id*. at A-13 to A-14 (Response Code AIR-2).

agency considers but ultimately declines to adopt an RMP amendment.[179] BLM nonetheless provided only 45 days initially, later extending the period to 59 days due to technical problems with ePlanning.

BLM's response does not address the Center's argument. BLM states that the "90-day public involvement period is only required for RMP revisions and amendments," and that "[t]his SEIS process does not involve an RMP revision or amendment."[180] But this process began with BLM considering whether to amend the RMP.[181] Its wrong decision not to do so still "involves" the 2019 RMP amendment, which BLM proposes to re-adopt. Because BLM failed to provide the required 90-day review period, BLM must reopen the comment period and provide the full 90 days required by 43 C.F.R. § 1610.2(e).

L. BLM Must Submit the RMP to the Governor.

Pursuant to 43 C.F.R. § 1610.3-2(e), "[p]rior to the approval of a proposed resource management plan, or amendment to a…resource management plan," BLM must "submit to the Governor of the State(s) involved, the proposed plan or amendment and shall identify any known inconsistencies with State or local plans, policies or programs." The Governor then "ha[s] 60 days in which to identify inconsistencies and provide recommendations in writing to the State Director."[182] Then, "[i]f the written recommendation(s) of the Governor(s) recommend changes in the proposed plan or amendment which were not raised during the public participation process on that plan or amendment, the State Director shall provide the public with an opportunity to comment on the recommendation(s)."[183] The BLM Director is required to "accept the recommendations of the Governor(s) if he/she determines that they provide for a reasonable balance between the national interest and the State's interest."[184]

As explained above, BLM should have amended the RMP. Regardless, because the settlement agreement in *Center for Biological Diversity v. BLM* (3:19-cv-07155-JSC) requires BLM to "[i]ssue a new decision document following completion of the SEIS,"[185] BLM will still "approv[e]…a proposed resource management plan, or amendment to a…resource management plan"[186] in that new decision document. Therefore, to comply with the procedural requirements of 43 C.F.R. § 1610.3-2(e), BLM must submit the plan it will approve to the Governor of California, along with "any known inconsistencies with State or local plans, policies or programs." To our knowledge, BLM has yet to do so. BLM must also allow for public comment if the Governor recommends new changes.

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[179] Exhibit A at 88.
[180] Final SEIS at A-4.
[181] 90 Fed. Reg. 26,603.
[182] 43 C.F.R. §1610.3-2(e).
[183] *Id*.
[184] *Id*.
[185] Final SEIS at 1.
[186] 43 C.F.R. § 1610.3-2(e).

IV. Conclusion

For all the reasons stated above, as well as in the attached and cited documents incorporated by reference herein, the final SEIS is unlawful and the RMP will, if re-approved as proposed, result in violations of BLM's obligations under FLPMA, NEPA, ESA, CAA, and APA. BLM should amend the RMP to comply with BLM's statutory and regulatory obligations and prepare a further supplemental EIS that complies with NEPA.

If the Director for any reason refuses to consider the issues raised herein as a protest pursuant to 43 C.F.R. § 1610.5-2, BLM should still consider these comments on the final SEIS and RMP and include them in the administrative record.

We look forward to receiving your prompt response, as required by 43 C.F.R. § 1610.5-2. Please do not hesitate to contact us if you have any questions.

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Exhibit A



March 13, 2026

Bureau of Land Management
Central Coast Field Office
Attn: Sarah Mathews, Project Manager
940 2nd Ave.
Marina, CA 93933

Submitted via eplanning and via email to BLM_CA_CCFO_OIL_GAS_SEIS@blm.gov

Re: Notice of Availability of the Draft Central Coast Field Office Oil and Gas, Leasing and Development Supplemental Environmental Impact Statement, California [A2407–014–004–065516; O2509–014–004– 125222], 91 Fed. Reg. 1329 (Jan. 13, 2026)

The Center for Biological Diversity ("the Center") submits the following comments in response to the Bureau of Land Management's ("BLM") Notice of Availability ("NOA") of the Draft Central Coast Field Office Oil and Gas, Leasing and Development Supplemental Environmental Impact Statement, California [DOI-BLM-CA-C090-2025-0017-RMP-EIS], 91 Fed. Reg. 1329 (Jan. 13, 2026) (hereinafter, the "draft SEIS" or the "2025 draft SEIS").

As with our comments on the notice of intent, we have compiled and emailed as attachments all of the sources cited in this comment letter. Source pdfs are also available in our submission to the BLM ePlanning portal, and at the following Box.com link: https://diversity.box.com/s/21ijuyfa16xhuukbrjb711uzgsjyloqy.

We also incorporate by reference the comment letters our organization submitted to BLM in 2017 and 2018 regarding BLM's previous RMP amendment and EIS, and the comment we submitted in July 2025 on the notice of intent (aka, the scoping period).

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I. Organization Background

The Center for Biological Diversity is a national, nonprofit conservation organization with more than 1.8 million members and online activists dedicated to the protection of endangered species and wild places. Nearly 4,000 of the Center's members live and recreate in the Central Coast Planning Area. The Center uses science, policy and law to advocate for the conservation and recovery of species on the brink of extinction and the habitats they need to survive. The Center has and continues to actively advocate for increased protections for species and their habitats in California. The lands that will be affected by the proposed project contain habitat for listed, rare, and imperiled species that the Center has worked to protect including endangered and threatened species such as the California condor, California red-legged frog, California tiger salamander, San Joaquin kit fox, Giant kangaroo rat, and Blunt-nosed leopard lizard. The Center's board, staff, and members use the public lands in California, including the lands and waters that would be affected by expanded fossil fuel development authorized by this master development plan, for quiet recreation (including hiking and camping), scientific research, aesthetic pursuits, and spiritual renewal.

II. BLM Should Have Amended the RMP Based on New Information and Changed Circumstances

BLM's refusal to amend its 2019 RMP arbitrarily ignores an abundance of new information before the agency, as described in the Center's comments here and our scoping comments: new information and studies, changed circumstances, new laws, and more. BLM must now step back and evaluate the new situation in which it is operating and amend its RMP to restrict oil and gas activities in the planning area.

As BLM is aware, an RMP amendment "*shall* be initiated by the need to consider monitoring and evaluation findings, new data, new or revised policy, a change in circumstances or a proposed action that may result in a change in the scope of resource uses or a change in the terms, conditions and decisions of the approved plan."[1] In the Center's July 2025 scoping comment, we presented ample instances of new information and changed circumstances that would trigger an amendment. Further, BLM's own 2025 draft SEIS describes a number of these triggering events, such as newly-protected species and water resource impacts.

[1] 43 C.F.R. § 1610.5–5 (emphasis added). This standard differs from what BLM included in its notice of availability: "The potential for an RMP amendment is dependent upon the alternative selected. The BLM welcomes comments on all preliminary alternatives as well as suggestions for additional alternatives." 90 Fed. Reg. 26603. Even if that statement had validity, the Center's July 2025 comment suggested five alternatives: (1) no oil and gas drilling; (2) elimination of fracking; (3) enabling a managed decline of oil and gas production; (4) prohibiting any new land disturbance and requiring "no surface occupancy" on any new leases; and (5) prohibiting leasing in Endangered Species Act critical habitat or areas known to be occupied by special status species.

Based on this new information, the result of an amendment would rationally be to not open additional surface and mineral estate in the planning area to oil and gas development. At the very least BLM must develop and select an alternative that does not propose lands for leasing with low oil and gas potential, that provides greater protections for all Areas of Critical Environmental Concern ("ACECs") within the Planning Area, adheres to new California environmental and health protections, and more (see later in this comment letter).

It is unclear (and unsupported) what BLM means in its NOA that the draft SEIS did not show a "notable increase in total impacts," leading to BLM's conclusion that "[t]herefore, no amendment to the 2019 RMP amendment is necessary."[2] Even if a "notable" increase in "total impacts" was the regulatory standard to amend an RMP, which it is not, to the contrary, adopting "preferred" Alternative F will, on its face, have notable and significant impacts.

A number of Alternative F's impacts, particularly when paired against new information and changed circumstances, are alarming. Under BLM's forecasted development scenario, the climate-harming emissions from oil and gas activities will be the equivalent to burning over 730 million pounds of coal.[3] These impacts are significant on their own and at this amendment stage, must be viewed in light of the new information and changed circumstances of how the climate crisis has accelerated. In another example, subsidence in the planning area is a well-known and urgent issue, with many recent studies (including those referenced in the current draft SEIS) pointing to its worsened condition.[4] The 2025 draft SEIS also acknowledges that there are four new impaired water bodies in the planning area, including Cantua Creek (of which nearly 26 miles overlap with BLM proposed lease areas, for a 25% intersection with BLM lands) and San Vicente Creek (with over 9 miles of overlap, or a 26% intersection with BLM lands).[5] These water bodies, which overlap with listed species habitat and occurrences (see later in this letter), could be further impaired by BLM's proposed decision. Since BLM's last analysis, five species have been newly listed for protection or proposed for listing under the Endangered Species Act ("ESA") whose range and/or critical habitat overlap with the proposed action.[6] At least five species have been given protection under the California Endangered Species Act ("CESA") (of these, BLM acknowledges only four and doesn't mention the California mountain lion).[7]

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[2] BLM, *Notice of Availability of the Draft Central Coast Field Office Oil and Gas, Leasing and Development Supplemental Environmental Impact Statement, California*, 91 Fed. Reg. 1329, 1330 (Jan. 13, 2026). BLM does not define "notable," nor trace this supposed standard to any legal basis.

[3] 2025 DSEIS at 66 (estimating CO_2e emissions at 660,977 tons); comparison made using EPA's Greenhouse Gas Equivalencies Calculator, https://www.epa.gov/energy/greenhouse-gas-equivalencies-calculator.

[4] *See, e.g.*, 2025 DSEIS at 40.

[5] 2025 DSEIS at 40-41.

[6] *Id.* at 13 ("Five species have been newly listed or proposed for listing under the Endangered Species Act, including the foothill yellow-legged frog, western spadefoot, and northwestern pond turtle. While proposed critical habitat overlaps with BLM-managed lands . . . .").

[7] *Id.* at 50-51 ("The Temblor legless lizard (Anniella alexanderae) has been a California Endangered Species Act (CESA) candidate since July 1, 2022. Crotch's bumble bee (Bombus crotchii) and the Western bumble bee

All of these species and their habitats could be adversely impacted by BLM's proposal, and this reality constitutes new information and changed circumstances warranting an amendment.

While these impacts all amount to significant new (or even, one might say, "notable") impacts warranting an RMP amendment, the examples above do not even take into account issue areas the 2025 draft SEIS arbitrarily excluded from consideration, such as health and safety, seismicity, and wildlife habitat.[8] The Center and others submitted comments at the notice of intent stage calling BLM's attention to new and increased impacts to these resource values that also trigger an amendment.

III. BLM Must Align Its RMP and NEPA Analysis with California and New Federal Laws

The MLA directs that "[n]one of such provisions" in federal leases "shall be in conflict with the laws of the State in which the leased property is situated."[9] Congress further affirmed respect for state law in 30 U.S.C. § 189, which states "[n]othing in this [Act] shall be construed or held to affect the rights of the States or other local authority to exercise any rights which they may have." In addition, FLPMA specifies that federal land use plans must "provide for compliance with applicable pollution control laws, including State . . . air, water, noise, or other pollution standards or implementation plans."[10]

Because of these laws, BLM must amend the RMP to reconcile its decisions and analysis with new statewide laws and policies. Neither the 2025 draft SEIS nor BLM's Federal Register announcement sufficiently addresses, responds to, or incorporates into decisionmaking California laws passed since BLM's previous review period and that must be adhered to with oil and gas activities. We raised this issue and pointed to specific laws BLM must consider in our scoping comment and believe BLM's responses in the draft SEIS (or lack of responses) to be inadequate.

CA SB 905 and CO_2 EOR: A law that we did not raise in scoping, but that BLM must consider, is SB 905 (2022). This law bans enhanced oil recovery ("EOR") using carbon dioxide ("CO_2"). BLM's RFDS supposes that EOR "may be used on any or all wells under this RFD Scenario."[11] In a new development since the 2019 Final EIS and Record of Decision ("ROD"), use of CO_2 for EOR is ballooning in popularity, spurred in part by the 45Q tax credit

(Bombus occidentalis) were both reinstated as endangered candidate species under CESA in 2022. The Burrowing owl (Athene cunicularia) was given endangered candidate status under CESA in 2024.").
[8] *Id.* at Table 1-2.
[9] 30 U.S.C. § 187.
[10] 43 U.S.C. § 1712(c)(8).
[11] 2019 SEIS, Appendix B at B-26. As BLM explains in its RFDS, "EOR is the implementation of various techniques for increasing the amount of crude oil that can be extracted from an oil field over the life of a well. EOR techniques include (1) thermal recovery using heat; (2) gas injection using carbon dioxide (CO2), natural gas, or nitrogen; or (3) chemical injection using long-chained molecules called polymers to increase the effectiveness of waterfloods." *Id.* at B-25.

that offers companies $85/ton of CO_2 used for EOR.[12] BLM must therefore be explicit that EOR using CO_2 is prohibited in California, including as a technique used on federal leases.

CA SB 1137: With regards to SB 1137 (2022), because some of BLM's existing and proposed federal lease acreage overlaps with SB 1137's Health Protection Zones, BLM must adhere to this law and discuss how that adherence impacts the RMP and environmental analysis under NEPA.[13] BLM's rationale in the 2025 draft SEIS that it cannot adhere to SB 1137 because "BLM does not have authority to enforce State laws and regulations" in unavailing and contradicts proposed decisions for this Planning Area.[14] For example, in the 2019 SEIS (and now here, since BLM is carrying forward its proposed alternatives), Alternatives B and C are premised on "a 0.5-mile buffer defined by CalGEM,"[15] the State's oil and gas agency. If BLM can adhere to that state buffer, it can adhere to SB 1137.

California's Department of Conservation, CalGEM's parent agency, has similarly urged BLM in scoping comments to comply with SB 1137 and the fracking ban, reinforcing that its requirements apply "in California on all land administered by BLM whether that land is owned in total by the federal government or is a 'split-estate.'"[16] EPA also commented that BLM should implement setbacks in line with "[a]ny current State of California established minimum setback distance from occupied structures" in order to "protect human health."[17]

In addition to adhering to the health buffer area, SB 1137 proposes many reasonable mitigations that BLM must discuss and adopt.[18] For example, SB 1137 requires continuous on-site monitoring by oil and gas operators.[19] The law also requires measures for leak detection and response planning for methane and hydrogen sulfide, which are ubiquitous at well sites.[20]

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[12] *See* 26 U.S.C. § 45Q; U.S. Energy Information Administration (EIA), "Tax credits drive carbon capture deployment in our Annual Energy Outlook" (July 18, 2025), https://www.eia.gov/todayinenergy/detail.php?id=65764#; Institute for Energy Economics and Financial Analysis (IEEFA), Tax Credits for CCUS, https://ieefa.org/sites/default/files/2025-02/IEEFA%20CCUS%2045Q%20factsheet.pdf; Data Insights, Unveiling Carbon Dioxide Enhanced Oil Recovery Industry Trends (Feb. 5, 2026), https://www.datainsightsmarket.com/reports/carbon-dioxide-enhanced-oil-recovery-1386950.

[13] *See* Center for Biological Diversity map of CCFO and HPZ overlap, https://center.maps.arcgis.com/apps/View/index.html?appid=6e96191808a5438f8d32fed7d7222fae.

[14] 2025 DSEIS at 20-21.

[15] 2019 FEIS at 17-18.

[16] BLM, Central Coast Field Office SEIS Public Scoping Summary Report (Oct. 2025) at D-112.

[17] *Id.* at D-24, 25; *see also* EPA Region 9, Comment on NOI to Prepare CCFO Oil and Gas SEIS (July 23, 2025) at 3-4 (hereinafter, "2025 EPA Scoping Comment").

[18] 42 U.S.C. § 4332(C)(iii), (F); *Methow Valley Citizens Council*, 490 U.S. at 351.

[19] SB 1137 § 2 (enacting Cal. Pub. Res. Code § 3283(a)(2)).

[20] *Id.* BLM should consider requiring similar leak detection systems and expand their scope to detect other toxic and hazardous air contaminants including particulate matter, carbon monoxide, nitrous oxide, ozone, and volatile organic compounds such as aromatic (cyclic and polycyclic) hydrocarbons like benzene.

Similarly, in order to limit air pollution and prevent methane waste, BLM should prohibit both venting and flaring. BLM could thus consider requiring a vapor venting prevention system like the measure required in SB 1137.[21] SB 1137 further includes a range of other engineering mitigation controls designed to address air pollution that BLM must consider and incorporate into its amended RMP. For example, SB 1137 imposes new requirements for tank leak detection and shut down of leaking or out-of-compliance tanks.[22]

Recognizing that oil and gas production invariably produces dust that threatens public health, SB 1137 includes dust control measures like limiting vehicle speeds and covering drilling muds and stored sands.[23] In addition to air pollution, BLM must also require mitigation measures designed to prevent water pollution due to oil and gas drilling. SB 1137 includes baseline and post-drilling water testing to measure the impacts of drilling, and requires operators to provide notice to community members pre-drilling.[24] SB 1137 also includes sound controls, in recognition of the fact that oil and gas activities expose nearby residents to constant noise for a long duration of time.[25] The law similarly provides light controls that BLM should consider, including requirements for minimum intensity lighting at well sites during evening hours and hooded lighting that is not shined onto neighboring properties.[26]

Federal Public Lands Rule: BLM must amend the RMP to comply with the Public Lands Rule (2024), which requires conservation to be on an equal footing with other uses on our public lands in resource management planning.[27] Among other requirements, the rule directs BLM to:

- Implement conservation as a land use within the multiple use framework in planning efforts;[28]
- Conduct and maintain an inventory of landscape intactness as a resource value and evaluate alternatives to protect intact landscapes or portions of intact landscapes, identify which of those will be managed for their intactness and establish management direction for desired conditions and landscape objectives;[29]

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[21] SB 1137 § 2 (enacting Cal. Pub. Res. Code § 3282(f)). Operators would report vapor venting whenever it occurs, and BLM would then suspend operations until the source of vapor is identified and any leak is repaired, and permanently shut down wells and production facilities that repeatedly violate the prohibition.
[22] *Id*.
[23] SB 1137 § 2 (enacting Cal. Pub. Res. Code § 3282(e)). BLM should consider stronger dust control measures that better mitigate particulate matter emissions by, for example, requiring measures that address emissions during each phase of production activity and for different source activities.
[24] SB 1137 § 2 (enacting Cal. Pub. Res. Code § 3284).
[25] SB 1137 § 2 (enacting Cal. Pub. Res. Code § 3282(b), (c)).
[26] SB 1137 § 2 (enacting Cal. Pub. Res. Code § 3282(d)). Light and noise from oil and gas can seriously harm wildlife, as detailed later in this comment.
[27] 89 Fed. Reg. 40308 (May 9, 2024).
[28] 43 C.F.R. § 6101.5.
[29] *Id*. § 6102.2.

- Identify quantifiable restoration outcomes in land use plans that are consistent with restoration principles;[30]
- Avoid permanent impairment of ecosystem resilience and provide justification where there may be impairment;[31]
- Identify allowable uses and actions anticipated to achieve or promote significant progress towards achieving land health standards;[32]
- Conduct watershed conditions assessments every 10 years and use them to inform land use planning;[33] and
- Meaningfully consult with Tribes and incorporate Indigenous knowledge.[34]

IV. BLM Improperly Failed to Present, Consider, and Analyze Alternatives

A. Failure to consider additional alternatives.

In its notice of intent, BLM solicited "comments on all preliminary alternatives as well as suggestions for additional alternatives."[35] Doing so is in line with NEPA's statutory requirement for an EIS to contain a robust alternatives analysis.[36] Accordingly, during scoping, the Center proposed the following alternatives: (1) no oil and gas drilling; (2) elimination of fracking; (3) enabling a managed decline of oil and gas production; (4) prohibiting any new land disturbance and requiring "no surface occupancy" ("NSO") on any new leases; and (5) prohibiting leasing in Endangered Species Act critical habitat or areas known to be occupied by special status species.

The Center again urges BLM to consider these alternatives, and incorporates by reference our July 2025 scoping comment containing reasons for these proposals.

BLM's reasons for declining to consider these alternatives are unavailing. For example, responding to the request for "No Surface Occupancy on New Leases and/or No Leases in Listed Species Habitats," BLM says it already "considered a range of alternatives that would close all *split estate* lands to oil and gas leasing and development."[37] But the Center suggested NSO on *any* new leases—not just split estates. This is because concerns with new land surface disturbance from oil and gas extends to all lands, not just split estates. BLM was therefore unresponsive to this proposed alternative and did not "consider incorporating [it] into the analysis."[38]

In that same answer, BLM vaguely provides that "closure of Threatened or Endangered (T&E) habitats is already addressed under the range of alternatives considered

[30] *Id.* § 6102.3.1.
[31] *Id.* § 6102.5(b)(1).
[32] *Id.* § 6103.1.1.
[33] *Id.* § 6103.2.
[34] *Id.* § 6102.5 (b)(4) and (b)(6).
[35] 90 Fed. Reg. 26602 (June 23, 2025).
[36] 42 U.S.C. § 4332(C)(iii).
[37] 2025 DSEIS at 20 (emphasis added).
[38] *Id.* at 1.

in this SEIS and no separate analysis is necessary."[39] One can assume that BLM is referring to, for example, Alternative B, which limits future leasing to within the boundaries of oil and gas fields, or Alternative C, which would apply NSO restrictions to threatened and endangered critical habitat.[40] But BLM fails to recognize that since its 2019 decision dismissing these alternatives, additional species have earned protected status—including under the federal Endangered Species Act.[41] Further, BLM has not taken into account newly protected species under CESA, which should also warrant protection from oil and gas leasing. BLM therefore needs to reevaluate an alternative that prohibits leasing where all (including newly listed, proposed-for-listing, and candidate) protected species—under both the federal ESA and CESA—and their habitats occur and are likely to occur.

B. Failure to present a true range of alternatives.

Beyond the alternatives the Center proposed during scoping in July 2025, BLM's alternatives approach in the 2025 draft SEIS is flawed: the 2019 FEIS presented six alternatives, and "assumed same level of oil and gas development under the 2015 RFDS would apply to Alternatives A, C, D, E, and F."[42] The 2025 draft SEIS then carried forward the six alternatives, including their associated "Management Goals and Objectives, Management Actions, and best management practices common to all alternatives as described in Chapter 2, Section 2.4 on pages 2-3 and 2-4 (BLM 2019)."[43] But assuming the same level of development and prescribing the same objectives and practices does not create a meaningful "range" of alternatives.

BLM must re-do the SEIS to propose and consider additional alternatives that present a true range of options. Specifically, new alternatives must lessen the possible "max" production established in the RFDS.

This suggestion aligns with the Environmental Protection Agency's ("EPA") July 2025 scoping comment to BLM.[44] There, EPA reminds BLM of its statutory obligations under NEPA, writing:

> EPA recommends including alternatives that avoid, minimize, and/or mitigate for adverse impacts to water, wetlands, air, wildlife, local communities, Tribal resources, and other resources (42 U.S.C. Section 4331(a)). . . . We also recommend that the [draft SEIS] [p]ropose reasonable alternatives that include specific measures that would, among other things, attain the widest

[39] *Id.* at 20.
[40] 2019 ROD at 16.
[41] *See, e.g.*, 2025 DSEIS at 13 ("Five species have been newly listed or proposed for listing under the Endangered Species Act, including the foothill yellow-legged frog, western spadefoot, and northwestern pond turtle.").
[42] *Id.* at 16. Alternative B assumed slightly less well development and surface disturbance. *Id. See also* 2016 DSEIS at 2-11 ("The level of oil and gas development described in the RFD Scenario would apply to all five alternatives.").
[43] *Id.* at 16.
[44] 2025 EPA Scoping Comment at 4.

range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences and preserve important historic, cultural, and natural aspects of our national heritage (42 U.S.C. Sections 4331(b)(3) and (4)).

C. BLM must withdraw lands with little to no oil and gas potential from alternatives.

We maintain our request that BLM offer a managed decline and no further oil and gas development alternative. However, even if BLM were to reject our "no further leasing" alternative, it nonetheless defies logic that BLM is proposing to make lands with low- to no-productive capacity for oil and gas available for fossil fuel leasing. BLM must withdraw these lands from its alternatives (including Alternative F) and offer at least one new, reduced acreage alternative in a new SEIS.

BLM's RFDS discloses that throughout the CCFO, only two areas—Provinces 10 (San Joaquin Basin) and 11 (Central Coastal)—are truly areas of "high" oil and gas occurrence potential.[45] Only two areas then have "moderate" potential for occurrence, and five have "low" to "no" potential.[46]

Specifically, the RFDS notes that "the CCFO has areas of high, moderate, low and no occurrence potential (see Figure 4) . . . . The size of each category is shown in Table 5 (CCFO Oil and Gas Occurrence Potential).[47] Table 5 is reproduced below:

Table 5. CCFO Oil and Gas Occurrence Potential

Category	Total Acres within CCFO Planning Area	Federal Mineral Estate
High	1,853,670 acres	451,680 acres
Moderate	611,660 acres	2,680 acres
Low	2,274,610 acres	79,470 acres
None	2,080,430 acres	258,600 acres
Total	6,820,400 acres	792,430 acres

Source: BLM, 2015. CCST, 2015, p. 253.

BLM even goes so far as to surmise that:

> *Even if there are advances in science and technology* that resolve some of the uncertainty associated with the Monterey Formation source rock, these advances are not likely to alter the RFD Scenario for federal minerals in the planning area for the next 15 to 20 years due to the geology of the region. Therefore, all available scientific, industry, and government information indicates that absent currently unforeseen changes in oilfield technology,

[45] 2019 FEIS, Appendix B at B-8 through B-10.
[46] *Id.*, Appendix B at B-10 through B-12.
[47] *Id.*, Appendix B at B-7.

> future oil and gas development within the CCFO area will continue as it has over the last 10 or 20 years.[48]

Yet Alternative F, without explanation, proposes to open mineral estate in *all* provinces and areas—regardless of their production potential—for oil and gas activities. According to BLM's Table 5, around 454,000 acres of federal mineral estate in the CCFO have "high" or "medium" oil and gas occurrence potential. Yet under Alternative F, BLM is opening 725,500 acres to oil and gas leasing.[49] This means that 40% of the land—or 270,000 acres—that BLM is designating as available for oil and gas leasing under Alternative F cannot even be used for its designated purpose.

The revised Mineral Leasing Act ("MLA"), discussed later in this comment, emphasizes land with oil and gas potential, rather than all mineral estate.[50] In the RFDS, BLM admits there are hundreds of thousands of acres without known or believed oil and gas deposits. Alternative F designates these acres for leasing anyways, without explanation. Even assuming, *arguendo*, that acreage with low or no productive potential is unlikely to actually be leased or bid upon, BLM is nonetheless—without any apparent rationale—making this acreage vulnerable to private leasing. By doing so, BLM is not considering possibly more protective management strategies on these lands.

Confusingly, BLM acts in its NEPA analysis as if Alternative F opens up only areas of high productive potential. Throughout the 2025 draft SEIS, BLM offers some version of the conclusion that impacts of Alternative F will be minimal because, for example, species habitat does not "intersect with areas of high development potential."[51] But as established, "development potential" is not what guides Alternative F. Instead, Alternative F is opening almost all federal mineral estate lands in the planning area for private leasing.

BLM cannot have it both ways: on the one hand, opening up vast acreage across the CCFO for oil and gas leasing, while on the other, foregoing analysis of impacts outside the high potential zones. Similarly, BLM cannot, on the one hand, conclude that oil and gas development in the CCFO is unlikely to advance even with science and technology, while on the other, designate lands it thinks are unlikely to have oil and gas vulnerable to exploration and leasing.

Instead, at the very least, BLM should withdraw lands with only moderate, low, or no oil and gas potential from Alternative F. These lands should be managed to protect the environmental values they *do* possess, such as species habitat, water, recreational values, and more. Moreover, "[FLPMA] does not mandate that every use be accommodated on

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[48] *Id.*, Appendix B at B-16 (emphasis added).
[49] 2025 DSEIS at 3. Alternative F proposes closing only 67,500 acres.
[50] 30 U.S.C. § 226 (a)(1) ("Any parcel of land subject to disposition under this chapter that is *known or believed to contain* oil or gas deposits shall be made available for leasing . . . .") (emphasis added).
[51] 2025 DSEIS SEIS at PDF page 13 (executive summary).

every piece of land . . . . It is past doubt that the principle of multiple use does not require [an agency] to prioritize development over other uses."[52]

D. BLM must consider new alternatives in light of the 2025 Budget Reconciliation Act.

The July 2025 Budget Reconciliation Act raises significant questions about BLM's discretion in the context of federal oil and gas leasing and, as a result, potentially changes BLM's legal obligations with regards to oil and gas management decisions and analyses. Specifically, the Reconciliation Act amended the MLA to require, *inter alia*, that certain lands "*shall* be made available for leasing" once designated as open under an approved RMP.[53]

To the extent that BLM believes that the Reconciliation Act limits BLM's discretion over whether to offer parcels to lease, which parcels to offer, and what mitigation and stipulations can be imposed *at the leasing or permitting stages*, the Reconciliation Act requires BLM to weigh much more heavily the impacts of additional oil and gas leasing, as well as mitigation, minimization, and avoidance of impacts, *at the planning stage*.

Prior to the Reconciliation Act, BLM routinely relied on its broad leasing discretion to mitigate conflicts between oil and gas development and other public land uses. Even where lands were identified as "open" for leasing, BLM could choose not to hold lease sales or to withhold specific parcels based on environmental or other concerns. Other stakeholders, however, have argued that the Reconciliation Act removes this discretion with its "shall" language. To the extent the agency adopts that interpretation, BLM must, during this planning process, revisit its designation of lands open to ensure it can meet its FLPMA multiple use and environmental protection mandates if BLM agrees it lacks the discretion not to lease otherwise open lands.

To the extent BLM adopts the interpretation of the Reconciliation Act proffered by others, the agency's new leasing mandate has changed the environmental baseline, whether or not BLM amends the RMP, because lands currently designated as "open" for leasing now face a substantially higher probability of being leased and developed. Such a change warrants an RMP amendment and more comprehensive SEIS to account for and consider the reasonably foreseeable consequences of this increased leasing, including expanded surface disturbance, greater GHG emissions, and additional far-ranging cumulative impacts on habitat for plants and animals, water resources, air quality, and ACECs, among others.

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[52] *N.M. ex rel. Richardson v. U.S. Bureau of Land Mgmt.*, 565 F.3d 683, 709-10 (10th Cir. 2009) (finding Bureau violated NEPA by failing to include an analysis in its EIS of an alternative closing grasslands to development). *See also id.* at 711 (Courts have recognized that "whether any of the lands in [a] plan area are suitable for fluid minerals development . . . is precisely the question the planning process was intended to address. It would fit well within the scope of the plan objectives for BLM to conclude that no lands in the plan area are suitable for leasing and development.").

[53] 30 U.S.C. § 226(a) (2024) (emphasis added), as amended by Pub. L. No. 119-21, § 50101(d)(1), 129 Stat. 72, 138 (2025).

For example, if the Reconciliation Act broadly limits BLM's discretion, the agency must now account for, analyze, and disclose to the public information pertaining to, at minimum, the following:

- The Reconciliation Act's reinstatement of non-competitive leasing, which may result in substantially more acreage being under lease, limiting other uses, such as recreation or wildlife conservation.[54]
- BLM's previous analysis assumed that not all available parcels would be leased. BLM must reassess that analysis and conclusion in an amended RMP and comprehensive SEIS in light of the Reconciliation Act's new requirements.[55]

The changes to leasing brought about by the Reconciliation Act underscore the need for BLM to reevaluate and expand the range of alternatives it considers as part of an amendment process. For example, BLM must consider reducing the acreage designated as open to leasing or apply broad NSO and other protective stipulations to ensure sensitive areas are not routinely made available for leasing and drilling. This is critical in order to ensure BLM meets its mandate of managing for multiple use, sustained yield, and prevention of unnecessary or undue degradation of sensitive resources present on BLM land.

E. BLM should consider an alternative that protects ACECs.

ACECs are special areas that warrant heightened protection. FLPMA defines ACECs as "areas within the public lands where special management attention is required . . . to protect and prevent irreparable damage to important historic, cultural, or scenic values, fish and wildlife resources or other natural systems or processes, or to protect life and safety from natural hazards."[56] FLPMA provides that RMPs "shall . . . give priority to the designation and *protection of*" ACECs.[57]

There are ACECs within the Planning Area, but rather than prioritize protection of these highly important areas, BLM's Alternative F opens up ACECs for oil and gas activities.[58] This should change.

There is also new information and changed circumstances regarding ACECs. For example, in 2023, BLM limited vehicle access in the Panoche-Coalinga ACEC to "protect habitat for the endangered blunt-nosed leopard lizard."[59] As BLM explained in its press release, "Limiting motorized vehicles in the area will protect this species' natural environment, found only in Central California . . . . We must prevent disturbance during this

[54] Pub. L. No. 119-21, § 50101(a)(2), 129 Stat. 72, 137 (2025).
[55] *See id.* § 50101(d)(1).
[56] 43 U.S.C. § 1712(c)(3).
[57] *Id.* (emphasis added).
[58] 2025 DSEIS at 3 ("NSO stipulations would apply to some lands open to leasing, including Joaquin Rocks Area of Critical Environmental Concern (ACEC) [and] ACECs within the Ciervo Panoche Natural Area (CPNA)").
[59] BLM, "BLM takes measures to protect endangered species at Panoche Hills" (Feb. 23, 2023), https://www.blm.gov/press-release/blm-takes-measures-protect-endangered-species-panoche-hills-0.

new phase and during the critical breeding season."[60] BLM further noted that the blunt-nosed leopard lizard ("BNLL") population that lives in the area is part of a captive breeding program BLM executes in partnership with the Fresno Chaffee Zoo, the Bureau of Reclamation, the U.S. Fish and Wildlife Service, California Department of Fish and Wildlife, and Fresno State University "to recover the species from the imminent danger of extinction."[61] BLM's 2023 decision in the Panoche-Coalinga ACEC was a step in the right direction to protect the imperiled BNLL. BLM's decision now must not undermine that progress.

In accordance with FLPMA, and to be consistent with its past practices and ongoing efforts to protect imperiled species in places like Panoche-Coalinga, BLM should propose (and adopt) an alternative to prohibit oil gas leasing in all ACECs within the planning area.

V. BLM Ignored the Center's New Information and "Recent Studies" Flagged and Submitted During the Scoping Period

BLM's 2025 draft SEIS for the Central Coast Field Office fails to consider the substantial body of recent scientific studies and new information that the Center submitted during the scoping process. The Center did more than just submit new information; in its scoping comment, the Center took the time to explicitly label sections as containing "recent studies" issued since 2019. Nonetheless, the 2025 draft SEIS lists studies BLM specialists considered,[62] and only one recent study the Center submitted is mentioned. This failure violates both NEPA and the Administrative Procedure Act ("APA") and renders BLM's analysis arbitrary and capricious.

A. A supplemental EIS must consider new information.

BLM says it prepared the SEIS in order to "analyze the environmental effects of oil and gas leasing and development within the Planning Area and to determine whether changes are needed to the fluid mineral decisions based on new information or changes in circumstances in the CCFO."[63] Failing to consider and discuss the significant new scientific evidence that has become available (and been presented to BLM) since the 2019 Final EIS violates the purpose of environmental review.[64]

BLM's failure to consider and discuss new studies and information violates other fundamental tenants of NEPA. The statute mandates that an EIS include a detailed statement on the "reasonably foreseeable environmental effects of the proposed agency action."[65] What is "reasonably foreseeable" is necessarily informed by the current state of

[60] *Id*.
[61] *Id*.
[62] 2025 DSEIS at 84-87. For example, in each issue area of the 2025 DSEIS, it says: "BLM resource specialists reviewed the following information: . . .", followed by a bullet-point list of studies.
[63] 2025 DSEIS at 4.
[64] *See, e.g.*, U.S. Dep't of the Interior, 516 DM 1, Handbook of National Environmental Policy Act Implementing Procedures § 3.7(a) (Feb. 2026) ("The bureau should make use of reliable existing data and resources.")
[65] 42 U.S.C. § 4332(C)(i).

scientific knowledge, not the state of knowledge at the time of a prior, now-superseded analysis. Congress further directed that agencies "ensure the professional integrity, including scientific integrity, of the discussion and analysis in an environmental document," and "make use of reliable data and resources" in carrying out the Act.[66] These provisions, taken together, impose an obligation on BLM to incorporate new scientific studies into its analysis, which it has failed to do here.

B. BLM failed to acknowledge or consider recent studies and new information the Center submitted during scoping.

The Center not only submitted numerous recent scientific studies and new information as part of their scoping comments for the Central Coast SEIS, but the Center made sure to explicitly label those recent studies and information as such to call BLM's attention to them.[67] Yet without any explanation, BLM ignored nearly all of this credible new information it was obligated to consider.

More specifically, a careful audit of BLM's 2025 draft SEIS reveals that, of the information the Center cited and labeled as "recent studies" and "new information" in its scoping comments, BLM cited only one.[68] The agency provided no explanation for why it disregarded all other submitted studies, all of which bear directly on the environmental impacts at issue in the SEIS.

The studies BLM ignored span every major resource area analyzed in the SEIS. With respect to **climate change** and the need to phase out fossil fuel production, the Center flagged and submitted, among other sources:

- Wolf, Shaye et al., Scientists' Warning on Fossil Fuels, 5 Oxford Open Climate Change 1 (2025), doi:10.1093/oxfclm/kgaf011.
- Ripple, William J. et al., World Scientists' Warning of a Climate Emergency, 70 BioScience 100 (2020), doi:10.1093/biosci/biz088.
- Intergovernmental Panel on Climate Change, Climate Change 2023: Synthesis Report (2023).
- U.S. Global Change Research Program, Fifth National Climate Assessment (2023).
- Oil Change International, Drilling Toward Disaster: Why U.S. Oil and Gas Expansion Is Incompatible with Climate Limits (2019).
- Tong, Dan et al., Committed Emissions from Existing Energy Infrastructure Jeopardize 1.5°C Climate Target, 572 Nature 373 (2019).
- Intergovernmental Panel on Climate Change, Climate Change 2021: The Physical Science Basis (2021).

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[66] *Id.* § 4332(D)-(E).
[67] *See* Center for Biological Diversity scoping comments, submitted July 2025. We used the terms "recent" and "new" to mean the information arose since BLM completed its 2019 FEIS (hereinafter "2025 Center Scoping Comments").
[68] The single study BLM referenced was Hwang et al.'s review of hydraulic fracturing's environmental implications, cited on page 75 of the 2025 DSEIS.

- Fleming, John et al., Killer Crude: How California Produces Some of the Dirtiest, Most Dangerous Oil in the World (2021).

Regarding **air pollution and public health impacts** from oil and gas development, the Center flagged and submitted:

- Gonzalez, David J.X. et al., Upstream Oil and Gas Production and Ambient Air Pollution in California, 806 Sci. Total Env't (2022).
- Buonocore, Jonathan J. et al., Air Pollution and Health Impacts of Oil & Gas Production in the United States, Env't Rsch.: Health (2023).
- McPherson, Kristi et al., Air Pollution from Unconventional Oil and Gas Development, 338 Atmospheric Env't (2024).
- Woodruff, Tracey J., Health Effects of Fossil Fuel–Derived Endocrine Disruptors, 390 New Eng. J. Med. 922 (2024).
- Aker, Alison M. et al., The Human Health Effects of Unconventional Oil and Gas Development (UOGD): A Scoping Review of Epidemiologic Studies, 115 Can. J. Pub. Health 446 (2024).
- Deziel, Nicole C. et al., Applying the Hierarchy of Controls to Oil and Gas Development, 17 Env't Rsch. Letters 071003 (2022).
- Phillips, Carly, Climate Change Threatens Already Poor Air Quality in California's Central Valley, Union of Concerned Scientists (July 26, 2022).

Regarding **seismicity and well integrity**, the Center flagged and submitted:

- Kang, Mary et al., Potential Increase in Oil and Gas Well Leakage Due to Earthquakes, Env't Rsch. Commc'ns (2019);
- DiGiulio, Dominic, Evaluation of Draft Environmental Impact Report on Geological Storage of Carbon Dioxide at the Carbon TerraVault I Facility in Kern County, California (2024).

Regarding **wildlife and ecological impacts** of oil and gas development, the Center flagged and submitted:

- Walker, Brett L. et al., Quantifying Habitat Loss and Modification from Recent Expansion of Energy Infrastructure in an Isolated, Peripheral Greater Sage-Grouse Population, 255 J. Env't Mgmt. 109819 (2020).
- Tornabene, Blake J. et al., Comparative Effects of Energy-Related Saline Wastewaters and Sodium Chloride on Hatching, Survival, and Fitness-Associated Traits of Two Amphibian Species, 40 Env't Toxicology & Chemistry 3137 (2021).
- Graham, Andrew & Douglas A. Wilcox, The Impacts of Marcellus Shale Gas Drilling Accidents on Amphibians in a Pennsylvania Fen, 29 Wetlands Ecology & Mgmt. 155 (2021).
- Katovich, Erik S., Quantifying the Effects of Energy Infrastructure on Bird Populations and Biodiversity, 58 Env't Sci. & Tech. (2023).

- Rutherford, Tiffany K. et al., Effects of Noise from Oil and Gas Development on Ungulates and Small Mammals—A Science Synthesis to Inform National Environmental Policy Act Analyses, U.S. Geological Survey (2023, rev. 2024).
- Maxwell, Lori M. et al., Effects of Noise from Oil and Gas Development on Raptors and Songbirds—A Science Synthesis to Inform National Environmental Policy Act Analyses, U.S. Geological Survey (2024).

With respect to **species-specific impacts** to the San Joaquin kit fox, BNLL, and giant kangaroo rat, the Center flagged and submitted:

- U.S. Fish & Wildlife Serv., Species Status Assessment Report for the San Joaquin Kit Fox (2020).
- Cypher, Brian et al., Response of San Joaquin Kit Foxes to Road Construction Sites, Cal. Dep't of Transp. (2023).
- Ivey, Kimberly N. et al., Thermal Ecology of the Federally Endangered Blunt-Nosed Leopard Lizard (Gambelia sila), 8 Conservation Physiology (2020).
- Gaudenti, Natalie et al., Habitat Heterogeneity Affects the Thermal Ecology of an Endangered Lizard, 11 Ecology & Evolution 14843 (2021).
- Germano, David J. et al., Effects of Oil Fields on Home Range, Movements, and Rates of Predation of Blunt-Nosed Leopard Lizards (Gambelia sila), 58 J. Herpetology 135 (2024).

Under the Administrative Procedure Act ("APA") and NEPA, courts must confirm "that the agency has adequately considered and disclosed the environmental impact of its actions and that its decision is not arbitrary or capricious."[69] Where an agency fails to make a reasoned decision based on its evaluation of the evidence, it acts arbitrarily and capriciously.[70] Here, this is not a situation where BLM considered the submitted studies and, after reasoned analysis, determined them to be inapplicable or unreliable. Rather, BLM appears to have simply ignored them. The APA requires more. An agency must, at minimum, acknowledge and respond to the significant scientific information placed before it during the NEPA process.[71] BLM's failure to do so here renders the draft SEIS legally deficient.

[69] *Nevada v. Dep't of Energy*, 457 F.3d 78, 87–88 (D.C. Cir. 2006).
[70] *Earth Island Inst. v. U.S. Forest Serv.*, 442 F.3d 1147, 1160 (9th Cir. 2006).
[71] *See WildEarth Guardians v. U.S. Dep't of Agric. Animal & Plant Health Inspection Serv. Wildlife Servs.*, 135 F.4th 717, 736–37 (9th Cir. 2025) (holding that an agency may not simply reiterate its "general conclusions" when faced with a "substantial body of research" cited in public comments, and that when "new, contrary scientific information becomes available, the agency must explain its reasons for disagreeing with it").

VI. BLM Improperly Deferred Analysis of Impacts to the APD Stage.

Throughout the 2025 draft SEIS, BLM evades meaningful review of the impacts from oil and gas development by stating that site-specific analyses would be conducted at the APD phase.[72] BLM's repeated deferrals are problematic.

First, the Ninth Circuit has held that deferring analysis of foreseeable impacts until a later, site-specific stage, is unlawful.[73] After all, the purpose of an EIS "is to evaluate the [range of] possibilities in light of current and contemplated plans and to produce an informed estimate of the environmental consequences."[74]

Second, the 2025 Reconciliation Act amended the MLA in such a way that weighs against deferral of necessary analysis at the planning stage. The MLA now states that any oil and gas leases issued "may not require any stipulations or mitigation requirements not included in the approved [RMP]."[75] This provision is now reflected in BLM's leasing regulations: "[l]eases issued by the BLM will include only those stipulations and mitigation measures included in the [RMP] covering that parcel of land that is being leased."[76] While we do not read the language in the MLA as precluding additional analysis at the leasing stage, full analysis of impacts at the RMP stage is necessary to inform and craft site-specific stipulations and mitigation requirements that have to be enshrined in the RMP, according to this language. In other words, in order to fully protect environmental resources, BLM must not defer its environmental analysis later stages.

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[72] *See e.g.* 2025 DSEIS at PDF page 14 [no page number associated with this page] ("For example, BLM claims that "[t]he effects on newly listed wildlife species are minimal," even though "site-specific reviews" would be necessary at later stages"); 2025 DSEIS at 4 (BLM asserting that "environmental review, including direct and indirect effects, for the development of leased parcels, including well completion techniques such as hydraulic fracturing, is a site-specific analysis,"); 2025 DSEIS at 51 (""some species occurrences may not be adequately documented."); 2025 DSEIS at 72 (concluding "that the SJVAPCD requirement to quantify GHG emissions and to implement SJVAPCD Best Performance Standards… [should occur] at the site-specific" stage); 2025 DSEIS at 74 (BLM "would consider site specific conditions and data [regarding water use conditions] during project level review."); *id.* (acknowledging that oil and gas "may cause land subsidence," and "potential impacts to surface water infrastructure, such as aqueduct and canal damage," a full assessment of those impacts is postponed until the site-specific stage"); 2025 DSEIS at 80 (postponing ESA consultation until the site-specific stage).

[73] *Kern v. BLM*, 284 F.3d 1062, 1072 (9th Cir. 2002) ("An agency may not avoid an obligation to analyze in an EIS environmental consequences that foreseeably arise from an RMP merely by saying that the consequences are unclear or will be analyzed later when an EA is prepared for a site-specific program proposed pursuant to the RMP . . . If an agency were able to defer analysis discussion of environmental consequences in an RMP, based on a promise to perform a comparable analysis in connection with later site-specific projects, no environmental consequences would ever need to be assessed in an EIS at the RMP level if comparable consequences might arise, but on a smaller scale, from a later site-specific action proposed pursuant to the RMP.").

[74] *Davis v. Coleman*, 521 F.2d 661, 676 (9th Cir. 1975).

[75] 30 U.S.C. § 226(a)(2)(A)(ii).

[76] 43 C.F.R. § 3101.13.

VII. BLM Failed Multiple FLPMA Requirements.

The Federal Land Policy and Management Act ("FLPMA") of 1976, as amended,[77] provides for the management, protection, development and enhancement of the public lands. Under FLPMA, BLM must manage public lands "in a manner that will protect the quality of the scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and archeological values,"[78] and give special protection to areas of critical environmental concern.[79] FLPMA further requires BLM to manage all public lands to prevent "unnecessary or undue degradation."[80] BLM must also stay appraised of what values its public lands possess so as to inform its management decisions.[81]

BLM's RMP, and the agency's decision not to amend the RMP during this reconsideration period (collectively the "RMP decisions" here), violate multiple provisions of FLPMA and are arbitrary and capricious. While we point out a number of these deficiencies below, FLPMA's requirements underlay this entire RMP planning process, and BLM's information gathering and analysis failures in the NEPA context also implicate FLPMA.

A. Unnecessary and undue degradation

1. BLM's RMP decisions do not contain specific measures to avoid UUD

BLM's RMP decisions violate FLPMA because they fail to avoid unnecessary and undue degradation (or hereinafter, "UUD") of biological resources and habitat, air quality and the atmosphere, and water resources—all of which FLPMA requires BLM to protect.

At the "heart of FLPMA" is the requirement that BLM "shall . . . take any action necessary to prevent [UUD] of the lands."[82] Further, as the Ninth Circuit explained, UUD requirements "are distinct from NEPA. A finding that there will not be significant impact [under NEPA] does not mean either that the project has been reviewed for [UUD], or that [UUD] will not occur."[83]

While FLPMA provides BLM with "discretion to choose appropriate *measures* to *address* [ ] environmental degradation,"[84] that discretion confers on BLM an affirmative obligation to act in the face of UUD. For example, in *Theodore Roosevelt Conservation P'ship v. Salazar*, the D.C. Circuit held that BLM did not violate the UUD standard because the record of decision contained numerous specific, definite mitigation measures to minimize and offset the environmental impact of development; BLM ensured "funding for

[77] 43 U.S.C. 1701 et seq.
[78] *Id*. § 1701(a)(8).
[79] *Id*. §§ 1701(a)(11), 1702(a).
[80] *Id*. § 1732(b).
[81] *Id*. § 1711(a).
[82] *Mineral Policy Ctr. v. Norton,* 292 F. Supp. 2d 30, 33, 42 (D.D.C. 2003), citing 43 U.S.C. § 1732(b).
[83] *CBD v. U.S. Dep't of the Interior*, 623 F.3d 633, 645 (9th Cir. 2010) (citation omitted).
[84] *Gardner v. U.S. Bureau of Land Mgmt.*, 638 F.3d 1217, 1222 (9th Cir. 2011) (emphasis added).

and oversight of monitoring and mitigation;" and the ROD contained specific, additional measures "if further declines in wildlife populations" were observed.[85]

Here, there is no evidence that BLM affirmatively addresses the numerous ways fossil fuel development in the planning area could cause UUD. Neither the RMP decisions, the draft SEIS, nor BLM's vague explanation for declining to amend the RMP[86] adequately explain how BLM management under the proposed decision will prevent or mitigate such impacts to the resources BLM manages.

Instead of following the model in *Theodore Roosevelt* by offering specific, definite measures, funding to carry those measures through (and enforce conditions), and additional actions BLM will take "if further declines" occur, BLM instead vaguely gestures towards conditions that could be applied later in the oil and gas process.[87]

While we contend BLM should apply additional protective measures at the APD stage, that discretion to layer on additional mitigations does not absolve BLM of its responsibility for the RMP decisions to avoid UUD. Further, the 2025 draft SEIS does not propose any updates to the BMPs and COAs to avoid UUD, despite new information and changed circumstances about the legal landscape and newly listed species, newly impaired water bodies, air pollution nonattainment updates, and more.

2. Opening acreage with little/no oil and gas potential could lead to UUD.

As explained earlier in this comment, Alternative F authorizes leasing on nearly 300,000 acres of federal mineral estate that have low/no oil and gas potential.[88] Leasing of those acres could lead to numerous harms from "wildcat" oil and gas exploration, including from using new or existing roads, wellpad construction, test drilling, night lighting, noise, and chemical use. With these activities come an array of air, water, climate, vegetation, and species harms, among others. With a low likelihood of successful production, this means that many acres in the Planning Area—that otherwise could be managed for conservation values—will be unnecessarily damaged. BLM has not explained why it is opening nearly 300,000 acres for leasing or how it will avoid UUD should those lease parcels be explored. This violates FLPMA.

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[85] *Theodore Roosevelt Conservation P'ship v.* Salazar, 661 F.3d 66, 71, 77-78 (D.C. Cir. 2011).
[86] "The results of this Draft Supplemental Analysis, additive to those identified in the 2019 Final EIS, did not show notable increase in total impacts. No conflicts were found between the estimated impacts of the alternatives and the resource or program management goals and objectives stated in the RMP amendment. The range of alternatives has not changed between the BLM-approved 2019 RMP amendment and its 2019 Final EIS, and the 2025 Draft Supplemental EIS. Therefore, no amendment to the 2019 RMP amendment is necessary." 91 Fed. Reg. 1330 (January 13, 2026).
[87] 2019 ROD at 4. The most the 2025 DSEIS says about BMPs is "The BLM's land use decisions identify areas as open or closed to fluid mineral leasing and establishes appropriate stipulations, and other mitigation measures and best management practices (BMPs) that could be applied to areas identified as open to leasing." 2025 DSEIS at 4.
[88] 2019 FEIS, Appendix B at B-7.

3. BLM should adopt species-specific UUD measures.

BLM should take additional steps to ensure that species in the planning area do not suffer UUD; BLM can take these steps through RMP decisions (e.g., by reducing acreage opened for leasing) and/or through SOPs and BMPs required of operators.

For instance, the BNLL is a federally endangered species that occurs in the planning area.[89] BLM proposed an SOP for operators to "survey for burrows that may be used by blunt-nosed leopard lizards in the area to be disturbed by the project and a 50-foot buffer."[90] Evidence shows that a 50-foot buffer is insufficient. According to the USFWS, the additional survey area protocol for BNLL "will be a minimum of 250 feet unless a reasonable justification can be made," e.g., existence of a permanent structure.[91] According to the CDFW's review of the best available scientific information in 2022, a BNLL buffer area would need to be 164 acres *at a minimum* to avoid take.[92] In any event, BLM must update its 50-foot buffer SOP.

In addition, surveys of BNLL burrows alone are not enough. BNLL use burrows constructed by ground squirrels and kangaroo rats, and in the absence of such burrows, the USFWS explains that they construct shallow, simple tunnels in earth berms or under rocks.[93] Based on this evidence, to avoid UUD to BNLLs, BLM should require surveys for the lizards themselves—not just burrows.

BLM's RMP decisions also are risking UUD to an array of other species. BLM's 2025 proposed action does not add to or adapt the 2019 decision's biological resources guidelines for "conserving habitat and minimizing project impacts,"[94] even though there are several newly-listed and proposed-for-listing species and candidate species that occur within the planning area, such as the foothill yellow-legged frog, western spadefoot, western pond turtle, and California mountain lion. BLM must avoid UUD to new protected species by a) updating its 2019 guidelines to reflect current and new information; and b)

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[89] 2019 FEIS at 3.11-1.
[90] 2019 ROD at B-7.
[91] U.S. Fish and Wildlife Service, Programmatic Biological Opinion on Oil and Gas Leasing and Development on Bureau of Land Management Lands in the Central Coast Field Office (Fresno, Monterey and San Benito Counties) at 19 (2019) (hereinafter "2019 PBO").
[92] CDFW, Letter to Kern County Planning and Nat'l Res Dep't from Bob Stafford for Julie Vance, Regional Manager (April 6, 2022) at 6-7 (further noting, "CDFW's recommendation for avoiding take, providing for individual and population persistence, and conforming to the applicable recovery goals is to design the project to avoid all occupied BNLL habitat, and base that avoidance on known spatial ecology of BNLL."). *See also id.* at 7 (going on to explain that "a reasonable plan for avoidance is to assume that the lizard might utilize up to 98.8 acres in any direction from where it was observed," and assuming a circular home range, the diameter would be 2340.8 feet, or a 395-acre circle as a buffer).
[93] U.S. Fish & Wildlife Service, Blunt-nosed leopard lizard (*Gambelia sila*) 5-Year Review: Summary and Evaluation at 2 (2010), https://ecosphere-documents-production-public.s3.amazonaws.com/sams/public_docs/species_nonpublish/1539.pdf.
[94] 2019 ROD at B-5; *see also id.* at B-3 (describing "Standard Operating Procedures (SOP) typically applied to BLM undertakings or authorizations that are implemented to avoid or mitigate impacts to biological resources.").

including species-specific measures for newly-protected species. As part of its FLPMA inventory requirements, BLM should also review new and updated information on *all* impacted plant and animal species and adapt its SOPs and BMPs accordingly.

BLM's 2025 draft SEIS dismisses the idea of updating its biological resources guidelines and SOPs, saying only there are not likely to be adverse effects to newly-protected species because some of these species' habitats "are outside of areas *where the RFDS suggests oil and gas development will occur*."[95] This is irrational. Under Alternative F, as noted earlier in this comment, BLM is proposing to open over 700,000 acres for oil and gas leasing, regardless of how the RFDS characterizes those lands. BLM must not fail to protect all species on lands it is proposing to lease, and accordingly it must update its biological resource measures to reflect this and prevent UUD.

4. BLM should consider ACEC-specific UUD measures.

As noted earlier in this comment, ACECs are areas designated under FLPMA where special management attention is required to protect and prevent irreparable damage to resources, including fish and wildlife resource and other natural systems.[96] FLPMA provides that BLM, in the process of revising RMPs, "shall . . . give priority to the designation and *protection of*" ACECs.[97]

Alternative F leaves some ACECs open for oil and gas leasing without NSO stipulations. While Alternative F proposes NSO stipulations in Joaquin Rocks ACEC and ACECs within the Ciervo-Panoche Natural Area,[98] no such stipulations are applied to the whole of the Panoche-Coalinga ACEC, although mineral estate within this ACEC is designated as open for leasing,[99] and that ACEC is home to imperiled species like the BNLL. The Panoche-Coalinga was "established to protect its significant habitat for rare, threatened, and endangered plants and wildlife."[100] BLM acknowledges that biological resources in ACECs may be degraded if oil and gas development occurs in the area.[101]

BLM provided no reason in 2019 why it did not put NSO stipulations on all ACECs. Prohibiting surface occupancy in ACECs is a reasonable means of protecting areas requiring special management attention. EPA echoed this concern and issued a similar request in its 2025 scoping comment, which BLM has not acknowledged in the 2025 draft SEIS. EPA wrote: "In addition, we recommend that the BLM consider NSO lease

[95] 2025 DSEIS at 75 (emphasis added).
[96] 43 U.S.C. § 1712(c)(3).
[97] 43 U.S.C. § 1712(c)(3).
[98] 2025 DSEIS at 3.
[99] 2019 FEIS at 4.14-7 (noting under Alternative F, areas open to leasing include Panoche-Coalinga ACEC (subject to NSO stipulations within the Ciervo-Panoche Natural Area)).
[100] *Id.* at 3.14-5, 6.
[101] *Id.* at 4.14-7 ("Even with the CSU stipulations and other conditions of approval, oil and gas development within SMAs could degrade biological resources (i.e., ACECs outside the Ciervo-Panoche Natura Area) . . .").

stipulations within Areas of Critical Environmental Concern or other valued areas where important aquatic resources may be impacted."[102]

B. FLPMA's inventory requirements

FLPMA directs that "[t]he Secretary shall prepare and maintain on a continuing basis an inventory of all public lands and their resource and other values," and "[t]his inventory shall be kept current so as to reflect changes in conditions and to identify new and emerging resource and other values."[103] According to one court, a legal violation arises when BLM nevertheless approves an RMP without considering record evidence and information showing the existence of resources and values like newly-listed species.[104] Further, FLPMA's inventory regulations require, "in collaboration with any cooperating agencies, [BLM to] arrange for resource, environmental, social, economic and institutional data and information to be collected, or assembled if already available."[105] Similar to this requirement is NEPA's requirement that the agency establish an environmental baseline before decisions are made.[106]

BLM fails FLPMA's inventory requirements on several counts. What follows are examples, though this inventory issue permeates issues throughout this decision and analysis process.

In one example, BLM fails to provide evidence of western spadefoot toad distribution to supports its conclusion that the RMP activities will not likely adversely affect the species or its habitat. For starters, BLM does not provide any maps to illustrate where the western spadefoot occurs, yet BLM admits to an extensive range.[107] Despite this evidence showing the western spadefoot's likely occurrence throughout leasing areas, BLM nonetheless concludes the RMP "is not likely to adversely affect western spadefoot [and its habitat] because they are outside of areas where the RFDS suggests oil and gas development would occur."[108] This is arbitrary, unsupported, and irrational. Aside from BLM trying to "have it both ways" by only analyzing issues in high-potential oil and gas areas (an

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[102] 2025 EPA Scoping Comment at 9.
[103] 43 U.S.C. § 1711(a).
[104] *Ctr. for Biological Diversity v. U.S. Bureau of Land Mgmt.*, 746 F. Supp. 2d 1055, 1167 (N.D. Cal. 2009).
[105] 43 C.F.R. § 1610.4-3.
[106] *Great Basin Res. Watch v. Bureau of Land Mgmt.*, 844 F.3d 1095, 1101 (9th Cir. 2016) ("Without establishing the baseline conditions which exist … before [a project] begins, there is simply no way to determine what effect the [project] will have on the environment and, consequently, no way to comply with NEPA.").
[107] 2025 DSEIS at 48 ("Currently, the species is patchily distributed throughout its historical range . . . . A species distribution model for the northern portion of the western spadefoot's range (north of Santa Barbara, California) found the areas predicted to have suitable habitat are patchily distributed north in the Coast Range, along the foothills surrounding both sides of the Central Valley, and in remnant habitat within the Central Valley.") (citations omitted); *see also* Center for Biological Diversity, Petition to List 53 Amphibians and Reptiles in the United States as Threatened or Endangered Under the Endangered Species Act (July 11, 2012), https://www.biologicaldiversity.org/campaigns/amphibian_conservation/pdfs/Mega_herp_petition_7-9-2012.pdf.
[108] 2025 DSEIS at 75.

issue flagged elsewhere in our comment), this statement indicates BLM has not assessed whether the western spadefoot occurs in *all* acreage it proposes for leasing. BLM must develop an accurate inventory of western spadefoot distribution and evidence of overlap (or not) with areas the RMP designates as available for oil and gas leasing. If this information is not immediately available, BLM must arrange for this data to be assembled.

Similarly, BLM makes an irrational conclusion on the impacts to the western pond turtle. Like the western spadefoot, BLM fails to provide a map of the species' range, yet offers evidence from the USFWS that the turtle is found "down to northern Monterey County, the lower elevation and foothills of the southern Cascades and Sierra Nevada Mountains, and areas within the Sacramento and San Joaquin Valleys."[109] Without further analysis or evidence to support its conclusion, BLM then dismisses any possible threats by concluding the RMP "is not likely to adversely affect . . . western pond turtle and [its habitat] because they are outside of areas where the RFDS suggests oil and gas development would occur."[110] This conclusion defies FLPMA which requires more robust inventorying and consideration of evidence of species distribution.

In another example, BLM makes no effort to map, describe, or inventory newly-listed and candidate species under the California Endangered Species Act ("CESA") like the Temblor legless lizard and Crotch's bumblebee. Of the former, all the 2025 draft SEIS offers is that the "Temblor legless lizard (*Anniella alexanderae*) has been a California Endangered Species Act (CESA) candidate since July 1, 2022" and its occurrence overlaps "BLM surface, split estate, non-BLM land, and the San Joaquin Management Area."[111] There is extensive information on the Temblor legless lizard that BLM did not include or evidently consider in this draft SEIS in violation of FLPMA. (The Center provided some of this information in its scoping comments and provides updated science and information here.) BLM did not even mention the Temblor legless lizard in its 2019 final SEIS.[112] Now, BLM must inventory and share with the public where its proposed leasing areas overlap with Temblor legless lizard habitat and occurrences.

Along these lines, BLM acknowledges "Crotch's bumble bee (*Bombus crotchii*) and the Western bumble bee (*Bombus occidentalis*) were both reinstated as endangered candidate species under CESA in 2022. The Burrowing owl (*Athene cunicularia*) was given endangered candidate status under CESA in 2024."[113] The 2025 draft SEIS then names broadly that these species may overlap with BLM and surface estate throughout the planning area.[114] Just like with the Temblor legless lizard, BLM then offers no other

[109] 2025 DSEIS at 49.
[110] *Id.* at 75.
[111] *Id.* at 50-51.
[112] *See generally* Final Proposed RMPA/Final EIS, Appendix L: Biological Resources.
[113] *Id.* at 51.
[114] *Id.*

information, mapping, or pledge to inventory these species in order to describe potential impacts from the RMP decisions.[115]

Finally, EPA's 2025 scoping comments make several inventory recommendations that BLM has ignored and not responded to. In brief, these include:

- Updating BLM's inventories and maps of existing wetlands and waters of the U.S. within the planning area, including waters that are regulated under the CWA and wetlands that are protected under Executive Order 11990 (1977); this update should include information on the location, type, and extent of these waters;
- Delineating and marking seeps, springs, and wetlands;
- Creating an updated map showing water protection areas for public water supply wells and surface water intakes (e.g., streams, rivers, and reservoirs);[116]
- Updating BLM's identification and characterization of existing and potential groundwater resources, including all aquifers and USDWs;
- Estimating the water demand per well;
- Estimating sources of water for each well; and
- Describing vulnerabilities particular to communities near existing and proposed lease areas, such as human health, socioeconomic, and cultural vulnerabilities.

BLM must take up EPA's suggestions to inventory resources and use that inventory to inform its management decision and environmental analysis.

C. FLPMA requires that BLM protect atmospheric values

In enacting FLPMA in 1976, Congress declared that public lands must be managed to protect the quality of various resources, including the air and atmosphere.[117] In creating FLPMA, Congress paired this declaration of values that must be protected with the obligations that BLM account for "the long-term needs of future generations", prevent "permanent impairment", and "prevent unnecessary or undue degradation."[118] Taken together, FLPMA may be properly read as directing BLM to make management decisions that are protective of the air and atmosphere—including the climate—for the long-term.[119]

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[115] BLM did not mention the two bumble bees in its 2019 FEIS. *See generally* Final Proposed RMPA/Final EIS, Appendix L: Biological Resources.

[116] EPA then recommends that BLM require monitoring of water quality in private wells within one mile of oil and/or gas project areas to help ensure mitigation measures are adequate to protect water resources. 2025 EPA Scoping Comment at 13.

[117] 43 U.S.C. § 1701(8) ("The Congress declares that it is the policy of the United States that-- . . . the public lands be managed in a manner that will protect the quality of scientific, scenic, historical, ecological, environmental, *air and atmospheric,* water resource, and archeological values; that, where appropriate, will preserve and protect certain public lands in their natural condition; that will provide food and habitat for fish and wildlife and domestic animals; and that will provide for outdoor recreation and human occupancy and use;") (emphasis added).

[118] 43 U.S.C. §§ 1701(a)(8)), 1702(c)) 1732(b).

[119] While the federal government recently renounced its duty to regulate climate-polluting greenhouse gas emissions under the Clean Air Act, environmental groups have challenged that action in court. *See* Mark Drajem, "NRDC and Coalition Sue Over Endangerment Rollback and Climate Protections" (Feb. 18, 2026),

Climate change and the atmosphere are inextricably linked: "Changes observed in Earth's climate since the mid-20th century are driven by human activities, particularly fossil fuel burning, which increases heat-trapping greenhouse gas levels in Earth's atmosphere, raising Earth's average surface temperature."[120] Or as explained by NOAA, "Each year, human activities release more carbon dioxide into the atmosphere than natural processes can remove, causing the amount of carbon dioxide in the atmosphere to increase."[121] Moreover, "[c]arbon dioxide concentrations are rising mostly because of the fossil fuels that people have been burning for energy since the start of the Industrial Revolution."[122]

BLM has not fulfilled its duty under FLPMA to prevent impairment of the atmosphere here. While admitting that oil and gas development will lead to emissions of greenhouse gases such as carbon dioxide (CO_2), methane (CH_4), and nitrous oxide (N_2O),[123] BLM nonetheless is proposing to adopt an alternative that amounts to an all-out fossil fuel extraction option, in that Alternative F opens for leasing much more acreage than is projected to be developed in the RFDS.[124] BLM then shirks its duty to estimate GHG emissions from oil and gas development the RMP will enable.[125] As noted earlier in this comment, it is improper for BLM to defer analysis of impacts to the APD stage when it can provide its best estimate of impacts now, particularly because FLPMA demands protection of atmospheric values.

As part of its duty under FLPMA, BLM also fails to account for the rollback of other environmental laws meant to reduce emissions of greenhouse gases ("GHGs") from oil and

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https://www.nrdc.org/press-releases/nrdc-coalition-sue-endangerment-rollback-climate-protections. Regardless, federal law requires BLM to comply with state air pollution control standards, including those related to greenhouse gases. 43 U.S.C. § 1712(c)(8).

[120] NASA, https://science.nasa.gov/climate-change/what-is-climate-change/.

[121] NOAA, https://www.climate.gov/news-features/understanding-climate/climate-change-atmospheric-carbon-dioxide.

[122] *Id*.

[123] 2025 DSEIS at 64.

[124] 2019 FEIS at 2-1 ("[T]he Preferred Alternative was selected based on the Administration's goal of strengthening energy independence and the BLM support of an all-of-the-above energy plan that includes oil and gas underlying America's public lands. The Preferred Alternative fulfills FLPMA's mandate for multiple use and sustained yield of the BLM lands because it applies the least restrictions necessary to develop Federal minerals within existing oil and gas fields where the vast majority of oil and gas production is projected to occur.").

[125] BLM's claim that it otherwise "is unable to quantify impacts to air quality and atmospheric conditions, or to ground or surface water, from the range of alternatives because the exact timing and/or location of future leasing and development activities is not available or attainable" conflicts with the assurances in its RFDS pointing to fields and locations where it is sure oil and gas development will occur. *See, e.g.*, 2019 FSEIS, Appendix B at B-14 ("Based on the production history of these regions and the presence of shale formations in these areas, it is likely potential future oil and gas resource production will be centered in these five basins."); *id*. at B-15 ("Even if some of the uncertainties are resolved, these advances are not likely to alter the RFD Scenario for federal minerals in the planning area for the next 15 to 20 years due to the geology of the region.").

gas operations such as the methane rule.[126] All of these management decisions and failures will result in increased GHG emissions that will contribute to and exacerbate the climate crisis. Accounting for these laws means estimating the amount of GHGs Alternative F will generate is of utmost importance, as such an estimation will be different than it would have been before those laws were rolled back.

As the Supreme Court explained in its 2024 *Loper Bright* decision, when Congress delegates authority to an agency, "the role of the reviewing court under the APA is, as always, to independently interpret the statute and *effectuate the will of Congress* subject to constitutional limits."[127] Here, the will of Congress in FLPMA is clear with respect to protecting atmospheric values from degradation.

Despite this clear expression of intent, GHGs from unfettered oil and gas development enabled by this RMP will degrade the atmosphere. Accordingly, BLM cannot shirk its duty to not only disclose and analyze the impacts of its planning decisions on climate change at the RMP stage, but it must amend the RMP so as to honor Congress's intent to prevent the degradation of the atmosphere and resulting harms from climate change to future generations.

VIII. BLM Failed to Take a Hard Look at All Environmental Impacts

NEPA's "hard look" requirement persists, and must be followed here.[128] Said another way, NEPA's purpose is to ensure that an agency, "in reaching its decision, will have available, and will carefully consider, detailed information concerning significant environmental impacts; it also guarantees that the relevant information will be made available to the larger audience that may also play a role in both the decision-making process and the implementation of that decision."[129]

In its 2025 draft SEIS, BLM failed these hard look and information disclosure requirements for many issue areas. As we have mentioned in this letter, we incorporate by reference our earlier comment letters raising these issues and providing specific citations.

A. Failure to adequately analyze Alternative F.

In BLM's 2016 draft SEIS, BLM chose Alternative C as its preferred choice.[130] BLM presented this alternative in the draft SEIS for analysis—including through a 24-page

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[126] *See, e.g.*, EPA, "EPA Launches Biggest Deregulatory Action in U.S. History" (March 12, 2025), https://www.epa.gov/newsreleases/epa-launches-biggest-deregulatory-action-us-history; University of Texas, Austin, Rollback of Methane Regulations Tests Corporate Commitments (June 17, 2025), https://www.ceesa.utexas.edu/energy-pathways/rollback-of-methane-regulations-tests-corporate-commitments#:~:text=EPA%20followed%20this%20up%20in,the%20Obama%2Dera%20methane%20rules.
[127] *Loper Bright Enters. v. Raimondo*, 603 U.S. 369, 395 (2024).
[128] *See, e.g.*, *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 333 (1989) (describing how NEPA ensures "that agencies will take a 'hard look' at environmental consequences and [guarantee] broad public dissemination of relevant information").
[129] *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 349 (1989).
[130] 2016 DSEIS at 2-1 ("Analysis of each alternative has been reviewed and has guided the BLM in selecting Alternative C as the Preferred Alternative.").

chapter analyzing and comparing the draft alternatives—and, importantly, public comment.[131] Yet in its 2019 final EIS ("FEIS") and Record of Decision, BLM sprang upon the public an entirely new preferred alternative, Alternative F.[132] Alternative F proposed a vastly different scope and magnitude of impacts compared to BLM's previous preferred alternative under the 2016 draft SEIS.[133]

After a process whereby BLM was meant to consider additional alternatives and supplement its environmental analysis, BLM's 2025 draft SEIS elected Alternative F as the preferred alternative and offered little in terms of impacts analysis. This fails NEPA in several ways.

First, the 2025 draft SEIS completely excludes many issues that BLM analyzed for other (lesser-impacting) alternatives in the 2019 SEIS. Issues BLM is now saying it does not have to analyze for Alternative F include health and safety, geology, seismicity, soil, vegetation, wildlife habitat.[134] It is irrational for BLM to proceed as if Alternative F does not impact those resource values.

Second, as noted in EPA's 2025 scoping comment, BLM must present the alternatives "in comparative form . . . to show how they . . . address the reasonably foreseeable impacts or consequences to the affected environment. [BLM should] [q]uantify the impacts of each alternative to the greatest extent possible."[135] That comparison is absent in the 2025 draft SEIS. In the 2019 final SEIS, BLM's table 2-6 compares alternatives but admits that it, too, excludes comparison of some issue areas.[136] For example, that table from 2019 omits comparative analysis of public health, geology, seismicity, soil, vegetation, and wildlife among alternatives, including Alternative F.[137]

In addition to the impacts BLM has not sufficiently analyzed named above, Alternative F opens areas on/within ACECs and Recreation and Public Purpose ("R&PP") lands for oil and gas development *with* surface occupancy.[138] Surface development of R&PP lands was not contemplated under *any* alternative presented and analyzed in the

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[131] 2016 DSEIS, Chapter 2 ("Alternatives").
[132] 2019 ROD at 4. ("This ROD approves Alternative F. Under Alternative F, unless currently closed under the 2007 Hollister Field Office RMP, Federal mineral estate would be open to oil and gas leasing with CSU stipulations and/or subject to NSO.").
[133] Alternative F, compared to BLM's previous preferred Alternative C, opens nearly twice the acreage for oil and gas operations. Specifically, Alternative C proposed opening 398,000 acres, versus Alternative F's proposal of opening over 725,000 acres. 2019 ROD at 14.
[134] 2025 DSEIS at 8-13.
[135] 2025 EPA Scoping Comment at 4.
[136] 2019 FEIS at 2-20 ("Not all resources or resource uses presented in Chapter 3 (Affected Environment) or Chapter 4 (Environmental Consequences) of this Proposed RMPA/Final EIS are included in Table 2-6.").
[137] *Id*.
[138] *Id*. at 2-14. BLM proposes that "CSU stipulations would apply to all lands open to leasing. NSO stipulations would apply to some lands open to leasing, including Joaquin Rocks Area of Critical Environmental Concern (ACEC); ACECs within the Ciervo Panoche Natural Area (CPNA); and giant kangaroo rat core population areas." 2025 DSEIS at 3.

2016 draft SEIS, including the "no action" alternative.[139] Surface occupancy for oil and gas development has the potential to harm visual resources in the state parks, recreational opportunities, safety, and habitat for listed species.[140] BLM never explained why this surface occupancy was a preferred alternative, nor did BLM analyze the impacts from such a major change in 2019 or in 2025.

B. Climate change and GHGs

1. The GHG analysis fails to assess and incorporate significant new information and changed circumstances.

The 2025 draft SEIS identifies Air Quality: GHG emissions as an area with "specific substantive issues which required further consideration based on new information or circumstances."[141] BLM then identifies the substantive issue of "What would be the impact of different approaches to oil and gas management . . . on climate change and federal efforts to minimize climate change? What measures will be implemented to minimize contributions to and the impacts of climate change?"[142] However, the 2025 draft SEIS's GHG analysis is fundamentally flawed for being unreasoned and failing to assess and incorporate significant new information and changed circumstances critical to evaluating the GHG impacts of oil and gas development in the Planning Area.

As detailed below, the GHG analysis is flawed and inadequate in numerous key respects, including that BLM (a) fails to adequately explain its estimates of the GHG emissions from the Planning Area; (b) fails to assess and incorporate significant new data in estimating upstream and midstream GHG emissions; (c) fails to consider and incorporate new scientific information that confirms that new oil and gas development on federal lands is inconsistent with preventing the worst damages of the climate crisis; (d) fails to consider new information showing that many GHG mitigation measures relied on in the DSEIS have been delayed, weakened, or nullified; (e) fails to acknowledge that oil and gas development on federal lands in the Planning Area is inconsistent with California climate policy; and (f) fails to consider the climate change impacts to California that will result from the GHG emissions from the Planning Area.

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[139] 2019 FEIS at ES-5. Under the previous 2007 Central Coast RMP—which served as Alternative A, the "No Action" Alternative in the 2019 FEIS—all leases on R&PP lands are subject to no surface occupancy ("NSO") stipulations. *Id*.

[140] Mt. Diablo State Park contains designated critical habitat for the threatened Alameda whipsnake/Alameda Striped Racer (*Masticophis lateralis euryxanthus*) and California red-legged frog (*Rana draytonii*). Black Diamond Mines Regional Preserve provides habitat for the federally listed Alameda whipsnake/Alameda Striped Racer (*Masticophis lateralis euryxanthus*). Henry W. Coe State Park contains designated critical habitat for the California red-legged frog (*Rana draytonii*) and California tiger salamander (*Ambystoma californiense*).

[141] 2025 DSEIS at 7.

[142] *Id*.

a. BLM fails to adequately explain its estimates of GHGs.

First, BLM estimates potential GHG emissions from oil and gas development in the Planning Area at around 661,000 metric tons CO_2e over the life of the RFDS.[143] However, the draft SEIS fails to provide an explanation of what RFDS scenario is being used to generate this estimate, and it fails to show its work. The RFDS estimated between 3-5 "additional or exploratory wells" and "between 0-32 additional or new wells" in existing fields.[144] These are ranges. Therefore, the estimate of GHG emissions resulting from the RFDS should also be a range reflecting the number of wells assumed to be developed, rather than a single number.

The draft SEIS also does not state how many wells were modeled to generate the GHG estimate and whether it modeled only wells on new leases, or whether wells on existing leases were also included. The draft SEIS states that these emissions estimates are calculated in the "BLM Lease Sale Emissions Tool"[145] but fails to provide any citation or documentation for that tool or show its work on how it arrived at those estimates.

Second, the 2025 draft SEIS refers to the *2024 BLM Specialist Report on Annual Greenhouse Gas Emissions and Climate Trends from Coal, Oil, and Gas Exploration and Development on the Federal Mineral Estate* (hereafter *2024 BLM Specialist Report*) for "further discussion of BLM's oil and gas leasing actions and methodologies."[146] However, this report's purpose is to provide estimates of the GHG emissions from federal fossil fuel production generally. The report does not add clarity on how the 2025 draft SEIS estimates GHG emissions from the RMP in the Planning Area. The report itself states that it "does not take the place of an analysis and disclosure of emissions at the project level that may be completed for NEPA analysis specific to a decision to lease or authorize development."[147]

b. BLM fails to assess and incorporate significant new data in estimating GHG emissions.

New data on the carbon intensity of California oil and gas. BLM fails to assess and incorporate new information on the high upstream GHG emissions from oil and gas production in California, although this data is publicly available and updated annually by the California Air Resources Board ("CARB").[148] This omission results in BLM underestimating GHG emissions. BLM must calculate the production GHG emissions from the Planning Area using the most recent 2024 CARB oilfield-specific carbon intensity values.

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[143] *Id.* at 66, Table 4-6.
[144] *Id.* at 2.
[145] *Id.* at 65.
[146] *Id.* at 64.
[147] BLM, 2023 BLM Specialist Report on Annual Greenhouse Gas Emissions and Climate Trends from Coal, Oil, and Gas Exploration and Development on the Federal Mineral Estate (August 22, 2024) at 8.
[148] California Air Resources Board, LCFS Crude Oil Life Cycle Assessment, Final California Crude Average Carbon Intensity Values, https://ww2.arb.ca.gov/resources/documents/lcfs-crude-oil-life-cycle-assessment.

CARB estimates the upstream carbon intensity ("CI") for crude oil produced in each oilfield in California. The most recent 2024 CARB data shows that the average upstream CI across all California-produced crude oil was 20 g CO_2eq/MJ, equivalent to 117 kg CO_2eq/barrel in 2024.[149] This is 1.6 times higher than the average CI for crudes produced outside California and refined in the state, which averaged 12.38 g CO_2eq/MJ, equivalent to 71.96 kg CO_2eq/barrel in 2024. The three most-productive fields in the CCFO area, according to the RFDS,[150] produced crude oil in 2024 with the following higher-than-average CIs: Coalinga – 34.89 g CO_2eq/MJ; San Ardo – 23.72 g CO_2eq/MJ; and Lynch Canyon – 34.75 g CO_2eq/MJ.[151] BLM should use 2024 oilfield-specific CI values for its upstream GHG estimates.

The 2025 draft SEIS similarly fails to incorporate and consider a 2021 report based on CARB data that concluded that "California-sourced oils are now among the most climate-damaging in the world and are rapidly becoming even more so."[152] The report found that in 2019, the CI of oil produced in California and refined in the state was more than 1.5 times greater than that of crudes produced outside of California and refined in the state (i.e., crude from the Middle East, South America, Africa, Canada and Mexico). The report also found that the CI of California-produced crude is increasing over time. For example, the 2024 average upstream CI of California-produced crude oil was 117 kg CO_2eq/barrel, which was 1.4 times higher than in 2012, when the average CI of California-produced crude was 81 kg CO_2eq/barrel. As detailed in the 2021 report, the production GHG emissions are so high in many California oilfields because extracting the remaining heavy oil from aging oilfields requires more energy-intensive extraction methods like cyclic steam injection, steam flooding, waterflooding, and fracking (prior to the state's fracking ban). BLM must consider this new information when updating its GHG estimates.

New information on methane leakage rates. BLM's estimates of GHG emissions from the distribution, storage, and processing stages of oil and gas development (commonly called midstream emissions) fail to assess and incorporate new published data on the high methane leakage that occurs during these midstream operations. Incorporating this information would significantly increase the estimates of midstream GHG emissions from the Planning Area.

The 2025 draft SEIS assumes that methane leakage rate would be similar to the national average taken from older Department of Energy National Energy Technology Laboratory ("NETL") reports.[153] However, abundant new research not considered in the

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[149] California Air Resources Board, LCFS Crude Oil Life Cycle Assessment, Calculation of 2024 Crude Average Carbon Intensity Value, https://ww2.arb.ca.gov/sites/default/files/classic/fuels/lcfs/crude-oil/2024_Crude_Average_CI_Calculation_F.pdf (hereinafter "CARB 2024 Crude Oil Life Cycle Assessment").
[150] 2019 FEIS, Appendix B at B-4.
[151] CARB 2024 Crude Oil Life Cycle Assessment at 6-8.
[152] Fleming, J., Killer Crude: How California Produces Some of the Dirtiest, Most Dangerous Oil in the World, Center for Biological Diversity (June 2021), at p. 5, Table 1, https://www.biologicaldiversity.org/programs/climate_law_institute/pdfs/June-2021-Killer-Crude-Rpt.pdf.
[153] 2025 DSEIS at 65.

2025 draft SEIS has established that methane leakage rates from U.S. oil and gas development are much higher than reported by NETL.[154]

A 2021 study not considered by BLM provides methane leakage rates specific to oil and gas development in the San Joaquin Basin. Burns and Grubert (2021) report a methane leakage level of 4.8% for gas production in the San Joaquin Basin, which is among the highest leakage rates reported in the U.S.[155] BLM should use this published methane leakage rate for the San Joaquin Basin for calculating midstream emissions in the Planning Area.

c. BLM fails to consider new information and changed circumstances that many GHG mitigation measures have been delayed, weakened, or nullified.

The 2025 draft SEIS fails to discuss, consider, and incorporate new information on the status of the mitigation measures that it relies on to reduce the GHG impacts of Alternative F.[156] The draft SEIS also lists federal regulations that it states "will reduce GHG emissions from any development related to the proposed leasing action."[157] However, the draft SEIS fails to acknowledge that these regulations have recently been delayed, weakened, or nullified. For example:

- In November 2025, EPA issued a final rule[158] to delay implementation of the 2024 New Source Performance Standards ("NSPS") and Emissions Guidelines (i.e., Standards of Performance for Crude Oil and Natural Gas Facilities for which Construction, Modification or Reconstruction Commenced After November 15, 2021 (40 CFR 60, OOOb)) focused on reducing emissions of methane and volatile organic compounds ("VOCs") from oil and gas production. The rule delays many of the requirements to limit methane pollution from oil and gas leaks, venting, and flaring, such as delaying provisions for control devices, equipment leaks, storage vessels, process controllers, and vent systems.[159]

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[154] *See e.g.* Omara, Mark et al., Methane emissions from US low production oil and natural gas well sites, 13 Nature Commun 2085 (2022), https://doi.org/10.1038/s41467-022-29709-3; Sherwin, Evan D. et al., US oil and gas system emissions from one million aerial site measurements, 627 Nature 328 (2024), https://doi.org/10.1038/s41586-024-07117-5.

[155] Burns, Diana and Emily Grubert, Attribution of production-stage methane emissions to assess spatial variability in the climate intensity of US natural gas consumption, 16 Environ. Res. Lett. 044059 (2021), https://doi.org/10.1088/1748-9326/abef33.

[156] *See, e.g.*, 2025 DSEIS at 71 ("emission controls (e.g., vapor recovery devices, no-bleed pneumatics, leak detection and repair, etc.) can substantially limit the amount of GHGs emitted to the atmosphere.").

[157] *Id*.

[158] 90 Fed. Reg. 55671 (Dec. 3, 2025).

[159] EPA, Final Extension of Deadlines in Standards of Performance for New, Reconstructed, and Modified Sources and Emissions Guidelines for Existing Sources: Oil and Natural Gas Sector Climate Review (November 2025), https://www.epa.gov/system/files/documents/2025-11/fact-sheet_o-g_final-ifr_20251124.pdf.

- In September 2025, EPA announced a proposed rule to end the Greenhouse Gas Reporting Program ("GHGRP"). If finalized, the proposal would remove reporting obligations for most large facilities, all fuel and industrial gas suppliers, and CO_2 injection sites.[160]
- In March 2025, the EPA nullified the final rule for the Waste Emissions Charge for Petroleum and Natural Gas Systems (40 CFR 99)).[161] This program had facilitated compliance with the requirements of the Waste Emissions Charge in the 2024 Methane Emissions Reduction Program.

The effect of delaying, weakening or nullifying these regulations to reduce methane and VOCs emissions from oil and gas operations is increased emissions of methane that worsen the climate crisis, as well as increased emissions of smog and soot-forming VOCs and other toxic air pollutants that harm public health. Rollbacks of federal climate regulations contributed to the significant increase in U.S. GHG emissions by 2.4% in 2025, marking a dramatic change from the prior two years of emissions decreases.[162] BLM must take these changed circumstances into account in its RMP actions and environmental review.

d. BLM's specialist report is flawed.

The 2025 draft SEIS fails to consider the climate change impacts resulting from the GHG emissions from oil and gas development in the Planning Area. The draft SEIS refers to *2023 BLM Specialist Report* in its GHG analysis, but this report is outdated, general, and fails to disclose key climate change impacts to California.[163]

For example the *BLM Specialist Report* does not discuss how fossil fuel emissions-driven climate change is increasing wildfire impacts to California. BLM must disclose and assess the new scientific research demonstrating that climate change is the primary driver of the increases in area burned, extreme fire weather, and community wildfire destruction in California in recent decades.[164] Increasing autumn temperatures and decreasing

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[160] EPA, EPA Releases Proposal to End the Burdensome, Costly Greenhouse Gas Reporting Program, Saving up to $2.4 Billion (September 12, 2025), https://www.epa.gov/newsreleases/epa-releases-proposal-end-burdensome-costly-greenhouse-gas-reporting-program-saving-24.
[161] 90 Fed. Reg. 21225 (May 19, 2025).
[162] Rhodium Group, Preliminary US Greenhouse Gas Emissions Estimates for 2025 (January 13, 2026), https://rhg.com/research/us-greenhouse-gas-emissions-2025/.
[163] BLM, 2023 BLM Specialist Report on Annual Greenhouse Gas Emissions and Climate Trends from Coal, Oil, and Gas Exploration and Development on the Federal Mineral Estate (August 22, 2024) at 25.
[164] Williams, A., et al., Observed impacts of anthropogenic climate change on wildfire in California, 7 Earth's Future 892 (2019), https://doi.org/10.1029/2019EF001210; Hawkins, L.R. et al., Anthropogenic influence on recent severe autumn fire weather in the west coast of the United States, 49 Geophysical Research Letters e2021GL095496 (2022), https://doi.org/10.1029/2021GL095496; Jain, P. et al., Observed increases in extreme fire weather driven by atmospheric humidity and temperature, 12 Nature Climate Change 63 (2022), https://doi.org/10.1038/s41558-021-01224-1; Turco, M. et al., Anthropogenic climate change impacts exacerbate summer forest fires in California, 120 PNAS e2213815120 (2023), https://doi.org/10.1073/pnas.2213815120.

precipitation have contributed to a more than doubling of autumn days with extreme fire weather in California over the past few decades.[165] Extreme fire weather leads to rapidly spreading wildfires that are difficult to suppress and are responsible for most of the area burned and most community destruction by wildfire.[166]

BLM must also consider new research by Abrams et al. (2025), which provides a framework to quantify the additional temperature rise that will be caused by new fossil fuel projects and shows ways to quantify their concrete, foreseeable harms to people and wildlife. Project-specific damages that can be quantified include the near-immediate climate heating in response to CO_2 emissions (called the Transient Climate Response to CO_2 Emissions (TCRE)); number of people who will be left outside of the "human climate niche" which is the climate conditions in which human societies have historically thrived; number of people who will be exposed to unprecedented heat; number of additional heat-related deaths; and ecosystem damages. This study highlights that every ton of CO_2 emissions adds to global warming, and every fraction of a degree of additional warming matters.[167] This study counters false claims that project-level GHG emissions are "negligible" in the context of global emissions and have negligible impacts.

C. Health and safety

BLM erroneously eliminated issues of health and safety impacts from further analysis in the 2025 draft SEIS.[168] According to BLM: "No new circumstances or information were identified during preparation of this SEIS that would change these conclusions. Therefore, no further analysis is warranted."[169] This was an error for several reasons.

First, broadly speaking, an agency under NEPA "cannot discount the localized impacts to people for whom the public health impacts are of clear significance."[170] Protecting public health is fundamental to NEPA's underlying purpose, as Congress created NEPA in part to "stimulate the health and welfare of man."[171] To this end, NEPA requires federal agencies "use all practicable means, consistent with other essential considerations of national policy" to "assure for all Americans safe, healthful, productive and aesthetically

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[165] Goss, M. et al., Climate change is increasing the likelihood of extreme autumn wildfire conditions across California, 5 Environmental Research Letters 1094016 (2020), https://doi.org/10.1088/1748-9326/ab83a7.
[166] Coop, Jonathan D. et al., Extreme fire spread events and area burned under recent and future climate in the western USA, 31 Global Ecology and Biogeography 1949 (2022), https://doi.org/10.1111/geb.13496. Fast-moving wildfires comprise less than 3% of all U.S. fire events but are estimated to account for 89% of all structures damaged or destroyed. Balch, J.K., et al. 2024, The fastest-growing and most destructive fires in the U.S. (2001-2020), 386 Science 425 (2024), https://www.science.org/doi/10.1126/science.adk5737.
[167] Abram, N.J. et al., Quantifying the regional to global climate impacts of individual fossil fuel projects to inform decision-making, 4 npj Climate Action 92 (2025), https://doi.org/10.1038/s44168-025-00296-5.
[168] 2025 DSEIS at 9.
[169] *Id*.
[170] *Bernhardt*, 472 F. Supp. 3d at 619 (NEPA does not "allow for an abdication of an analysis, especially where increased harm on certain populations living near active oil and gas development on federal and tribal lands is acknowledged and the potential for alternative approaches exists.").
[171] 42 U.S.C § 4321.

and culturally pleasing surroundings."[172] In addition, NEPA's use of the term "human environment" expressed Congressional intent that NEPA should promote public policy attentive to the inexorable link between human well-being and environmental integrity.[173]

Second, health impacts from oil and gas are of importance to people living in the planning area. In Planning Area counties, there are nearly 6,000 people who live within a half-mile of oil and gas wells.[174] As discussed in our scoping comments, oil and gas activity causes serious public health and safety impacts and even a *single* well drilled near communities has been found to adversely affect health.[175] We provided ample information—including studies post-dating BLM's 2019 SEIS—documenting how oil and gas development harms respiratory health, increases the likelihood of certain cancers, is linked to adverse birth outcomes, and more. These findings are supported by the 2021 California Oil and Gas Public Health Rulemaking Scientific Advisory Panel.[176]

Third, the 2019 final SEIS acknowledges that "Alternative F would have a potential to result in emissions being located near a sensitive receptor."[177] To address this impact, BLM says that each "proposed activity would be reviewed cooperatively with the surface manager to determine if it is compatible with the existing uses/conditions, and if not, the activity would be moved or possibly even denied/rejected."[178] But as BLM is surely aware, in January 2026, the U.S. Government sued the State of California over SB 1137, the 2022 oil and gas drilling buffer law, arguing that it cannot apply to federal lands.[179] That lawsuit is pending, but signals BLM's intention to ignore whether oil and gas siting is "compatible with the existing uses/conditions." If BLM intends to ignore SB 1137 and other local and state

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[172] *Id*. § 4331(b).
[173] Rajiv Bhatia and Aaron Wernham, *Integrating Human Health into Environmental Impact Assessment: An Unrealized Opportunity for Environmental Health and Justice*, 116 ENVTL. HEALTH PERSPECTIVES, 991 (Apr. 16, 2008) (Noting that "the statutory and procedural requirements of EIA provide a powerful and underutilized mechanism to institutionalize a holistic, cross-sectoral approach to addressing health in public policy" and describing the then-emerging and now well-established practice of health impact assessment as a "catalyst" for integrating health considerations into environmental assessments under NEPA and its state analogs). Study submitted with the Center's 2025 scoping comments.
[174] The Oil & Gas Threat Map, Oil & Gas Threat Map 2.0, https://oilandgasthreatmap.com/threat-map/ (accessed July 16, 2025). Study submitted with the Center's 2025 scoping comments.
[175] *See, e.g.*, E. L. Hill, Shale Gas Development and Infant Health: Evidence from Pennsylvania (2018), https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6629042/. Study submitted with the Center's 2025 Scoping Comments.
[176] California Oil and Gas Public Health Rulemaking Scientific Advisory Panel, RE: Response to CalGEM Questions for the California Oil and Gas Public Health Rulemaking Scientific Advisory Panel (2021), https://www.conservation.ca.gov/calgem/Documents/public-health/Public%20Health%20Panel%20Responses_FINAL%20ADA.pdf. Study submitted with the Center's 2025 Scoping Comments.
[177] 2019 FEIS at 4.5-12.
[178] *Id*. ("This would minimize or eliminate the potential for emissions from oil and gas development to cause substantial air pollutant concentrations and a potentially adverse impact to existing sensitive receptors.").
[179] U.S. DOJ, Justice Department Files Complaint Against California Over Unconstitutional State Regulation of Federal Lands (Jan. 14, 2026), https://www.justice.gov/opa/pr/justice-department-files-complaint-against-california-over-unconstitutional-state-regulation.

laws and policies meant to protect sensitive receptors, this must be explained and accounted for in the 2025 draft SEIS.

In sum, BLM's claim that it received "[n]o new circumstances or information" on this topic is plainly incorrect and belied by the record. BLM was obligated to consider this new information in its draft SEIS and its RMP decisionmaking, and to respond accordingly.

D. Air quality

1. BLM must explain its data sources & discrepancies for well development and production emissions.

BLM should disclose the data sources it used to estimate well development and production emissions, just as it disclosed the data used to inform its estimates of midstream end-use emissions.[180] BLM offers no explanation either for its well development and production estimates, nor does BLM explain why it disclosed data for other types of emissions but not those.

Second, BLM does not explain why its estimates for air emissions differ so greatly between the 2019 and 2025 EISs. Below is a table comparing BLM's air emissions estimates for annual well development[181] in the 2019 final SEIS[182] and the 2025 draft SEIS.[183] The table also shows differences between estimates in 2019[184] and 2025[185] for production emissions.[186] Some of the differences from 2019 to 2025 appear quite significant, and BLM does not account for them. BLM must explain why there are differences, particularly since the 2025 draft SEIS incorporates the list of assumptions for air resources used in 2019.[187]

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[180] 2025 DSEIS at 59, fns 8, 9, 10 (noting data used for midstream, end-use, and end-use HAP emissions).
[181] Defined in 2025 as: "Well Development emissions occur on the well site during site preparation, well drilling and construction, and production testing. Emission sources include diesel drilling rig engines, drill pad construction equipment (i.e., dozers, backhoe, grader, etc.), equipment trucks, water trucks, drill rig crew trucks/vehicles, and portable lift equipment; worker commuting and material deliveries; and fugitive dust emissions resulting from soil disturbance and vehicle traffic on unpaved surfaces. Well drilling and completion is estimated to take an average of 4 days with a drill rig or generator running 24 hours per day." 2025 DSEIS at 58. The 2019 FEIS describes well development to include surface disturbance, new well development, and well stimulation. 2019 FEIS at 4.5-5.
[182] 2019 FEIS at 4.5-5.
[183] 2025 DSEIS at 59.
[184] 2019 FEIS at 4.5-5.
[185] 2025 DSEIS at 59.
[186] Defined in 2025 as: "Production emissions occur at the leased well site and include travel for daily inspections. Criteria pollutants or hazardous air pollutants could also occur through venting or fugitive losses during maintenance, emissions from use of chemicals, and leakage from valves, fittings, piping, and the wellhead." 2025 DSEIS at 58. The 2019 FEIS describes production emissions to include oil and gas production, combustion sources and vents and fugitives. 2019 FEIS at 4.5-5.
[187] 2025 DSEIS at 59 ("The list of assumptions on page 4.5-3 of the 2019 FEIS is incorporated by reference into supplemental analysis for air resources.").

Well Development Emissions	**PM10**	**PM2.5**	**VOC**	**NOx**	**CO**	**SO2**	**HAPs/ TACs**	**ROG**
2019	27.34	4.22	n/a	4.81	1.01	0.01[188]	n/a	0.25
2025	0.6	0.1	0.12	1.3	1.4	0.004	0.033	n/a
Difference *(italicized when 2025 is lower than 2019)*	*26.64*	*4.12*		*3.51*	0.39	*0.006*		
Well Production Emissions	**PM10**	**PM2.5**	**VOC**	**NOx**	**CO**	**SO2**	**HAPs/ TACs**	**ROG**
2019	1.77	1.77	n/a	3.59	0.21	1.04	n/a	9.37
2025	1.0	0.4	3.8	2.5	3.2	0.022	0.958	n/a
Difference *(italicized when 2025 is lower than 2019)*	*0.77*	*1.37*		*1.09*	2.99	*1.018*		

2. BLM should explain whether the 2019 MOU still applies.

BLM should explain whether the Air Quality Memorandum of Understanding ("MOU") it referenced in 2019 still applies after the passage of time and changes in administration. In particular, in the 2019 Protest Report, BLM states that the following recommendations "from the Air Quality Technical Working Group would be implemented, as appropriate, under the auspices of the interagency MOU:[189]

- BLM would confer with the National Park Service and/or US Forest Service to determine the appropriate level of analysis for oil and gas leasing or development activities that may adversely affect Class I areas (and air quality related values [AQRVs]). FLM's may also consult with EPA regarding emission offsets when further site-specific NEPA analysis begins and/or the APD phase commences.
- As feasible, FLM's would tier from existing near-field analyses in order to disclose potential impacts from well drilling, completion, and operation. Analyses would take into account emission reduction strategies that are currently committed to and identify mitigation strategies that may be necessary, including, but not limited to, buffers from occupied structures or sensitive receptors.
- If necessary, BLM would require near-field dispersion modeling at the leasing or APD phase for oil and gas development activities that may adversely affect Class I areas [and AQRVs].

[188] Calculated as SOx.
[189] 2019 Protest Resolution Report at 22 (Oct. 4, 2019).

E. Water Resources

BLM purports to have updated its analysis of water resource impacts in light of new information since the 2019 FEIS in the 2025 draft SEIS.[190] But rather than conducting the rigorous analysis that NEPA demands, BLM retreats behind programmatic generalities and repeatedly defers meaningful analysis to the APD stage. As detailed below, this approach fails to satisfy the hard look requirement and ignores substantial comments submitted by both the Center and EPA during the scoping period.

1. BLM impermissibly defers its water resource analysis to project-level review.

The 2025 draft SEIS continuously defers its water resource analysis to later stages of review. For example:

- "BLM will assess water-quantity risks during APD review under FLPMA and 43 CFR parts 3160 and 3170."[191]
- "The BLM would consider site specific conditions and data during project level review."[192]
- "… potential impacts would be avoided or minimized through site-specific monitoring standards and regulations and application of best management practices (BMPs), as required by applicable federal, state, and local regulations, once sufficiently detailed location information is available."[193]

Putting off analysis that can be done at this stage is legally impermissible, as explained earlier in this comment. Both the Center and EPA raised this concern in their scoping comments. EPA specifically recommended that BLM "utilize the NEPA analysis and RMP revision process to streamline or add consistency to these decisions where possible" rather than leaving all decisions to the APD stage.[194] BLM ignored this recommendation entirely.

2. BLM fails to adequately analyze impacts to surface water quality.

a. The 2025 DSEIS dismisses impaired waters without meaningful analysis.

The 2025 draft SEIS identifies newly 303(d)-listed impaired water bodies within the Planning Area, including Cantua Creek in Fresno County and San Vicente Creek in Santa Cruz County, both of which have significant overlap with BLM-managed lands.[195] According to BLM's own Table 3-8, over 25% of Cantua Creek's impaired stream miles and over 26% of San Vicente Creek's impaired stream miles intersect BLM lands.[196]

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[190] 2025 DSEIS at 37.
[191] *Id.* at 38.
[192] *Id.* at 72).
[193] *Id.* at 74.
[194] 2025 EPA Scoping Comments at 11.
[195] 2025 DSEIS at 40-41, Table 3-8.
[196] *Id.*

Yet BLM dismisses the significance of these impairments, stating that "the impaired water bodies listed in Table 3-8 appear to reflect the combined influence of agricultural practices, historic mining activity, and natural geochemistry" and that "regional land use patterns appear to remain the dominant driver of surface water quality conditions in the Planning Area."[197] This conclusory dismissal is inadequate. Having identified water bodies where over a quarter of the impaired water bodies intersect with BLM lands, BLM cannot simply shrug off its responsibility to analyze the impact that oil and gas leasing could have, simply because other land uses also impact those waterbodies. In greater detail below we highlight the vulnerabilities and values of the impaired water bodies that could be further degraded by Alternative F.

Cantua Creek flows through western Fresno County in close proximity to the Coalinga Oil Field, one of the largest and most active oil fields in the region, which has been producing oil since the late 19th century and currently yields over 10,000 barrels per day using enhanced recovery methods including steam flooding and water flooding.[198] The creek is listed as impaired for chlorpyrifos, selenium, and DDT, and more than six miles of the creek crosses BLM lands.[199] The unincorporated community of Cantua Creek, located along the waterway, is a state-designated disadvantaged community whose residents face severe drinking water contamination, including elevated levels of cancer-causing haloacetic acids and trihalomethanes.[200] Residents have been warned not to drink or cook with their tap water and have waited since 2018 for new water wells, enduring repeated delays and mounting water debt.[201] Any additional pollution loading from oil and gas operations on nearby BLM lands could compound the already dire water quality conditions facing this community.

Cantua Creek also runs through the Panoche-Coalinga ACEC, as depicted in this GIS map as the areas outlined in pink. (See Appendix A.) Cantua Creek is the red line flowing from across the Diablo Range from left to right into Fresno County.

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[197] 2025 DSEIS at 42.
[198] *See* Fresno County Department of Public Works and Planning, Coalinga Oil Field Project Fact Sheet: Conditional Use Permit Application Nos. 3538, 3539, & 3548 (noting the field "currently produces more than 10,000 barrels of oil per day" and is subject to enhanced recovery methods).
[199] 2025 DSEIS Table 3-8.
[200] Central California Environmental Justice Network, *Water and Environmental Justice in the Central Valley* (2021) https://ccejn.org/2021/07/21/water-and-environmental-justice-in-the-central-valley/ (reporting that water samples from Cantua Creek showed elevated haloacetic acids and trihalomethanes, both linked to cancer, and that residents pay over $200 per month for water they cannot drink); UC Davis Environmental Health Sciences Center, *Environmental Justice Tour of the San Joaquin Valley* (2024), https://environmentalhealth.ucdavis.edu/communities/environmental-justice-tour-san-joaquin-valley-2024 (documenting Cantua Creek as a disadvantaged community with contaminated water, poverty, and cumulative pollution burdens). The community also has a higher pollution burden than 90% of California according to CalEnviroScreen.
[201] UC Davis Environmental Health Sciences Center (2024) (quoting a Cantua Creek resident: "We live forgotten, unseen, neglected, with contaminated water. We have been fighting over this for years.").

BLM has not met its NEPA and FLPMA duties to assess the occurrence of, and potential impacts to, special-status species along the creek. This map shows that species habit and occurrence overlaps with the creek in several locations, including potential lease parcels. The species areas are shown in green and depict areas of Swainson's hawk, the BNLL, northern California legless lizard, San Joaquin kit fox, and the Indian Valley bush-mallow. (See Appendix A.)

BLM must inventory the resources of Cantua Creek, pursuant to FLPMA, and disclose and analyze the impacts the RMP decisions will have on the creek, nearby communities, wildlife, and vegetation.

San Vicente Creek is a 9.2-mile coastal stream in Santa Cruz County that flows from the Santa Cruz Mountains to the Pacific Ocean near the community of Davenport.[202] The creek is listed as impaired for aluminum, with over 26% of its impaired stream miles crossing BLM lands—the highest percentage overlap of any waterbody in Table 3-8.[203] San Vicente Creek is an ecologically critical watershed: it supports habitat for endangered Central California Coast coho salmon, threatened steelhead trout, threatened California red-legged frog, and old-growth coast redwoods.[204] The National Marine Fisheries Service has identified San Vicente Creek as having the best potential for viable coho salmon habitat at the southernmost end of their range.[205] In 2021, a century-old dam on the creek's Mill Creek tributary was removed to restore spawning access, and ongoing restoration work conducted in partnership with BLM itself and the Resource Conservation District of Santa Cruz County has placed over 100 large redwood trees into the creek channel to create spawning habitat.[206] The watershed is also regionally unique for the amount of karst

[202] CDFW, Santa Cruz County Big Basin Coastal Watershed Stream Habitat Assessment Reports: San Vicente Creek (2013).
[203] 2025 DSEIS Table 3-8.
[204] Sempervirens Fund, *San Vicente Creek: Restoring a Stronghold* (2024), https://sempervirens.org/news/san-vicente-creek-restoring-a-stronghold (hereinafter "Sempervirens Fund (2024"); Resource Conservation District of Santa Cruz County, *A "Mess is Best" for Healthy Streams: San Vicente Creek Restoration Continues* (2025), https://www.rcdsantacruz.org/item/254 (noting the creek provides habitat for endangered coho salmon, threatened steelhead trout, and threatened California red-legged frog).
[205] Becker, Gordon S. et al., Southern Steelhead Resources Evaluation: Identifying Promising Locations for Steelhead Restoration in Watersheds South of the Golden Gate, Center for Ecosystem Management and Restoration (2010) (noting that at one time San Vicente Creek was the "best fishing stream along the coast" and that there is "substantial interest in conserving steelhead resources in San Vicente Creek."); *see also* Sempervirens Fund (2024).
[206] Resource Conservation District of Santa Cruz County (2025) (describing the ongoing restoration partnership between BLM and other agencies, including placement of 106 large redwood trees into 1.25 miles of creek channel); Sempervirens Fund, *Mill Creek Dam Removed in Santa Cruz Mountains* (2021) https://sempervirens.org/news/news-mill-creek-dam-removed-in-santa-cruz-mountains/.

underlying its upper reaches, which sustains cold summer flows critical for salmonid survival even during drought.[207]

Given BLM's own active partnership in restoring San Vicente Creek for endangered species, it is incongruous for the agency to simultaneously dismiss the significance of this waterbody's impairment in the 2025 draft SEIS. BLM must analyze whether any oil and gas activity authorized under the RMP could degrade water quality in San Vicente Creek and undermine the substantial public investment in its restoration.

b. BLM does not address Clean Water Act Section 303(d) compliance or TMDLs.

In the Center's 2025 scoping comments, we requested that BLM identify all 303(d)-listed waterbodies in the Planning Area, disclose the nature of each impairment, identify whether a Total Maximum Daily Load ("TMDL") has been established, and disclose any load allocations in effect. In their 2025 scoping comments, EPA made a parallel and detailed recommendation: BLM should "identify where a TMDL exists and identify how the potential project pollutant loads would comply with the TMDL allocations for point and nonpoint sources."[208] EPA further recommended that where TMDLs have not yet been developed, "proposed activities in the drainages of CWA impaired or threatened waterbodies be either carefully limited to prevent any worsening of the impairment or avoided where such impacts cannot be prevented."[209]

The 2025 draft SEIS lists impaired waterbodies and their pollutants in Table 3-8, but that is where the analysis ends. BLM does not identify which impairments have existing TMDLs, does not analyze how pollutant loads from oil and gas development would interact with TMDL allocations, and does not consider limiting or avoiding activities in impaired drainages. This falls well short of the analysis both we and EPA called for and must be corrected.

c. BLM does not establish setback distances or NSO stipulations for water resources.

EPA recommended during scoping that BLM "consider including setback distances that could be required through leasing stipulations such as No Surface Occupancy (NSO) for waters within the planning area," as well as NSO stipulations "within Areas of Critical Environmental Concern or other valued areas where important aquatic resources may be impacted."[210] This recommendation recognized that setbacks provide critical protection by allowing accidental releases to be detected and remediated before contaminants reach

[207] Resource Conservation District of Santa Cruz County, San Vicente Creek Watershed Plan for Salmonid Recovery (2014) (noting the watershed is regionally unique due to the amount of karst underlying the upper watershed which sustains summer base flows).
[208] 2025 EPA Scoping Comments at 9.
[209] *Id.*
[210] *Id.*

water resources, and by preventing nonpoint source pollutants such as sediments from reaching surface waters.[211]

The 2025 draft SEIS does not establish or analyze any setback distances or NSO stipulations for water resources. This failure is particularly egregious given the documented presence of impaired waterbodies, endangered species habitat, and drinking water resources within the Planning Area.

d. BLM ignores wetlands, riparian areas, and floodplains.

EPA's scoping comment recommended that BLM provide updated inventories and maps of wetlands and waters of the U.S. within the Planning Area, and that BLM analyze potential impacts to wetlands and riparian areas from oil and gas activities, including effects on stream structure, sediment supply, riparian vegetation, habitat corridors, water quality, and aquatic biota.[212] EPA further recommended delineating and marking seeps, springs, and wetlands on maps and on the ground prior to project-level development.[213]

The 2025 draft SEIS does not provide updated wetlands inventories or maps, does not analyze impacts to wetlands and riparian areas, and does not propose measures to protect these resources. This is a significant gap. Oil and gas development can alter hydrology through surface disturbance, compaction, and increased runoff, leading to stream structure failure and sediment loading of wetlands and riparian areas.[214] BLM's failure to even inventory these resources, let alone analyze impacts to them, prevents informed decision making and violates FLPMA and NEPA.

e. BLM ignores stormwater runoff from well pads and production infrastructure.

EPA's scoping comment recommends that BLM analyze the potential impacts of stormwater runoff from well pads and other production infrastructure.[215] The 2025 draft SEIS does not address stormwater runoff impacts at all. This is another area where BLM's blanket deferral to project-level review leaves a significant gap in the environmental analysis.

f. BLM does not map public drinking water supply sources.

In its scoping comment, EPA recommended that BLM include an updated map delineating source water protection areas for public water supply wells and surface water intakes, identify reservoirs that serve as drinking water sources, analyze potential impacts to these sources, and consider NSO lease stipulations to protect them.[216] The 2025 draft SEIS does not include such maps, does not identify drinking water supply sources within

[211] *Id*.
[212] 2025 EPA Scoping Comments at 9-10.
[213] *Id*. at 10.
[214] *Id*.
[215] *Id*. at 8.
[216] *Id*. at 10.

the Planning Area, and does not analyze potential impacts to them. Without this basic information, neither the public nor decisionmakers can assess whether the RMP adequately protects the water supplies on which communities depend.

3. BLM fails to analyze water quantity and scarcity impacts at the appropriate scale.

As previously discussed in the Center's scoping comments, the Central Coast Planning Area already faces extreme water scarcity. The San Joaquin Valley has the greatest imbalance between groundwater pumping and replenishment in California.[217] Groundwater depletion in the Central Valley has been accelerating since 2003, and recent research confirms that this trend is unlikely to reverse absent significant management intervention.[218] Multiple groundwater basins in the Planning Area, including the Salinas Valley, Pajaro Valley, and Gilroy-Hollister Valley, remain in historic overdraft.[219] Parts of the Planning Area, particularly Fresno and Merced Counties, routinely experience drought conditions affecting hundreds of thousands of people.[220]

The 2025 draft SEIS acknowledges several of these facts in passing. It notes that "most [basins] remain in historic overdraft" and that prolonged droughts "significantly reduced stream flows, concentrated water quality constituents, and increased reliance on groundwater."[221] But having acknowledged these conditions, BLM fails to analyze how additional oil and gas development will interact with them. BLM should improve its disclosure and analysis in several ways, described below.

a. BLM must evaluate water impacts at the local community scale, not at the county level.

BLM has historically only addressed groundwater impacts to counties in the Central Coast Planning Area as a whole and has failed to consider how groundwater supplies in local communities would be impacted by oil and gas drilling. This approach obscures the real impacts of oil and gas drilling on local communities. The 2025 draft SEIS does not correct this deficiency. It provides no basin-level or community-level water demand analysis. There is no evaluation of how water use from expanded oil and gas development

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[217] Hanak, Ellen et al., *Replenishing Groundwater in the San Joaquin Valley*, Public Policy Institute of California (2018) at 3 (submitted with 2025 Center Scoping Comments).
[218] Liu, Pang-Wei et al., *Groundwater depletion in California's Central Valley accelerates during Megadrought*, Nature Communications (2022), doi:10.1038/s41467-022-35582-x; *see also* Bostic, Darcy et al., *Thousands of Domestic and Public Supply Wells Face Failure Despite Groundwater Sustainability Reform in California's Central Valley*, Scientific Reports (Sept. 8, 2023), doi:10.1038/s41598-023-41379-9 (submitted with 2025 Center Scoping Comments).
[219] 2025 DSEIS at 39 (Section 3.4.1, Groundwater Resources).
[220] Milanes, Carmen et al., Indicators of Climate Change in California, Fourth Edition, California Environmental Protection Agency, Office of Environmental Health Hazard Assessment (2022) at Page III-61-69.
[221] 2025 DSEIS at 39, 42.

will interact with existing demands in specific basins and subbasins. BLM should provide/analyze, at minimum:

- Total community water withdrawals across all use categories in affected areas;
- An examination of cumulative water use and trends in relevant basins and subbasins;
- Estimates of water use specifically associated with oil and gas development in each basin;
- Disclosure of potential sources of water for project development; and
- A study of regional water supply dynamics under different development scenarios for areas with high oil and gas potential.

EPA made a parallel recommendation in its 2025 scoping comment, urging BLM to include a range of estimated water demand per well, possible water sources for development, and potential impacts of water withdrawals on aquifer levels, streamflow, groundwater-dependent ecosystems, and aquatic resources.[222] BLM ignored this recommendation without explanation.

b. BLM ignores per-well water demand estimates and enhanced oil recovery water use.

In the Center's scoping comments, noted the high water demand for oil and gas operations. The 2025 draft SEIS contains no per-well water demand estimates and does not analyze the water consumption associated with enhanced oil recovery. This is a critical gap, particularly given BLM's acknowledgment that active fields in the Planning Area employ enhanced recovery techniques. Without this information, the public and decisionmakers cannot meaningfully evaluate the water resource impacts of continued and expanded oil and gas development.

c. BLM fails to analyze water impacts under drought scenarios.

In our scoping comment, we documented the extreme drought conditions already afflicting the Planning Area, with particular severity in Fresno and Merced Counties. As climate change intensifies, drought will increasingly stress both surface water and groundwater resources.[223] The 2025 draft SEIS acknowledges that "prolonged droughts in 2012–2016 and 2020–2022 significantly reduced stream flows" and that "emergency drought actions were implemented by the State Water Resources Control Board."[224] Yet BLM fails to analyze how oil and gas water demand will compound drought impacts on local water supplies. This omission is particularly troubling in a region where communities already lack reliable access to safe and affordable drinking water.

[222] 2025 EPA Scoping Comments at 12.
[223] Hanak, Ellen et al., *Managing Water and Farmland Transitions in the San Joaquin Valley*, Public Policy Institute of California (2023) at 11.
[224] 2025 DSEIS at 42.

4. BLM fails to adequately analyze impacts to groundwater quality.

a. BLM does not map underground sources of drinking water relative to areas opened for leasing.

In the Center's scoping comments, we urged BLM to provide maps and analysis identifying: (1) the quality of underlying groundwater and the location of usable drinking water relative to proposed development areas; (2) the locations of exempt and non-exempt aquifers; (3) existing and proposed oil and gas well locations and status; (4) a comparison of target drilling depths with the depths of usable groundwater; and (5) recharge areas for aquifers in the Planning Area. EPA made similar scoping recommendations, urging BLM to describe all aquifers, note which are underground sources of drinking water, provide water quality and yield information, and map sensitive groundwater resources.[225]

BLM provides none of these maps or analyses. BLM cannot claim to have taken a hard look at groundwater quality impacts when it has not even identified the location of the groundwater resources most at risk from oil and gas development.

b. BLM ignores the dangers of waste pit disposal.

In the Center's scoping comment, we documented the dangers of unlined waste pits used for wastewater storage and disposal in California oil and gas operations.[226]

The 2025 draft SEIS does not address waste pits at all, despite new information on this topic since the last EIS in 2019. BLM does not analyze whether operators will use waste pits in the Planning Area, evaluate the risks of contamination from unlined pits, or consider prohibiting the practice. This omission is a significant failure given the well documented threat that waste pits pose to groundwater in California.

c. BLM inadequately addresses underground injection of wastewater into or near USDWs.

In our scoping comment, we urged BLM to take a hard look at where operators intend to dispose of waste fluids, evaluate whether underground injection will endanger usable sources of drinking water and consider prohibiting injection without assurance that usable water will not be impacted. We noted that the Safe Drinking Water Act's 10,000 ppm TDS standard for underground sources of drinking water reflects Congress's intent to protect not only current but also future drinking water sources.[227]

The 2025 draft SEIS mentions the Underground Injection Control program only in passing, noting that CalGEM has primacy for Class II injection wells.[228] But the draft SEIS provides no analysis of whether injection is occurring into or near USDWs in the Planning Area, does not evaluate potential migration pathways, and does not assess the cumulative

[225] 2025 EPA Scoping Comments at 10-11.
[226] 2025 Center Scoping Comments, Section A.4.
[227] H.R. Rep. No. 93-1185 (1974), 1974 U.S.C.C.A.N. 6454, 6484.
[228] 2025 DSEIS at 38-39.

impacts of multiple injection wells on regional aquifer integrity. This cursory treatment falls far short of the hard look NEPA demands.

d. BLM must analyze the risks of shallow hydraulic fracturing

In our scoping comment, we documented that approximately three-quarters of hydraulic fracturing (or "fracking") in California takes place in shallow wells less than 600 meters (2,000 feet) deep.[229] Where drinking water aquifers exist above shallow fracturing operations, hydraulic fractures may intersect with and contaminate aquifers used for drinking, agriculture, and other beneficial uses.[230] Groundwater monitoring alone may not detect contamination from shallow fracturing, and systematic monitoring of aquifers near oil and gas production sites has been minimal.[231]

The 2025 draft SEIS notes that "no hydraulic fracturing stimulation has occurred on federal lands in California" since the 2019 FEIS and that BLM "does not have regulatory authority over hydraulic fracturing in California."[232] But the fact that no recent fracking has occurred on federal lands does not relieve BLM of its obligation to analyze the potential for such activity under its RMP alternatives. BLM's own statement that it "lacks the authority to regulate hydraulic fracturing" does not mean it lacks the authority or obligation to analyze its impacts in the NEPA process and to impose protective measures through lease stipulations, conditions of approval, or No Surface Occupancy designations. NEPA requires disclosure and analysis of reasonably foreseeable impacts regardless of BLM's ultimate regulatory jurisdiction over the particular activity.

5. BLM fails to address produced water management.

The 2025 draft SEIS does not adequately address produced water management. EPA recommended that BLM include estimated volumes of produced water per well, options and potential locations for managing produced water (including UIC wells, evaporation ponds, and treatment and reuse), characteristics of possible target injection formations, and potential impacts of produced water management.[233] EPA also recommended BMPs to encourage operators to recycle produced water, which would reduce both water withdrawal demands and disposal impacts.[234]

The 2025 draft SEIS does not offer this information or recommendations. Without it, the public cannot evaluate the full scope of water resource impacts from oil and gas development in the Planning Area.

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[229] Long, Jane C.S. et al., An Independent Scientific Assessment of Well Stimulation in California, Vol. 2, Cal. Council on Science & Technology (2015) at 404 ("CCST 2015").
[230] *Id.*
[231] *Id.* at 34-35.
[232] 2025 DSEIS at 72-73.
[233] 2025 EPA Scoping Comments at 12.
[234] *Id.*

6. BLM fails to include adequate water resource monitoring.

EPA recommended that BLM discuss how water quality monitoring in the Planning Area would be conducted prior to, during, and after development to ensure detection of impacts, including private well monitoring.[235] EPA further recommended fracture monitoring through tiltmeter or microseismic monitoring to verify that hydraulic fractures do not reach aquifers, and baseline monitoring within one mile of project areas.[236]

The 2025 draft SEIS does not establish any monitoring framework for water resources. BLM vaguely references future monitoring "standards and regulations" and "best management practices" but does not describe what these would entail, how they would be enforced, or how their effectiveness would be evaluated.[237] This is inadequate. The SEIS should establish the framework within which project-level monitoring will occur and not leave the entire question to be decided on a well-by-well basis.

7. BLM must consider water-protective alternatives.

NEPA requires agencies to consider a reasonable range of alternatives.[238] Here, BLM must analyze alternatives that would protect water quality and quantity, including but not limited to: NSO stipulations over areas overlying usable groundwater; alternatives under which parcels would not be leased in areas overlying USDWs; setback distances from surface waters, wetlands, and source water protection areas; prohibition of waste pits; and requirements for produced water recycling. BLM has ample authority to require these additional mitigation measures at the RMP stage and must consider more protective alternatives. It should have done both here to protect water quality and quantity.

F. Seismic impacts

BLM excluded analysis of seismic impacts from further analysis in the 2025 draft SEIS, saying only that there are no new circumstances or information.[239] BLM's statement here ignores the two new studies the Center submitted with its scoping comments (Potential increase in oil and gas well leakage due to earthquakes (2019) and DiGiulio Report (2024)). The Center did more than merely mention these studies—it pointed out why these studies are relevant to BLM's proposed action and must be considered as part of the RMP and NEPA processes.

BLM also ignored that the Center raised concerns about the interaction between carbon capture and storage ("CCS") injection projects and BLM's proposed oil and gas leasing. As we noted, there are planned CCS projects in the planning area, including

[235] 2025 EPA Scoping Comments at 12-13.
[236] *Id.* at 12-13.
[237] 2025 DSEIS at 74.
[238] 42 U.S.C. § 4332(2)(C)(iii).
[239] 2025 DSEIS at 10.

several CO_2 injection hubs planned for San Joaquin County in the Planning Area.[240] On this issue, EPA has identified the following risks from CO_2 injection:

- contamination of shallower groundwater formations, including drinking water sources, through vertical migration of CO_2 in the subsurface;
- movement of salty water (brine) into drinking water sources caused by injection pressure;
- gradual leaks into the air from the injection well components or monitoring wells;
- sudden large accidental releases that could raise CO_2 concentration above safe levels for humans;
- elevated CO_2 concentrations in soils that could affect plant and animals;
- elevated CO_2 concentrations in the subsurface that could affect microbial populations;
- effects on the minerals in the geologic formation; and
- earthquakes induced by injection pressure.[241]

Adding to this list, injected CO_2 can alter pore space pressure and CO_2 can travel through pore space for long distances (e.g., 10+ miles). EPA examines the impacts of injected CO_2 as part of its review of Safe Drinking Water Act Class VI permits for underground injection.[242]

Many CCS projects in California are proposed for existing oil fields, i.e., there could be high overlap or adjacency between CO_2 injection and oil and gas enabled by BLM's RMP. The DiGiulio 2024 report submitted with our scoping comments speaks to this and to the risks and impacts associated with CO_2 injection in oil fields, such as induced seismicity and leakage through improperly plugged or abandoned wells.

Information about proposed CCS projects in the Planning Area is readily available. CCS projects in California must obtain a Class VI permit from EPA Region 9, meaning BLM can, and should, confer with Region 9 about foreseeable impacts. Plus, Region 9 makes information about Class VI injection projects available online, so BLM can access documents about many of the projects underway.[243] BLM must reevaluate impacts of seismicity and geology with Alternative F based on CCS projects.

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[240] *See* Map of CA CCS Projects, https://center.maps.arcgis.com/apps/View/index.html?appid=07a2bc0121e54b4f8893bf53eccf74ea (last visited June 30, 2025).
[241] Congressional Research Service, Injection and Geologic Sequestration of Carbon Dioxide: Federal Role and Issues for Congress (Sept. 22, 2022), https://www.congress.gov/crs-product/R46192.
[242] 73 Fed. Reg. 43492-43541 (July 25, 2008), U.S. EPA, "Federal Requirements Under the Underground Injection Control (UIC) Program for Carbon Dioxide (CO_2) Geologic Sequestration Wells; Proposed Rule."
[243] *See* EPA Region 9, UIC Permits, https://www.epa.gov/uic/r9-uic-permits (listed under Class VI permits).

G. Vegetation

BLM excluded analysis of vegetation from further analysis in the 2025 draft SEIS.[244] BLM does not say specifically why it excluded vegetation, only generally noting issue areas that "do not warrant further analysis because no new circumstances, new information, or potential for unanticipated or unanalyzed environmental effects that warrant new or supplemental analysis were identified through public scoping."[245]

Similar to BLM's FLPMA inventory obligation, BLM arbitrarily chose to not update its vegetation analysis, even though new information is available.

For example, in 2023, the California Native Plant Society—together with BLM—published a study based on updated vegetation field surveys in areas including the Ciervo-Panoche Natural Area.[246] The RMP opens this natural area for oil and gas leasing.[247] The report explains that as a result of the field surveys, *14 new plant communities* and new vegetation types were documented:

> Additional data collection within the southern Ciervo Panoche Natural Area and the surrounding region has allowed the documentation of 14 new plant communities (associations) and has provided revisions to at least 9 other vegetation types within this biodiverse region. The newly described associations included a diversity of herbaceous types within the inner Central Coast of California. New types include associations with plants that have a limited distribution in California including the new Amsinckia (*furcata, vernicosa*) Provisional Association in the Amsinckia (*menziesii, tessellata*) – Phacelia spp. Alliance, the Layia (*platyglossa, munzii*) Provisional Association in the Lasthenia californica – Plantago erecta – Vulpia microstachys Alliance and the Eschscholzia hypecoides – Monolopia lanceolata Association in the Monolopia (*lanceolata*) – Coreopsis (*calliopsidea*) Alliance. These changes will be incorporated in A Manual of California Vegetation, an online resource for tracking statewide vegetation types. Overall, the regional data compilation and analysis within this project identified a stunning diversity of 165 vegetation associations. [248]

BLM—as a partner in this research—has no excuse not to update its NEPA analysis to reflect this new information and to analyze how the vegetation named above could be impacted by oil and gas leasing in the area.

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[244] 2025 DSEIS at 10.
[245] *Id.* at 8.
[246] CA Native Plant Society (CNPS), Vegetation Sampling, Classification, and Mapping Report for the inner Central Coast Ranges of California, including the Ciervo-Panoche Natural Area and the Hubbard Hill Unit (2023), https://www.cnps.org/wp-content/uploads/2024/01/CNPS_CiervoPanoche_HubbardHill_VegClassification_MapReport_2023.pdf (hereinafter, "CNPS 2023 Study").
[247] 2025 DSEIS at 27.
[248] CNPS 2023 Study at 25.

H. Biological Resources

1. Broad analysis flaws within the 2025 Draft SEIS

The 2025 draft SEIS has numerous flaws related to its assessment of new information and changed circumstances concerning biological resources in the Planning Area.

Ignored studies: In the Center's 2025 scoping comments, we provided BLM with new information, research, and studies about Planning Area sensitive species, habitats, and how those species are impacted by oil and gas development.[249] We included information about (1) species listed or proposed to be listed under the federal Endangered Species Act ("ESA") since the publication of the 2019 FEIS; (2) species listed or given candidate species status under CESA since the publication of the 2019 FEIS; (3) post-2019 research providing new insight into the harms of conventional and unconventional oil and gas development on wildlife and ecosystems; and (4) post-2019 research[250] on the impacts of development to San Joaquin kit fox, BNLL, and giant kangaroo rat. BLM, without explanation, did not adequately consider—or failed to consider at all—this new information.

Maps only for FYLF: The 2025 draft SEIS acknowledges that new species occurring within the Planning Area have been "federally listed or proposed for listing since 2019,"[251] and provides limited background information on the Central Coast and South Coast distinct population segments ("DPS") of foothill yellow-legged frog ("FYLF"), the Northern DPS of western spadefoot, northwestern pond turtle, and monarch butterfly.[252] BLM acknowledges in Table 3-9 that "proposed critical habitat [exists] within the Planning Area (on BLM surface, split estate, and non-BLM lands)" and that these species are "known [to] occur[] within the Planning Area (on BLM surface, split estate, and non-BLM lands)."[253] BLM even shows, in 2025 draft SEIS Figures 3.2 and 3.3, how there is extensive crossover between proposed Central Coast FYLF critical habitat and BLM surface land and split estate.[254]

BLM repeats a portion of this exercise for species newly listed or given candidate status under CESA. It acknowledges that the Temblor legless lizard, Crotch's bumble bee, Western bumble bee, and Burrowing owl were all given candidate species status under the California ESA between 2022 and 2024.[255] BLM acknowledges in Table 3-10 that these four species, and three additional special status plant species, occur on BLM surface land and split estate within the Planning Area.[256]

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[249] 2025 Center Scoping Comments at 46-65.
[250] Scoping Commet at 67-69.
[251] 2025 DSEIS at 42.
[252] *Id*. at 42-49.
[253] *Id*. at 42, 50.
[254] *Id*. at 44-45.
[255] *Id*. at 50-51.
[256] *Id*. at 51-52.

However, while the 2019 FEIS at least attempted to provide mapping comparing critical habitat and occurrences of federally listed and other special status species with BLM surface land and mineral estate,[257] the 2025 draft SEIS inexplicably provides maps only for the FYLF critical habitat. BLM fails to disclose where exactly the other newly federal- and state-protected species are known to occur within the Planning Area. Without this basic geographic information, it is impossible to adequately evaluate how Alternative F will affect these imperiled species.

Incomplete data/inventory: Regarding special status species, instead of providing specific occurrence data, BLM urges the public to "[n]ote that some species occurrences may not be adequately documented in the California Natural Diversity Database (CNDDB) and site-specific analysis is required to determine the presence or absence of a particular species during review of proposed projects."[258] This is not a satisfactory explanation for declining to provide and analyze important information. BLM does not specify which species are not "adequately documented." If "some species occurrences" are available, that data needs to be presented and considered. Moreover, it is BLM's obligation under NEPA and FLPMA to fill in such data gaps.

Lack of analysis: BLM makes no more than a cursory attempt – if any at all – to analyze how any of newly-listed imperiled species will be impacted by oil and gas development under Alternative F. According to the 2025 draft SEIS, the "environmental consequences" of Alternative F for new special status species amount to this one sentence: "Potential impacts to special status species in SEIS, Table 3-9 and Table 3-10, and their associated habitats, would be similar to effects on other reptiles, amphibians, and insects discussed in Sections 4.10, 4.11, and 4.12 of the FEIS 2019."[259] Preliminarily, there are two superficial issues with this conclusory statement.

First, Table 3-10 does not only contain "reptiles, amphibians, and insects" – San Benito evening primrose, Panoche Hills navarretia, and Gypsum-loving crownscale are all plant species. Even if the statement above were an adequate analysis of Alternative F's impacts on the species in Table 3-9 and 3-10 (which it is not), BLM plainly failed to analyze the impacts on these three plant species.

Second, "similar" does not mean "same." Describing potential impacts to newly protected species as "similar to" impacts previously discussed for different species is an acknowledgement that there would be additional and different impacts to newly protected species. Even if "similar" and "same" were perfect synonyms, BLM fails to support that conclusion. In its environmental consequences section dedicated to special status species (Section 4.5), the 2025 draft SEIS does not cite to or discuss any studies or

[257] *See* 2019 FEIS, Appendix A at 18-31. Note, though, that the maps of occurrences did not differentiate by species.
[258] 2025 DSEIS at 51.
[259] *Id*. at 74.

research. It simply lists general threats to each new federally proposed-for-listing species.[260]

Despite relying on the supposed similarity to potential impacts to other species discussed in the 2019 FEIS, the 2025 draft SEIS makes no attempt to connect the above threats to the 2019 FEIS discussion. In addition, Section 4.5, despite claiming to consider the special status species in Tables 3-9 and 3-10, makes no mention of any of the species in Table 3-10, including Burrowing owl, Temblor legless lizard, Crotch's bumble bee, and Western bumble bee. BLM ignored the information, studies, and research the Center provided on all four of these species.[261]

Further, BLM does not discuss how oil and gas activity under Alternative F would affect any of these species or cause or worsen any of the listed potential threats. The Center's scoping comment described for BLM how conventional and unconventional oil and gas development results in habitat loss and fragmentation, edge effects, and density effects; declines and extirpations of animal and plant populations; adverse effects on reproduction, survival, and health; exposure to toxic chemicals; noise and light pollution; reduced water quantity and quality; and invasive species.[262] The Center also provided post-2019 FEIS studies that build on this information and needed to be considered.[263] In violation of NEPA, BLM ignored it all.

Ignored Studies and Incomplete NSOs: BLM ignored the post-2019 FEIS studies the Center provided during scoping on the federally endangered San Joaquin kit fox, blunt-nosed leopard lizard, and giant kangaroo rat.[264] The kit fox and BNLL do not appear in the 2025 draft SEIS at all. The giant kangaroo rat is only mentioned in regard to its "core population areas" on which Alternatives C and F assign NSO stipulations.[265] Despite new information on the impacts of oil and gas development on these species, BLM has still failed to explain why, under Alternative F, BLM has imposed NSO stipulations only for a single species, the giant kangaroo rat, in core population areas, and not for other species (and not the giant kangaroo rat more broadly). If BLM concluded that impacts from oil and gas development would be so significant that they needed to close core population areas to surface occupancy, it is arbitrary and capricious not to close all core population areas and critical habitat for federally listed and special status species. BLM has not explained why the giant kangaroo rat is deserving of this protection, while other imperiled species are not.

NEPA's purpose is to ensure that an agency, "in reaching its decision, will have available, and will carefully consider, detailed information concerning significant environmental impacts; it also guarantees that the relevant information will be made

[260] 2025 DSEIS at 75.
[261] *See* 2025 Center Scoping Comments at 63-67.
[262] *Id.* at 58-63.
[263] *Id.* at 57-58.
[264] *Id.* at 67-69.
[265] 2025 DSEIS at 3, 18, 19.

available to the larger audience that may also play a role in both the decision-making process and the implementation of that decision."[266] With this bare-bones and inconsistent DSEIS, BLM fails to consider and disclose important information about newly protected species and how they will be impacted by oil and gas development under Alternative F. Additional information, studies, and research on several species are presented below and must be considered along with what we provided in our scoping comment.

2. 2025 DSEIS flaws re: the foothill yellow-legged frog

The Central Coast DPS and South Coast DPS FYLFs were listed as threatened and endangered, respectively, on September 28, 2023.[267] On January 14, 2025, the USFWS proposed a final rule designating 249,942 acres of critical habitat for the Central Coast DPS and 10,077 acres of critical habitat for the South Coast DPS.[268] BLM acknowledges extensive crossover between proposed Central Coast FYLF critical habitat and BLM surface land and split estate.[269] Still, the 2025 draft SEIS analysis of this species is flawed.

First, BLM must disclose and analyze how Alternative F—not just areas where the decade-old RFDS predicts oil and gas leasing might occur—could impact the FYLF. Right now, BLM shirks this duty by stating broadly, "Additional populations of FYLF and the proposed critical habitat for the Central Coast DPS are not likely to be adversely affected by leasing and development under the range of alternatives because the proposed critical habitat is outside of areas where the RFDS suggests oil and gas development would occur."[270] As noted throughout this comment letter, the SEIS is not meant to be so narrowly constrained as to only analyze likely areas of oil and gas development. BLM's decision, Alternative F, is what must be assessed in the SEIS. BLM must therefore analyze how all areas proposed for leasing in Alternative F could overlap with the FYLF habitat, and how leasing overlapping parcels could impact the species.

Second, to take a hard look at how oil and gas development under Alternative F will impact FYLF, which were listed under the federal ESA after the 2019 Final EIS, BLM must consider the available scientific information—including but not limited to the following studies:

- Cook et al. (2012) made "frequent observations" of FYLF up to 331 meters from a natal stream and found substantial evidence of "road mortality," indicating that FYLF "are susceptible to indirect impacts from urbanization."[271] BLM names "urbanization (including development and roads)" as a threat to FYLF .[272] It also acknowledges – in its section on impacts to "Recreation Resources" – that "increased vehicular [sic.] due to

[266] *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 349 (1989).
[267] 90 Fed. Reg. 22222 (May 27, 2025).
[268] *Id*.
[269] 2025 DSEIS at 44-45.
[270] *Id*. at 75.
[271] Cook, D.G. et al., *Rana boylii* (Foothill Yellow-legged Frog) Upland Movement, 43(2) Herpetological Review 325-236 (2012).
[272] 2025 DSEIS at 75.

exploration" and "new roads" may accompany exploration and development of leases, and "activities to support construction, such as creating roadway infrastructure, may extend from the prospected location."[273] BLM must consider how new roads accompanying RMPA projects will affect FYLF, especially given the proposed critical habitat overlap with BLM surface land and split estate.

- Kerby & Sih (2014) found that FYLF are "more sensitive to insecticide exposure than the more commonly found" Pacific treefrog.[274] Given the high level of pesticide use and exposure within the CCFO Planning Area,[275] BLM must consider the cumulative impacts of pesticides and oil and gas development on FYLF.

- Adams et al. (2017) observed "that Bd [(amphibian chytrid fungus)] loads in *R. boylii* increase at lower stream flows, indicat[ing] that climate change, water extraction for human use, and disease may be acting synergistically to threaten *R. boylii* populations in central California."[276] Beyond naming "altered hydrology," "the effects associated with drought," and "disease" as threats to FYLF,[277] BLM does not address how these threats come together to impact FYLF or how oil and gas development contributes to these threats.

- Kupferberg et al. (2022) "expect that transmission of pathogens would be reduced in years with higher baseflows."[278] The DSEIS expects that oil and gas development under the RMPA may require mitigation like "source-water selection, pumping limits, and metering/monitoring and reporting."[279] BLM must consider whether groundwater extraction for oil and gas activity may lead to lower baseflows, and thus higher chytrid transmission, in FYLF habitat.

3. 2025 DSEIS flaws re: the north- and southwestern pond turtle

The USFWS proposed to list the northwestern pond turtle and the southwestern pond turtle as threatened on October 3, 2023, i.e., after the 2019 FEIS.[280] The 2025 draft SEIS assumes—without evidence, and by relying on the faulty RFDS argument—that Alternative F will have no impacts on the turtle species. BLM writes, "Oil and gas leasing and development of federal minerals is not likely to adversely affect . . . western pond turtle and their associated habitats because they are outside of areas where the RFDS suggests oil and gas development would occur."[281] For the reasons mentioned in the FYLF section

[273] 2025 DSEIS at 76.
[274] Kerby, J.L. & Sih, A., Effects of carbaryl on species interactions of the foothill yellow legged frog (*Rana boylii*) and the Pacific treefrog (*Pseudacris regilla*), 746 Hydrobiologia 255-269 (2015).
[275] See 2025 Center Scoping Comments at 27, 33.
[276] Adams, A.J. et al., Extreme drought, host density, sex, and bullfrogs influence fungal pathogen infection in a declining lotic amphibian, 8(3) Ecosphere (2017) at 11.
[277] 2025 DSEIS at 75.
[278] Kupferberg, S.J. et al., Seasonal drought and its effects on frog population dynamics and amphibian disease in intermittent streams, Ecohydrology (2022) at 12.
[279] 2025 DSEIS at 38.
[280] 88 Fed. Reg. 68370 (Oct. 3, 2023).
[281] 2025 DSEIS at 75.

and elsewhere in this comment, BLM is not tasked with analyzing the impacts of the RFDS high-development scenario; it is tasked with analyzing the impacts of Alternative F. And Alternative F could foreseeably impact the western turtle.[282]

To take a hard look at how oil and gas development under Alternative F will impact western pond turtles, BLM must consider the available scientific information—including but not limited to the following studies:

- Otten et al. (2023) notes previous studies have found that freshwater turtle populations exposed to crude oil experienced "altered diets" and "increased rates of hatchling deformities."[283] In addition, "beyond the direct mortality caused by the spill," freshwater northern map turtles exposed to an oil spill experienced "declines in the estimated population size and shifts in the size distribution," which are "likely indicative of negative demographic impacts" following the spill.[284] BLM acknowledges that oil and gas activity under the RMPA can result in hydrocarbon spills[285] and wastewater spills threatening surface water.[286] Yet, the 2025 draft SEIS does not even name spills as a threat to the pond turtles.[287] BLM must consider and disclose how spills from oil and gas activity under the RMPA could impact the pond turtles.
- Nicholson et al. (2020) noted that "[r]ecent [western pond turtle] population studies revealed that road density and proximity were significantly associated with increasingly male-biased sex ratios, further suggesting female-biased road mortality," and their analyses "indicate that roads…constitute significant threats to the long-term persistence of both species of [western pond turtle]."[288] As noted above, BLM acknowledges that new roads may be built to service oil and gas development under the RMPA. The 2025 draft SEIS does not address how these roads will impact pond turtles. BLM must consider and disclose these impacts.

4. 2025 DSEIS flaws re: the western spadefoot

The USFWS proposed to list the Northern DPS western spadefoot as threatened on December 5, 2023, i.e., after the 2019 FEIS.[289] The 2025 draft SEIS assumes—without evidence, and by relying on the faulty RFDS argument—that Alternative F will have no impacts on this species. BLM writes, "Oil and gas leasing and development of federal minerals is not likely to adversely affect the western spadefoot . . . and their associated habitats because they are outside of areas where the RFDS suggests oil and gas

[282] *See, e.g.*, 2025 DSEIS at 50 (indicating occurrence on BLM surface and split estate).
[283] Otten, J.G. et al., Freshwater turtle populations as bioindicators following an oil spill: Delayed demographic changes reveal long-term impacts, Ecological Indicators (2023) at 7.
[284] *Id*. at 1.
[285] *See, e.g.*, 2019 FEIS at 4.4-2.
[286] *See, e.g.*, 2025 DSEIS at 73.
[287] *Id.*at 75.
[288] Nicholson, E.G. et al., Historical museum collections and contemporary population studies implicate roads and introduced predatory bullfrogs in the decline of western pond turtles, PeerJ (2020) at 1, 17.
[289] 88 Fed. Reg. 84,252 (2023).

development would occur."[290] For the reasons mentioned in the FYLF section and elsewhere in this comment, BLM is not tasked with analyzing the impacts of the RFDS high-development scenario; it is tasked with analyzing the impacts of Alternative F. And Alternative F could foreseeably impact the western spadefoot.[291]

To take a hard look at how oil and gas development under Alternative F will impact Western spadefoot, BLM must consider the available scientific information—including but not limited to the following studies:

- FWS (2005) warned: "Activities that produce low frequency noise and vibration, such as grading for development and seismic exploration for natural gas, in or near habitat for western spadefoot toads, may be detrimental to the species. Dimmitt and Ruibal (1980) determined that spadefoot toads were extremely sensitive to such stimuli and would break dormancy and emerge from their burrows in response to these disturbances. Disturbances that cause spadefoot toads to emerge at inappropriate times could result in detrimental effects such as mortality or reduced fitness."[292] BLM must consider and disclose how oil and gas activity under the RMPA could harm Western spadefoot by causing individuals to emerge at inappropriate times.
- FWS (2005) also noted that "[s]padefoot toad metamorphs attempting to disperse across dirt roads have been killed, possibly because they often try to bury themselves in the road to avoid an approaching vehicle (J. Vance pers. comm. 2005)."[293] As noted above, BLM acknowledges that new roads may be built to service oil and gas development under the RMPA. The DSEIS does not address how these roads will impact Western spadefoot. BLM must consider and disclose these impacts.

5. 2025 DSEIS flaws re: the monarch butterfly

The monarch butterfly and important migratory and overwintering habitat are present in the Planning Area.[294] According to the map overlaying monarch critical habitat and Alternative F (Appendix D), one proposed critical habitat site is within one mile of an area open for leasing, while five proposed critical habitat sites are within five miles of areas open for leasing. In addition, one presumed extant location for monarch butterflies in the CNDB overlaps with an area that is open for leasing.

Yet the 2025 draft SEIS fails to discuss impacts to the monarch butterfly and its habitat from oil and gas development in the Planning Area or discuss mitigation for those impacts. BLM must take a hard look at how oil and gas development under Alternative F will impact the monarch butterfly.

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[290] 2025 DSEIS at 75.
[291] *See, e.g.*, 2025 DSEIS at 50 (indicating occurrence on BLM split estate).
[292] U.S. Fish & Wildlife Service, Recovery Plan for Vernal Pool Ecosystems of California and Southern Oregon (2005) at II-234.
[293] *Id*.
[294] 2025 DSEIS at 50 (indicating occurrence on BLM split estate).

The USFWS proposed to list the monarch butterfly under the ESA and designate 4,395 acres of critical habitat on December 12, 2024 due to its precarious status and numerous threats to its continued existence.[295] Western migratory monarch butterflies, which occur in the Planning Area, are particularly threatened. The western migratory population has declined by more than 95% since the 1980s, putting the western populations at greater than 99% chance of extinction by 2080.[296] In 2025 there were only 12,260 overwintering western migratory monarchs in California, down from 4.5 million in the 1980s.[297] The three lowest counts have all occurred in recent years: 1,901 individual monarchs in 2020, 9,119 in 2024, and 12,260 in 2025.[298]

Research not considered by BLM has recognized that numerous sites along the central to southern California coast are critical for overwintering and migratory western monarchs.[299] In addition, the Central Valley and Coast Range, which fall within the Planning Area, also serve important migratory habitat for western monarchs.[300] McIntyre et al. (2024) found that the "Coast Range and Central Valley… are of major importance for the first spring generation and provide the last habitats that most fall migrating western monarchs cross before arriving at their coastal overwintering areas."

BLM also did not consider information that identifies major threats to monarchs from habitat loss and modification, pesticide and herbicide use, light pollution, road mortality, and climate change, all of which are likely to be worsened by oil and gas development in the Planning Area. The negative effects of pesticides and herbicides on monarchs cannot be overstated. The introduction and widespread use of neonicotinoid insecticides has been identified as the most likely factor behind the sudden decline of

[295] 89 Fed. Reg. 100,662; U.S. Fish and Wildlife Service, Monarch (*Danaus plexippus*) Species Status Assessment Report, version 2.1 (September 2020).
[296] U.S. Fish and Wildlife Service, Fish and Wildlife Service Proposes Endangered Species Act Protection for Monarch Butterfly; Urges Increased Public Engagement to Help Save the Species (December 10, 2024), https://www.fws.gov/press-release/2024-12/monarch-butterfly-proposed-endangered-species-act-protection.
[297] Xerces Society, Western Monarch Numbers Remain at Historic Low (January 29, 2026), https://xerces.org/press/western-monarch-numbers-remain-at-historic-low.
[298] *Id*.
[299] Pelton, Emma M. et al., Western monarch population plummets: status, probable causes, and recommended conservation actions, 7 Front. Ecol. Evol. (2019), https://doi.org/10.3389/fevo.2019.00258; James, D.G., Monarch butterflies in western North America: a holistic review of population trends, ecology, stressors, resilience and adaptation, 15 Insects 40 (2024), https://doi.org/10.3390/insects15010040; 89 Fed. Reg. 100662 (Dec. 12, 2024).
[300] McIntyre, Patrick J. et al., Mapping migration habitat for western monarch butterflies reveals need for public-private approach to conservation, 19 Front. Ecol. Evol. (2024), https://doi.org/10.3389/fevo.2024.1460363.

western monarchs.[301] Monarchs are exposed to herbicides and insecticides not only on use sites but also in areas affected by spray drift.[302]

Road mortality is another major threat to monarchs. Estimates of the percentage of monarchs road-killed during fall migration by collisions with vehicles is as high as 99%.[303] Nighttime light pollution has been shown to disturb diurnal migratory monarch butterflies.[304]

Climate change has been identified as a primary driver of monarch decline,[305] and future climate change threatens to make much of their habitat unsuitable.[306] Rising temperatures are causing phenological mismatches between migration timing and flowering of milkweeds and nectar resources in spring and summer. Rising summer temperatures, and unseasonal severe cold fronts and early heat waves, can lower reproductive success and survival. Drought reduces the availability of milkweeds and nectar plants. Severe winter storm events can kill large proportions of the overwintering population and damage habitat.

6. 2025 DSEIS flaws re: the Temblor legless lizard

BLM must consider new information and changed circumstances on the Temblor legless lizard ("TLL"), a rare species with a restricted range in western Kern County, Kings County, and southern Fresno County.[307]

Since the scoping period, new information and changed circumstances on the TLL have emerged, including critical updated mitigation measures proposed by CDFW. BLM must take all of this into account in its environmental analysis and decisionmaking.

Rose et al. (2024) Study: A 2024 study by herpetologist Jonathan Rose and other experts provides important survey recommendations for Temblor legless lizards to address

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[301] James, D.G., Monarch butterflies in western North America: a holistic review of population trends, ecology, stressors, resilience and adaptation, 15 Insects 40 (2024), https://doi.org/10.3390/insects15010040; Halsh, Christopher A. et al., Pesticide contamination of milkweeds across the agricultural, urban, and open spaces of low elevation Northern California, 8 Front. Ecol. Evol. (2020), https://doi.org/10.3389/fevo.2020.00162.
[302] Forister, M.L. et al., Increasing neonicotinoid use and the declining butterfly fauna of lowland California, 12 Biology Letters 20160475 (2016), http://dx.doi.org/10.1098/rsbl.2016.0475.
[303] Momeni-Dehaghi, I. et al., Roadkill is a crucial factor in the population decline of migratory monarch butterflies, bioRxiv (2024), https://doi.org/10.1101/2024.09.27.615542.
[304] Parlin, Adam F. et al., Oriented migratory flight at night: Consequences of nighttime light pollution for monarch butterflies, 25 iScience 104310 (2022), https://doi.org/10.1016/j.isci.2022.104310.
[305] Zylstra, E.R. et al., Changes in climate drive recent monarch butterfly dynamics, 5 Nature Ecology & Evolution 1441 (2021), https://www.nature.com/articles/s41559-021-01504-1; James, D.G., Monarch butterflies in western North America: a holistic review of population trends, ecology, stressors, resilience and adaptation, 15 Insects 40 (2024), https://doi.org/10.3390/insects15010040.
[306] Sáenz-Romero, C. et al., Establishing monarch butterfly overwintering sites for future climates: *Abies religiosa* upper altitudinal limit expansion by assisted migration, 7 Frontiers in Forests and Global Change 1440517 (2024), https://doi.org/10.3389/ffgc.2024.1440517.
[307] *Id.*

the challenges associated with lizard detection. BLM must take this important study and its insights into the TLL's habitats, behaviors, and occurrences into account.[308]

For example, the study recognizes that the TLL prefers warm, loose and friable soil with low clay content such as loamy sand.[309] They also prefer sites with moderate plant cover and sites near ephemeral streams (e.g., washes and alluvial fans) likely due to these habitats having loose, friable soils suitable for burrowing.[310]

A key recommendation of the study is that multiple surveys of the same site are needed within each survey season from mid-February to mid-April.[311] It additionally recommends conducting site surveys over multiple years.[312]

Notably, the study describes how targeted surveys for TLLs were conducted in Kern and Fresno counties during mid-February to mid-April in 2022 and 2023 when lizard detectability is highest due to mild temperatures and higher soil moisture near the surface.[313] The researchers surveyed a total of 89 sites in 2022 (n=60) and 2023 (n=68) and detected Temblor legless lizards at 12 of 89 sites, including five new localities.[314] The species was detected at 6 of 65 sites surveyed in Kern County and 6 of 24 sites in Fresno County.[315] Several new TLL detection sites were documented in Kern County.[316]

Of the 24 locations where the lizard has been detected, 13 are within oil field boundaries.[317] In total, 31 oil fields overlap the Temblor legless lizard's narrow range (Appendix E).[318] In the CCFO, BLM must note and consider the TLL occurrences in Fresno, as well as in the Coalinga region.

Researchers also found that "a few negative surveys are not sufficient to conclude that this species is absent from a site."[319] At many sites, TLL were not observed until the researchers had conducted three or more surveys. At three of 12 sites where lizards were detected over the 2-year survey period, lizards were observed during surveys in one year

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[308] J. P. Rose et al. (2024), *Digging into detectability: uncovering how temperature influences detection probability of the fossorial Temblor legless lizard.* Journal of Fish and Wildlife Management 15(1):237–250 at 244, 247 (hereinafter, "Rose et al., (2024)").
[309] *Id.* at 244, 247.
[310] *Id.* at 244, 247.
[311] *Id.* at 237, 245, 248.
[312] *Id.* at 245, 248.
[313] *Id.* at 237.
[314] *Id.*
[315] *Id.*
[316] *Id.* at 240.
[317] Based on Center for Biological Diversity analysis of detection site data.
[318] Based on Center for Biological Diversity analysis of detection site data. These 31 oil fields are Antelope Hills, North Antelope Hills, Antelope Plains Gas (ABD), Asphalto, Belgian Anticline, Blackwells Corner, Buena Vista, Cal Canal Gas, Carneros Creek, Chico-Martinez, Coalinga, Coalinga East Extension, Cymric, Elk Hills, Guijarral Hills, Jacalitos, Kettleman North Dome, Kreyenhagen (ABD), McDonald Anticline, McKittrick, Midway-Sunset, Monument Junction, North Belridge, Pleasant Valley, Pyramid Hills, Railroad Gap, Shale Flats Gas (ABD), Shale Point Gas (ABD), South Belridge, Temblor East (ABD), and Temblor Ranch.
[319] Rose 2024 at 245.

but not in the other year. The study further concluded that their "results also show that surveys over multiple years might be needed to document the presence of Temblor legless lizards, particularly during droughts when conditions at the surface are unsuitable."[320]

The study further recommends doing surveys in winter and early spring from mid-February to mid-April when the probability of detecting lizards is highest.[321] For surveys done in summer when the detectability of TLLs is lower, the study concluded that an even larger number of surveys would be required.[322] Specifically, the study estimated the number of sequential negative surveys (n*) required to have high confidence that a site was truly unoccupied by TLLs for surveys done in winter and spring.[323] The number of surveys needed depends on the substrate temperature at the time of the survey, soil texture, and the distance that the site was located from an ephemeral stream.[324] The number of sequential negative surveys needed was found to range up to 16 surveys in habitat areas with low clay soil, lower substrate temperature (~10°C) and close proximity to ephemeral streams.[325]

CDFW (2024) Mitigations: In 2024, CDFW specified mitigation measures for the TLL to reduce threats from oil and gas development.[326] BLM must consider these mitigation measures (detailed further below) and update its own to reflect the best and most updated science and management for protecting the TLL.

For example, CDFW specified that multiple surveys should be conducted at surveys sites during February to April and it recommends site surveys over multiple years to increase the probability of lizard detection.[327] CDFW also recommends consultation if TLL are documented or suspected to be present to discuss project implementation and take avoidance, including an incidental take permit if avoidance is not feasible.[328]

***Recommended Mitigation Measure 1: TLL Habitat Assessment and Survey Plan*.** CDFW recommends that a qualified biologist prepare a TLL habitat assessment and survey plan (Plan) for CDFW review and approval prior to implementation of any Project-related activity (including projects that result in ministerial actions) that may involve ground disturbance, vegetation maintenance, and/or construction or maintenance of facilities.[329] This would include activities such as exploration, production, completion, stimulation,

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[320] *Id.* at 245.
[321] *Id.* at 237.
[322] *Id.* at 245.
[323] *Id.* at 244, Figure 6.
[324] *Id.* at 244.
[325] *Id.* at 244, Figure 6.
[326] California Department of Fish and Wildlife, *Revisions to Title 19 – Kern County Zoning Ordinance (2024) focused on oil and gas local permitting (Project) Second Supplemental Recirculated Environmental Impact Report (SSREIR) SCH: 2013081079* (June 6, 2025) (hereinafter, "CDFW 2025"). Though these mitigations emerged as part of a process related to the Kern County Ordinance, BLM CCFO should incorporate these measures into CCFO areas as well.
[327] *Id.*
[328] *Id.* at 4.
[329] *Id.* at 3.

reworking, injection, and plugging and abandonment.[330] The Plan would detail the habitat assessment and surveys methods that would be incorporated prior to the initiation of the activities outlined above.[331]

> Habitat Assessment

The Plan would require a qualified biologist to conduct a detailed habitat assessment to determine if the Project activity and the immediate surrounding vicinity contain habitat suitable to support TLL.[332] Suitable areas, such as areas with loose or friable soils, in or near a wash, ephemeral streams and swales, and areas that include the presence of native shrubs, should be documented as part of the habitat assessment.[333]

> Surveys

The Plan would also include detailed survey methods that would be implemented prior to the initiation of Project activities within suitable habitat to detect the presence of TLL.[334] Surveys would be designed to optimize TLL detectability, incorporating best available science on appropriate survey approaches, to reasonably ensure that Project activities would not result in the unauthorized take of the species.[335] To optimize detectability, surveys would need to include the use of coverboards and/or raking, and would need to be conducted by a qualified biologist with a valid Memorandum of Understanding (MOU) with CDFW.[336] Surveys should be conducted during appropriate temperatures (e.g., 10 to 30 degrees Celsius) and during the appropriate time of year (e.g., February through April).[337] Additionally, due to the difficulty in detecting TLL, multiple surveys would need to be conducted within a season, and multiple survey seasons would increase the probability of detection.[338]

The Plan would be submitted to CDFW for review and concurrence at least 60 days prior to implementation.[339] This plan would be superseded if or when there is a CDFW-approved TLL protocol available for public use.[340]

***Recommended Mitigation Measure 2: TLL Consultation*.** If TLL are documented or suspected to be present, either during surveys or Project activities, consultation with CDFW is warranted to discuss how to implement the Project and avoid take; or if avoidance is not feasible, to acquire an Incidental Take Permit (ITP) prior to the implementation of any Project activities identified above, pursuant Fish and Game Code section 2081 subdivision

[330] *Id.*
[331] *Id.*
[332] *Id.*
[333] *Id.*
[334] *Id.*
[335] *Id.*
[336] *Id.*
[337] *Id.*
[338] *Id.*
[339] *Id.*
[340] *Id.*

(b).[341]

7. California-Listed Species

The Center's scoping provided information and studies (which BLM ignored, without explanation) on the newly CESA-protected Burrowing owl, Temblor legless lizard, Crotch's bumble bee, and Western bumble bee.[342] Federally listed FYLF and proposed-for-listing Western spadefoot were also listed under CESA after the 2019 FEIS.[343] In addition, the Southern California/Central Coast ESU mountain lion has been a candidate species under the California ESA since 2020.[344]

As the California Departments of Conservation, Fish and Wildlife, and Parks and Recreation and the California Coastal Commission and State Water Resources Control Board noted in their scoping comment, "[t]he state's regulatory and permitting authority and processes [including under the California ESA and California Environmental Quality Act] apply to third party (e.g. non-federal) oilfield operations in California on all land administered by BLM whether that land is owned in total by the federal government or land that is under private ownership with federal mineral estate (split-estate)."[345]

Oil and gas leasing and development under Alternative F is not immune from compliance with California law. BLM must disclose and consider impacts of Alternative F on state-protected species. That includes taking a hard look at potential impacts on the mountain lion and considering the new studies and best science the Center and others submitted in the record.

8. Mountain lion

a. The SEIS failed to take a hard look at significant new information regarding mountain lions in the Central Coast.

As the 2025 draft SEIS recognizes, the Central Coast "is a region of diverse landscapes and extraordinary biodiversity."[346] Yet, while the 2025 draft SEIS acknowledges the unique ecological importance of this landscape, it does little to analyze the effects leasing will have on the region's biodiversity. As one crucial example, the 2025 draft SEIS fails to make *a single mention* of mountain lions, much less consider the impacts oil and gas leasing would have on that species.[347]

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[341] *Id*. at 4.
[342] See 2025 Center Scoping Comments at 63-67.
[343] California Natural Resources Agency, Department of Fish and Wildlife, Biogeographic Data Branch, California Natural Diversity Database, State and Federally Listed Endangered and Threatened Animals of California (February 2026).
[344] *Id*.
[345] CA Departments Scoping Comment at 12.
[346] 2025 DSEIS at 4.
[347] The 2019 FEIS fares no better, merely stating that mountain lions are a "key game indicator species" without analyzing how widespread industrial development in crucial puma habitat would impact these apex predators. 2019 FEIS at 3.11-2.

Because California mountain lions are widespread throughout the Planning Area and as of 2026, are now protected under the California Endangered Species Act ("CESA"), and considering there is new information and recent studies on the species, the draft SEIS must be revised to account for their presence and analyze the impacts that Alternative F could have on the species and their habitat. BLM must also adhere to its FLPMA duties to prevent UUD to this species, and to account for it as part of its resource inventory.

b. Mountain lions were granted protections under the California Endangered Species Act since the 2019 FEIS.

BLM must take a hard look at the impacts of leasing to local mountain lions. The Central Coast Planning Area is almost entirely within the Southern California/Central Coast Distinct Population Segment ("DPS") of mountain lions, which have been granted permanent protections under CESA.[348] CESA is akin to the federal ESA, giving substantial protections to species that are listed as threatened or endangered.[349]

The process to protect the mountain lion under CESA began in 2019 with the Center's petition to list six populations of mountain lions in Southern California and the Central Coast under CESA.[350] In January 2020, CDFW recommended that the state Fish and Game Commission designate pumas as a candidate species under CESA, which gives candidate species the same protections as listed species.[351] Later in 2020, the California Fish and Game Commission agreed, and granted these populations candidacy status.[352] On December 10, 2025, CDFW released their status review regarding the petition and recommended listing the six petitioned mountain lion populations as a threatened Southern California/Central Coast mountain lion DPS under CESA.[353] On February 12, 2026, the California Fish and Game Commission agreed with CDFW's recommendation

[348] See fig. 2.
[349] Cal. Fish and Game Code § 2050, *et. seq*.
[350] Yap, T. A. et al. (2019). *A Petition to List the Southern California/Central Coast Evolutionarily Significant Unit (ESU) of Mountain Lions as Threatened under the California Endangered Species Act (CESA)* at 3 (hereinafter "Yap 2019").
[351] *See generally* CDFW (2020) *Report to the Fish and Game Commission: Evaluation of Petition from the Center for Biological Diversity and the Mountain Lion Foundation to List the Southern California/Central Coast Evolutionarily Significant Unit (ESU) of Mountain Lions as Threatened Under the Endangered Under the California Endangered Species Act* (Issue 7) (hereinafter "CDFW 2020").
[352] *Mountain Lions in California*. (n.d.) California Department of Fish and Wildlife. Retrieved December 9, 2025, from https://wildlife.ca.gov/Conservation/Mammals/Mountain-Lion (hereinafter "*Mountain Lions in California*, n.d."); *See generally* CDFW 2020; Cal. Fish and Game Code § 2085.
[353] CDFW (2025) *A Status Review of the Petitioned Southern California/Central Coast Evolutionarily Significant Unit (ESU) of Mountain Lion (Puma concolor cougar) in California* at 85 (hereinafter "CDFW 2025").

and voted to officially list this DPS as threatened under CESA.[354] The DPS includes six genetically distinct sub-populations of pumas.[355] (See map, Appendix B.)

The protected range of two of these populations, the Central Coast North ("CC-N") and Central Coast Central ("CC-C"), extend through nearly the entire Central Coast Field Office Planning Area. (See map, Appendix B.)

The CC-C population generally inhabits the coastal areas from Monterey Bay to Ventura County, including the southern Diablo Range, the Gabilan Range, and the Santa Lucias, where a great majority of the federal mineral estate within the CCFO occurs. The CC-N population generally inhabits the counties touching the San Francisco Bay, including areas in and around the Santa Cruz mountains and the northern Diablo Range.[356]

Much of the science supporting this listing has also been published after the FEIS was published in 2019. BLM must take these studies into account as new information. These studies illuminate the dire conditions of the DPS's genetic health and viability, the myriad threats they face, and the importance of the areas opened for leasing for their long-term survival.[357] The research cited in CDFW's Status Review and this Comment represent the best available science regarding mountain lions in the region. BLM must consider these myriad recent studies and use them to inform their decisionmaking regarding which areas of mineral estate to open to industrial development.

c. Maintaining wildlife connectivity within the Central Coast is critical to ensuring survival of the region's mountain lions.

The 2019 FEIS's extremely narrow wildlife connectivity analysis states wildlife movement across habitats is "important to long-term genetic variation and demography" and that habitat fragmentation "considerations are especially important for rare, threatened, or endangered species, and wide-ranging species such as large mammals, which exist in low population densities."[358] Both statements are true, especially for mountain lions, which are threatened wide-ranging predators that exist at low population densities.[359] However, neither the 2019 FEIS nor 2025 draft SEIS analyze the impacts that the development authorized by Alternative F would have to mountain lion gene flow and movement.

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[354] *See generally* CDFW, Press Release, California Fish and Game Commission Finds CESA Protections Warranted for Southern California and Central Coast Mountain Lion (Feb. 20, 2026), https://wildlife.ca.gov/News/Archive/california-fish-and-game-commissionfinds-cesa-protections-warranted-forsouthern-californiaandcentral-coastmountain-lion (hereinafter "CDFW, 2026").
[355] CDFW 2025 at vii-viii.
[356] *Id.* at 5.
[357] *See generally* Benson et al. (2023) The ecology of human-caused mortality for a protected large carnivore. *Proceedings of the National Academy of Sciences*, *120*(13), e2220030120; see the CESA status review (CDFW 2025) for more studies and details.
[358] 2019 FEIS at 3.11-3.
[359] Yap 2019 at vii.

CDFW determined that the six mountain lion populations comprising the DPS are small and genetically isolated from one another due to poorly planned roads and development.[360] These include the CC-N, CC-C, Central Coast South ("CC-S"), the Santa Anas, San Gabriel/San Bernardino, and Eastern Peninsular Range populations.[361] The CC-N, CC-C, and CC-S comprise the Central Coast populations, which are relevant to the Central Coast RMPA.[362] All three of these populations have effective population sizes that are far below 100, which has been suggested as necessary to prevent inbreeding depression in the short term.[363] In addition to a low effective population size, physical signs of inbreeding depression have been documented in the CC-S population, and if inbreeding depression occurs, scientists predict the population is likely to become extinct within decades.[364] The CC-N population is trending similarly, with signs of genetic drift and inbreeding depression.[365]

Maintaining and enhancing connectivity throughout the Central Coast is critical to sustaining these three populations as well as statewide connectivity. The CC-C population is an important source population for genetic diversity within the CC-N and CC-S populations. Alternative F therefore threatens the CC-C and CC-N populations as well as the essential connectivity among and between the CC-C, CC-N, and CC-S populations.

Alternative F would severely fragment suitable mountain lion habitat where connectivity is critical to the long-term survival for these populations. Industrialized development of these lands, as Alternative F authorizes, could prompt the kinds of local extinctions identified in these studies.

The lands that would be open for leasing under Alternative F span through the core of the Diablo Range, severing the currently contiguous wildlands into a fragmented patchwork of habitat. Researchers have noted the unique importance of the Diablo Range in sustaining the CC-N population: "It is essential that connectivity is enhanced between the Santa Cruz Mountains, Gabilan Range, and Diablo Range to ensure the persistence of

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[360] CDFW 2025 at 23.
[361] *Id*. at 12.
[362] *Id*. at 11; Gustafson et al. 2022; Gustafson, K. D. et al. (2019) Genetic source–sink dynamics among naturally structured and anthropogenically fragmented puma populations. *Conservation Genetics*, *20*(2), 215–227 at PDF page 5 (hereinafter "Gustafson 2019").
[363] CDFW 2025 at 12; Frankham, R. et al. (2014) Genetics in conservation management: Revised recommendations for the 50/500 rules, Red List criteria and population viability analyses. *Biological Conservation*, *170*, 56–63 at 56 (hereinafter "Frankham 2014"); Traill, L. W., Brook, B. W., Frankham, R. R., & Bradshaw, C. J. A. (2010) Pragmatic population viability targets in a rapidly changing world. *Biological Conservation*, *143*, 28–34 at 28 (hereinafter "Traill 2010").
[364] Benson, J. F., et al. (2019) Extinction vortex dynamics of top predators isolated by urbanization. *Ecological Applications*, *29*(3), e01868–e01868 at 1 (hereinafter "Benson 2019"); Huffmeyer, A. A., et al. (2021) First reproductive signs of inbreeding depression in Southern California male mountain lions (Puma concolor). *Theriogenology*, *177*, 157–164 at 158.
[365] Gustafson 2022 at 3; Becker, R., *California Mountain Lions Gain New Protections Under State Law* (February 12, 2026) CalMatters, https://calmatters.org/environment/2026/02/facing-extinction-vortex-california-grants-new-protections-to-more-mountain-lions.

mountain lion populations along the central coast."[366] Yet Alternative F would have the opposite impact from what is needed: instead of enhancing connectivity between these mountain ranges and suitable habitat to the south, it would cause significant habitat loss and further restrict viable routes for mountain lions to move across the landscape.

Similarly, the CC-C population is one of the only sources of animals that can increase the genetic diversity of the imperiled CC-S population, which has a 99-100% chance of becoming locally extinct within the next 50 years if inbreeding depression occurs.[367]

Conserving and promoting the existing CC-C population with strong wildlife connectivity to the north and the south is essential to preventing local extinction and moving towards the DPS's recovery.[368] Development without consideration for conservation concerns in the Central Coast Region is *precisely* what this RMP decision would authorize. Alternative F would "open all Federal mineral estate unless it is closed"—over 700,000 acres—in the Central Coast while completely failing to evaluate how opening vast areas of public wildlands to industrial development would impact threatened mountain lions and connectivity between populations within the DPS.[369]

BLM must analyze how widespread habitat destruction and degradation for oil and gas development could impact gene flow and connectivity for mountain lions. Consideration of impacts to genetic flow and landscape-level population connectivity of wide-ranging mountain lions cannot effectively be accomplished in a later, narrower stage of environmental review. Any effective analysis must be done on the landscape scale, which is best suited for this RMP-level NEPA review.

d. The SEIS fails to analyze how specific oil and gas activities would impact mountain lions.

Beyond impacts to gene flow and landscape connectivity, the industrialization of mountain lion habitat would have direct and indirect negative impacts on Central Coast and Southern California mountain lion DPS. Again, the 2019 FEIS and 2025 draft SEIS fail to

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[366] Diamond, T. D., at al. (2022) *Enhancing Ecological Connectivity and Safe Passage for Wildlife on Highways between the Southern Santa Cruz Mountains, Gabilan Range, and Diablo Range in California*, Peninsula Open Space Trust at 4.
[367] Benson 2019.
[368] See Dellinger J.A. et al. (2020) Minimum habitat thresholds required for conserving mountain lion genetic diversity. Ecol Evol. 10:10687–10696 at PDF page 7 ("The Central Coast population appears to currently have adequate suitable habitat (Dellinger et al., 2020), but much of it is unprotected, making the mountain lion population along the central coast vulnerable to development and habitat loss. This area is also an important source for small and at-risk neighboring populations (e.g., Santa Cruz and Santa Monica Area), which makes the conservation of this area essential for the viability of multiple mountain lion populations. For example, mountain lions in the Santa Cruz Mountains likely are experiencing restricted gene flow. Thus, development without consideration for conservation concerns in the Central Coast region could have major effects on connectivity and population genetics in adjacent mountain lion populations.")
[369] 2025 SEIS at 19.

take a hard look (or any look) at these impacts. Impacts from increased noise, light, human presence, and traffic are just some of the overlooked impacts.

Human Presence: The construction and operation of oil and gas facilities in the lands open for leasing would increase human presence within the CC-C and CC-N populations. The increased human presence due to new roads and development could have significant negative impacts on puma survival and behavior.

Several studies document the nuanced sensitivities of California mountain lions to human presence, activities, and infrastructure. Nickel et al. (2020) found pumas in the Santa Cruz Mountains were less likely to occur in areas with higher development densities (*i.e.*, areas with greater road and/or building densities).[370] This aligns with other studies that have demonstrated that mountain lion avoidance behavior increases with greater development densities.[371] One study found that mountain lions are so fearful of humans and noise generated by humans that they will abandon the carcass of a deer and forgo the feeding opportunity just to avoid humans.[372] In addition, mountain lions have been found to respond fearfully upon hearing human vocalizations, avoiding the area and moving more cautiously when hearing humans.[373] Other studies have demonstrated that mountain lion behavior is impacted when exposed to other evidence of human presence, such as lighting or vehicles/traffic.[374]

One way California mountain lions adapt to increased human presence and development is to decrease their activity during the daytime and increase their activity during the nighttime.[375] Yet this DSEIS anticipates that well drilling will occur "with a drill rig or generator running 24 hours per day"[376] and that "[p]roduction operations would vary from

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[370] Nickel, B.A., et al. (2020) Human presence and human footprint have non-equivalent effects on wildlife spatiotemporal habitat use, Biological Conservation 241 (2020) 108383 at 1.
[371] Smith, J. A., et al. (2015) Top carnivores increase their kill rates on prey as a response to human-induced fear. *Proceedings of the Royal Society B: Biological Sciences*, *282*(1802) at 50-56 (hereinafter "Smith 2015"); Smith, J. A., et al. (2019) Moving through the matrix: Promoting permeability for large carnivores in a human-dominated landscape. *Landscape and Urban Planning*, *183*, at 1-5; Wang, Y., et al. (2017) Residential development alters behavior, movement, and energetics in a top carnivore. *PlosOne*, *12*(10), e0184687 at 24 (hereinafter "Wang 2017") at 1; Wilmers, C. C. et al. (2013) Scale dependent behavioral responses to human development by a large predator, the puma. *PLoS ONE*, *8*(4) at 1 (hereinafter "Wilmers 2013").
[372] Smith, J. A. et al. (2017) Fear of the human 'super predator' reduces feeding time in large carnivores. *Proceedings of the Royal Society B: Biological Sciences*, *284*(1857), 20170433 (hereinafter "Smith 2017") (The study concluded that even "non-consumptive forms of human disturbance may alter the ecological role of large carnivores by affecting the link between these top predators and their prey." *Id.* at 3).
[373] Smith 2017; Suraci, J. P. et al. (2019) Fear of humans as apex predators has landscape-scale impacts from mountain lions to mice. *Ecology Letters*, *22*(10), 1578–1586 at PDF page 1-2 (hereinafter "Suraci 2019").
[374] Barrientos, R. et al. (2023) Nearby night lighting, rather than sky glow, is associated with habitat selection by a top predator in human-dominated landscapes. *Philosophical Transactions of the Royal Society B: Biological Sciences*, *378*(1892), 20220370 at 1 (hereinafter "Barrientos 2023"); Smith 2015 at 1; Wang 2017 at 2; Wilmers 2013 at 7.
[375] Suraci 2019 at 1, 4-5; Wang (2015). Mesopredator spatial and temporal responses to large predators and human development in the Santa Cruz Mountains of California. *Biological Conservation*, *190*, 23–33, at 29.
[376] 2025 DSEIS at 58.

field to field, but most are 24 hours per day, seven days per week and 365 days per year."[377] These constant operations would deter mountain lions during any hour, reducing their ability to adapt to increased human development in the region.

Constructions and Operations: Even when humans are not present at the oil and gas well sites, the noise caused by production is likely to adversely affect the region's mountain lions. Fracking is associated with constant noise, which can be substantial even hundreds of meters away from the production site.[378] The 2019 FEIS generically recognizes that increasing noise can have various negative effects on wildlife, leading to habitat loss.[379] That generic statement does not provide adequate disclosure or analysis, though.

BLM must consider that increased noise from oil and gas development has been shown to alter predator-prey dynamics, reducing hunting success in predators relying on acoustic cues.[380]

Traffic and Roads: Alternative F will foreseeably increase the number of roads and vehicles throughout the Planning Area. In addition to impacts to mountain lion wildlife connectivity, increasing traffic and roads in the area could lead to an increased chance of vehicle strikes and mortality.

While the RFDS assumes that just a few dozen wells would be constructed and operated, Alternative F in no way limits development to just a few dozen wells. Though the 2019 FEIS states that new access roads would be "short" at a quarter to a half mile long, the cumulative impacts of many "short" roads can substantially fragment a landscape and render it far less habitable for mountain lions.[381]

Negative edge effects of roads and development have been repeatedly documented in wide-ranging predators, such as mountain lions and bobcats.[382] In fact, in its recommendation to list mountain lions, CDFW identified vehicle strikes as one of the

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[377] 2019 FEIS, Appendix B at B-27.
[378] Hays, J., et al. (2017). Public health implications of environmental noise associated with unconventional oil and gas development. *Science of The Total Environment*, *580*, 448–456 at 449; Rutherford, T. et al. (2024) *Effects of Noise from Oil and Gas Development on Ungulates and Small Mammals* (Scientific Investigations Report), United States Geological Survey at 9 (hereinafter "Rutherford 2024").
[379] 2019 FEIS at 4.11-4.
[380] Rutherford 2024 at 20.
[381] 2019 FEIS at 4.18-3.
[382] Crooks, K. R. (2002) Relative sensitivities of mammalian carnivores to habitat fragmentation. *Conservation Biology*, *16*(2), 488–502 at 488 (hereinafter "Crooks 2002"); Delaney, K. S. et al. (2010) A rapid, strong, and convergent genetic response to urban habitat fragmentation in four divergent and widespread vertebrates. *PLoS ONE*, *5*(9), e12767 at e12767 (hereinafter "Delaney 2010"); Delaney, K. S. et al. (2021) Reptile and Amphibian Diversity and Abundance in an Urban Landscape: Impacts of Fragmentation and the Conservation Value of Small Patches. *Ichthyology and Herpetology*, *109*(2), 424–435 at 424; Lee, J. S. et al. (2012) Gene flow and pathogen transmission among bobcats (Lynx rufus) in a fragmented urban landscape. *Molecular Ecology*, *21*(7), 1617–1631 at PDF page 1 (hereinafter "Lee 2012"); Riley, S. P. D. et al. (2006) A southern California freeway is a physical and social barrier to gene flow in carnivores. *Molecular Ecology*, *15*, 1733–1741 at 1733 (hereinafter "Riley 2006"); Smith 2015) at 1-2.

leading threats to mountain lions in the DPS.[383] Vehicle strikes in the DPS have increased the number of mortalities and harmful genetic isolation in mountain lions in Southern California and along the Central Coast.[384]

e. Mountain Lions are a key species in Central Coast ecology.

Mountain lions are a key indicator species of wildlife connectivity and healthy ecosystems. Negative impacts to mountain lions and wildlife connectivity in the region could have severe ecological consequences. As a keystone species and ecosystem engineer, mountain lions support the high level of biodiversity in the CCFO and beyond. Loss of the species in the region could have ripple effects on other plant and animal species, such as a decrease in biodiversity and diminished overall ecosystem function. Many scavengers, including California condors, kit foxes, raptors, and numerous insects, would lose a reliable food source.[385] Fish, birds, amphibians, reptiles, rare native plants, and butterflies could also potentially diminish if this apex predator were lost from the region.[386] A recent literature review found that mountain lions have been documented to have ecological interactions with at least 485 plant and animal species.[387] If BLM does not adequately assess and address impacts to mountain lions, the RMP could lead to the loss of that species and adversely impact other protected species across the region.

9. California condor

The California condor is a protected species under the federal and California Endangered Species Acts. The Planning Area is home to roosting and nesting habitat for the central California flock of California condors, which make up 30% of the species' wild population nationwide, and 52% of California's wild population.[388]

The 2025 draft SEIS fails to even mention California condors, despite new challenges and new science that have emerged since 2019. The RMP decisions will enable development of more oil and gas in the Planning Area, which threatens to further harm the

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[383] CDFW 2025 at 97.
[384] Gustafson 2022 at PDF pages 4-5; Ernest, H. B. et al. (2014). Fractured genetic connectivity threatens a Southern California puma (Puma concolor) population. *PLoS ONE*, *9*(10) at 1; Riley, S. P. D. et al. (2014) Individual behaviors dominate the dynamics of an urban mountain lion population isolated by roads. *Current Biology*, *24*(17), 1989–1994 at 1989; Vickers, T. W. et al. (2015) Survival and mortality of pumas (Puma concolor) in a fragmented, urbanizing landscape. *PLoS ONE*, *10*(7) 1–18 at 1 (hereinafter "Vickers 2015").
[385] Barry, J. M. et al. (2019). Pumas as ecosystem engineers: Ungulate carcasses support beetle assemblages in the Greater Yellowstone Ecosystem. *Oecologia*, (189), 577–586 at 577; Ruth, T. K. et al. (2014) The carcass chronicles: Carnivory, nutrient flow, and biodiversity. *Wild Felid Monitor*, 14–19 at 14).
[386] Ripple, W. J. et al. (2014) Status and ecological effects of the world 's largest carnivores. *Science*, *343*(6167), 1241484 at 1241484-1 ; Ripple, W. J. et al. (2006). Linking a cougar decline, trophic cascade , and catastrophic regime shift in Zion National Park. *Biological Conservation*, *133*, 397–408 at 397; Ripple, W. J. et al. (2008) Trophic cascades involving cougar, mule deer, and black oaks in Yosemite National Park. *Biological Conservation*, *141*, 1249–1256 at 1249.
[387] Labarge, L. R. et al. (2022) Pumas Puma concolor as ecological brokers: A review of their biotic relationships. *Mammal Review*, 1-17 at 1.
[388] US Fish and Wildlife Service, California Condor Recovery Program 2024 Annual Population Status (as of December 31, 2024), https://www.fws.gov/media/2024-california-condor-population-status-report-0.

already vulnerable central California condor flock. BLM must update its environmental analysis to consider the new studies and information about the condor described below, and it must adjust its other decisionmaking accordingly.

a. BLM fails to consider recent condor population stressors

The 2025 draft SEIS includes no mention of the catastrophic population loss from the 2020 Dolan fire from which the central California condor flock is still recovering. Ten free-flying adult condors were burned, killing ten percent of the central California flock and injuring others.[389] The fire burned large swaths of nesting habitat in the Planning Area,[390] essential for the species' reproduction.[391] The fire also burned condor roosting habitat, high-top trees where condors spend most of their time in large groups and often return to the same spot year after year.[392] It was the worst fire-related event in condor history.[393] The fire also burned the Big Sur research and captive breeding facilities used by biologists for the past 20 years.[394]

The central California population went from an all-time high of 101 birds to 94 birds in 2021. It further slipped to 91 birds in 2023 due to lead poisoning.[395] A prominent condor biologist described the Dolan fire as "[adding] a year of mortality in one event."[396]

California condors are a classic K-selected species, meaning they have a long lifespan and low reproduction rates that make achieving sustainable population sizes a "lengthy process."[397] Condors typically won't breed until they're six to eight years old, and

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[389] Klein, Jesse, Severe Wildfires Are Devastating the California Condor (Dec. 11, 2020), https://www.wired.com/story/severe-wildfires-are-devastating-the-california-condor/ (hereinafter "Klein 2020 Wired article").
[390] NWS story map, which includes map of Dolan fire which overlaps with Central Coast planning area, particularly in Santa Lucia mountains. National Weather Service San Francisco/Monterey, CA, Dolan Fire, Southern California Story Map (Jan. 31, 2021), https://storymaps.arcgis.com/stories/d409a75c8c9a4253997a7dca71314860.
[391] Bakker, Victoria J. et al., Practical models to guide the transition of California condors from a conservation-reliant to a self-sustaining species, Biological Conservation 291:110447 (March 2024) at 2, https://doi.org/10.1016/j.biocon.2024.110447 (hereinafter "Bakker 2024").
[392] U.S. Fish and Wildlife Service, California Condor Recovery Program, https://www.fws.gov/program/california-condor-recovery.
[393] According to the Ventana Wildlife Society, a leading conservation group that operates most central California flock management efforts. Ventana Wildlife Society, California Condor Recovery Story, available at https://www.ventanaws.org/condorstory.html (hereinafter "VWS Condor Recovery Story").
[394] Hubbart, Sarah, The California condor: A Lesson in Wildfire Resilience, NEEF (Sept. 7, 2021), https://www.neefusa.org/story/environmental-education/california-condor-lesson-wildfire-resilience; Ventana Wildlife Society, X post showing Condor Sanctuary on fire (August 21, 2020), https://x.com/Ventana_WS/status/1296977902282526721.
[395] VWS Condor Recovery Story; Ventana Wildlife Society, 2024 Annual Report at 2, 4, https://www.ventanaws.org/uploads/6/7/1/3/67132355/2024_annual_report._small.pdf.
[396] Klein 2020 Wired article; National Geographic, California condor, available at https://www.nationalgeographic.com/animals/birds/facts/california-condor.
[397] Bakker 2024 at 2.

females produce one egg every other year.[398] In this context, the loss of ten adults is particularly devastating to the central California flock.[399] Two to three captive bred-juveniles are needed to replaced one free-flying adult.[400] A 2024 study described that the species' "recovery will require robustly growing populations to withstand catastrophic events," like the 2020 Dolan Fire. A 2024 study describes condors as a "conservation-reliant species, needing ongoing management to prevent extinction in the wild."[401]

The 2025 draft SEIS does not consider how the Dolan fire created increased vulnerability for the Planning Area's condor population. Given the population's post-fire heightened fragility, even incidental harms from oil and gas activity pose an outsized risk to the central California flock's long-term recovery.

b. BLM should strengthen measures to protect condors from trash.

The Bakker (2023) analysis confirmed that, over twenty years of condor reproduction, trash ingestion has frequently caused reduced fledgling success.[402] Chicks often ingest micro-trash such as bottle caps, bolts, fabrics, and plastic. All of these can be commonly found at oil production sites.[403] One study specifically cites oil field pads as locations where condors have been observed to ingest trash.[404]

While the 2019 ROD addresses concerns of trash, it does not go far enough, especially considering the recent challenges this flock has faced. The ROD states that all construction debris and micro-trash "shall be covered, kept in closed containers, or otherwise removed from the project site at the end of each day or prior to period when workers are not present at the site."[405] The mitigation measures should be strengthened such that all trash is removed, no matter its container, at the end of every work day.

The 2019 ROD also designates that compliance with California condor protection measures will be overseen by a representative designated by the operator.[406] Additional measures must be added to ensure this representative has the necessary resources, time, and enforcement authority to ensure compliance with mitigation measures.

Under the 2019 ROD, employees and contractors "shall be made aware" of the protected species and how to avoid them "prior to conducting work on-site."[407] This language should be amended to be more specific and robust. Workers should receive comprehensive training to ensure they are aware of all mitigation measures, including

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[398] Klein 2020 Wired article.
[399] *Id.*
[400] Bakker 2024 at 1.
[401] *Id.*
[402] Bakker 2023 at 1.
[403] *Id.* at 2.
[404] Finkelstein, M. E., Lead Exposure Risk from Trash Ingestion by the Endangered California Condor (Gymnogyps californianus), Journal of Wildlife Diseases 51:4 (2015), doi: 10.7589/2014-10-253 at 905.
[405] 2019 ROD at B-12.
[406] *Id.*
[407] *Id.*

those of the condor. And there must always be someone on site who has received this training and who is in frequent contact with the designated condor representative named above.

c. New science shows that scavenger nesting behavior is affected by noise levels as low as 40db

The SEIS needs to analyze new information on the impacts of noise from oil and gas drilling activities on condors. A 2020 study found that an analogous species, the Cinereous vulture[408] (*Aegypius monachus*), does not nest in areas with more than 40db of noise.[409] The study suggests that condors may be limited in where they nest and breed successfully by noise levels this project is very likely to reach.[410] According to a 2023 U.S. Geologic Survey study, oil and gas drilling and production operations produce measured sound levels that typically exceed 40dbA, often reaching up to 82dbA.[411] Per a 2019 study, maximizing reproduction is "especially important" to condors when threats to other survival prove difficult to modify."[412]

The USFWS itself acknowledged the importance of noise sensitivity for breeding and nesting California condors in its 2020 Finding of No Significant Impact ("FONSI") on the reintroduction of the species in northern California.[413] The agency gave this condor population a designation that exempted most incidental take prohibitions, meaning that unavoidable or unintentional take of a condor from activities such as hunting, recreational shooting, or ranching would not be violations of the law.[414] However, the agency made an exception for "take that occurs through habitat alteration or significant visual or noise disturbance . . . within 656 ft (200 meters) of an occupied condor nest."[415]

It is important that BLM take this new information into account and reflect it in the environmental analysis, best management practices, and stipulations for leases. Condor

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[408] The Cinereous vulture is comparable to the California condor in that both are scavengers and serve as "umbrella" species, meaning they are strong indicators of their ecosystem's health. Similar to condors, Cinerous vultures are near threatened in their native range. Ortiz-Urbina, E. et al., Influence of Anthropogenic Noise for Predicting Cinereous Vulture Nest Distribution. Sustainability, 12(2), 503 (2020) at 2. https://doi.org/10.3390/su12020503 (hereinafter "Ortiz-Urbina 2020").
[409] Ortiz-Urbina 2020 at 1.
[410] *Id*.
[411] Rutherford 2024 at Table 3.
[412] Cromie, R., et al., Transitioning to non-toxic ammunition: Making change happen. Ambio 48:1079-1096. (2019) https://doi.org/10.1007/s13280-019-01204-y.
[413] Redwood National Park, Northern California Condor Restoration Program Environmental Assessment, Finding of No Significant Impact (FONSI) (2020), available at https://parkplanning.nps.gov/document.cfm?documentID=111114 (hereinafter "Northern California Condor FONSI").
[414] Northern California Condor FONSI at 2.
[415] Exceptions were made for emergency wildfire or fuel reduction activities. Northern California Condor FONSI at 5.

pairs only produce a chick once every two years.[416] This slow reproduction cycle is one of the reasons the species is especially vulnerable to population declines.[417] Introducing new noise impacts from oil and gas activity to condors during the sensitive breeding period creates unnecessary risk to the population's successful reproduction.

The 2019 ROD never explicitly discusses noise mitigation efforts for condors. Rather, it vaguely states that "drilling and well completion activities may be restricted to certain time period to reduce impacts to condors."[418] This should be amended to more specifically limit any drilling or construction from December to March when condors are most likely to be mating and selecting a nest, particularly for leases near Pinnacles and other areas likely to have breeding pairs.[419]

10. Habitat connectivity

The 2025 draft SEIS lack a meaningful analysis of how Alternative F would impact wildlife movement and habitat connectivity more broadly.

The entire analysis of wildlife connectivity and habitat fragmentation is contained in four paragraphs in the 2019 FEIS, which cite just four studies.[420] The 2025 draft SEIS contains just a few passing comments on habitat fragmentation and wildlife connectivity.[421] A more robust analysis is required for the analysis to serve its function of informing the public of how wildlife connectivity would be impacted by Alternative F.

The barriers to wildlife connectivity and habitat fragmentation caused by the leasing include but are not limited to new roads, fencing, noise and light pollution, direct habitat destruction, and increased human presence and traffic in the region.[422]

In a 2020 report for the International Union for Conservation of Nature (IUCN), world-renowned scientists from around the world recognized the key importance of habitat connectivity.[423] As detailed in a 2021 Center Report,[424] roads and development create barriers that lead to habitat loss and fragmentation, which harms native wildlife, plants, and people. As barriers to wildlife movement, poorly-planned development and roads can affect an animal's behavior, movement patterns, reproductive success, and physiological state, which can lead to significant impacts on individual wildlife, populations,

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[416] Pinnacles National Park, California Condor Facts, https://www.nps.gov/pinn/learn/nature/california-condor-information.htm.
[417] *Id*.
[418] 2019 ROD at B-12.
[419] Pinnacles National Park, California Condor Facts, https://www.nps.gov/pinn/learn/nature/california-condor-information.htm.
[420] 2019 FEIS at 3.11-3, 4.11-4.
[421] 2025 DSEIS at 42-43, 47, 74-75.
[422] See, e.g., 2019 FEIS at 4.11-4 ["New barriers to wildlife movement, such as roads or fences, could interrupt local biological connectivity."].)
[423] Hilty, J. A., et al. (2020). *Guidelines for conserving connectivity through ecological networks and corridors*. International Union for Conservation of Nature at xiii.
[424] Yap et al., 2021 at 1.

communities, landscapes, and ecosystem function.[425] For example, habitat fragmentation from roads and development has been shown to cause increase local extinction risk in amphibians and reptiles,[426] cause high levels of avoidance behavior and mortality in birds and insects,[427] and alter pollinator behavior and degrade habitats.[428]

Edge effects of development in and adjacent to open space, like the proposed oil and gas leasing, will impact key, wide-ranging predators, such as mountain lions and bobcats,[429] as well as smaller species with poor dispersal abilities, such as song birds, small mammals (including bats), and herpetofauna.[430]

11. Nighttime lighting

BLM failed to analyze how nighttime lighting from oil and gas activities may impact wildlife. BLM has not described how much lighting activities would emit and for how many

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[425] *See generally* Brehme, C. S., et al. (2013). Permeability of roads to movement of scrubland lizards and small mammals. *Conservation Biology*, *27*(4), 710–720 (hereinafter "Brehme 2013"); Ceia-Hasse, A., et al. (2018). Population persistence in landscapes fragmented by roads: Disentangling isolation, mortality, and the effect of dispersal. *Ecological Modelling*, *375*, 45 (hereinafter "Ceia-Hasse 2018"); Haddad, N. M. et al. (2015). Habitat fragmentation and its lasting impact on Earth's ecosystems. *Science Advances*, *1*(e1500052) (hereinafter "Haddad 2015"); Marsh, D. M., et al. (2015). Direct effects of roads on small animal populations. In *Roads and ecological infrastructure: Concepts and applications for small animals* (pp. 42–56 Mitsch, W. J., & Wilson, R. F. (1996). Improving the success of wetland creation and restoration with know-how, time, and self-design. *Ecological Applications*, *6*(1), 16–17 (hereinafter "Marsh 2015"); Trombulak, S. C. et al. (2000) Review of ecological effects of roads on terrestrial and aquatic communities. *Conservation Biology*, *14*(1), 18–30 (hereinafter "Trombulak & Frissell 2000"); van der Ree et al. (2011) Effects of roads and traffic on wildlife populations and landscape function: Road ecology is moving toward larger scales. *Ecology and Society*, *16*(1), 48 ("hereinafter van der Ree 2011")

[426] Brehme, C. S., et al (2018). An objective road risk assessment method for multiple species: Ranking 166 reptiles and amphibians in California. *Landscape Ecology*, *33*, 911–935 at PDF page 2; Cushman, S. A. (2006). Effects of habitat loss and fragmentation on amphibians: A review and prospectus. *Biological Conservation*, *128*, 231–240 at 231 (hereinafter "Cushman 2006").

[427] Benítez-López, A. et al. (2010) The impacts of roads and other infrastructure on mammal and bird populations: A meta-analysis. *Biological Conservation*, *143*, 1307–1316 at 1307 (hereinafter "Benítez-López 2010"); Kantola, T. et al. (2019). Spatial risk assessment of eastern monarch butterfly road mortality during autumn migration within the southern corridor. *Biological Conservation*, *231*, 150–160, at 150; Loss, S. R. et al. (2014). Estimation of bird-vehicle collision mortality on U.S. roads. *Journal of Wildlife Management*, at 1.

[428] *See generally* Aguilar, R. et al. (2008). Genetic consequences of habitat fragmentation in plant populations: Susceptible signals in plant traits and methodological approaches. *Molecular Ecology*, *17*, 5177–5188; Goverde, M. et al. (2002). Small-scale habitat fragmentation effects on pollinator behaviour: Experimental evidence from the bumblebee Bombus veteranus on calcareous grasslands. *Biological Conservation*, *104*, 293–; Trombulak & Frissell 2000.

[429] Barrientos et al., 2023; Crooks 2002; Delaney et al., 2010; Lee et al., 2012; Riley et al., 2006; Serieys, L. E. et al. (2021). Road-crossings, vegetative cover, land use and poisons interact to influence corridor effectiveness. *Biological Conservation*, *253*, 108930–108930; Smith 2017 at 201; Suraci 2019; Vickers 2015; Wang 2017.

[430] Benítez-López 2010 at 1307; Cushman, 2006 at 231; Delaney et al., 2010 at 1; Slabbekoorn (2008). Birdsong and anthropogenic noise: Implications and applications for conservation. *Molecular Ecology*, *17*, 72–83 at 72; Mcclure, E. et al. (2015). A phantom road experiment reveals traffic noise is an invisible source of habitat degradation. *Proceedings of the National Academy of Sciences*, *112*(39), 12105 at PDF page 1.

hours a day, which makes it impossible to determine the effects that artificial lighting at night may have on wildlife. Light pollution affects many nocturnal species, including bats, insects, and terrestrial mammals, among others. Impacts of light pollution are varied, and different species respond to artificial light at night in different ways. Individual impacts of light pollution include numerous physiological (e.g. hormone levels) and behavioral changes (e.g. shifts in activity patterns) that can impact an animal's ability to survive and thrive in its environment.[431] These individual impacts can cascade into ecological changes such as phenological mismatches and shifts in predation patterns that can disrupt population and ecosystem-level dynamics, including mortality, fecundity, and community productivity, among others.[432] Mountain lions have been found to generally avoid areas with nearby night lighting.[433] At the very least, BLM should impose an SOP and BMPs to pause oil and gas activities at night to mitigate harms to the mountain lion (and other species).

IX. BLM Failed Its Endangered Species Act Obligations

A. BLM's approach to ESA consultation is contradictory.

The DSEIS's discussion of consultation under the ESA is short, inordinately confusing and contradictory, and reproduced in its entirety here:

> The [BLM] completed formal consultation for the 2019 RMPA/FEIS on August 29, 2019, when the USFWS issued the *Programmatic Biological Opinion on Oil and Gas Leasing and Development on Bureau of Land Management Lands in the Central Coast Field Office (Fresno, Monterey and San Benito Counties) on August 29, 2019 (ref. 08ES1YIF00-2019-F-2048)*.
>
> The Programmatic Biological Opinion (2019 PBO) for oil and gas is not tied to the RMP or lease sales. The 2019 PBO identifies the reasonable and prudent measures and terms and conditions for oil and gas projects. The BLM determined reinitiation of consultation with FWS is premature at this time because it would be speculative and the BLM is unable to anticipate what lands may be leased or where development may occur on federal mineral leases.
>
> Should a development proposal be submitted, the BLM would complete a site-specific ESA review. If the BLM determines the development proposal may affect

[431] Aulsebrook, A. E., et a. (2020). White and Amber Light at Night Disrupt Sleep Physiology in Birds. *Current Biology*, *30*(18), 3657-3663.e5 at 3657; Dominoni, D. M. (2015). The effects of light pollution on biological rhythms of birds: An integrated, mechanistic perspective. *Journal of Ornithology*, *156*(S1), 409–418 at PDF page 4; Gaston, K. J. et al. (2014). Human alteration of natural light cycles: Causes and ecological consequences. *Oecologia*, *176*(4), 917–931at 919; Kempenaers, B. et al. (2010). Artificial Night Lighting Affects Dawn Song, Extra-Pair Siring Success, and Lay Date in Songbirds. *Current Biology*, *20*(19), 1735–1739 at 1735.

[432] Ditmer, M. A., et al (2021). Artificial nightlight alters the predator–prey dynamics of an apex carnivore. *Ecography*, *44*(2), 149–161 at 149; Gaston, K. J. et al. (2013). The ecological impacts of nighttime light pollution: A mechanistic appraisal. *Biological Reviews*, *88*(4), 912–927; Sanders, D. et al. (2020). A meta-analysis of biological impacts of artificial light at night. *Nature Ecology & Evolution*, *5*(1), 74–81 at PDF page 1.

[433] Barrientos 2023.

> listed species, a secondary consultation would be completed before approving the development proposal.
>
> The BLM completed informal consultation for the 2019 RMPA/FEIS on July 18, 2019, with NMFS when BLM received a Letter of Concurrence stating that the selected alternative [Alternative F] is not likely to adversely affect listed anadromous salmonid species.[434]

BLM states that both (1) it "completed formal consultation for the 2019 RMPA/FEIS on August 29, 2019," and (2) the 2019 PBO "is not tied to the RMP or lease sales." Both cannot be true. If the 2019 PBO "is not tied to the RMP or lease sales," then formal consultation for the RMPA and lease sales needs to be initiated and completed. An agency must initiate consultation with FWS whenever it takes an action that "may affect" a listed species or its critical habitat.[435] What constitutes "agency action" is to be broadly interpreted. The amendment of an RMP is an "agency action" to which the obligation to consult applies if the amendment "may affect" listed species.[436] "Section 7(a)(2) consultation is required so long as a federal agency retains 'some discretion' to take action for the benefit of a protected species."[437] The decision that BLM proposes to make upon finalization of this SEIS and approval of a new ROD undoubtedly triggers BLM's duty to consult. It is without doubt that a decision on a land use plan is an "agency action" within the meaning of the ESA, as it is a discretionary decision whereby BLM designates which public lands and mineral estate are available for oil and gas leasing and development, imposes conditions on such uses,[438] and thereby satisfies the legally binding preconditions for leasing mineral estate in the Planning Area for oil and gas development. The decision is an action that "may affect" listed species: it is the required first decision that decides exactly where and how federal mineral estate may be developed.

If, on the other hand, BLM chooses to retract its claim that the 2019 PBO "is not tied to the RMP or lease sales," the 2019 PBO is inadequate given new information. Since issuance of the 2019 FEIS and 2019 PBO, the USFWS proposed the northwestern and southwestern pond turtles,[439] western spadefoot,[440] and monarch butterfly[441] for listing under the federal ESA. Agencies must confer with the USFWS "on any agency action which is likely to jeopardize the continued existence of any species proposed to be listed under

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[434] 2025 DSEIS at 80.
[435] *See* 50 C.F.R. § 402.14(a).
[436] *Id.* § 402.02; *All. for the Wild Rockies v. United States Dep't of Agric.*, 772 F.3d 592, 598-99 (9th Cir. 2014); citing *Lane Cty. Audubon Soc'y v. Jamison*, 958 F.2d 290, 293 (9th Cir. 1992) (BLM land use plans that designate areas for particular uses are agency action to which section 7 applies); *Pac. Rivers Council v. Thomas*, 30 F.3d 1050, 1055 (9th Cir. 1994).
[437] *Nat. Res. Def. Council v. Jewell*, 749 F.3d 776, 784 (9th Cir. 2014) (en banc).
[438] See *Pac. Rivers Council v. Thomas*, 30 F.3d 1050 (9th Cir. 1994); *Cottonwood Envtl. Law Ctr. v. United States Forest Serv.*, 789 F.3d 1075 (9th Cir. 2015); *Alliance for Wild Rockies v. U.S. Dept. of Agric.*, 772 F.3d 592, 598-99 (9th Cir. 2014).
[439] 88 Fed. Reg. 68,370 (Oct. 3, 2023).
[440] 88 Fed. Reg. 84,252 (Dec. 5, 2023).
[441] 89 Fed. Reg. 100,662 (Dec. 12, 2024).

[ESA Section 4] or result in the destruction or adverse modification of critical habitat proposed to be designated for such species."[442] To address this requirement for spadefoot and the pond turtles, BLM states that "[o]il and gas leasing and development of federal minerals is not likely to adversely affect western spadefoot, or western pond turtle and their associated habitats because they are outside of areas where the RFDS suggests oil and gas development would occur."[443] BLM declined to make any statement regarding effects on the monarch butterfly, presumably because it says it "does not manage the mineral estate underlying" "[t]he only proposed critical habitat for monarch butterfly on BLM surface land" within the planning area.[444]

B. BLM does not substantiate its conclusions about species occurrence.

BLM makes no effort to substantiate its conclusions on species occurrence. The only reason BLM gives for finding that Alternative F "is not likely to adversely affect" newly proposed-for-listing species is that "they are outside of areas where the RFDS suggests oil and gas development would occur."[445]

As noted earlier in this comment, BLM did not provide mapping of the ranges or occurrences of western spadefoot, the northwestern and southwestern pond turtles, or the monarch butterfly. Our comment letter herein explains that monarch butterflies rely on large swaths of the planning area. The maps in Appendix C (RFDS;[446] western spadefoot;[447] pond turtles[448]) show that these species may indeed overlap with RFDS areas. It is unclear then, how BLM determined that Alternative F is not likely to affect these species.

Additionally, because "BLM anticipate[d] that oil and gas leasing, exploration, and development will only occur within Fresno, Monterey and San Benito Counties," the 2019 PBO only considered the "San Joaquin, San Benito and Salinas Management Areas."[449] In the 2019 FEIS, BLM stated that both western pond turtle and western spadefoot "are expected to occur area-wide, or their specialized habitat criteria are met within" the Salinas Management Area.[450] In the San Benito Management Area, western pond turtle "occur[s] on BLM-managed lands," and western spadefoot "may occur within the area."[451]

Given the above, BLM must substantiate its ESA conclusions.

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[442] 16 U.S.C. § 1536(a)(4); 50 C.F.R. § 402.10.
[443] 2025 DSEIS at 75.
[444] *Id.* at 49.
[445] *Id.* at 75. According to the RFDS, "[m]ost drilling is expected to occur in areas of land designated as 'high oil and gas occurrence potential' (shown on Figure 4)." 2019 FEIS, Appendix B at B-20. Figure 4, with areas of high oil and gas potential in red, is reproduced in part in Appendix C.
[446] *Id.*, Appendix B, Figure 4.
[447] Thomson, R.C. et al., California amphibian and reptile species of special concern, University of California Press (2016) at 131.
[448] Shaffer, H.B. & Scott, P.A., Summary of *Actinemys* population genetic results provided to the USFWS (2022) at 15.
[449] 2019 PBO at 1.
[450] 2019 FEIS at 3.12-4.
[451] *Id*.

C. BLM cannot evade ESA consultation by focusing only on high-potential oil and gas areas.

In addition, for ESA purposes, the "action area" is "all areas to be affected directly *or indirectly* by the Federal action and *not merely the immediate area involved in the action*."[452] Thus, BLM cannot avoid its ESA obligations by constricting the action area to only "where the RFDS suggests oil and gas development would occur." As an example of indirect impacts BLM must consider, we discuss in this comment that all of these proposed-for-listing species are susceptible to road mortality. The impacts of new roads and increased truck traffic stemming from oil and gas development under Alternative F extend beyond just RFDS areas.

Even if, remarkably, these species do only occur outside high oil and gas potential areas, Alternative F is opening up over 300,000 more acres than BLM thinks has potential. BLM must therefore determine whether oil and gas development under Alternative F would "likely…jeopardize the continued existence"[453] of species in *all* of the acres Alternative F designates for listing. If that determination is made in the affirmative, BLM must confer with the USFWS prior to making a decision.[454]

D. BLM must disclose its consultation actions.

Regarding the newly listed FYLF, BLM acknowledges there are "lands with federal mineral estate that are overlapped by the FWS proposed critical habitat for FYLF."[455] However, despite that acknowledgement, BLM does not disclose whether it has initiated consultation with the USFWS for FYLF.

An agency must "review its actions at the earliest possible time to determine whether any action may affect listed species or critical habitat," and "[i]f such a determination is made, formal consultation is required."[456] Given the overlap of proposed critical habitat with federal mineral estate authorized for leasing under Alternative F, oil and gas development under the RMPA certainly "may affect" FYLF. Thus, BLM must initiate and complete consultation in regard to FYLF prior to making a decision.

In the same paragraph, BLM states that "[a]dditional populations of FYLF and the proposed critical habitat for the Central Coast DPS are not likely to be adversely affected by leasing and development under the range of alternatives because the proposed critical habitat is outside of areas where the RFDS suggests oil and gas development would occur."[457] This statement suggests that BLM "determine[d], with the written concurrence of

[452] 50 C.F.R. § 402.02 (emphasis added).
[453] 16 U.S.C. § 1536(a)(4); 50 C.F.R. § 402.10.
[454] *Id*.
[455] 2025 DSEIS at 75.
[456] 50 C.F.R. § 402.14(a).
[457] 2025 DSEIS at 75.

the Director, that the proposed action is not likely to adversely affect"[458] these "additional populations." The Center reached out on February 9, 2026, to BLM to obtain the USFWS Director's written concurrence for this "not likely to adversely affect" determination, but we did not receive a response.

E. Consultation at the RMP stage is appropriate.

Consultation at the RMP stage is appropriate and possible. BLM's reason for not reinitiating consultation "at this time" is that "it would be speculative," as "BLM is unable to anticipate what lands may be leased or where development may occur on federal mineral leases."[459] BLM's RFDS, though, provides a roadmap for where BLM anticipates development may occur. According to BLM, the RFDS holds, "[e]ven if there are advances in science and technology . . ., these advances are not likely to alter the RFD Scenario for federal minerals in the planning area for the next 15 to 20 years . . . . Therefore, all available scientific, industry, and government information indicates that absent currently unforeseen changes in oilfield technology, future oil and gas development within the CCFO area will continue as it has over the last 10 or 20 years.[460] As BLM explained in 2019, "[r]easonably foreseeable does not include scenarios that are merely speculative or only have a remote possibility of occurring."[461] The RFDS seems to indicate that development in certain areas is reasonably forseeable for the next 15-20 years, making consultation possible.

Given Alternative F proposes to open over 700,000 acres for oil and gas leasing (not just high oil potential areas), BLM must initiate (and reinitiate for species covered by the 2019 PBO) consultation for all listed species that may be affected by oil and gas development on *any and all* areas open for leasing under Alternative F.

X. BLM Must Consider and Address Idle and Orphaned Well Cleanup Obligations and Impacts.

Due to new information and changed circumstances, BLM must revise the SEIS to consider, discuss, and disclose how oil and gas development and leasing under Alternative F will contribute to severe environmental impacts posed by idle and orphaned oil and gas

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[458] 50 C.F.R. § 402.14(b)(1).
[459] 2025 DSEIS at 80.
[460] 2019 FEIS, Appendix B at B-16 (emphasis added).
[461] *Id.*, Appendix B at B-1. Further, in 2018 and 2019, according to the USFWS, BLM "anticipate[d] that oil and gas leasing, exploration, and development will only occur within Fresno, Monterey and San Benito Counties." 2019 PBO at 1. In turn, the USFWS limited the 2019 PBO action area[461] to "surface and subsurface lands administered by the BLM Central Coast Field Office in Fresno, San Benito, and Monterey Counties." *Id.* at 24. In addition, "[w]hile there is habitat for the vernal pool fairy shrimp, vernal pool tadpole shrimp, red-legged frog and tiger salamander within the oil and gas permitting area included in [the 2019 PBO], BLM d[id] not anticipate demand for oil and gas development within these areas." Even within the already narrowed, RFDS-constrained permitting area considered by the 2019 PBO, BLM was able to say definitively that habitat within that area for four federally-listed species was not expected to be disturbed. Why is BLM now "unable to anticipate," when, for the same RMPA in 2019, BLM was able to anticipate where oil and gas activity would and would not occur?

wells in California. BLM must also take action to prevent further UUD from idle and orphan wells in the planning area.

Earlier in this comment, we discuss BLM's obligation to affirmatively address numerous ways fossil fuel development in the planning area could cause UUD in violation of FLPMA. It is reasonably foreseeable that expanded oil and gas development under Alternative F will result in an unnecessary increase in unplugged idle and orphaned wells that will adversely impact public lands. BLM's failure to address and prepare for the undue buildup of idle and orphaned wells in the planning area will, too, result in UUD, and BLM must act to prevent it.

Wells that are not promptly plugged and remediated cause long-lasting and severe environmental harm. They emit dangerous toxic gases, including volatile organic compounds like benzene (a known carcinogen),[462] other harmful gases like hexane[463] and hydrogen sulfide,[464] and methane, a potent GHG.[465] Methane leaks from unplugged idle and orphan wells can create a risk of imminent explosion.[466] Unplugged wells also provide pathways for hydrocarbons and toxic produced water to contaminate beneficial use aquifers.[467] A single well in California emitted more than 30 tons of methane.[468]

As an example of the UUD that unplugged idle and orphaned wells can cause, for months in 2019, near Kingfisher, Oklahoma, thousands of gallons per day of produced water spewed from unplugged orphan wells near high-pressure injection wells.[469] As another example, in 2022, 21 idle wells were "leaking explosive levels of methane gas in

[462] DiGiulio, D.C. et al., Chemical Characterization of Natural Gas Leaking from Abandoned Oil and Gas Wells in Western Pennsylvania, 8 ACS Omega 19443 (2023).
[463] *Id*.
[464] El Hachem, K. & Kang, M., Methane and hydrogen sulfide emissions from abandoned, active, and marginally producing oil and gas wells in Ontario, Canada, 823 Science of the Total Environment 153491 (2022).
[465] *Id*.
[466] Manola Secaira, How idle oil wells leaked explosive levels of methane in Bakersfield, CapRadio (June 21, 2022), https://www.capradio.org/articles/2022/06/21/how-idle-oil-wells-leaked-explosive-levels-of-methane-in-bakersfield/ (last accessed March 9, 2026).
[467] Woda, J. et al., A geospatial analysis of water-quality threats from orphan wells in principal and secondary aquifers of the United States, 976 Science of the Total Environment 179246 (2025).
[468] Mya Frazier, "Gas companies are abandoning their wells, leaving them to leak methane forever," Bloomberg (Sept. 17, 2020), https://www.bloomberg.com/news/features/2020-09-17/abandoned-gas-wells-are-left-to-spew-methane-for-eternity (last accessed March 10, 2026).
[469] Nick Bowlin, Toxic wastewater from oil fields keeps pouring out of the ground. Oklahoma regulators failed to stop it, The Frontier (Oct. 29, 2025), https://www.readfrontier.org/stories/toxic-wastewater-from-oil-fields-keeps-pouring-out-of-the-ground-oklahoma-regulators-failed-to-stop-it/ (last accessed March 9, 2026).

various neighborhoods in Bakersfield."[470] In a 2020 study, roughly two-thirds of surveyed California idle wells were leaking methane.[471]

BLM is aware of the numerous harms caused by unplugged idle and orphaned wells:

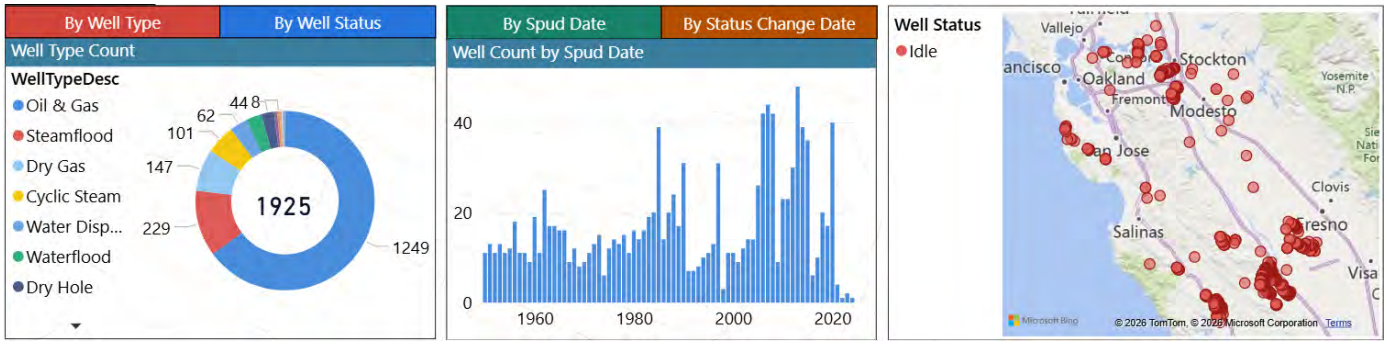
> Without proper maintenance, orphaned wells and other abandoned oil and natural gas infrastructure can lead to significant methane emissions. As unmaintained wellbores, wellheads, pipes, and casings age, corrode, and deteriorate, infrastructure intended to isolate oil, gas, and other substances can allow harmful gases, such as methane, hydrogen sulfide and produced waters to escape into the surrounding environment. These emissions occur when there is a source of methane, such as a geologic formation, and a leaking wellbore acting as a pathway for the gas to travel from the source to the environment…The gas may escape directly into the atmosphere and soils or contaminate groundwater resources that the public may rely on for drinking water.[472]

In 2024, BLM pointed to a "2021 study of abandoned wells [that] found an average methane emission rate of 11 grams per hour per well,"[473] as well as a 2024 study that found "some individual unplugged wells have been measured emitting 76,000 grams of methane per hour."[474] BLM also noted that "[a]s subsurface oil and gas casing and well infrastructure erode over time, deterioration and other factors can lead to increased methane emissions from the well."[475] CalGEM has acknowledged that "[i]dle wells that are not properly tested and maintained for integrity pose a range of threats to life, health, property, and natural resources, including potential contamination of groundwater, dilution of hydrocarbon resources, and emission of methane and other gases to the atmosphere."[476]

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[470] Manola Secaira, How idle oil wells leaked explosive levels of methane in Bakersfield, CapRadio (June 21, 2022), https://www.capradio.org/articles/2022/06/21/how-idle-oil-wells-leaked-explosive-levels-of-methane-in-bakersfield/ (last accessed March 9, 2026).
[471] Lebel, E.D. et al., Methane Emissions from Abandoned Oil and Gas Wells in California, Environmental Science & Technology (2020).
[472] Department of the Interior, Orphaned Wells Program Annual Report to Congress at 42 (November 2024) (citing Gianoutsos, N.J. et al., Geologic sources and well integrity impact methane emissions from orphaned and abandoned oil and gas wells, Science of the Total Environment (2024)).
[473] Department of the Interior, Orphaned Wells Program Annual Report to Congress at 42 (November 2024) (citing Williams, J.P. et al., Methane Emissions from Abandoned Oil and Gas Wells in Canada and the United States, Environmental Science & Technology (2021)).
[474] Department of the Interior, Orphaned Wells Program Annual Report to Congress at 43 (November 2024) (citing Riddick, S.N. et al., Methane emissions from abandoned oil and gas wells in Colorado, Science of the Total Environment (2024)).
[475] Department of the Interior, Orphaned Wells Program Annual Report to Congress at 44 (November 2024) (citing Gianoutsos, N.J. et al., Geologic sources and well integrity impact methane emissions from orphaned and abandoned oil and gas wells, Science of the Total Environment (2024)).
[476] CalGEM, Requirements for Idle Well Testing and Management, Final Statement of Reasons at 1 (2019).

California is at the forefront of a problem that threatens every oil and gas producing state in the nation. Currently, there are over 30,000 idle wells[477] statewide.[478] In the twelve counties within the planning area, there are 1,925 idle wells (see below screenshot of top panels in CalGEM's WellSTAR Data Dashboard after filtering to idle wells within the twelve counties; showing, from left to right, the number of idle wells, how many of these wells were spud in each year, and their location).[479]



According to CalGEM's 2024 Idle Well Management Plan Inventory, which includes wells that were idle on January 1, 2024, there were 1,653 idle wells in these counties, 1,107 of which had been idle for five years or longer.[480] 233 wells had been idle for 45 years or longer, 40 of which had been idle for over 100 years.[481]

The problem is particularly acute in California because oil and gas production is at the end of its lifecycle, as explained in a seminal 2023 report.[482] Despite the drilling of new wells, oil production has been declining in California for four decades.[483] Reservoirs are depleted and more energy and chemicals are needed to extract a decreasing quantity of

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[477] Under California law, an "idle well" is "any well that for a period of 24 consecutive months has not either produced oil or natural gas, produced water to be used in production stimulation, or been used for enhanced oil recovery, reservoir pressure management, or injection." Cal. Pub. Res. Code § 3008(d). "An idle well continues to be an idle well until it has been properly abandoned…or it has been shown to the division's satisfaction that, since the well became an idle well, the well has for a continuous six-month period either maintained production of oil or natural gas, maintained production of water used in production stimulation, or been used for enhanced oil recovery, reservoir pressure management, or injection." *Id*.

[478] California Department of Conservation, Geologic Energy Management Division, WellSTAR Data Dashboard, https://wellstar-dashboard.conservation.ca.gov/ (last accessed March 9, 2026).

[479] *Id*.

[480] California Department of Conservation, Geologic Energy Management Division, 2024 IWMP Inventory, https://www.conservation.ca.gov/calgem/idle_well/Documents/2024_IWMP_Inventory_Public.xlsx.

[481] *Id*.

[482] See Dwayne Purvis, There will be blood: Decommissioning California's Oilfields, CarbonTracker (May 2023).

[483] See U.S. Energy Information Administration, California Field Production of Crude Oil, https://www.eia.gov/dnav/pet/hist/LeafHandler.ashx?n=pet&s=mcrfpca2&f=a (last accessed Mar. 12, 2026).

very heavy, dirty oil.[484] Due to this late stage context, experts note that California's statewide cost of cleanup for all unplugged oil and gas wells is around $21.5 billion.[485] Operators have only submitted less than 1% of that amount in bonds.[486] "[I]t is unlikely that the remaining production of over 100,000 wellbores and nearly 30,000 facilities operating today will suffice to pay for their own decommissioning even if all future profits are applied to the liabilities."[487]

As noted above, BLM is aware of this problem and its growing magnitude, but nonetheless does not adequately analyze it in the 2025 draft SEIS, and does nothing to address it as required by law. BLM must conduct this analysis at the RMP stage, as impacts are reasonably foreseeable.

BLM states, in the 2019 FEIS, that "[d]epleted wells are to be plugged and abandoned in a timely manner . . . including plugging the well bore with cement, removing all materials and equipment, and recontouring/revegetation."[488] BLM's own regulations require operators to "*promptly* plug and abandon . . . each newly completed or recompleted well in which oil or gas is not encountered in paying quantities or which, after being completed as a producing well, is demonstrated . . . to be no longer capable of producing oil or gas in paying quantities . . . ."[489]

However, BLM noted in 2024 that "[i]n many cases, idled wells can be used as a proxy for wells at risk of becoming orphaned."[490] And, according to the 2025 draft SEIS, as of 2024, leases on federal mineral estate in the Planning Area have a backlog of unplugged idle wells – there were "[n]ine (9) actively producing oil and gas service wells (compared to 80 in 2014) and 91 idle wells (compared to 66 in 2014)."[491] This backlog persists despite BLM's regulations requiring prompt plugging and despite the Bipartisan Infrastructure Law requiring the BLM director to "reduce the inventory of idled wells on federal land."[492]

CalGEM notes that plugging expenses in recent years have been $220,000 to $900,000 per well.[493] Prior to BLM's 2024 Fluid Mineral Leases and Leasing Process Rule, "BLM ha[d] not increased its minimum bond amounts, which [were] $10,000 for individual lease bonds, $25,000 for statewide bonds, and $150,000 for nationwide bonds, since 1951

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[484] See generally Fleming, J., Killer Crude: How California Produces Some of the Dirtiest, Most Dangerous Oil in the World, Center for Biological Diversity (June 2021), https://www.biologicaldiversity.org/programs/climate_law_institute/pdfs/June-2021-Killer-Crude-Rpt.pdf
[485] See Dwayne Purvis, There will be blood: Decommissioning California's Oilfields, CarbonTracker at 5 (May 2023).
[486] *Id*.
[487] *Id*. at 41.
[488] See, e.g., 2019 FEIS at 4.8-5.
[489] 43 C.F.R. § 3162.3-4(a) (emphasis added).
[490] Department of the Interior, Orphaned Wells Program Annual Report to Congress at 41 (November 2024).
[491] 2025 DSEIS at 28.
[492] Department of the Interior, Orphaned Wells Program Annual Report to Congress at 41 (November 2024).
[493] California Department of Conservation, Fiscal Year 2025-2026 Budget Change Proposal, 3480-081-BCP-2025-MR (Apr. 15, 2025) at 5.

(statewide and nationwide bonds) and 1960 (individual lease bonds)."[494] BLM recognized that its "minimum bond amounts [were] outdated, expose[d] the Federal Government to significant financial risks in the event of bankruptcies, and delay[ed] 'complete and timely' reclamation and restoration of lease tracts, which can cause or exacerbate a range of environmental issues, including methane leaks, surface and groundwater contamination, interference with agricultural activities, and degraded wildlife habitat."[495]

The 2024 Rule increased the minimum lease bond to $150,000 and the minimum statewide bond to $500,000.[496] These amounts still pale in comparison to the $220,000 to $900,000 required to plug a *single well* in California. In addition, in December 2025, BLM moved to extend the deadline for operators to secure the increased level of bonding while BLM contemplates a separate rulemaking that would "significantly change the timeline for this requirement."[497] Further, of the Bipartisan Infrastructure Law's $241.3 million in direct funding "for well plugging and reclamation of orphaned wells located on federal land," BLM only "received $35 million in total funds to plug 93 wells" nationwide.[498] That equates to an average of about $376,000 per well. Even if operators eventually comply with the 2024 Fluid Mineral Leases and Leasing Process Rule increased bonding requirements ($150,000 minimum lease bond and $500,000 minimum statewide bond), oil and gas wells developed under the RMP will still be dramatically under-bonded. And BLM will not receive any more public plugging funds from implementation of the Bipartisan Infrastructure Law.[499]

Oil and gas corporation bankruptcies are common in California.[500] Due to the severely inadequate bonding situation described above, bankrupt and/or otherwise defunct operators have already left over 5,300 orphan or potentially orphan wells for the state to clean up.[501] Expanding oil and gas development under Alternative F without addressing this reality paves the way for operators to leave behind polluting unplugged wells.

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[494] 88 Fed. Reg. 47562-47565 (July 24, 2023).
[495] *Id*.
[496] 43 C.F.R. § 3104.1(a).
[497] 90 Fed. Reg. 59,069 (Dec. 18, 2025).
[498] Department of the Interior, Orphaned Wells Program Annual Report to Congress at 6-7 (November 2025).
[499] *Id.* at 6.
[500] *See, e.g.*, Janet Wilson & Mark Olalde, California Resources Corp., leading oil and gas producer, files for Chapter 11 bankruptcy, The Desert Sun (July 15, 2020), https://www.desertsun.com/story/news/environment/2020/07/15/crc-californias-largest-oil-and-gas-company-files-bankruptcy-protection/5446329002/ (last accessed March 9, 2026); see also, e.g., Lena Folke, Legal battle looms as Griffin Resources files for bankruptcy, Bakersfield Now (Oct. 10, 2024), https://bakersfieldnow.com/news/local/griffin-resources-files-for-bankruptcy-amid-bakersfield-water-crisis (last accessed March 9, 2026).
[501] California Department of Conservation, Geologic Energy Management Division, Idle Well Program Legislative Report at 26 (Dec. 2025).

Despite operators' legal obligation to clean and remediate their wells, and despite state and federal[502] laws addressing cleanup, the problem is growing more acute. Continued leasing and development without disclosing and addressing this issue will greatly exacerbate the problem. BLM must consider, discuss, and disclose how oil and gas development and leasing under Alternative F will contribute to the idle and orphaned well crisis and its attendant adverse environmental impacts.

Alternative F's enabling of further oil and gas wells could foreseeable contribute to the problems described above. To avoid UUD from idle and orphaned wells, BLM must analyze the issue, consider it in its decisionmaking, and take decisive steps to avoid this degradation. Adding the following measures to the RMP would decrease the environmental risks from idle and orphan wells:

- Requiring operators to provide bonds or other financial assurance that cover the full amount of plugging and remediating all of the operators' wells within the planning area, including a contingency for severe environmental contamination.
- Instituting a firm deadline by which idle wells must be properly plugged and abandoned. For example, Colorado requires idle wells to be plugged within six months.[503]
- Requiring plugging five unplugged wells for every new well drilled.
- Affirming joint and several liability among operators as a condition of each lease.
- Imposing an orphan well fee on lessees to fund orphan well remediation within the RMP area.
- Requiring that leak detection and repair requirements apply even after the well is plugged.
- Increasing the frequency of inspections at idle wells and oil and gas facilities.

XI. BLM Must Conduct a Clean Air Act Conformity Analysis at the RMP Stage.

As raised in the Center's scoping comments,[504] BLM is required to demonstrate conformity with the Clean Air Act's ("CAA") general conformity requirements.[505] The 2025 DSEIS fails to make such a demonstration, and its explanation for avoiding this requirement is unavailing.

[502] For example, the Bipartisan Infrastructure Law of 2021 provided nearly $5 billion of taxpayer money to fund the plugging of orphaned wells across the country, "confront[ing] the potent atmospheric pollution that orphaned oil and gas wells emit, while also accounting for the legacy impact that orphaned wells have on their surrounding environment." Department of the Interior, Orphaned Wells Program Annual Report to Congress at 7 (November 2024).
[503] 2 Col. Code Regs., § 434(c)(1).
[504] *See* Center Scoping Comment at 76-80.
[505] 43 U.S.C. § 7506.

A. BLM must not defer a conformity determination to the APD stage—it must comply with conformity requirements at the RMP stage.

On the topic of the CAA general conformity rule, BLM states in the 2025 draft SEIS that during the leasing stage, there are "no direct or indirect air emissions . . . because, by itself, a lease does not authorize any on the ground oil and gas activities."[506] The agency thus determines that "applicability of the General Conformity Rule is appropriately analyzed at the project-level for APDs on federal mineral leases in the CCFO."[507]

These points were addressed in our earlier comment and represent, at best a mistaken, at worst deceptive, belief that BLM may defer a CAA conformity analysis and determination to the APD stage. Conducting a conformity determination at the drilling stage means BLM is quantifying emissions in a piecemealed fashion, resulting in *de minimis* exemptions. While foreseeable emissions at the RMP and leasing stages typically surpass *de minimis* levels,[508] those assessed for individual APDs later in BLM's analysis do not.[509] This practice, where BLM claims that emissions are not foreseeable at the RMP/leasing stage and subsequently breaks projects up into smaller, *de minimis* pieces, allows BLM to circumvent conformity analysis for oil and gas development entirely, which is counter to the purpose, intent, and plain language of the CAA's general conformity requirement.[510]

Further, BLM's approach to conformity put forth in the 2025 draft SEIS runs counter to BLM's stated positions taken at other points in time. For example, in the Bakersfield 2012 final EIS, BLM stated that it is "[a]t this RMP stage [that] an applicability analysis is required to determine whether current and anticipated emissions are below *de minimis* and

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[506] 2025 DSEIS at 36.
[507] *Id.* at 37.
[508] *See e.g.*, BLM Utah 2025 Fourth Quarter Competitive Oil and Gas Lease Sale Environmental Assessment, DOI-BLM-UT-0000-2025-0003-EA, available at: https://eplanning.blm.gov/Project-Home/?id=f30babe9-a7f2-f011-8406-001dd802fdea (leasing 46 parcels; estimating 428 wells; showing that emissions would foreseeably be above *de minimis* levels); Colorado Quarter 1 2026 Competitive Oil and Gas Lease Sale, DOI-BLM-CO-0000-2025-0007-EA, available at: https://eplanning.blm.gov/Project-Home/?id=78eae1f2-a7f2-f011-8407-001dd80db62a (leasing 103 parcels; estimating over 500 wells; showing that emissions would foreseeably be above *de minimis* levels).
[509] *See e.g.*, CREH - 1 APD in Buena Vista Hills, DOI-BLM-CA-C060-2026-0005-EA, available at: https://eplanning.blm.gov/Project-Home/?id=75ece1f2-a7f2-f011-8407-001dd80db62a (1 APD; below 10 tpy de minimis); CREH - 2 APDs in Buena Vista Hills, DOI-BLM-CA-C060-2026-0006-EA, available at: https://eplanning.blm.gov/Project-Home/?id=79ece1f2-a7f2-f011-8407-001dd80db62a (2 APDs; below 10 tpy de minimis); CREH - 1 APD in Buena Vista Hills, DOI-BLM-CA-C060-2025-0025-EA, available at: https://eplanning.blm.gov/Project-Home/?id=f72546eb-a7f2-f011-8406-001dd80ef717 (1 APD; below 10 tpy de minimis); CRPC - 3 APDs in Mount Poso, DOI-BLM-CA-C060-2024-0103-EA, available at: https://eplanning.blm.gov/Project-Home/?id=94e33ce3-a7f2-f011-8407-001dd803d7d3 (3 APDs; below 10 tpy de minimis).
[510] 43 U.S.C. § 7506 (stating that no agency may "engage in, support in any way or provide financial assistance for, license or permit, or approve, any activity which does not conform to an implementation plan").

whether a formal conformity determination is required."[511] BLM has not explained why it has since changed its position.

BLM must perform a complete conformity analysis and determination that accounts for all direct and indirect emissions in nonattainment areas likely to arise under the RMP. BLM's annual air emissions table must reflect annual (over the lifetime of the project) projections of air emissions, provide the assumptions and calculations relied upon, and amend its erroneous classification of "midstream emissions" (discussed below). Where total, reasonably foreseeable emissions surpass *de minimis* thresholds, BLM must perform a conformity determination.

B. BLM improperly excludes emissions estimates that would inform a conformity analysis.

To perform a proper CAA conformity analysis, BLM must consider reasonably foreseeable direct and indirect emissions from oil and gas activities.[512] The 2025 DSEIS evades conformity analysis by improperly excluding some midstream emissions. It does so by classifying midstream emissions as "indirect" and then disclaiming "program responsibility" for those emissions.[513] This is an error.

According to the CAA conformity regulations, **reasonably foreseeable emissions** are defined as:

> [P]rojected future direct and indirect emissions that are identified at the time the conformity determination is made; the location of such emissions is known and the emissions are quantifiable as described and documented by the Federal agency based on its own information and after reviewing any information presented to the Federal agency.[514]

Direct emissions are those "that are caused or initiated by the Federal action and originate in a nonattainment or maintenance area and occur at the same time and place as the action and are reasonably foreseeable."[515]

Indirect emissions are defined as those:

> (1) That are caused or initiated by the Federal action and originate in the same nonattainment or maintenance area but occur at a different time or place as the

[511] Bakersfield Proposed Resource Management Plan & Final Environmental Impact Statement, August 2012, at 233.
[512] 40 CFR § 93.153(b) ("For Federal actions not covered by paragraph (a) of this section, a conformity determination is required for each criteria pollutant or precursor where the total of *direct and indirect emissions* of the criteria pollutant . . . .") (emphasis added); *see also id.* § 93.152 ("Reasonably foreseeable emissions are projected future *direct and indirect* emissions that are identified at the time the conformity determination is made . . . .") (emphasis added).
[513] 2025 DSEIS at 59.
[514] 40 C.F.R. § 93.152.
[515] *Id.*

> action; (2) That are reasonably foreseeable; (3) That the agency can practically control; and (4) For which the agency has continuing program responsibility.[516]

As relevant to "indirect emissions, the term **"continuing program responsibility"** simply means that:

> [A] Federal agency has responsibility for emissions caused by (1) Actions it takes itself; or (2) Actions of non-Federal entities that the Federal agency, in exercising its normal programs and authorities, approves, funds, licenses or permits, provided the agency can impose conditions *on any portion of the action that could affect the emissions*.[517]

The 2025 DSEIS underestimates reasonably foreseeable emissions from Table 4-1 because BLM improperly characterizes some midstream emissions as "indirect" emissions not within its control.[518] BLM states that its midstream emissions estimates do not include "the average site-specific well operations emissions . . . [which] come largely from facilities that require a permit issued by the SJVAPCD or other California air districts under the [NSR] program and the applicable SIP or from vehicles over which BLM has no authority to impose controls."[519] BLM concludes that it has no "practical control or continuing program responsibility over these emissions."[520] On this, BLM is mistaken.

First, midstream emissions resulting from the operation of oil wells drilled under the CCFO RMP need not be assessed to determine whether BLM can control or has a continuing program responsibility over them, because they are *direct* emissions caused or initiated by the Federal action, occurring at the same time and place as the action, and reasonably foreseeable.[521]

That operational midstream emissions are direct emissions is evident from BLM's description of the proposed action: it considers the "environmental effects of oil and gas leasing and development within the Planning Area,"[522] based on reasonably foreseeable well development over the course of "15 years."[523] Thus the lifetime of the proposed project spans 15 years and the entire CCFO area. All midstream emissions (i.e., those emissions occurring after production but before refining) take place within this geographic and temporal boundary and should be properly categorized as "direct" emissions.

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[516] *Id*.
[517] *Id*. (emphasis added).
[518] 2025 DSEIS at 59.
[519] *Id.*, n.8. Midstream emissions are commonly understood to be those that arise from "gathering, storing, and transporting oil and natural gas via pipelines, rail, tankers, and trucks." EPA, Oil and Gas Sector Information, https://www.epa.gov/smartsectors/oil-and-gas-sector-information (last accessed Feb. 20, 2026); *see also* Standards of Performance for New, Reconstructed, and Modified Sources and Emissions Guidelines for Existing Sources: Oil and Natural Gas Sector Climate Review, 89 Fed. Reg. 16820 (March 8, 2024).
[520] 2025 DSEIS at 59.
[521] 40 C.F.R. § 93.152.
[522] 2025 DSEIS at 4.
[523] 2019 FEIS, Appendix B – Reasonably Foreseeable Development Scenario for Oil and Gas, at B-17.

Second, even assuming, *arguendo*, that site-specific operational emissions are properly characterized as indirect emissions, they nevertheless fall under BLM's continuing program responsibility. BLM must therefore include them in its conformity analysis.

When EPA promulgated the general conformity regulations in 1993, it provided numerous examples for emissions that would fall under an agency's continuing program and practical control.[524] For example, if the Forest Service were to issue a permit to a ski resort and included conditions regarding the construction and operation of the resort, "emissions from the construction *and operation* of the resort are a continuing program responsibility of the Forest Service."[525] As another example, if the FAA was deciding whether to expand an airport located in a nonattainment area, the resulting "increase in emissions of 50 [tpy] of [VOCs] due to vehicle and airport related emissions" would be considered under a conformity determination.[526]

Courts have reinforced these principles. For example, one court assessed whether the Department of Energy ("DOE") was required to assess emissions from Mexican power plants in its approval of a transmission line and compliance with CAA general conformity requirements.[527] The court found that because DOE "can, and did, condition the issuance of the [] permits upon the maintenance of pollution control measures," where "[n]o other federal agency ha[d] the ability to impose such conditions," and where without the permits the transmission lines could not be built, power plant emissions were those that DOE could "practicably control" through issuance of a transmission line permit.[528]

Here, BLM maintains continuing program responsibility and practical control over midstream operational emissions because it will issue a final decision approving certain federal lands for oil and gas leasing, it has discretion to dictate which areas are open or closed for leasing, and its decision will include stipulations and mitigation measures applicable to operation of those wells. Moreover, BLM has continuing program responsibility for federal oil and gas leasing throughout the leasing, APD, and plugging/abandonment stages. As a result, and for the purposes of CAA conformity under EPA's regulations, midstream operations of oil and gas leasing in the CCFO area remain under practical control and continuing program responsibility of BLM, and those emissions must be included in an RMP-level conformity analysis.

XII. BLM Is Required to Reopen the Comment Period for 90 Days per Regulatory Requirements.

On January 23, 2026, the Center and others requested that BLM extend the comment period for this matter from 45 to 90 days in accordance with 43

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[524] 58 Fed. Reg. 63214, Determining Conformity of General Federal Actions to State or Federal Implementation Plans; Final Rule (Nov. 30, 1993).
[525] *Id.* at 63221 (emphasis added).
[526] *Id.* at 63222 – 23.
[527] *Border Power Plant Working Grp. v. DOE*, No. 02cv513-IEG(POR), 2006 LX 19756, at *21 (S.D. Cal. Feb. 8, 2006).
[528] *Id.*

C.F.R. part 1610.2(e). Per that regulation, BLM must provide 90 days for public comment on RMP draft EISs. The 90–day period begins when the Environmental Protection Agency (EPA) publishes a notice of the filing of the draft EIS in the Federal Register. We pointed out that the regulations do not provide that the comment period may be lessened when BLM considers, but then declines, to offer an RMP amendment. Instead, the 90 days is triggered by preparation of a draft EIS in relationship to an RMP.[529]

BLM declined this request without commenting on its merits.[530] BLM must adhere to its regulations and reopen the RMP decision and draft SEIS with the required length of time for comment.

XIII. Conclusion

Thank you for evaluating and responding to our concerns and the information contained herein.

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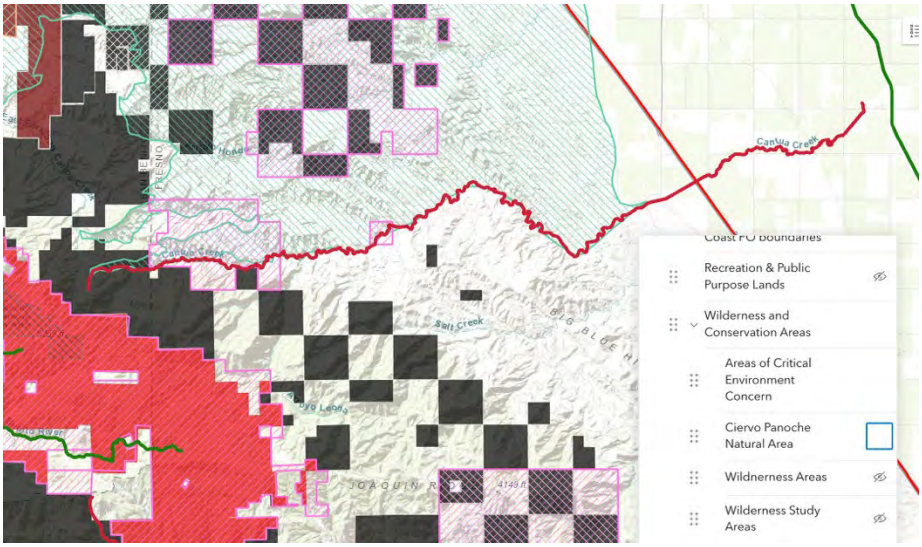
Cooper Kass
Staff Attorney, Climate Law Institute
Center for Biological Diversity
ckass@biologicaldiversity.org

[529] 43 C.F.R. § 1610.2(e) ("Ninety days shall be provided for review of the draft plan and draft environmental impact statement.").
[530] Email from BLM_CA_CCFO_OIL_GAS_SEIS@blm.gov re: [EXTERNAL] Extension request: BKFO and CCFO oil and gas comment periods (Jan. 27, 2026) ("The Bureau of Land Management (BLM) has received your request to extend the comment periods for the Central Coast and Bakersfield NEPA Draft Supplemental Environmental Impact Statements from 45 days to 90 days. The BLM will add 7 additional days to account for access interruptions caused by routine maintenance on our online NEPA register. The comment period will now close on March 13, 2026.").

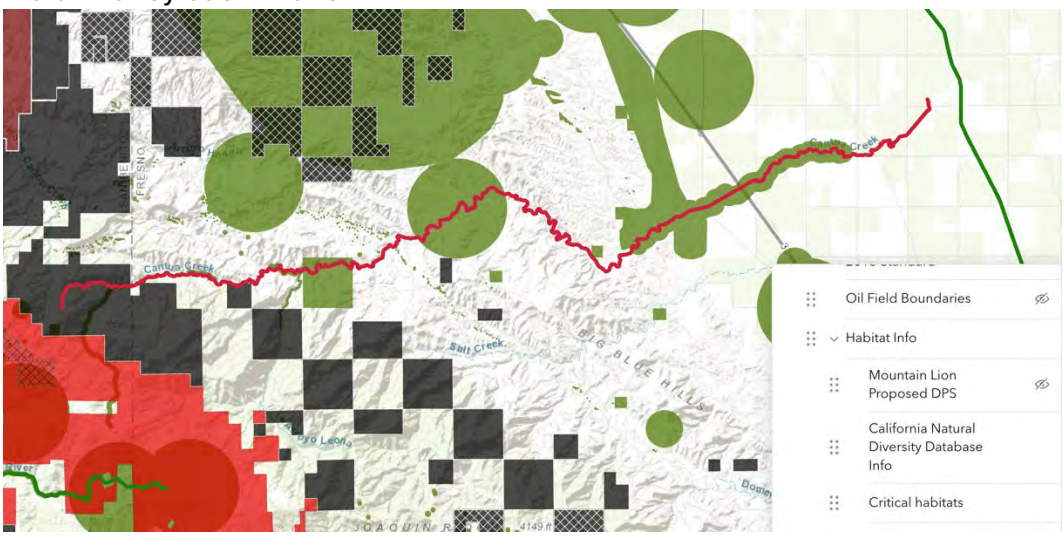
APPENDIX A

Cantua Creek

Cantua Creek runs through the Panoche-Coalinga ACEC, as depicted in this GIS map as the areas outlined in pink.



Cantua Creek overlap with species, shown in green to depict areas of Swainson's hawk, blunt-nosed leopard lizard, northern California legless lizard, San Joaquin kit fox, and the Indian Valley bush-mallow.



APPENDIX B

California Mountain Lion DPS

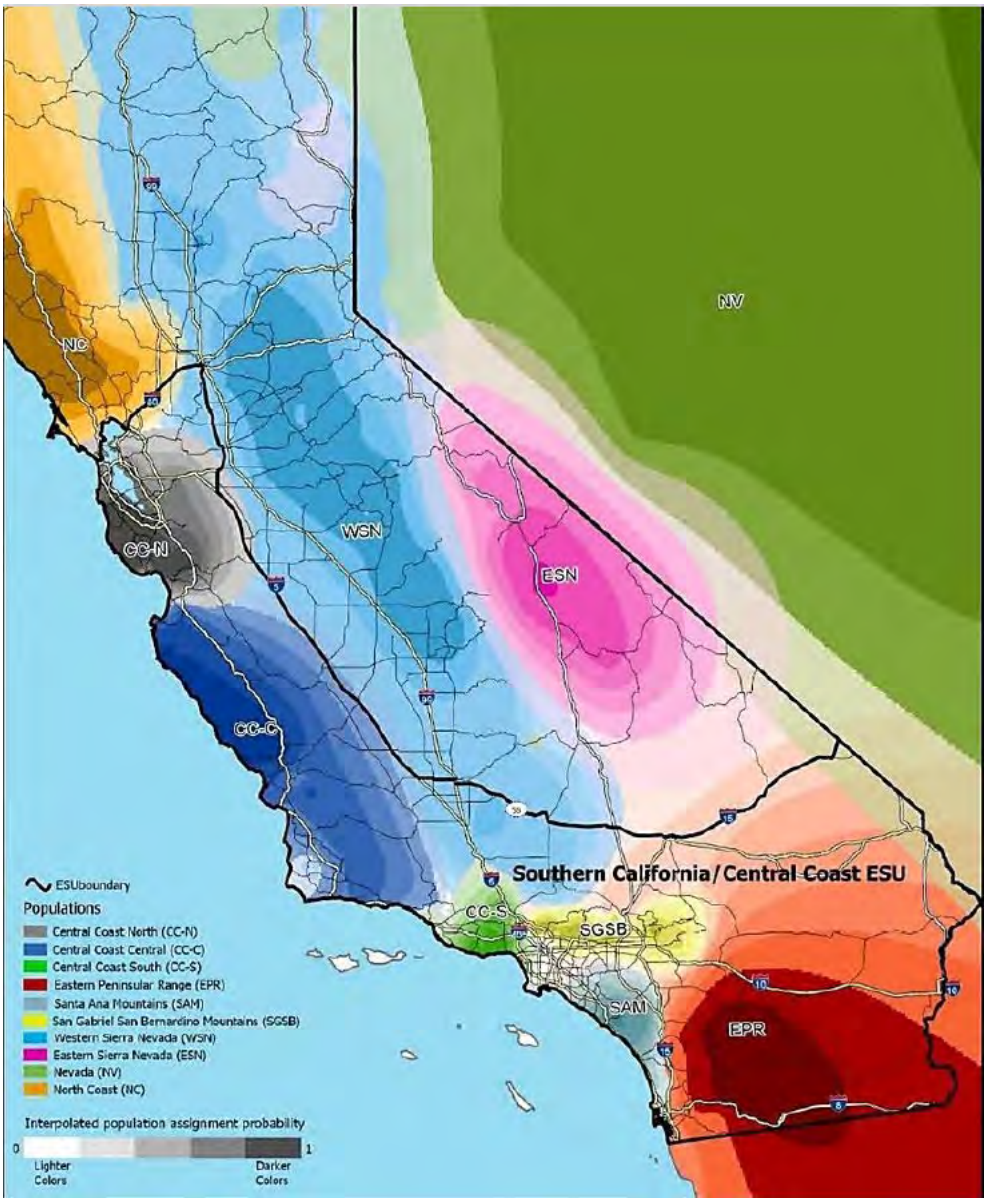


Figure 1: Genetically distinct mountain lion populations in California. The black represents the CC-N population, dark blue the CC-C population, and green the CC-S population. The black outline along the Central Coast and Southern California represents the originally petitioned Evolutionarily Significant Unit ("ESU"). The ultimately protected Central Coast and Southern California Distinct Population Segment is almost the entire area of the petitioned ESU (see Figure 2). Source: Yap et al., 2019.

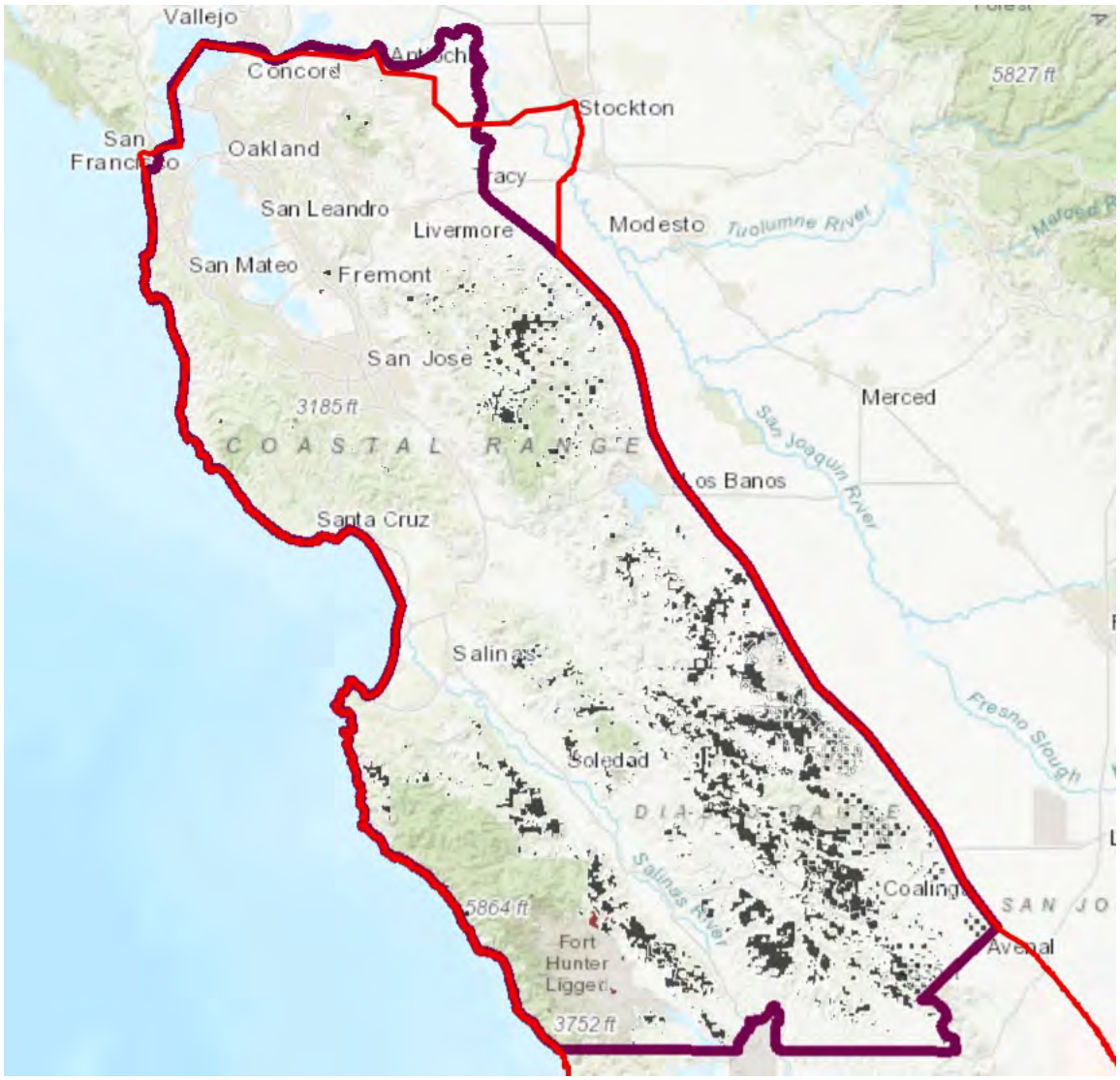
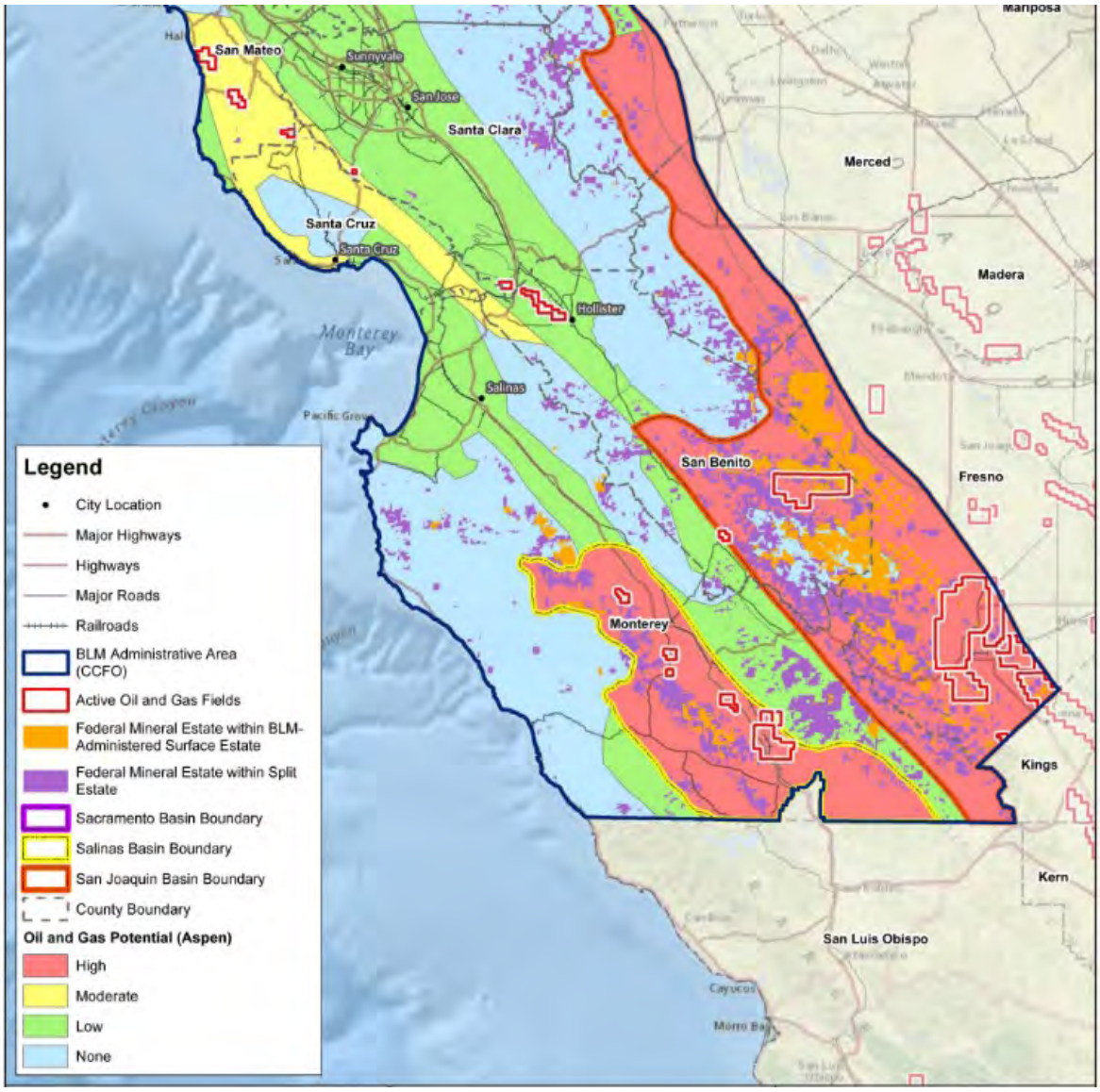


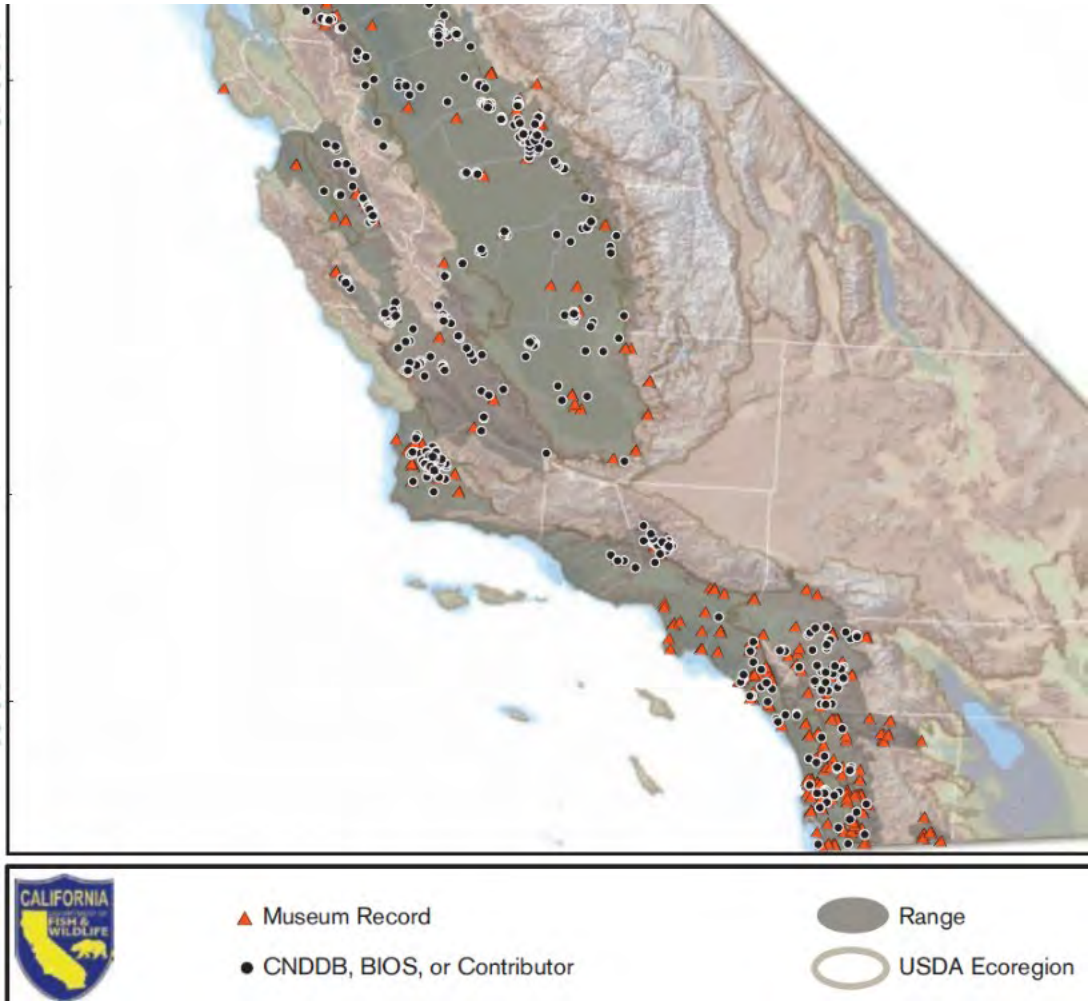
Figure 2: The purple line represents the CCFO region. The black polygons represent lands that would be open for leasing under Alternative F. Red represents the DPS boundary for protected mountain lions.

APPENDIX C

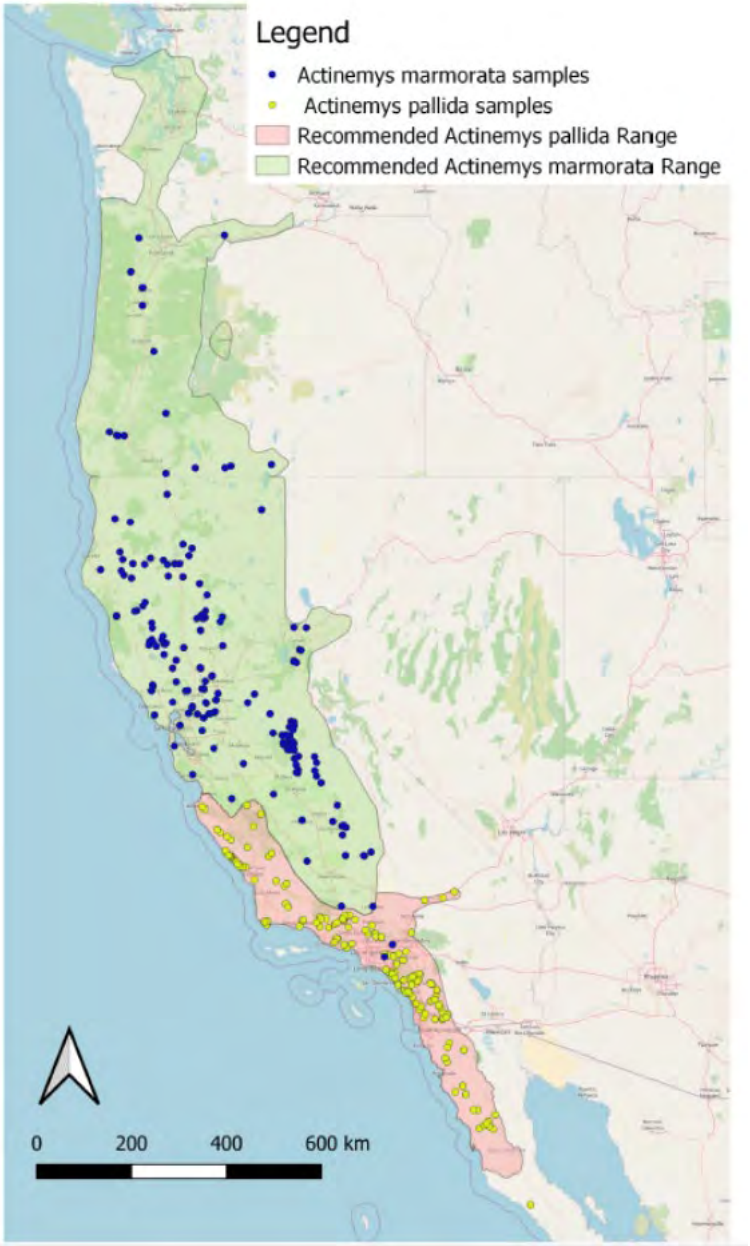
ESA Consultation



2019 FEIS, Appendix B, Figure 4: Oil and Gas Occurrence Potential



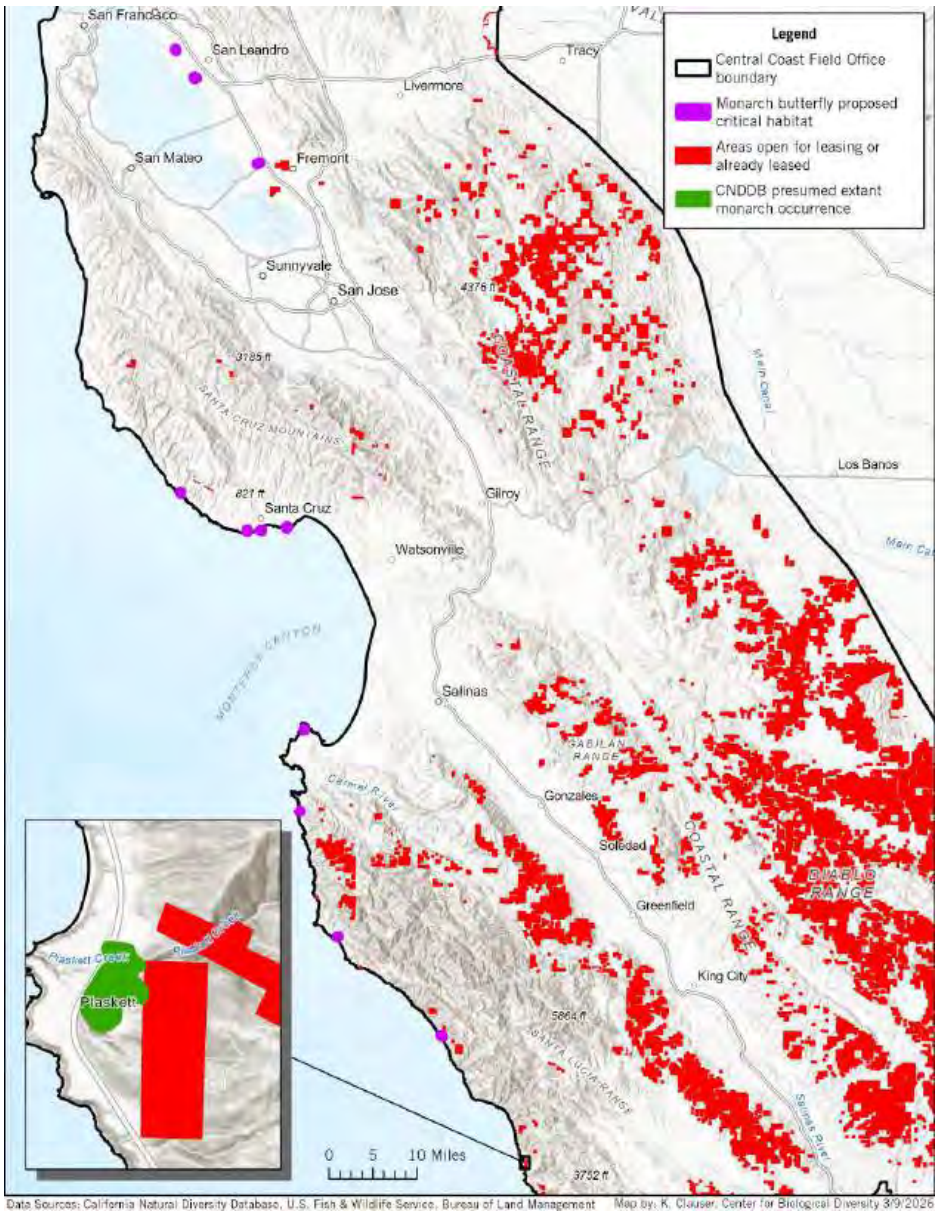
Thomson et al. (2016): Western spadefoot occurrences and range.



Shaffer & Scott (2022) Figure 3: Pond turtle genotyped samples and range boundaries.

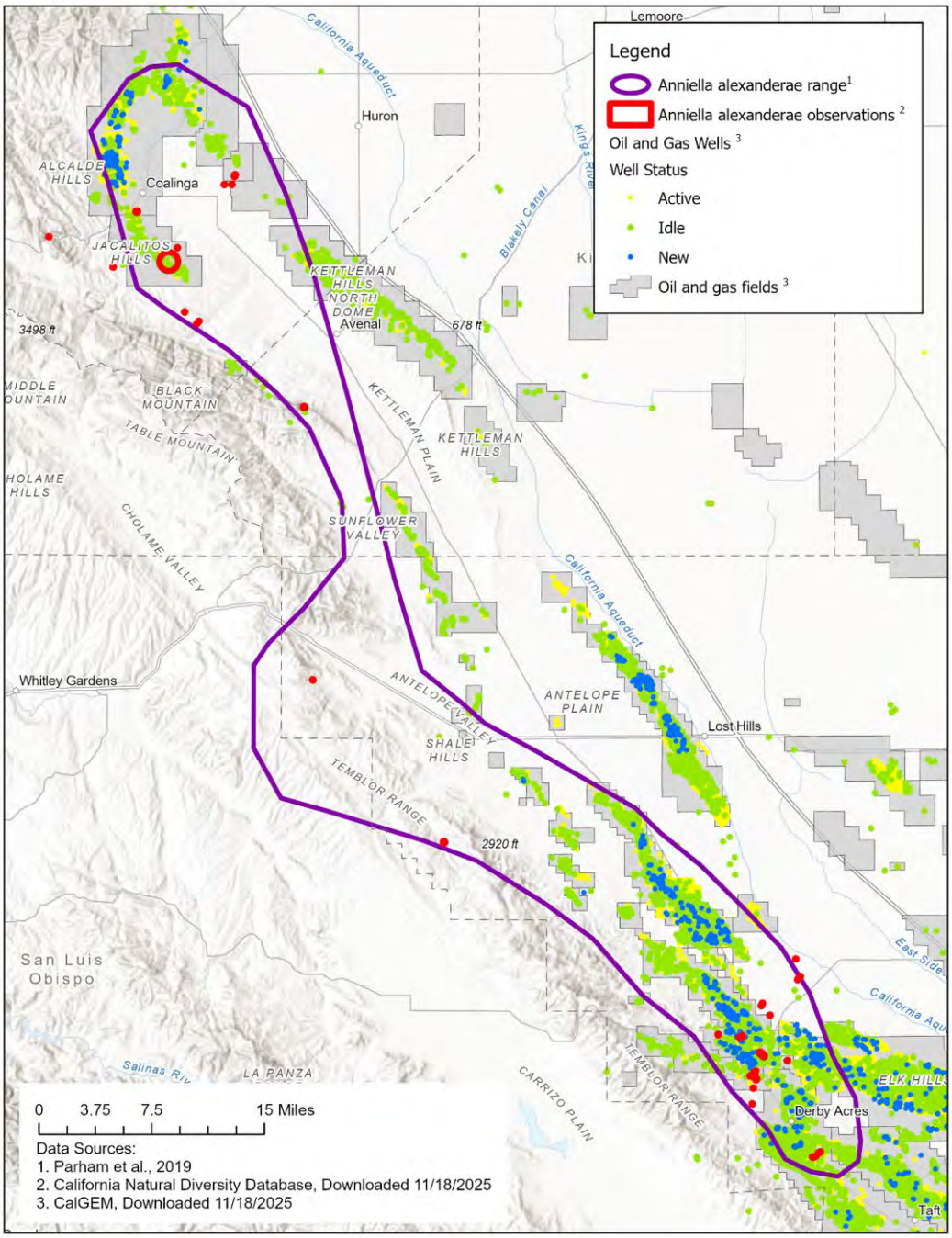
APPENDIX D

Monarch Butterfly



APPENDIX E

Temblor Legless Lizard



Active oil and gas development in the Temblor legless lizard range and overlap with lizard detection sites.

List of Attachments

Below are the list of attachments containing pdfs of the sources cited in this comment. These pdfs can also be accessed via this Box.com link: https://diversity.box.com/s/21ijuyfa16xhuukbrjb711uzgsjyloqy.

CBD Attachments Batch 01 (Adams – BLM 2023)
CBD Attachments Batch 02 (Brooks – CDFW 2026)
CBD Attachments Batch 03 (CDFW 2025 - CRS 2022)
CBD Attachments Batch 04 (Cromie - Diamond)
CBD Attachments Batch 05 (DOI 2024 – Gianostous)
CBD Attachments Batch 06 (Gianostous – Gustafson 2019)
CBD Attachments Batch 07 (Gustafson 2022 – Klein)
CBD Attachments Batch 08 (Keeley – Lee)
CBD Attachments Batch 09 (Milanes – NASA)
CBD Attachments Batch 10A (Nat Geo – Purvis)
CBD Attachments Batch 10B (RCD Santa Cruz – Riley)
CBD Attachments Batch 11 (Ripple 2006 – Shaffer)
CBD Attachments Batch 12 (Smith 2015 – Ventana 2020)
CBD Attachments Batch 13 (Ventana – Wilmers)
CBD Attachments Batch 14 (Yap – Yovovich)
CBD Attachments Batch 15 (GHG)
CBD Attachments Batch 16 (GHG)
CBD Attachments Batch 17 (GHG)
CBD Attachments Batch 18 (habitat connectivity + lighting)
CBD Attachments Batch 19 (habitat connectivity + lighting)
CBD Attachments Batch 20 (habitat connectivity + lighting)
CBD Attachments Batch 21 (habitat connectivity + lighting)
CBD Attachments Batch 22 (habitat connectivity + lighting)
CBD Attachments Batch 23 (Temblor legless lizard)
CBD Attachments Batch 24 (idle wells)

Addendum 5

Center for Biological Diversity et al., Comments on Draft Bakersfield Field Office Oil and Gas Leasing and Development Supplemental Environmental Impact Statement, Docket No. DOI-BLM-CA-C060-2025-0053-EIS (March 13, 2026).

March 13, 2026

VIA ELECTRONIC SUBMISSION

Sarah Matthews, Project Manager
U.S. Bureau of Land Management
Bakersfield Field Office
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RE: Comments on Draft Bakersfield Field Office Oil and Gas Leasing and Development Supplemental Environmental Impact Statement, Docket No. DOI-BLM-CA-C060-2025-0053-EIS

Dear Ms. Matthews:

We are writing on behalf of Center for Biological Diversity, Central California Environmental Justice Network, Los Padres ForestWatch, National Parks Conservation Association, Sierra Club, The Wilderness Society, CalWild, Environmental Defense Center, Friends of the Earth, and Natural Resources Defense Council to comment on the U.S. Bureau of Land Management's (BLM's) Draft Bakersfield Field Office Oil and Gas Leasing and Development Supplemental Environmental Impact Statement, dated December 10, 2025 (Draft 2025 SEIS).

As discussed below, the Draft 2025 SEIS and BLM's decision therein to affirm the underlying 2014 Bakersfield Resource Management Plan (2014 RMP) without amendment and to carry forward the 2019 Record of Decision (2019 ROD) without adequate reconsideration violates the requirements of the Clean Air Act (CAA), Clean Water Act (CWA), Endangered Species Act (ESA), Federal Land Policy and Management Act (FLPMA), Mineral Leasing Act (MLA), and National Environmental Policy Act (NEPA).

The 2014 RMP stems from a March 2008 notice of intent and rests largely on environmental review conducted between 2008 and 2012, with narrow (and inadequate) supplementation in 2019 on the issue of hydraulic fracturing (fracking). In other words, the bulk of the analysis underlying the 2014 RMP is at least 15 years old, well-surpassing its 10-year anticipated lifespan.[1]

The 2014 RMP encompasses 400,000 acres of federal land and 1.2 million acres of federal mineral estate across eight counties in California's southern Central Coast and Central

[1] U.S. Bureau of Land Mgmt. (BLM), Bakersfield Field Office Draft Supplemental Environmental Impact Statement (Dec. 10, 2025) at 2 ("The [Reasonably Foreseeable Development Scenario] projected the exploration, drilling, and production activity that would likely occur in the next 10 years, the anticipated life of the 2014 RMP.") (hereafter "Draft 2025 SEIS").

Valley region, opening over 1 million acres of this surface land and mineral estate to extensive oil and gas leasing and development, including through use of dangerous and polluting fracking technologies. The idea that all key aspects of the 2014 RMP have remained static for 15 years is untenable.

For the reasons discussed herein, numerous aspects of the 2014 RMP are stale and warrant both an amendment to the RMP and a much broader SEIS. For example, over the past 15 years, a growing body of research has confirmed that communities living on the frontlines of oil and gas production are undergoing a public health crisis due to pollution exposure, particularly in the Bakersfield Planning Area. Based on this research, including preliminary findings[2] in 2021 by a blue-ribbon panel of public health experts convened by the California Department of Conservation's Geologic Energy Management Division (CalGEM), California enacted Senate Bill 1137 (SB 1137) in 2022, precluding most new oil and gas development within 3,200 feet of sensitive receptors like homes, schools, and hospitals, including on federal lands. CalGEM's Scientific Advisory Panel confirmed and elaborated on its preliminary findings in a detailed report released in June 2024, concluding "with a high level of certainty . . . that there is a causal relationship between close residential proximity to upstream oil and gas development and adverse perinatal and respiratory outcomes" "at distances of 1 km (3,281 ft) and beyond," and that a "health-protective minimum surface setback. . . . between upstream oil and gas operations and human receptors" of at least 3,281 feet "is critical to protect public health."[3]

These significant public health and environmental justice developments postdate the 2014 RMP and all prior environmental analyses (e.g., the 2012 Final Environmental Impact Statement (2012 FEIS) and the 2019 Supplemental Environmental Impact Statement (2019 SEIS)). BLM must evaluate the updated science and align the RMP with California law to make clear, at a minimum, that areas within 3,200 feet of SB 1137 sensitive receptors are subject to that law's general prohibitions on new drilling and rework permits. BLM must consider amending the RMP based on the scientific evidence independent of SB 1137 to consider closing areas within 3,200 feet of sensitive receptors to new leasing entirely.

Next, while the Draft 2025 SEIS gives lip service to the existence of California's ban on fracking, the document goes on to analyze fracking in California as if it will continue to occur on federal lands, thereby improperly limiting the analysis and underestimating potential impacts from other oil and gas development. BLM must amend the 2014 RMP to make clear that operators must comply with state fracking laws, including the ban that is currently in effect.

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[2] Letter from Cal. Oil & Gas Public Health Rulemaking Scientific Advisory Panel, Response to CalGEM Questions (Oct. 1, 2021), https://www.conservation.ca.gov/calgem/Documents/public-health/Public%20Health%20Panel%20Responses_FINAL%20ADA.pdf.

[3] Cal. Oil & Gas Public Health Rulemaking Scientific Advisory Panel, Public Health Dimensions of Upstream Oil and Gas Development in California: Scientific Analysis and Synthesis to Inform Science-Policy Decision Making (June 21, 2024) at ES-8 to ES-9, https://www.conservation.ca.gov/calgem/Documents/Public%20Health%20Panel%20Final%20Report_20240621.pdf (hereafter "CalGEM Scientific Advisory Panel Report").

Additionally, while FLPMA and the CAA require all federal activity to conform to state implementation plans (SIPs) "to prevent the air quality impacts of federal actions from causing or contributing to a violation of the [National Ambient Air Quality Standards (NAAQS)] or interfering with the purpose of the [SIP]," newer data concerning the acceleration of the climate crisis throughout the state and deteriorating air quality in the San Joaquin Valley, in particular, underscores that the 2014 RMP will lead to the opposite result, especially with regard to particulate matter and ozone.

The Draft 2025 SEIS also contains only a narrow and limited discussion of biodiversity without including a number of newly listed or candidate species found throughout the Bakersfield Planning Area and likewise does not address new information reflecting greater-than-anticipated impacts to species previously discussed in the 2014 RMP.

Moreover, while the 2014 RMP, prior environmental analyses, and Draft 2025 SEIS defer significant environmental review to the application-for-permit-to-drill stage in BLM's decisionmaking process, more recent litigation and policy changes have illustrated the need for complete and robust environmental analysis at the *current* planning stage, especially related to air pollution, public health, and environmental justice impacts in this overburdened region.

These examples represent just a handful of the significant changes discussed in these comments, which illustrate the need for BLM to amend the 2014 RMP and issue an updated SEIS that is broad enough to fully address the scope of the necessary amendments.

But even if it is proper for BLM to limit the Draft 2025 SEIS to fracking, which it is not, the fracking analysis is patently deficient in multiple respects, including its discussion of biological resources, air and atmospheric values, surface and groundwater resources, and soil resources; its decision that updated analysis of issues such as recreation and environmental justice is unwarranted; its attempt to defer environmental review; and its limited analysis of impacts on the parcels at issue in the 2020 lease sale in Bakersfield (2020 Lease Sale).

Given the pervasive legal deficiencies in BLM's analysis, we urge the agency to halt this process greenlighting new and harmful oil and gas development in the Bakersfield region pending its compliance with federal and state law. As part of its revised environmental review, we likewise urge BLM to consider closing unleased federal surface and mineral acres in the Bakersfield Planning Area to oil and gas leasing and halting any planned expansion.

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VII. CONCLUSION 116

I. BLM's environmental review for the 2014 RMP has failed to adequately analyze the environmental and public health impacts of the significant oil and gas development it authorizes in the Bakersfield Planning Area.

BLM's Bakersfield Field Office administers federal land and mineral estate within the Bakersfield Field Office's "Planning Area"—an administrative geographic region of approximately 17 million acres of land stretching from the coastal islands in the Pacific Ocean across the Central Valley to the crest of the Sierra Nevada Range.[4] Within this Planning Area, the Bakersfield Field Office is directly responsible for the management of approximately 400,000 acres of public land and 1.2 million acres of subsurface mineral estate (the decision area).[5] The Planning Area ranges in character from coastal urban areas near Los Padres National Forest, to dry expanses in the San Joaquin Valley, to rugged hills in the Sierra bioregion.[6] BLM acknowledges the area offers rich public and private recreation sites for outdoor enthusiasts who enjoy the natural habitats and "extraordinary biodiversity."[7] The area also includes numerous national parks and monuments, including Yosemite, Sequoia, and Kings Canyon National Parks; Sierra, Sequoia, and Los Padres National Forests; Giant Sequoia and Carrizo Plain National Monuments; and numerous popular wilderness and recreation areas.[8]

In December 2014, BLM issued its record of decision adopting its RMP for the Bakersfield Field Office decision area.[9] The 2014 RMP opened up 1,011,470 acres of land to oil and gas leasing and development, encompassing nearly eighty-five percent of the decision area.[10] This region is already the epicenter of oil and gas drilling in California.[11] Kern County alone is the source of 71 percent of the state's oil and 78 percent of its natural gas.[12] Several of the largest oil fields in the country are also located in Kern County.[13] Residents in this region suffer from serious air and water pollution and water scarcity problems, and live on the frontlines of climate

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[4] BLM, Bakersfield Field Office Record of Decision & Approved Resource Management Plan (Dec. 2014) at I (hereafter "2014 RMP").
[5] *Id.* at 1.
[6] BLM, Proposed Resource Management Plan & Final Environmental Impact Statement for the Bakersfield Field Office, Vol. 1 (Aug. 2012) at 217 (hereafter "2012 FEIS").
[7] 2014 RMP at 2, 96–97; 2012 FEIS at 1, 217.
[8] 2012 FEIS at 235, 327, 590.
[9] 2014 RMP at pdf p. 7.
[10] *Id.* at 75.
[11] 2012 FEIS at 381.
[12] Kern Economic Development Foundation, The Economic Contribution of the Oil and Gas Industry in Kern County (Jan. 2021) at 1, https://kernedc.com/wp-content/uploads/2021/04/KEDF-Economic-Contribution-of-the-Oil-and-Gas-Industry-in-Kern-County_-2021.pdf.
[13] 2012 FEIS at 318.

change.[14] To make matters worse, many counties in the region have significant minority and low-income populations that are disproportionately impacted by pollution from industrial agriculture, heavy diesel truck traffic, and intensive oil and gas development.[15] BLM is therefore proposing additional oil and gas development in one of the most overburdened areas in the country.

In June 2015, two of the organizations on this letter, Center for Biological Diversity and Los Padres ForestWatch, challenged BLM's decision for numerous legal deficiencies, including failing to analyze the environmental impacts of fracking authorized by the 2014 RMP.[16] In September 2016, the Central District of California agreed and held that BLM failed to adequately analyze the impacts of fracking, ordering the agency to prepare a SEIS "to examine the cumulative environmental impacts" of fracking "in a comprehensive manner[.]"[17] In May 2017, the court approved a settlement agreement in which the parties agreed to partial remand without vacatur of the record of decision adopting the 2014 RMP.[18] BLM agreed that pending its issuance of the new environmental review document considering the impacts of fracking, it would not hold any oil or gas lease sales within the decision area.[19]

But rather than comprehensively analyzing the impacts of the 2014 RMP, BLM issued an SEIS in 2019 that ignored thousands of public comments from community members and expert government agencies, drastically undercounted the number of wells likely to be fracked, ignored the health risks of fracking to the surrounding communities, and failed to grapple with evidence

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[14] *See* U.S. Env't Prot. Agency (EPA), California Nonattainment/Maintenance Status for Each County by Year for All Criteria Pollutants (current as of Feb. 28, 2026), https://www3.epa.gov/airquality/greenbook/anayo_ca.html; Am. Lung Ass'n, "State of the Air Report Card: Kern County" (2025), https://www.lung.org/research/sota/city-rankings/states/california/kern; Cal. Dep't of Just. (Cal. DOJ), Comments on the December 2020 Oil and Gas Lease Sale Environmental Assessment of BLM's Bakersfield Field Office (Sept. 25, 2020) at 13; State Water Res. Control Board (SWRCB), Report to the Legislature: Communities that Rely on a Contaminated Groundwater Source for Drinking Water (Jan. 2013), https://www.waterboards.ca.gov/gama/ab2222/docs/ab2222.pdf; 2012 FEIS at 291; Ctr. for Biological Diversity, Oil Stain: How Dirty Crude Undercuts California's Climate Progress (Nov. 2017) at 1, https://www.biologicaldiversity.org/programs/climate_law_institute/energy_and_global_warming/pdfs/Oil_Stain.pdf.

[15] *See* 2012 FEIS at 388; Sierra Club, The $23 Billion Question: What Created California's Orphan and Idle Well Crisis (Dec. 2023) at 10–11, https://www.sierraclub.org/sites/default/files/2023-12/Idle%20Wells%20Report.pdf; *see generally* L. Zeise & J. Blumenfeld, CalEnviroScreen 4.0 (Oct. 2021).

[16] *Center for Biological Diversity v. U.S. Bureau of Land Mgmt.*, No. 2:15-cv-04378-MWF/JEM (C.D. Cal., filed June 10, 2015).

[17] *ForestWatch v. U.S. Bureau of Land Management*, No. CV-15-4378-MWF, 2016 WL 5172009, at *7 (C.D. Cal. Sept. 6, 2016).

[18] Order of Dismissal, *Center for Biological Diversity v. U.S. Bureau of Land Management*, No. 2:15-cv-04378-MWF/JEM (C.D. Cal. May 3, 2017).

[19] Settlement Agreement, *Center for Biological Diversity v. U.S. Bureau of Land Management*, No. 2:15-cv-04378-MWF/JEM (C.D. Cal. May 3, 2017).

that fracking can further pollute already scarce groundwater resources in the area. A diverse coalition of environmental justice, conservation, and business groups, including some of the organizations on this letter, once again brought suit against the 2019 SEIS in the Central District of California in *Center for Biological Diversity v. U.S. Bureau of Land Management*, No. 2:20-CV-00371 DSF (C.D. Cal., filed Jan. 14, 2020).

In December 2020, before the Central District could resolve the challenge to the 2019 SEIS, the agency barreled ahead with a lease sale in Kern County. This was the first lease sale in California in at least eight years, selling 4,133 acres of public land near Bakersfield.[20] Because BLM's analysis of the sale's impacts relied on the deficient analysis in the 2019 SEIS, without supplementing the analysis or correcting those deficiencies, several of the groups on this letter also challenged the lease sale in *Center for Biological Diversity v. U.S. Bureau of Land Mgmt*., No. 1:21-cv-00475-DAD-SAB (E.D. Cal., filed March 22, 2021).

BLM opened settlement discussions in both the challenge to the 2019 SEIS and the challenge to the 2020 Lease Sale and finalized agreements in July 2022 with a variety of commitments from the agency, including: new supplemental analyses for the 2014 RMP and 2020 Lease Sale, remand "to allow Federal Defendants to reconsider the 2019 ROD" and to "consider whether to amend the 2014 RMP," improved public participation requirements that include Spanish translation and interpreters, and no new lease sales or permits to drill on the leases it sold until the new analyses are complete.[21] In response to the settlement, BLM released a scoping notice in June 2025, announcing its intention to prepare a new SEIS and potential RMP amendment,[22] and a number of the groups on this comment letter submitted scoping comments, as discussed further below.[23]

Our organizations have raised numerous legal deficiencies that have characterized each step of BLM's planning process for the Bakersfield region and are deeply concerned that these issues continue to go unresolved, including now in the Draft 2025 SEIS.[24] We oppose any efforts by BLM to shirk proper analysis of drilling impacts at this critical stage of its oil and gas management process for the region. The agency must remedy the serious shortcomings in its

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[20] *See* BLM, "Oil & Gas Lease Sale" (Dec. 10, 2020), https://eplanning.blm.gov/Project-Home/?id=1a4668bc-a7f2-f011-8407-001dd803dca7.

[21] Stipulated Settlement Agreement, *Center for Biological Diversity v. U.S. Bureau of Land Management*, No. 2:20-cv-00371-DSF (C.D. Cal. July 31, 2022).

[22] 90 Fed. Reg. 26605 (June 23, 2025).

[23] Ctr. for Biological Diversity, Scoping Comments for Draft 2025 SEIS (July 23, 2025) (hereafter "Center Scoping Comments"); CalWild et al., Scoping Comments for Draft 2025 SEIS (July 23, 2025) (hereafter "CalWild et al. Scoping Comments").

[24] *See* Ctr. for Biological Diversity et al., Comments on Applications for Permit to Drill in the Bakersfield Field Office, submitted to BLM (Dec. 18, 2025); Ctr. for Biological Diversity, Los Padres Forest Watch, and Sierra Club, Comments on Notice of Availability of the Bakersfield Field Office Hydraulic Fracturing Draft Supplemental Environmental Impact Statement, California (June 10, 2019); Ctr. for Biological Diversity, Comments on 2014 RMP (Apr. 8, 2015).

2014 RMP and Draft 2025 SEIS in compliance with its statutory obligations under federal and state law.

II. BLM's decisionmaking process for the Draft 2025 SEIS violates public participation requirements.

Section 309(e) of FLPMA requires BLM to "give . . . the public adequate notice and an opportunity to comment upon . . . and to participate in . . . the management of[] the public lands."[25] In addition, NEPA's purpose is to ensure that an agency, "in reaching its decision, will have available, and will carefully consider, detailed information concerning significant environmental impacts; it also guarantees that the relevant information will be made available to the larger audience that may also play a role in both the decisionmaking process and the implementation of that decision."[26] The Ninth Circuit recently held that NEPA requires BLM to provide public participation periods that are "sufficiently long to permit members of the public to weigh in on the decision in an informed manner" and "for participants to obtain and absorb the environmental information provided by the agency and then prepare their own analyses and critiques, including consultation with experts where appropriate."[27]

BLM's planning regulations similarly require transparency and rigorous public engagement by providing the public with opportunities to "meaningfully participate in and comment on the preparation of plans, amendments and related guidance and be given early notice of planning activities."[28] These requirements include, but are not limited to, public notice of BLM planning actions, publication of relevant documents for review, and opportunity to provide written comments.[29]

Yet BLM's decisionmaking process for the Draft 2025 SEIS has involved numerous delays, technical problems, and other failures that have limited opportunities for the public to review and comment on the document, contrary to FLPMA, NEPA, and other federal requirements as detailed below.

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[25] 43 U.S.C. § 1739(e); *see also Mont. Wildlife Fed'n v. Haaland*, 127 F.4th 1, 41 (9th Cir. 2025) ("That requirement applies even when dispensing with or constricting such participation would be more efficient.").
[26] *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 349 (1989).
[27] *Mont. Wildlife Fed'n*, 127 F.4th at 38, 40 (concluding BLM violated NEPA "when it eliminated in some instances and severely shortened in others the various public participation periods" for environmental documents like its EAs for certain oil and gas lease sales in the Western U.S.).
[28] 43 C.F.R. § 1610.2.
[29] *Id.*

A. BLM's sole public meeting and use of an undisclosed contractor for the Draft 2025 SEIS impeded public comment.

On January 12, 2026, BLM provided notice of its intent to hold a public meeting at an unnamed date to be announced on BLM's website for California.[30] Nevertheless, its initial registration link contained an erroneous date, calendaring the meeting as occurring in two days' time, on January 14, 2026. Multiple people registered for the meeting during this initial time frame, including answering a required question during the registration process by indicating whether or not they intended to provide public comment. When BLM fixed the calendaring error, and re-calendared the meeting for February 3, 2026, the agency should have continued to treat anyone who had already registered and signaled their intent to give comment as registered and signed up to give comment at the corrected, February 3, 2026, meeting. Even so, when the actual meeting date arrived, multiple commenters who registered immediately following the meeting's initial notice, when the date was calendared incorrectly, found that they had to amend their registrations before they could enter the meeting.

During the meeting, BLM only allowed those who, they claim, registered to speak prior to the meeting's official 5:00 p.m. start time to give public comment. In doing so, those who registered early but amended their registrations as prompted prior to entering the meeting found themselves placed at the very back of the comment line, and BLM refused to allow those who were some of the first to register, yet found themselves joining the meeting a few minutes past 5:00 p.m., to speak. When called to BLM's attention through the chat feature during the meeting, the agency claimed to have no knowledge of either its initial error in noticing the meeting or the fact that its registration system required re-registration and bumped early registrants from making comment.

The registration-related errors and BLM's claimed lack of knowledge were likely compounded by the agency's delegation of its notice and comment responsibilities to a third-party contractor—AECOM—whose use it only disclosed during the meeting itself,[31] contrary to BLM's policy requiring EIS documents to disclose a contractor's involvement through a conflict of interest disclaimer.[32] Here, the Draft 2025 SEIS contains no mention of AECOM or the involvement of any other contractor.

Moreover, the use, objectivity, and credibility of AECOM is questionable due to its embroilment in multiple financial scandals, such as a lawsuit alleging "that it violated the False Claims Act [] by knowingly submitting false claims to the Federal Emergency Management Agency [] for the replacement of certain educational facilities located in Louisiana that were

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[30] BLM, "Notice of Availability of the Draft Bakersfield Field Office Oil and Gas Leasing and Development Supplemental Environmental Impact Statement, California" (Jan. 12, 2026).
[31] *See* BLM, Bakersfield Field Office Supporting Text Draft Supplemental Environmental Impact Statement for Oil &Gas Development. Virtual Public Meeting Slides at 5 (Feb. 2026).
[32] BLM, National Environmental Policy Act Handbook H-1790-1 (Jan. 2008) at 124, https://www.blm.gov/sites/blm.gov/files/uploads/Media_Library_BLM_Policy_Handbook_h1790-1.pdf.

damaged by Hurricane Katrina," leading to an $11.8 million settlement,[33] and a lawsuit alleging overbilling in connection with construction of a nuclear waste treatment plant to clean up the Hanford Nuclear Reservation, which led to a $58 million settlement involving AECOM and another entity.[34]

These issues also fly in the face of recommendations by the U.S. Environmental Protection Agency (EPA) for BLM to "[p]rovid[e] ample notice of meetings and commenting opportunities so that community members have sufficient time to prepare and participate," ensure any meetings are at an "accessible" time and location, and "[a]ddress[] technology barriers that may prohibit participation from affected communities."[35]

B. BLM should have provided 90 days for public comment and must reopen the comment period per regulatory requirements.

On January 23, 2026, the Center for Biological Diversity and other organizations submitted a letter requesting that BLM extend the comment period for this matter from 45 to 90 days in accordance with 43 C.F.R. § 1610.2(e). Per that regulation, BLM must provide 90 days for public comment on RMP draft EISs. The 90-day period begins when EPA publishes a notice of the filing of the draft EIS in the Federal Register. The regulations do not provide that the comment period may be lessened when BLM considers, but then declines, to offer an RMP amendment. Instead, the 90 days is triggered by preparation of a draft EIS in relationship to an RMP.[36]

BLM declined the request for a 90-day comment period without commenting on its merits.[37] BLM must adhere to its regulations and reopen the public comment period for the required length of time.

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[33] U.S. Dept. of Just., "AECOM to Pay $11.8 Million to Resolve False Claims Act Allegations in Connection with Hurricane Disaster Relief" (Oct. 24, 2023), https://www.justice.gov/archives/opa/pr/aecom-pay-118-million-resolve-false-claims-act-allegations-connection-hurricane-disaster.

[34] Nichloas K. Geranios, Or. Pub. Broad., "Hanford Contractors Agree to Pay $58 Million Fine for Fraud" (Sept. 23, 2020), https://www.opb.org/article/2020/09/23/bc-us-nuclear-site-corruption/.

[35] EPA, Scoping Comments for Draft 2025 SEIS (July 23, 2025) at 10.

[36] *See* 43 C.F.R. § 1610.2(e) ("Ninety days shall be provided for review of the draft plan and draft environmental impact statement.").

[37] Email from BLM_CA_BKFO_OIL_GAS_SEIS@blm.gov re: [EXTERNAL] Extension request: BKFO and CCFO oil and gas comment periods (Jan. 27, 2026) ("The Bureau of Land Management (BLM) has received your request to extend the comment periods for the Central Coast and Bakersfield NEPA Draft Supplemental Environmental Impact Statements from 45 days to 90 days. The BLM will add 7 additional days to account for access interruptions caused by routine maintenance on our online NEPA register. The comment period will now close on March 13, 2026.") (on file with recipient).

C. Poor design and malfunctioning of BLM's National NEPA Register further interfere with public comment.

We note that BLM's recent redesign of its National NEPA Register (also known as ePlanning) has served to impede rather than foster public engagement. Prior to the redesign, members of the public could browse through all the documents associated with a particular docket by clicking through one at a time, viewing those documents in their Internet browsers, and choosing which content, if any, to download. They could likewise save a direct link to particular documents for ease of future reference. By contrast, the redesigned ePlanning platform forces users to automatically download every single document they click on and removes the option of copying and saving individual document-specific hyperlinks. Moreover, multiple commenters have reported periods of time during the instant public comment period when the link for submitting comments through the ePlanning platform was not working. Thus, while BLM touts the redesign as "making it easier than ever for the public and stakeholders to access planning documents and participate in land management decisions," the opposite has proven to be true and BLM has failed to "[a]ddress[] technology barriers that may prohibit participation from affected communities" as EPA urged it to do.[38]

We urge BLM again to consider extending the comment period to account for these delays that are entirely due to problems on the agency's end.

D. BLM must prioritize consultation with Tribal Nations and incorporate Indigenous knowledge into the planning process.

Under FLPMA, BLM is required to involve Tribal Nations in land use planning "on a government-to-government basis" and ensure that Tribal concerns are given appropriate weight in public land decisions.[39] NEPA mandates that agencies take a hard look at the reasonably foreseeable environmental impacts on a wide range of resources, including cultural and historical resources, when evaluating federal actions.[40] Executive Order 13175 requires that agencies meaningfully consult and collaborate with Tribal officials in decisions that may impact their resources.[41] The agency has separate and important duties to protect certain values and engage with Tribal Nations under the National Historic Preservation Act, as well.[42] Consultation under these statutes is not fulfilled merely by documenting that communication occurred; rather, it must result in meaningful dialogue and the integration of Tribal input into project planning, analysis, and outcomes, beginning early in, and throughout, the planning process.

BLM's Conservation and Landscape Health Rule (Public Lands Rule) clarifies and provides further details on BLM's obligations to meaningfully consult with Tribal Nations under

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[38] BLM, "BLM unveils redesigned NEPA Register for easier public access" (Jan. 20, 2026), https://www.blm.gov/blog/2026-01-20/blm-unveils-redesigned-nepa-register-easier-public-access; EPA, Scoping Comments for Draft 2025 SEIS at 10.
[39] Exec. Order No. 13175, 65 Fed. Reg. 67249 (Nov. 6, 2000).
[40] 42 U.S.C. §§ 4331–32.
[41] Exec. Order No. 13175, 65 Fed. Reg. 67249 (Nov. 6, 2000).
[42] 54 U.S.C. §§ 300101–321.

FLPMA. The Public Lands Rule explicitly directs BLM to "[i]mprove engagement and co-stewardship of public lands with tribal entities and promote the use of Indigenous Knowledge in decision-making[.]"[43] In developing the Draft 2025 SEIS, the Public Lands Rule mandates that BLM respect and incorporate Indigenous Knowledge, which is recognized as a high-quality source of information, and identify opportunities for co-stewardship, particularly when managing for ecosystem resilience and intact landscapes and planning restoration actions.[44]

Departmental policy and regulations require consultation to occur on any actions that may have a substantial impact on any Tribes, such as reconsideration and potential amendment to the 2014 RMP, which involves Tribal homelands for multiple Tribes.[45] Meaningful consultation under these standards demands more than notice; BLM must engage in collaborative dialogue, protect sensitive information, and incorporate Tribal input into the alternatives and analyses.[46] The U.S. Department of the Interior (DOI) Manual chapter titled *American Indian and Alaska Native Programs* reinforces that bureaus must consult with Tribal Nations early in the planning process and give them ample time to participate on a government-to-government basis whenever a plan has Tribal implications.[47]

BLM must ensure the planning process is inclusive of any Tribal Nation that has or had at any time in the past historical or cultural ties to the extensive Planning Area, including the Yokut, Kawaiisu, Kitanemuk, Chumash, Salinan, Miwok, Mono, Tubatulabal, Tatataviam, Ohlone, Paiute, and Tongva peoples, as well as non-federally recognized Tribes that have inherent sovereignty of their ancestral homelands, and any Tribes who may not be captured in this list but whose ancestral homelands could be impacted by BLM's proposal. Indigenous peoples have been the original caretakers of the lands and waters for millennia and continue to practice reciprocal relationships as part of their inherent right to Tribal sovereignty and relationships with nature. The expansion of fracking and any new oil and gas drilling will disrupt the stewardship that Tribal Nations in California practice to restore the damage caused by past and ongoing extractive systems. The current 45-day comment period is not an adequate amount of time for Tribal Nations to share their concerns, especially due to limited capacity.

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[43] 43 C.F.R. § 6101.2(i); *see also* U.S. Dep't of the Interior (DOI), Departmental Responsibilities for Consideration and Inclusion of Indigenous Knowledge in Departmental Actions and Scientific Research, DOI Manual 301 DM 7 (Dec. 5, 2023) at 8 (directing all bureaus to include Indigenous Knowledge into RMPs and resource management actions), https://www.doi.gov/document-library/departmental-manual/301-dm-7-departmental-responsibilities-consideration-and.

[44] 43 C.F.R. §§ 6101.2(i), 6102.2(c)(3), 6102.3(d)(6), 6102.5(b)(6).

[45] 43 C.F.R. § 6102.5(b)(4).

[46] DOI, Procedures for Consultation with Indian Tribes, DOI Manual 512 DM 5 (Nov. 30, 2022) at 3 ("Providing notification (the distribution of information from one or more Departmental offices) to one or more Tribes of a Departmental action as a stand-alone effort is not consultation."), https://www.doi.gov/document-library/departmental-manual/512-dm-5-procedures-consultation-indian-tribes.

[47] *Id.* at 1.

Beyond a short section stating BLM sent notification letters about the scoping period for the Draft 2025 SEIS to thirteen Tribes, the agency appears to have engaged in none of the meaningful consultation and collaboration required.[48] This is also the exact opposite of the guidance provided by EPA for BLM to complete:

> 1) a summary of the results of Tribal consultation that identifies the main concerns expressed by Tribes (if any), and how those concerns were addressed; 2) a description of how consultation influenced the decision making process, including the selected alternative and mitigation to avoid, minimize, or compensate for impacts to Tribes; and 3) a discussion of how the BLM would avoid or minimize or mitigate adverse effects on the physical integrity, accessibility, or use of cultural resources or archaeological sites, including traditional cultural properties, throughout the planning area.[49]

There is a long history of oil and gas drilling bringing devastating impacts to Native communities, including harm to potential sacred sites, air and water quality, public health, and the health of cultural keystone species Tribes rely on to practice and continue their culture. In light of these long-term negative consequences to Native health and sovereignty, BLM must do more to meaningfully engage Tribal Nations and incorporate their expertise and decisionmaking in this process.

III. BLM attempts to use the Draft 2025 SEIS to satisfy three different environmental review requirements, but its ambiguous and convoluted approach ultimately satisfies none of them.

Beginning with the June 2025 scoping notice and continuing throughout the Draft 2025 SEIS, BLM has used inconsistent language and created confusion regarding the intended purpose and scope of its environmental review, impeding the public's ability to understand and comment on the Draft 2025 SEIS and reflecting a legally improper slapdash approach. BLM variously characterizes the Draft 2025 SEIS as (A) a hydraulic fracturing supplement to the 2012 FEIS, (B) a supplement to the Environmental Assessment for the 2020 Lease Sale (2020 Lease Sale EA), and (C) a reconsideration of the 2014 RMP's fluid minerals decisions and evaluation of a potential RMP amendment. Even so, BLM's Frankenstein method of combining discrete analyses in the Draft 2025 SEIS has produced a document that is inadequate in all three respects.

In particular, and as discussed further below, the Draft 2025 SEIS (A) focuses on fracking but does not grapple with key fracking-related developments in California, (B) sprinkles in halfhearted references to the 2020 Lease Sale while declining to update its analysis with regard to many lease sale-related issues, and (C) does not amount to meaningful reconsideration of the 2019 ROD or evaluation of the proper range of new information and changed policies relevant to BLM's decision on whether to amend the 2014 RMP.

The June 2025 scoping notice set up BLM's intent to prepare "a potential resource management plan (RMP) amendment . . . [to] analyze the impacts of oil and gas leasing and

[48] Draft 2025 SEIS at 66–67.
[49] EPA, Scoping Comments for Draft 2025 SEIS at 11.

development on BLM-managed public land and mineral estate in the Bakersfield Field Office planning area[,]" and specifically invited broad "comments on all preliminary alternatives [from the 2014 RMP] as well as suggestions for additional alternatives[,]" stating that "[t]he issues may include but are not limited to air quality; water quality; special status species; archaeology; fluid mineral resources (oil and gas); and social and economic conditions."[50] Accordingly, BLM set the expectation that it would consider all scoping comments relevant to a potential amendment to the 2014 RMP, as opposed to only considering scoping comments specific to fracking and the 2020 Lease Sale.

Consistent with the expectations BLM established in the June 2025 scoping notice, commenters, including a number of the undersigned organizations, offered a broad suite of reasons illustrating the need for reconsidering and amending the 2014 RMP and conducting broader NEPA review, including proffering new scientific information related to the impacts of: climate change; health harms from oil and gas drilling; air pollution in California, especially in the Central Valley; biological resources; and seismic impacts, along with information about relevant policy changes such as SB 1137 and Assembly Bill 342, and new federal policies designed to accelerate fossil fuel development. The undersigned organizations attach these comment letters and incorporate them by reference herein.

The Draft 2025 SEIS initially suggests a breadth of analysis consistent with the scoping notice by defining its purpose, in part, as to "determine whether changes are needed to the fluid minerals decisions in the 2014 RMP based on new information or changes in circumstance."[51] Even so, the Draft 2025 SEIS later professes to bring forward non-fracking aspects of the 2014 RMP, 2012 FEIS, and 2019 SEIS.[52] In particular, while BLM purports to "consider[] new data from internal and external scoping addressing air quality, biological resources, soil, and water resources,"[53] it does so only in the context of fracking and not in the broader context of the 2014 RMP's fluid minerals decisions. The Draft 2025 SEIS ignores the scoping comments discussed above, to the extent they advocate for reconsideration of the 2014 RMP and to the extent they offer new scientific information and policy changes in favor of an RMP amendment.

Despite the focus on fracking throughout most of the Draft 2025 SEIS, and BLM's decision to ignore relevant scoping comments, BLM doubles down on suggesting that it has conducted a broader review. For example, while the Draft 2025 SEIS analyzes just a small subset of emissions from oil and gas development related to potential fracking, the Draft 2025 SEIS asserts more broadly "that emissions from oil and gas development are minor and are not expected to significantly affect regional air quality or public health."[54]

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[50] 90 Fed. Reg. 26605, 26605 (June 23, 2025).
[51] Draft 2025 SEIS at ES-1 (reflecting BLM's acknowledgement that a settlement agreement required it to "reconsider the 2014 Resource Management Plan's (RMP) fluid minerals decisions").
[52] *Id.* at 10–13, 15.
[53] *Id.* at ES-1.
[54] *Id.* at ES-2.

Likewise, the Draft 2025 SEIS concludes more broadly that its analysis "did not show [a] notable increase in total impacts" such that "an amendment to the 2014 RMP has been determined to be unnecessary," and asserts that "this Draft Supplemental EIS documents that decision"—i.e., BLM's decision not to amend the 2014 RMP.[55]

BLM further states that its final SEIS will lead to "a new decision document" that "will amend or supersede the 2019 Record of Decision (ROD) to the extent determined necessary or appropriate by Federal Defendants."[56]

In other words, BLM appears to be trying to use a fracking-focused analysis to make a broad conclusion about the need for amendment, or lack thereof, to the 2014 RMP's fluid minerals decisions, which were based on a multitude of issues and not just fracking. And BLM appears to be doing so while ignoring new scientific and policy information proffered by commenters that its regulations require it to consider in connection with RMP amendments.

For these reasons, the Draft 2025 SEIS fails to accomplish BLM's stated purpose of reconsidering the 2014 RMP's fluid minerals decisions and evaluating a potential amendment to the 2014 RMP.[57] There can be no true reconsideration of the 2014 RMP without a proper reopening of the underlying record on the full scope of issues raised by commenters,[58] which BLM must do based on its invitation in the scoping notice and the assertions in the Draft 2025 SEIS signaling the agency's intent to reconsider the 2019 ROD.

Moreover, as discussed in the following section, the decision about whether to amend the 2014 RMP must be made based on a proper examination of new information and circumstances relevant to the Planning Area, viewed in connection with FLPMA's "multiple use and sustained yield" and "unnecessary and undue degradation" requirements, and NEPA's "hard look" mandate.

IV. BLM must amend the 2014 RMP and issue a new SEIS that goes beyond fracking and fully accounts for new information and changed circumstances.

FLPMA governs BLM's management of public lands and sets forth requirements for RMPs and amendments thereto, in tandem with NEPA's environmental review requirements. Consistent with FLPMA and NEPA, BLM must amend the 2014 RMP to address new information and changed circumstances and prepare a correspondingly thorough revision to the

[55] *Id.* at ES-2, 13.
[56] *Id.* at 14.
[57] *Id.* at ES-1.
[58] *See, e.g., Edison Elec. Inst. v. U.S. EPA*, 996 F.2d 326, 332 (D.C. Cir. 1993) (holding that both an existing regulation and amendments to that regulation could be challenged where EPA solicited comments on both); *Env't Prot. Info. Ctr. v. Pac. Lumber Co.*, 266 F. Supp. 2d 1101, 1123 (N.D. Cal. 2003) (treating underlying water pollution control regulation as reopened where EPA solicited comment on its intent impose new discharge limits related to that regulation); *SLPR, LLC v. U.S. Army Corps of Eng'rs*, No. 06 CV 1327 MMA (POR), 2011 WL 1648732, at *4–6 (S.D. Cal. May 2, 2011) (treating a subsequent SEIS as reopening an earlier FEIS).

SEIS. The Draft 2025 SEIS improperly ignored scoping comments addressing such information and changes, and improperly defers a substantial portion of environmental review to later stages of the planning process.

In particular, a revised SEIS must address, and amendments to the 2014 RMP must reflect, new information and changed circumstances concerning the following topics: the 2025 Budget Reconciliation Act; an outdated reasonably foreseeable development scenario (RFDS); the growing public health crisis facing local communities in the Bakersfield Planning Area; air quality, including consistency review; climate change and greenhouse gas emissions; surface and groundwater resources; geologic and seismicity risks; impacts to sensitive species, and the ESA's consultation requirements; energy supply and demand; Wilderness, Areas of Critical Environmental Concern (ACECs), recreation and visual resources, and cultural resources; the growing idle and orphan well crisis; and consistency with management plans for adjacent field offices.

A. BLM must comply with FLPMA in its management of public lands in the Bakersfield Planning Area.

BLM has a fundamental statutory duty under FLPMA to manage the public lands "in a manner that that will protect the quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and archeological values" and that "will preserve and protect certain public lands in their natural condition[.]"[59]

FLPMA requires BLM to conduct its operations and actions in a manner that balances protection of environmental and cultural resources with commercial uses, rather than simply prioritizing economic return. Indeed, FLPMA recognizes the importance of "the long-term needs of future generations[,]" including "the use of some land for less than all of the resources[,]" and "harmonious and coordinated management of the various resources without permanent impairment of the productivity of the land and the quality of the environment[.]"[60] In other words, FLPMA's plain language establishes that the protection of ecological and environmental values is a core management mandate, not a discretionary consideration.

BLM's Public Lands Rule reaffirms and clarifies BLM's obligations under FLPMA to conserve intact landscapes, maintain ecosystem resilience, and account for landscape-scale connectivity in land use planning.[61] The Rule recognizes that conservation is a "use" of the public lands on par with other uses.[62]

To effectuate FLPMA's overarching policy of multiple use and sustained yield, including conservation and protection, BLM must develop and maintain RMPs that guide all subsequent implementation-level decisions on public lands.[63] In doing so, BLM must involve the public,

[59] 43 U.S.C. § 1701(a)(8).
[60] 43 U.S.C. § 1702(c).
[61] 43 C.F.R. § 6102.1.
[62] 43 U.S.C. § 1702(c)).
[63] 43 U.S.C. § 1702(c), § 1712(c)(1); 43 C.F.R. pt. 1610.

coordinate with Tribal Nations, and state and local governments, and ensure consistency with resource-related plans of other governmental jurisdictions.[64]

Additionally, in all planning and project-level decisions, BLM must prevent unnecessary or undue degradation of public lands.[65] This nondiscretionary duty applies on all public lands, not only those with special designations.

BLM likewise must follow specific criteria in the development and revision of RMPs, including applying an interdisciplinary scientific approach, giving priority to the designation and protection of ACECs, weighing long-term benefits to the public against short-term benefits, inventorying the public lands and their resources and values, and complying with pollution control laws, among others.[66]

The objective of resource management planning is "to maximize resource values for the public through a rational, consistently applied set of regulations and procedures which promote the concept of multiple use management[.]"[67] RMPs, and amendments and revisions, once adopted, project both the present and future uses of the land for decades, identifying which areas will be open to commercial leasing and development, and which areas will be protected.[68] FLPMA prohibits BLM from taking subsequent actions inconsistent with the provisions of final and approved RMPs.[69]

In sum, BLM must demonstrate that its approach to RMPs and amendments thereto is consistent with FLPMA's purposes, engages the public and others in the process, gives full consideration to conservation values consistent with the Public Lands Rule, and ensures the alternative selected does not result in unnecessary or undue degradation of public lands.

B. FLPMA requires BLM to consider amending the 2014 RMP based on new information and relevant policy changes.

As noted above, BLM based its conclusion that "an amendment to the 2014 RMP has been determined to be unnecessary" on a narrow analysis limited to whether there were any "conflicts . . . between the estimated impacts of hydraulic fracturing and the resource or program management goals and objectives stated in the 2012 Proposed RMP."[70] But this is not the right analysis for determining when an RMP amendment is necessary. Under FLPMA, BLM cannot

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[64] 43 U.S.C. 1712(a)–(b); 43 C.F.R. § 1610.3-1; *see also* 43 U.S.C. § 1712(c)(9).
[65] 43 U.S.C. § 1732(b).
[66] 43 U.S.C. § 1712(c).
[67] 43 C.F.R. § 1601.0-2.
[68] *See* 43 C.F.R. § 1601.0-5(n) (stating that RMPs establish "[l]and areas for limited, restricted or exclusive use[,]" "[a]llowable resource uses . . . and related levels of production or use to be maintained[,]" "[r]esource condition goals and objectives to be attained[,]" and "[p]rogram constraints and general management practices").
[69] *See* 43 U.S.C. § 1732(a); 43 C.F.R. § 1610.5-3(a) ("All future resource management authorizations and actions . . . shall conform to the approved plan.").
[70] Draft 2025 SEIS at ES-2.

zero in on one issue—fracking—as a reason for not amending, and avoid looking to see whether new data, policy, and circumstances relevant to other issues in the RMP support an amendment. Likewise, BLM's analysis must be memorialized in a NEPA-compliant SEIS that addresses new information and changed circumstances.

First, "whenever resource management plans are changed in any meaningful way, the changes must be made via amendment (i.e., supported by scientific environmental analysis and public disclosure)."[71] BLM has an affirmative duty under FLPMA to "monitor[] and evaluat[e] the plan . . . as appropriate to determine whether there is sufficient cause to warrant amendment . . . of the plan."[72] The regulations governing RMP amendments are "consistent with FLPMA's requirement that BLM ensure the 'views of the general public' and 'third-party participation' are adequately incorporated into the land planning process."[73]

Under FLPMA, "[a]n amendment *shall* be initiated by the need to consider monitoring and evaluation findings, new data, new or revised policy, a change in circumstances or a proposed action that may result in a change in the scope of resource uses or a change in the terms, conditions and decisions of the approved plan."[74] In particular, "BLM *must* amend a management plan when an action is proposed that changes either 'the scope of resource uses' or the 'terms, conditions and decisions' of the plan."[75] Likewise, BLM's regulations "*require*[] plan amendments whenever there is a 'need to consider monitoring and evaluation findings, new data, new or revised policy, [or] a change in circumstances.'"[76] Indeed, the regulations "clearly require[] a formal plan amendment anytime a proposed action changes a 'term, condition, or decision' of a resource management plan."[77]

It is important to note that, even where an existing ROD contemplates certain type of changes, "it does not necessarily follow that" similar changes fall outside of the requirements for amending an RMP—otherwise, "BLM could circumvent the mandates of § 1610.5–5 (i.e., requiring environmental assessments and impact statements, public disclosure, etc.) by merely designing a management plan that 'contemplates' a wide swath of future changes."[78]

Second, NEPA requires federal agencies to prepare an EIS for all "major Federal actions significantly affecting the quality of the human environment[.]"[79] The EIS must, among other things, describe the "environmental effects of the proposed agency action[,]" and evaluate "alternatives to the proposed agency action[.]"[80]

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[71] *Klamath Siskiyou Wildlands Ctr. v. Boody*, 468 F.3d 549, 557 (9th Cir. 2006).
[72] 43 C.F.R. § 1610.4-9.
[73] *Klamath*, 468 F.3d at 557 (citing 43 U.S.C. § 1701(a)(5); 43 C.F.R. § 1610.2).
[74] 43 C.F.R. § 1610.5-5 (emphasis added).
[75] *Klamath*, 468 F.3d at 556 (quoting 43 C.F.R. § 1610.5-5).
[76] *Id.* at 557 (second alteration in original) (emphasis added).
[77] *Id.*
[78] *Id.*
[79] 42 U.S.C. § 4332(C).
[80] 42 U.S.C. § 4332(C)(i), (iii).

NEPA's goals are to (1) "prevent or eliminate damage to the environment and biosphere[,]" (2) "stimulate the health and welfare of" all people, and (3) "encourage productive and enjoyable harmony between [hu]man[kind] and [the] environment[.]"[81] NEPA recognizes that "each person should enjoy a healthful environment" and requires that the federal government uses all practicable means to "assure for all Americans safe, healthful, productive, and esthetically and culturally pleasing surroundings[,]" and to "attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences[.]"[82]

To fulfill these purposes, NEPA requires that: (1) agencies take a "hard look" at the environmental impacts of their actions before the actions occur, thereby ensuring "that the agency, in reaching its decision, will have available, and will carefully consider, detailed information concerning significant environmental impacts[,]" and (2) "the relevant information will be made available to the larger audience that may also play a role in both the decisionmaking process and the implementation of that decision."[83] "General statements about 'possible' effects and 'some risk' do not constitute a 'hard look' absent a justification regarding why more definitive information could not be provided."[84]

While NEPA itself does not explicitly address supplementation of a federal agency's environmental impact analysis, it is well settled from case law that supplementation "is at times necessary to satisfy the Act's 'action-forcing' purpose[,]" including to "ensure[] that the agency will not act on incomplete information, only to regret its decision after it is too late to correct," as long as there is major federal action left to occur.[85] An RMP and SEIS are supposed to work together—BLM acknowledges that the Draft 2025 SEIS is supposed to help it "consider whether to amend the fluid minerals decisions" in the 2014 RMP."[86] BLM recognizes that the Draft 2025 SEIS will lead to "a new decision document, which will amend or supersede the 2019 ROD to the extent determined necessary or appropriate by BLM."[87] Indeed, amending an RMP is considered a "major federal action" under NEPA and, thus, requires a properly broad SEIS.[88]

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[81] 42 U.S.C. § 4321.
[82] *Id.* § 4331(b)–(c).
[83] *Methow Valley Citizens Council*, 490 U.S. at 349–50 (citation and internal quotation marks omitted).
[84] *Neighbors of Cuddy Mountain v. U.S. Forest Service*, 137 F.3d 1372, 1380 (9th Cir. 1998).
[85] *Marsh v. Or. Nat. Res. Council*, 490 U.S. 360, 371, 374 (1989) (footnote omitted) ("It would be incongruous with this approach to environmental protection, and with the Act's manifest concern with preventing uninformed action, for the blinders to adverse environmental effects, once unequivocally removed, to be restored prior to the completion of agency action simply because the relevant proposal has received initial approval.").
[86] Draft 2025 SEIS at 1.
[87] *Id.*
[88] *New Mexico ex rel. Richardson v. Bureau of Land Mgmt.*, 565 F.3d 683, 689 (10th Cir. 2009) ("Amending a resource management plan is a 'major federal action' whose potential environmental impacts must be assessed under NEPA.") (citing 42 U.S.C. § 4332(C)).

Here, consistent with the above principles, the 2014 RMP states that it "may be changed, should conditions warrant, through a plan amendment or plan revision process," and acknowledges that "[a] plan amendment may become necessary if major changes are needed or to consider a proposal or action that is not in conformance with the plan or for other reasons."[89] In particular, the 2014 RMP states that "[t]he results of monitoring, evaluation of new data, or policy changes and changing public needs might [] provide the impetus for an amendment" at an "issue-specific" level.[90] BLM recognizes that plan amendments require "public input and the appropriate level of environmental analysis."[91]

C. New information and changed circumstances illustrate the need for an amendment to the 2014 RMP and broader supplemental environmental review.

A proper review of new information and relevant policy changes illustrates that various aspects of the 2014 RMP are no longer consistent with FLPMA's overarching mandate for BLM to manage public lands "on the basis of multiple use and sustained yield . . . in a manner that will protect the quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and archeological values" while providing for "outdoor recreation and human occupancy and use[.]"[92]

To understand the need for an amendment to the 2014 RMP, it is important to understand the scope of that document. The 2012 FEIS describes the 2014 RMP as a revision to the 1997 Caliente RMP and 1984 Hollister RMP.[93] The purpose and need of the 2014 RMP is addressing "major changes" involving various transfers or acquisitions of public lands and managerial responsibilities, along with the establishment of the California Coastal National Monument and the Carrizo Plain National Monument.[94] In particular, the 2012 FEIS stated the following:

> Like California as a whole, the Planning Area has undergone many changes . . . resulting in a tremendous increase in the demand for, and the use of, public lands. The driving forces have been the rapid increase in California's population and the critical need for domestic energy production . . . . The national focus on increased domestic oil and gas production and the development of renewable energy has placed additional requests for use of public lands.[95]

The 2012 FEIS also recognized the importance of "address[ing] emerging issues concerning public lands."[96]

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[89] 2014 RMP at 170.
[90] *Id.*
[91] *Id.* at 171.
[92] 43 U.S.C. § 1701(a)(7), (8).
[93] 2012 FEIS at 1.
[94] *Id.* at 1–2.
[95] *Id.* at 2.
[96] *Id.* at IV.

The 2014 RMP has never been amended, and the only supplementation to the 2012 FEIS was the fracking-focused 2019 SEIS whose inadequacies led to litigation and a settlement resulting in the Draft 2025 SEIS at issue. Accordingly, BLM should treat anything that post-dates the 2012 FEIS and relates to issues other than fracking as new information and circumstances relevant to the issue of amending the 2014 RMP and revising the Draft 2025 SEIS to be broader in scope. At a minimum, studies that postdate the 2019 SEIS are indisputably "new."

In the years since BLM finalized the 2012 FEIS, there has been a shift away from domestic oil and gas production and a much larger emphasis on the development of renewable energy, due in part to emerging issues concerning the magnitude of the climate crisis and a new understanding of the public health harms from proximity to oil and gas production at distances of 3,200 feet and beyond. Additional changes throughout the Bakersfield Planning Area are discussed herein. Indeed, EPA also stressed in its scoping comments that it is critical for BLM to "[v]erify that older data and the underlying assumptions and analysis in referenced documents are representative of current conditions."[97]

BLM has previously recognized the need for RMP amendments in similar circumstances. For example, BLM has initiated an RMP amendment to address new species listings under the ESA.[98] BLM likewise amended a land use plan to withdraw a large tract of public land from coal leasing, recognizing that "the mining of coal in the planning area would continue to contribute to [greenhouse gas (GHG)] emissions, which in turn adds to ongoing impacts from climate change on human health and disease in numerous ways[,]" and would "not [be] in alignment with the Nation's interest in addressing climate-related public health concerns."[99]

With regard to the withdrawal from coal leasing, BLM further stated as follows:

> Moreover, additional coal leasing in the planning area would not support the Nation's long term climate strategy (November 2021) of limiting global temperature rise and putting the U.S. on a pathway to net-zero GHG emissions by 2050. Coal production is in decline, both nationally and in the Wyoming Powder River Basin, where coal production has been declining since the late 2000's. As such, the Nation's energy market is moving away from coal towards natural gas and renewable energy, which are more aligned with

[97] EPA, Scoping Comments for Draft 2025 SEIS at 2.
[98] *See Bd. of Cnty. Comm'rs of Cnty. of San Miguel v. U.S. Bureau of Land Mgmt.*, 584 F. Supp. 3d 949, 968 (D. Colo. 2022) (holding that the species-related "circumstances necessitating" a pending RMP amendment illustrated the existence of "additional foreseeable impacts" that BLM needed to consider prior to holding a lease sale); *see also Klamath*, 468 F.3d at 556 (treating actions to downgrade species protections as de facto amendments to a forest management plan that "resulted from the need to consider new information regarding the red tree vole").
[99] 89 Fed. Reg. 106557, 106558 (Dec. 30, 2024).

> the Nation's long term climate strategy, and continued coal leasing in the planning area would not support the national interest.[100]

Accordingly, BLM emphasized that FLPMA's principle of multiple use and sustained yield "does not require that all uses be allowed on all areas of the public lands[,]" and found that FLPMA supported the amendment and the leasing withdrawal where "the economic benefits from coal leasing no longer balance with the adverse effects to other public land resources, including but not limited to, air quality and environmental justice, as well as social and economic considerations."[101]

1. BLM improperly ignored a wealth of studies submitted during the scoping period that demonstrated new information relevant to amending the 2014 RMP and expanding the scope of the Draft 2025 SEIS.

The scoping comments incorporated herein attached numerous new studies and information and explicitly labeled relevant sections containing "recent studies" issued since 2019 for ease of reference.[102] BLM says it prepared the Draft 2025 SEIS to "analyze the environmental effects of hydraulic fracturing technology for oil and gas leasing and development of new leases within the Planning Area, and to determine whether changes are needed to the fluid minerals decisions in the 2014 RMP based on new information or changes in circumstance."[103] The studies submitted during the scoping period directly relate to these categories. Even so, the Draft 2025 SEIS lists only one of these recent studies in its list of studies considered.[104]

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[100] *Id.*; *see also* 89 Fed. Reg. 43432, 43433 (May 17, 2024) (SEIS "that considers no-leasing and limited coal leasing alternatives; [and] discloses the public health impacts, both climate and non-climate, of burning fossil fuels (coal, oil, and gas)"); 88 Fed. Reg. 26272, 26272 (Apr. 28, 2023) (plan amendment related to recreational shooting "in a manner that addresses public health and safety concerns[,]" including to "prohibit recreational shooting" on certain land "designated as unsuitable for recreational shooting"); 78 Fed. Reg. 57880, 57880 (Sept. 20, 2013) (RMP amendment that addressed "a proposed nomination for an Area of Critical Environmental Concern (ACEC) . . . and a Visual Resource Management change within the project boundary from Class III to Class IV").

[101] 89 Fed. Reg. 106557, 106558 (Dec. 30, 2024); *see also Mount Royal Joint Venture v. Kempthorne*, 477 F.3d 745, 758 (D.C. Cir. 2007) (upholding a withdrawal of land from mineral leasing due to "strong public opposition" to mining in or around ACECs based on "new information concerning the importance of the resource values, particularly cultural and hydrologic").

[102] Center Scoping Comments. Here, we are using the terms "recent" and "new" to mean the information that arose since BLM completed its 2019 SEIS.

[103] Draft 2025 SEIS at 4.

[104] *See, e.g.*, *id.* at 19 (stating that "BLM resource specialists reviewed the following information," followed by a bullet-point list of studies). The single study BLM referenced is Hwang et al.'s review of fracking's environmental implications. *Id.* at 60.

BLM's failure to consider and respond to the significant new scientific evidence presented to the agency since the original RMP was adopted is inconsistent with the purpose of this SEIS;[105] violates FLPMA, NEPA, and the Administrative Procedure Act (APA);[106] and renders BLM's analysis and decision not to amend the 2014 RMP arbitrary and capricious. For example, NEPA mandates that an EIS include a detailed statement on the "reasonably foreseeable environmental effects of the proposed agency action[,]"[107] and what is "reasonably foreseeable" is necessarily informed by the current state of scientific knowledge, not the state of knowledge at the time of a prior, now-superseded analysis. Congress further directed that agencies "ensure the professional integrity, including scientific integrity, of the discussion and analysis in an environmental document[,]" and "make use of reliable data and resources" in carrying out NEPA.[108] These provisions, taken together, impose an obligation on BLM to incorporate new scientific studies into its analysis, which it has failed to do here.

The studies BLM ignored span every major resource area analyzed in the Draft 2025 SEIS and relevant to the question of whether BLM must amend the 2014 RM, including: climate change and the need to phase out fossil fuel production, methane emissions and flaring; air pollution and public health impacts from oil and gas production; seismicity and well integrity; wildlife and ecological impacts; and species-specific impacts to the San Joaquin kit fox, blunt-nosed leopard lizard, and giant kangaroo rat. These studies are reattached and incorporated into this comment letter.

BLM's decision to cite only one of the many submitted studies, without any explanation for why it declined to consider the others, is arbitrary and capricious. This is not a situation where BLM considered the submitted studies and, after reasoned analysis, determined them to be inapplicable or unreliable. Rather, BLM appears to have simply ignored them. Federal law requires more.[109] An agency must, at minimum, acknowledge and respond to the significant

[105] DOI, Handbook of National Environmental Policy Act Implementing Procedures, No. 516 DM 1, § 3.7(a) (Feb. 2026) ("The bureau should make use of reliable existing data and resources.").
[106] The APA provides that agency action can be set aside when it is deemed "arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law." 5 U.S.C. § 706(2)(A).
[107] 42 U.S.C. § 4332(C)(i).
[108] *Id.* § 4332(D)–(E).
[109] *See Nevada v. Dep't of Energy*, 457 F.3d 78, 87–88 (D.C. Cir. 2006) (stating that under the APA and NEPA, courts must confirm "that the agency has adequately considered and disclosed the environmental impact of its actions and that its decision is not arbitrary or capricious"); *Earth Island Inst. v. U.S. Forest Serv.*, 442 F.3d 1147, 1160 (9th Cir. 2006) (stating that an agency acts arbitrarily and capriciously where it fails to make a reasoned decision based on its evaluation of the evidence).

scientific information placed before it during the NEPA process.[110] BLM's failure to do so here renders its analysis legally deficient.

Moreover, BLM failed to include the complete scoping comment submissions in the administrative record. While commenters attached and submitted the cited sources in 12 batches,[111] only four of these batches (numbers 7, 8, 10, and 11) appear in the "BKFO Scoping Comment Attachments" folder on the Bakersfield Field Office ePlanning page. The remaining batches are absent from the ePlanning site.

BLM must consider and address the complete set of new studies substantively in any revised or final SEIS and related decision document concerning amendment to the 2014 RMP and 2019 ROD, and must ensure that all such materials are part of the administrative record.

2. BLM cannot continue illegally deferring environmental review that never materializes at later stages of its planning process.

Under the MLA and FLPMA, BLM manages oil and gas drilling on public lands using a three-stage process. At each stage, BLM is required to comply with multiple federal and state laws in order to fully evaluate the impacts of its decisionmaking. For the Bakersfield region, however, BLM has a long and documented history of operating an elaborate shell game wherein it punts proper consideration of impacts to later stages where the promised analysis ultimately fails to materialize. BLM can no longer shirk its duties under the law and must now finally fix its RMP-level analysis for the region without further delay.

In the first stage of the process, BLM prepares, with public involvement, an RMP for each unit of public land within its jurisdiction.[112] An RMP operates like a zoning plan, defining the allowable uses of public lands within the plan area. At the RMP stage, BLM generally determines what areas to make available for oil and gas leasing and under what conditions.[113] An RMP does not require leasing any specific lands.

In the second stage, oil and gas operators submit an "expression of interest" to nominate specific sites within the plan area for oil and gas leasing.[114] BLM then decides whether those lands are eligible and, if so, makes them available through a competitive leasing process, subject

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[110] *See Bark v. United States Forest Serv.*, 958 F.3d 865, 871 (9th Cir. 2020) (faulting an agency for failing to address "substantial body of research" cited in public comments and merely reiterating its "general conclusions" in response, and that when "new, contrary scientific information becomes available, the agency must explain its reasons for disagreeing with it").
[111] Comment Submission Receipt, Center for Biological Diversity, BLM Nat'l NEPA Register, Submission ID BKSEISSCP-1-500769736 (July 23, 2025) (submitting scoping comments and cited sources for Draft 2025 SEIS).
[112] 43 U.S.C. § 1712(a).
[113] *New Mexico ex rel. Richardson v. Bureau of Land Mgmt.*, 565 F.3d 683, 689 n.1 (10th Cir. 2009) (describing process).
[114] 43 C.F.R. § 3120.1-1(e).

to the requirements of the RMP.[115] Prior to sale, BLM typically prepares an environmental review evaluating the environmental impacts of the lease sale. BLM may also subject leases to terms and conditions to protect the environment.

In the third and final stage, which occurs after BLM holds the lease sale and issues the leases, lessees submit applications for permits to drill (APDs) for individual oil and gas wells to BLM.[116]

The RMP stage represents a critical first step in the process because it opens specific areas to oil and gas development and identifies where possible leasing and drilling may occur. "All future resource management authorizations and actions" undertaken by BLM, as well as "subsequent more detailed or specific planning" during the leasing and drilling stages, must conform to the relevant plan.[117] RMPs like the 2014 RMP thus establish best management practices, standard operating procedures, and implementation guidelines for all "site-specific" activities that occur on the land in question, effectively outlining BLM's approach to future management decisions over the next ten to fifteen years.[118] Once a plan is approved, these practices, procedures, and guidelines apply to all new wells authorized on both new and existing leases in the plan area.[119]

Contrary to BLM's promises over the years, the agency has refused to address gaps in its RMP-level analysis at any stage of its oil and gas decisionmaking process for the Bakersfield region. For example, both the 2012 FEIS and 2014 RMP failed to provide a cumulative air impacts and public health analysis of the oil and gas drilling BLM authorized for the region overall under laws like the CAA, NEPA, or FLPMA, and these impacts were not adequately analyzed at the following lease sale stage.[120]

Such serious gaps continue at the final APD stage, which is BLM's last opportunity to address them. The agency routinely approves APDs in the Bakersfield region that still lack a proper analysis of these drilling impacts, and without providing affected communities adequate opportunities to review and comment on the environmental documents prior to approval.[121] While BLM may tier environmental analysis between different project stages under NEPA by incorporating aspects of an earlier environmental impact statement into a subsequent narrower

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[115] 43 U.S.C. § 1712(e); 43 C.F.R. § 1610.5-3(a); 43 C.F.R. pt. 3120.1.
[116] 43 C.F.R. § 3162.3-11(c).
[117] 43 C.F.R. § 1610.5-3(a).
[118] 2014 RMP at 17, 221–42; 2012 FEIS at 985.
[119] 43 C.F.R. § 1610.5-3(a)–(b).
[120] *See generally* BLM, December 2020 Competitive Oil and Gas Lease Sale, Final Environmental Assessment (Dec. 2020) (hereafter "2020 Lease Sale EA").
[121] *See, e.g.*, BLM, Environmental Assessment, Holmes Western Oil Corporation, Eleven Applications for Permit to Drill in Midway Sunset, DOI-BLM-CA-C060-2024-0084-EA (Dec. 18, 2024) at 38–39 (analyzing air emissions for individual ten-well package without considering additional permits approved for same operator in the same field on the same day, or ten-well package together with all other permit approvals in the region) (hereafter "2024 Holmes Western EA").

statement of environmental analysis, BLM cannot point to prior analysis that never happened.[122] BLM here "leaves the issue[s] wholly unstudied and violative of NEPA's fundamental purpose, and thus fails to satisfy the hard look required under NEPA."[123]

Both U.S. EPA and California's Department of Conservation also urged BLM to avoid punting analysis that is most appropriate for the current RMP planning stage. EPA recommends BLM to fully consider "the breadth and scale of the proposed development area," "describe the decision that the analysis would support and whether it would serve to support project-level decisions" and "what would trigger the need for developing additional NEPA documentation, including site-specific Environmental Assessments (EAs) or EISs for individual permits to drill."[124] This includes, for example, an "air basin level" emissions analysis for the Bakersfield region with "mitigation measures (including control measures and design features)" identified at this stage "to help ensure consistency for all future BLM-authorized activities."[125] The Department of Conservation similarly cautions that the 2014 RMP "does not include mitigation measures, [Best Management Practices (BMPs)], or stipulations that are adequate to avoid potential impacts" to particular resources.[126] "BLM should include adequate mitigation measures, BMPs, and stipulations in the SEIS and any amendments to the RMP."[127]

As a result of these persistent failures, a coalition of environmental and community groups, including some of the organizations on this letter, has repeatedly sued BLM for its deficient permitting review process for APDs in the Bakersfield region.[128] In the course of this litigation, BLM conceded it needed to reconsider whole swaths of its analysis underpinning its permitting decisions due to "substantial and legitimate" concerns, particularly with its cumulative effects and environmental justice analyses.[129] For example, BLM conceded certain

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[122] *See, e.g.*, *Diné Citizens Against Ruining Our Env't v. Bernhardt*, 923 F.3d 831, 851 (10th Cir. 2019) ("[I]f the 'relevant analysis in the [prior EIS] is not sufficiently comprehensive or adequate . . . the [site-specific EA] must explain this and provide any necessary analysis.'") (citation omitted); *see also Cal. Native Plant Soc'y v. EPA*, No. C06-03604 MJJ, 2007 WL 2021796, at *17 (N.D. Cal. July 10, 2007) (holding that "EAs could not be saved by tiering to an EIS that likewise failed to analyze the specific impacts").

[123] *California v. Bernhardt*, 472 F. Supp. 3d 573, 620 (N.D. Cal. 2020).

[124] EPA, Scoping Comments for Draft 2025 SEIS at 1.

[125] *Id.* at 3–4.

[126] Scoping Comments for the Draft 2025 SEIS, from the Cal. State Water Boards, Cal. Dept. of Conservation, Cal. Dept. of Fish & Wildlife, Cal. Coastal Commission, Cal. State Parks (July 23, 2025) at 12.

[127] *Id.*

[128] *Ctr. for Biological Diversity v. U.S. Bureau of Land Mgmt.*, No. 1:23-cv-00938-JLT-CDB (E.D. Cal., filed June 22, 2023); Second Amended Complaint for Declaratory and Injunctive Relief, *Center for Biological Diversity v. U.S. Bureau of Land Management*, No. 1:23-CV-00938-JLT-CDB (E.D. Cal., filed April 4, 2025); *Center for Biological Diversity v. U.S. Bureau of Land Management*, No. 1:25-cv-00140-JLT-CDB (E.D. Cal., filed Feb. 4, 2025).

[129] Federal Defendants' Motion for Voluntary Remand and Memorandum in Support at 7–8, *Center for Biological Diversity v. U.S. Bureau of Land Mgmt.*, No. 1:23-CV-00938-JLT-CDB (E.D. Cal., filed Nov. 7, 2023), Dkt. Nos. 21-1, 21-2.

emissions calculations for one well package at issue in the litigation increased *by 12,730 percent* after BLM attempted to correct the calculations.[130] The agency also admitted the emissions methodology it uses for California wells is entirely inappropriate and must be scrapped for a new approach.[131] This litigation is still ongoing because BLM has yet to fix the flaws in its permitting process and continues to unlawfully issue permits for oil companies to drill new wells in the Bakersfield region.

None of this important context and history is considered or even acknowledged in the Draft 2025 SEIS and constitutes significant new information and changed circumstances necessitating amendment to the 2014 RMP along with a much broader SEIS that fills the gaps long missing in the RMP-level analysis for the Bakersfield region.

3. BLM must consider and mitigate the impacts of oil and gas leasing and drilling at the planning stage as a result of the 2025 Budget Reconciliation Act.

The July 2025 Budget Reconciliation Act raises significant questions about BLM's discretion in the context of federal oil and gas leasing and, as a result, potentially changes BLM's legal obligations as it contemplates re-opening the Bakersfield Field Office region and conducting its NEPA analysis. Specifically, the Reconciliation Act amended the MLA to require, *inter alia*, that certain lands "*shall* be made available for leasing" once designated as open under an approved RMP.[132] These amendments impact the practical meaning of "open" designations in an RMP. BLM must evaluate these Reconciliation Act changes when assessing whether the 2014 RMP and Draft 2025 SEIS satisfy the agency's duties under FLPMA, NEPA, and other statutes. Should BLM determine the 2014 RMP must be amended as a result, the agency should conduct a fresh analysis for this process in light of these changes.

For nearly a century, the MLA afforded the Interior Department broad discretion in choosing whether to offer public lands for oil and gas leasing.[133] The central provision of the

[130] *Compare* BLM, Environmental Assessment California Resource Production Corporation Mount Poso; 6 Applications for Permit to Drill DOI-BLM-CA-C060-2022-0112-EA Programmatic Project #136 (May 31, 2023) at 30–31 *with* BLM, Environmental Assessment California Resource Production Corporation Mount Poso; 6 Applications for Permit to Drill DOI-BLM-CA-C060-2022-0112-EA Programmatic Project #136 (May 23, 2024) at 18–19.
[131] Federal Defendants' Motion for Voluntary Remand and Memorandum in Support at 7–8, Decl. of Gabriel Garcia in Support of Federal Defendants' Motion at 1–4, *Ctr. for Biological Diversity v. U.S. Bureau of Land Management*, No. 1:23-CV-00938-JLT-CDB (E.D. Cal., filed Nov. 7, 2023).
[132] 30 U.S.C. § 226(a)(1) (emphasis added), as amended by Pub. L. No. 119-21, § 50101(d)(1), 139 Stat. 72, 138 (2025).
[133] *See, e.g.*, *McDonald v. Clark*, 771 F.2d 460, 463 (10th Cir. 1985).

MLA stated that public lands "*may* be leased" by BLM for oil and gas development.[134] Courts consistently recognized that the statute gave BLM broad discretion over leasing decisions.[135]

In July 2025, Congress amended the MLA as part of the Reconciliation Act, replacing the "may be leased" language in Section 226(a) with a requirement that lands:

> shall be made available for leasing . . . by the Secretary of the Interior, not later than 18 months after the date of receipt by the Secretary of an expression of interest in leasing the applicable parcel of land available for disposition under this section, if the Secretary determines that the parcel of land is open to oil or gas leasing under the approved resource management plan applicable to the planning area in which the parcel of land is located that is in effect on the date on which the expression of interest was submitted to the Secretary[.][136]

In addition, the Reconciliation Act provides that any oil and gas leases issued "may not require any stipulations or mitigation requirements not included in the approved resource management plan."[137]

While, to our knowledge, BLM has not issued a formal interpretation of the Reconciliation Act's impact on oil and gas leasing, some states have asserted that the Reconciliation Act strips BLM of discretion to determine which parcels should be offered for lease, and that it restricts BLM's ability to impose protective mitigations or stipulations on leases beyond those identified in the RMP.[138]

To be clear, the organizations on this letter do not endorse these interpretations. However, these positions give rise to serious questions about BLM's ability to balance oil and gas development against other public-land values and achieve its statutory obligations. BLM must address those questions and clarify its interpretation of the Reconciliation Act as it applies to oil and gas leasing. To the extent that BLM believes that the Reconciliation Act limits BLM's discretion over whether to offer parcels to lease, which parcels to offer, and what mitigation and stipulations can be imposed *at the leasing or permitting stages*, the Reconciliation Act requires

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[134] 30 U.S.C. § 226(a) (emphasis added).
[135] *United States ex rel. McLennan v. Wilbur*, 283 U.S. 414, 419 (1931) (holding the MLA "goes no further than to empower the Secretary [of Interior] to execute leases"); *Udall v. Tallman*, 380 U.S. 1, 4 (1965) (finding the MLA gives BLM "discretion to refuse to issue any lease at all on a given tract"); *W. Energy All. v. Salazar*, 709 F.3d 1040, 1044 (10th Cir. 2013) (finding the Secretary has "considerable" discretion in leasing decisions); *Schraier v. Hickel*, 419 F.2d 663, 666 (D.C. Cir. 1969) (affirming BLM has "discretion to decline to lease" even if it published a notice that it would receive offers).
[136] 30 U.S.C. § 226(a), as amended by Pub. L. No. 119-21, § 50101(d)(1), 139 Stat. 72, 138–39 (2025).
[137] 30 U.S.C. § 226(a)(2)(A)(ii), as amended by Pub. L. No. 119-21, § 50101(d)(1), 139 Stat. 72, 139 (2025).
[138] *See* Int.-Def. State of Wy. Not. of Supp. Auth., *W. Watersheds Proj. v. Bernhardt*, 1:18-cv-00187 (D. Idaho Aug. 12, 2025), Dkt. No. 545 at 2–3.

BLM to weigh much more heavily the impacts of additional oil and gas leasing, as well as mitigation, minimization, and avoidance of impacts, *at the planning stage*. BLM must thoroughly analyze and consider this change in circumstances in an amended RMP and broader SEIS under NEPA in order to account for additional impacts on the environment, and on BLM's ability to meet its FLPMA mandate to manage for multiple uses and sustained yield and to avoid unnecessary or undue degradation.

Prior to the Reconciliation Act, BLM routinely relied on its broad leasing discretion to mitigate conflicts between oil and gas development and other public land uses. Even where lands were identified as "open" for leasing, BLM could choose not to hold lease sales or to withhold specific parcels based on environmental or other concerns. Other stakeholders, however, have argued that the Reconciliation Act removes this discretion. To the extent the agency adopts that interpretation, BLM must, during this planning process, revisit its designation of lands open for leasing in the Bakersfield region to ensure it can meet its FLPMA mandates if BLM agrees it lacks the discretion not to lease otherwise open lands.

Given arguments over the Reconciliation Act's potential restriction on the application of mitigations and stipulations at the leasing stage or permitting stages, it is critical that BLM consider and adopt detailed stipulations and mitigation measures for oil and gas activities at the planning stage now, so that the agency retains sufficient authority to impose conditions on any future leasing to protect human health and the environment.[139] Without these conditions, BLM may run afoul of the agency's obligations to avoid unnecessary or undue degradation of public lands and resources under FLPMA, as well as mandates of other statutes like the ESA, CWA, CAA, and the National Historic Preservation Act. We urge BLM to take the following actions as part of an amendment to the 2014 RMP, across all alternatives considered, in order to mitigate the adverse effects of additional drilling that may now occur:

- Identify existing and potential resource conflicts.
- Because the agency is interpreting recent changes to law as making certain parcels of land "available for leasing," close all lands with high ecological, historical, recreational, cultural or other values, especially ACECs and sensitive wildlife habitat, so that they may not be leased.
- At a minimum, require No Surface Occupancy (NSO) stipulations without exceptions, waivers or modifications in leases within ACECs and other special management areas.
- Provide for other mitigation measures, such as seasonal restrictions, and limited surface use that will avoid or mitigate conflicts.
- Require stipulations in any and all leases that reserve to BLM the discretion to deny drilling permits based on future conservation concerns, new information or cumulative impacts.
- Incorporate enforceable plan-level mitigation and adaptive management commitments to address unanticipated new information and changed conditions.
- Evaluate and require programmatic mitigation measures to avoid conflicts and harm at a later, site-specific stage.

[139] *See* Pub. L. No. 119-21, § 50101(d)(1), 139 Stat. 72, 139 (2025).

- In light of the Reconciliation Act changes, consider closing additional sensitive areas to leasing to mitigate overall impacts. The lands identified as ”high” mineral potential in the Bakersfield region could be a starting place for this consideration.

To the extent BLM adopts the interpretation of the Reconciliation Act proffered by others, the agency's new leasing mandate has changed the environmental baseline for the 2014 RMP and Draft 2025 SEIS, whether or not BLM amends the RMP, because lands currently designated as "open" for leasing now face a substantially higher probability of being leased and developed. Such a change warrants an RMP amendment and more comprehensive SEIS to account for and consider the reasonably foreseeable consequences of this increased leasing, including expanded surface disturbance, greater greenhouse gas emissions, and additional far-ranging cumulative impacts on habitat for plants and animals, water resources, air quality, and ACECs, among others.

For example, if the Reconciliation Act broadly limits BLM's discretion, the agency must now account for, analyze, and disclose to the public information pertaining to, at minimum, the following:

- The Reconciliation Act's reinstatement of non-competitive leasing, which may result in substantially more acreage being under lease, limiting other uses, such as recreation or wildlife conservation.[140]
- BLM's previous analysis assumed that not all available parcels would be leased. BLM must reassess that analysis and conclusion in an amended 2014 RMP and comprehensive SEIS in light of the Reconciliation Act's new requirements.[141]
- BLM's previous analysis assumed that the agency would be able to add stipulations and mitigation at the leasing and APD stages to ensure protection of resources and compliance with the agency's substantive FLPMA mandates. If that is not the case, BLM must account for this fact in the RMP amendment process.

The changes to leasing brought about by the Reconciliation Act underscore the need for BLM to reevaluate and expand the range of alternatives it considers as part of an amendment process. For example, BLM must consider reducing the acreage designated as open to leasing or apply broad NSO and other protective stipulations to ensure sensitive areas are not routinely made available for leasing and drilling. This is critical in order to ensure BLM meets its mandate of managing for multiple use, sustained yield, and prevention of unnecessary or undue degradation of sensitive resources present on BLM land.

4. BLM's Reasonably Foreseeable Development Scenario is outdated and inaccurate.

BLM cannot properly evaluate whether an amendment to the 2014 RMP is necessary under FLPMA without first considering a reasoned and up-to-date RFDS. The RFDS projects the number of new wells that will be drilled on federal mineral estate and is a "foundational

[140] Pub. L. No. 119-21, § 50101(a)(2), 139 Stat. 72, 137 (2025).
[141] *See id.* § 50101(d)(1), 139 Stat. 72, 138–39 (2025).

document" for the 2014 RMP and key to the planning-level analysis, as the Draft 2025 SEIS acknowledges.[142] The RFDS underpins every aspect of BLM's NEPA and FLPMA analyses by providing the underlying information by which the effects of BLM's discretionary oil and gas management activities are analyzed under the various alternatives.

But rather than updating the RFDS to reflect new information and changed circumstances relevant to the 2014 RMP, the Draft 2025 SEIS relies on an outdated RFDS from the 2012 FEIS on the basis that, in the lawsuit that prompted preparation of this SEIS, "[t]he Court . . . found the Reasonably Foreseeable Development Scenario (RFDS) was acceptable."[143] The RFDS was not at issue in that case, and the court made no such finding.[144] There is no rational basis for BLM to rely on an RFDS that is now 14 years old.

a. New information and changed circumstances illustrate the likelihood that the RFDS undercounts impacts in the 2014 RMP, which must be amended based on an updated RFDS.

Such new information and changes include, but are not limited to, California's fracking ban, recent federal policies to accelerate fossil fuel development, and data from Kern County regarding the rate of new oil and gas development, particularly the use of dangerous enhanced oil recovery (EOR) techniques.

First, the Draft 2025 SEIS fails to provide a reasoned explanation for why the RFDS includes fracking when California banned this practice. As noted elsewhere, Governor Newsom directed CalGEM to initiate a rulemaking to halt the issuance of new fracking permits by 2024.[145] Fracking was phased out by CalGEM regulations effective October 1, 2024.[146] The Draft 2025 SEIS acknowledges this ban: "As of October 1, 2024, the state implemented a ban on the issuance of new hydraulic fracturing permits, effectively formalizing a de facto moratorium that had already been in place. In the three years preceding the ban, CalGEM did not approve any new hydraulic fracturing permits, reflecting a broader policy shift away from unconventional extraction methods."[147] The Draft 2025 SEIS further acknowledges that "BLM does not have regulatory authority over hydraulic fracturing in California; that authority rests with [CalGEM], which oversees all well stimulation activities in the state."[148] However, the Draft 2025 SEIS proceeds with an RFDS that includes fracking without providing an explanation for how BLM determined it would still occur in the Planning Area in light of current state policy.

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[142] Draft 2025 SEIS at 2.
[143] *Id.* at 1.
[144] *ForestWatch v. U.S. Bureau of Land Mgmt.*, No. CV-15-4378-MWF, 2016 WL 5172009 (C.D. Cal. Sept. 6, 2016).
[145] Gov. Gavin Newsom, "Governor Newsom Takes Action to Phase Out Oil Extraction in California" (2021), https://www.gov.ca.gov/2021/04/23/governor-newsom-takes-action-to-phase-out-oil-extraction-in-california/.
[146] Cal. Dept. of Conservation, Well Stimulation Treatment Permitting Phaseout regulations (2024).
[147] Draft 2025 SEIS at 18.
[148] *Id.*

Second, the Draft 2025 SEIS fails to account for new federal policies and changed circumstances to accelerate fossil fuel development and reliance,[149] and to incorporate how that will impact BLM's projections of oil and gas development on California public lands and mineral estate in the Planning Area, as reflected in the 2014 RMP. At present the U.S. is the world's largest producer of oil and gas, and the federal government continues to aggressively expand new fossil fuel production.[150] The U.S. alone accounts for over 90% of the net global increase in oil and gas extraction during 2015–2024, driving up its production more than five times as much as any other country.[151]

Third, Kern County's projections of new oil and gas development and well stimulation in the County are much higher than BLM's estimates. The 2025 revisions to the Kern County Oil and Gas Zoning Ordinance that currently governs permitting of oil and gas development in the County—excluding BLM lands—projects 2,697 new producing wells and 1,200 well stimulation events per year over 25 years.[152] In total, it projects an average of 2,697 new producing wells, 48 water disposal wells, 158 water flood injectors, 381 non-cycle idle wells, 56 observation wells, 304 steam flood injectors, five gas disposal wells, 1,645 cyclic wells, 1,200 well stimulations ("SB 4 activities"), and 2,221 plugged and abandoned wells per year.[153] If well stimulation events are applied to the new producing wells, Kern County predicts that 44% of new wells would have well stimulation each year. In addition, California Senate Bill 237 (SB 237) now fast tracks 2,000 new drilling permits per year in Kern County

The 2014 RMP proposes to open up more than one million acres of federal mineral estate to new leasing, and a large portion of the area open for leasing is in Kern County.[154] BLM's projection of 100 to 400 new wells each year, with only 10 to 40 wells on new federal leases and only 0 to 4 of those wells fracked (0% to 10% fracked), does not square with the estimates for oil and gas development and the high percentage of well stimulation projected by Kern County

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[149] *See, e.g.*, The White House, Executive Order, "Unleashing American Energy" (Jan. 20, 2025), https://www.whitehouse.gov/presidential-actions/2025/01/unleashing-american-energy/; *see also* CNBC, "Trump megabill gives the oil industry everything it wants and ends key support for solar and wind" (July 3, 2025), https://www.cnbc.com/2025/07/03/trump-one-big-beautiful-bill-oil-gas-coal-solar-wind-ira-tax-incentive-repeal.html.

[150] Stockholm Env't Inst. (SEI), Climate Analytics, & Int'l Inst. for Sustainable Dev. (IISD), The Production Gap Report 2025 (Sep. 2025) at 51, http://productiongap.org/2025report.

[151] Oil Change Int'l, Planet Wreckers: The Global North Countries Fueling the Fire Since the Paris Agreement (Oct. 2025) at 3, https://oilchange.org/wp-content/uploads/2025/10/Planet-Wreckers-October-2025.pdf.

[152] Kern Cnty., Draft Second Supplemental Recirculated Environmental Impact Report (SSREIR) (March 2025) Revisions to Title 19-Kern County Zoning Ordinance Code – (2025 A), Focused on Oil and Gas Local Permitting (Mar. 2025) at 1-7 ("Over the next 25 years, this EIR conservatively assumes that an average of 2,697 new producing wells per year could be drilled in the Project Area as part of the potential future oil and gas development scenario included in the proposed Project."), 1-19.

[153] *Id.* at 3-32.

[154] Draft 2025 SEIS at 5.

(only where California repeals its fracking ban or the law otherwise becomes invalid). BLM must explain this difference or adjust its estimates to align with recent estimates by the state's largest oil and gas producing county.

In addition, California's new Senate Bill 237 (SB 237) now fast tracks 2,000 new drilling permits per year in Kern County.[155] Indeed, in response, the state has already approved nearly 100 drilling permits in the County in January and February 2026 alone, indicating that the pace of drilling in this region will far outpace BLM's annual projections.[156] Most of these permits are for dangerous and polluting EOR techniques like cyclic steam injection, steam flooding, and waterflooding that BLM does not account for in either its RFDS or in its impacts analysis in any of the 2012 FEIS, 2019 SEIS, or now the Draft 2025 SEIS.[157]

b. BLM has failed to address additional RFDS flaws identified in prior litigation, despite a settlement requiring BLM to do so.

The RFDS is riddled with errors detailed in comments on the 2019 SEIS,[158] which led to litigation and the settlement agreement under which BLM agreed to prepare the Draft 2025 SEIS. Even so, BLM made no attempt to address or fix those errors in this updated environmental review, making these issues ripe for challenge.

In addition to the new information and changed circumstances detailed in the previous section that BLM ignored, the RFDS is further unreasoned in several key respects, including that: (i) the descriptions of the Planning Area and rates of permitting are inconsistent; (ii) there is no basis for how the well numbers in the RFDS were determined; (iii) the projection for the number of fracked wells is flawed; (iv) the Supplemental Hydraulic Fracturing Analysis Areas are arbitrarily and improperly constrained in size; and (v) the projections for the number of wells fracked per year improperly exclude wells on existing federal lease areas.

i. The Draft 2025 SEIS provides inconsistent descriptions of the Planning Area and permitting rates.

The Draft 2025 SEIS fails to provide a consistent description of the Bakersfield Planning Area and Proposed Plan. In the Draft 2025 SEIS, BLM states that the total estimated Planning Area is 1,172,480 acres[159] and that approximately 1.2 million acres of federal mineral estate will be open to fluid mineral leasing.[160] Yet the shapefile dataset provided to the public included only

[155] 2025 Cal. Legis. Serv. 118 (S.B. 237).
[156] Cal. Dept. of Conservation, Notice of Intention (NOI) Submitted For Week #9 Ending Saturday, February 28th, 2026 (accessed Mar. 5, 2026) (summarizing permit totals in spreadsheet tab labeled "List – Permits Issued (YTD)").
[157] *Id.*
[158] Center for Biological Diversity, Los Padres Forest Watch, and Sierra Club, Comments on Notice of Availability of the Bakersfield Field Office Hydraulic Fracturing Draft Supplemental Environmental Impact Statement, California (June 10, 2019).
[159] Draft 2025 SEIS at 37.
[160] *Id.* at 2.

847,597 acres of federal mineral estate open to fluid mineral leasing. The public therefore has no way to know the full extent of the areas that BLM proposes to open for leasing. It cannot be certain, by looking at any map generated by the data BLM provided, that the full extent of areas open for leasing are disclosed.

BLM further states that "[a]t the time of preparation of this 2025 DSEIS, BLM's Automated Fluid Minerals Support System (AFMSS2) records indicate over the last 10 years, BLM has approved an average 85 wells per year through APDs. No wells have been approved since 2019."[161] However, this is not consistent with the data that BLM provides in its AFMSS2 database. The AFMSS2 database instead shows an average of 94 APDs approved per year by the Bakersfield Field Office in the Planning Area over the 10 year period from 2015-2024.[162] Contrary to BLM's claims of no well approvals since 2019 in the Planning Area, the AFMSS2 database clearly shows that hundreds of wells have been approved (given "APD approvals") since 2019, including ~463 wells approved between January 2020 and May 2025.[163]

It is the agency's duty to provide clear, consistent and accurate information so that the public is fully informed of the scope of the agency action. BLM has failed to do this. The Draft 2025 SEIS must be amended and recirculated to provide clarity to the public about the true scope and impact of BLM's proposed plan.

ii. The Draft 2025 SEIS fails to provide a basis for how the well numbers in the RFDS were determined.

BLM fails to provide a basis for the well projections in the RFDS or show how these well numbers were determined, even though they are fundamental to the environmental analysis. The RFDS projection is that 100 to 400 federal wells will be drilled on federal mineral estate each year, including 90 to 360 wells per year on existing leases and 10 to 40 wells per year on new leases issued subsequent to the 2014 RMP approval date.[164] However, BLM never explains or shows in the Draft 2025 SEIS, the 2019 SEIS, or the 2012 FEIS how the estimate of 100 to 400 wells was calculated, nor how it calculated the estimate of 90 to 360 wells drilled each year on existing leases and 10 to 40 wells drilled each year on new leases. BLM must amend the 2014 RMP and redo its SEIS to provide a clear basis for its RFDS calculations.

iii. The Draft 2025 SEIS's projection for the number of fracked wells is flawed.

The Draft 2025 SEIS fails to provide a reasonable or transparent projection of the number of wells that will be fracked each year on federal leases, even though this estimate is critical to the environmental analysis. The document estimates that 0 to 4 new wells on new leases will be

[161] *Id.*
[162] BLM, Automated Fluid Minerals Support System Reports (2026), https://reports.blm.gov/reports/AFMSS.
[163] *Id.*
[164] Draft 2025 SEIS at 2.

fracked each year, for a total of 0 to 40 over the 10-year period.[165] The calculations underlying this estimate are not described in this document, the 2019 SEIS, or the 2012 FEIS, but in a short memo by Prude (2018) based on compiled data in three spreadsheets cited by the memo.[166] There are numerous fatal flaws in the Prude (2018) analysis that were raised in the Center for Biological Diversity's June 10, 2019 comment letter but that BLM failed to address or fix.

First, the methods and calculations used by Prude (2018) to estimate the incidence of fracking on new leases are riddled with math and logic errors. In Prude's first method, Prude calculates the acres of federal mineral estate only in the 11 most highly fracked fields and within two miles of those fields.[167] In doing so, Prude omits 15 other oil fields where fracking has occurred, improperly narrowing the scope of analysis. Many of the oil fields that were omitted from analysis had a high fracking rate—for example, 20%, 50%, 100% of new wells since 2012 were fracked—even though they have a low overall number of new wells, and it is not reasonable to exclude these fields.[168] By narrowing the analysis to 11 fields, BLM also assumes that, of the 217 oil fields within the Bakersfield Field Office Planning Area, there will be no fracking anywhere except for in those 11 fields, without providing a basis for that assumption.

Second, Prude uses inaccurate data to calculate the percentage of mineral estate expected to be fracked. Prude calculates that 3% of unleased high potential mineral estate is within areas likely to be fracked (8,707/286,900 acres).[169] However, Prude uses the incorrect number of acres with high potential for oil and gas occurrence. He works from the assumption that there are 286,900 acres of high potential mineral estate, instead of the 158,500 acres repeatedly stated in the 2012 FEIS.[170] Using the correct acreage figures leads to an estimate that 5.5% of unleased high potential mineral estate is within areas likely to be fracked—an increase on the 3% that Prude assumes. Prude also uses the incorrect number of new wells on new leases, using 0 to 40 wells instead of the 10 to 40 well projection used elsewhere in the 2019 SEIS and Draft 2025 SEIS.[171]

Importantly, Prude's assumption that the new wells will be evenly distributed over the acres open for leasing is completely invalid and contradicted by the Draft 2025 SEIS. BLM repeatedly states that the new leases and new wells are likely to be near existing leases and

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[165] *Id.* at 35.
[166] BLM, Bakersfield Field Office, Prude memo re "Method used to project number of wells that will be HF'ed in the SEIS," prepared for 2019 SEIS (2018) (hereafter "Prude (2018) memo"); According to the Prude (2018) memo, the data on which the analyses are based are compiled in three spreadsheets titled "FracFocus.all wells since 1-2012 and a few in 2011.xlsx," "WellsHF and Drilled 2012-2018 by field.xlsx," and "11 focus fields plus buffer.xlsx."
[167] Prude (2018) memo at 2.
[168] Prude (2018) memo, "WellsHF and Drilled 2012-2018 by field.xlsx."
[169] Prude (2018) memo at 2.
[170] 2012 SEIS at 318, 514.
[171] *See, e.g.*, BLM, Bakersfield Field Office Hydraulic Fracturing Final Supplemental Environmental Impact Statement (Oct. 2019) at 3 (hereafter "2019 SEIS") at IV, 2; Draft 2025 SEIS at 2.

existing wells,[172] and not evenly distributed. The Prude memo itself states that "[fracking] activity in the future is expected to occur in the same general areas as in the past."[173] In short, these erroneous assumptions, logic errors, and math errors invalidate BLM's fracking projection.

Without a realistic evaluation of future oil and gas development, the Draft 2025 SEIS improperly masks the extent of the impacts to air, climate, water, public health, biological resources, and other resources. Accordingly, the RFDS must be revised to reflect realistic future production growth from both conventional and unconventional oil and gas resources in order to ensure that potential environmental impacts are properly evaluated under NEPA.

iv. The "Supplemental Hydraulic Fracturing Analysis Areas" are arbitrarily and improperly constrained in size.

The Draft 2025 SEIS analysis hinges on the projected amount of fracking in four supplemental hydraulic fracturing (SHF) analysis areas, shown in the "Supplemental Analysis Areas" figure,[174] and defined as the "most likely places for locating new wells on new federal oil and gas leases that would be hydraulically fractured."[175]

Putting aside that this approach disregards BLM's obligation to also consider fracking of new wells on existing leases, the Draft 2025 SEIS, 2019 SEIS, and 2012 FEIS do not provide an explanation for how the boundaries of the SHF analysis areas were determined, or how the SHF areas relate to projection of the number of fracked wells estimated in the RFDS. Indeed, the only conclusion that can be drawn is that the boundaries of the SHF polygons are arbitrary and omit areas that should be analyzed. All the SHF polygons exclude numerous leasing areas with high or moderate resource potential that are near wells that have been fracked. For example, the boundary of the Sespe SHF analysis area illogically cuts through the middle of high resource potential lease parcels, excluding the portions of the lease parcels that are closest to fracked wells. However, these omitted areas—which have been fracked, have high potential for oil and gas development, and are available for leasing—should logically be included in the SFH analysis polygons as areas likely to undergo fracking. The unreasonable and unfounded SFH analysis corrupts the Draft 2025 SEIS analysis.

v. BLM's projections for the number of wells fracked per year improperly exclude wells on existing federal leases.

The Draft 2025 SEIS estimates the number of new wells that will be fracked on new federal leases, but fails to estimate or address the number of wells that will be fracked on existing

[172] *See id.* at 35 ("New hydraulically fractured wells would be located in the vicinity of previously hydraulically fractured wells. . . New wells on new federal mineral leases that would be hydraulically fractured would also likely be located near areas designated for high mineral potential.").
[173] Prude (2018) memo at 2.
[174] Draft 2025 SEIS at 7.
[175] *Id.* at 6.

federal leases. BLM offers no justification for this arbitrary refusal to analyze the impacts of all future hydraulic fracturing on federal mineral estate in the Bakersfield Planning Area.

BLM acknowledges that "[n]ew wells on new leases that may be completed using hydraulic fracturing would be subject to all fluid mineral management decisions in the 2014 RMP,"[176] but the same is true of new wells on existing leases. Oil and gas development on federal land and mineral estate is a multi-stage process. BLM first prepares an RMP to guide which federal lands BLM will consider leasing.[177] In the second phase, BLM leases land for oil and gas development.[178] In the third phase, a lessee submits an application for a permit to drill an oil or gas well (APD).[179] As BLM acknowledges, "[n]o proposed drilling operations, including hydraulic fracturing and related surface disturbance activities, may be initiated without an approved APD."[180] And it is at the APD stage that BLM identifies "design features, Conditions of Approval (COAs), BMPs, and stipulations from the 2014 RMP that would be applied to the project."[181] That is, the design features, BMPs, and COAs from the 2014 RMP are applied to all new APDs, irrespective of when the underlying lease was issued. Accordingly, the analysis in the Draft 2025 SEIS, and any consequential amendments to the 2014 RMP, will affect *all* new wells, not just new wells on new leases. BMPs and COAs developed in the RMP and SEIS to mitigate the impacts of fracking—developed with an understanding of the impacts of *all* new fracking on federal lands—can mitigate the impacts of new fracked wells on existing leases, not just those on new leases. Accordingly, BLM must analyze the impacts of all new fracking on federal mineral estate, and must not arbitrarily constrain itself to a narrow subset of wells.

For the foregoing reasons, reliance on the outdated RFDS has led to an underestimation of impacts in a wide variety of categories relevant to the 2014 RMP, illustrating the need for an amendment thereto and a broader SEIS.

5. BLM must address the growing public health crisis facing local communities in the Bakersfield Planning Area.

Residents in the Bakersfield Field Office region are already disproportionately burdened by air and water pollution, and additional oil and gas development authorized by the Draft 2025 SEIS will only exacerbate already severe environmental and public health harms. BLM must consider the wealth of new and growing scientific literature confirming that communities living on the frontlines of oil and gas production are experiencing a public health crisis due to pollution exposure, necessitating an amendment to the 2014 RMP and comprehensive SEIS assessing the crisis and identifying appropriate stipulations and mitigation measures.

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[176] 2019 SEIS at 3.
[177] 43 U.S.C. § 1712(a); 43 C.F.R. § 1601.0-5(n); *see also Pennaco Energy v. U.S. Dep't of Interior*, 377 F.3d 1147, 1151 (10th Cir. 2004).
[178] 43 U.S.C. § 1712(e); 43 C.F.R. § 1610.5-3(a); 43 C.F.R. pt. 3120.1.
[179] 43 C.F.R. § 3162.3-1(c).
[180] 2019 SEIS at 49.
[181] *Id.* at 3; *see also* 2012 FEIS at 970 (describing conditions of approval).

a. NEPA requires BLM to take a hard look at impacts on California's most vulnerable and overburdened communities.

Under California law, "environmental justice" means "the fair treatment and meaningful involvement of people of all races, cultures, incomes, and national origins, with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies."[182]

Under NEPA, agencies conducting environmental review for a proposed project "must not only disclose . . . that certain communities and localities are at greater risk, but must also fully assess these risks."[183] The lead agency must take a hard look at the localized public health impacts on vulnerable communities, "especially where increased harm on certain populations living near active oil and gas development on federal and tribal lands is acknowledged and the potential for alternative approaches exists."[184] The hard look standard requires the agency to "adequately consider[] every significant aspect [of the project's environmental impacts], and inform[] the public of its reasoning and conclusions."[185] Indeed, protecting public health is fundamental to NEPA's underlying purpose. NEPA was enacted in part to "stimulate the health and welfare of man[.]"[186] The law requires federal agencies "to use all practicable means, consistent with other essential considerations of national policy" to "assure for all Americans safe, healthful, productive, and esthetically and culturally pleasing surroundings."[187] In examining impacts, agencies must consider direct, indirect, and cumulative impacts on all potentially affected resources.[188]

BLM's assessment of how any new development will exacerbate the cumulative existing burdens in the Bakersfield Planning Area is critical here given the documented and worsening pollution crisis facing communities. The U.S. Supreme Court has acknowledged that NEPA "may require a comprehensive impact statement in certain situations where several proposed actions are pending at the same time[,]" for example that "when several proposals for coal-related actions that will have cumulative or synergistic environmental impact upon a region are pending concurrently before an agency, their environmental consequences must be considered together."[189]

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[182] Cal. Pub. Res. Code § 30107.3(a); Cal. Gov't Code § 65040.12(e)(1).
[183] *Bernhardt*, 472 F. Supp. 3d. at 620.
[184] *Id.* at 619; *see also Marsh*, 490 U.S. at 374 (stating that NEPA requires an agency to take a "hard look" at all environmental consequences of a proposed project) (internal quotation marks omitted).
[185] *Or. Wild v. Bureau of Land Mgmt.*, No. 6:14-CV-0110-AA, 2015 WL 1190131, at *12 (D. Or. Mar. 14, 2015).
[186] 42 U.S.C § 4321.
[187] 42 U.S.C § 4331(b)(2).
[188] *Idaho Sporting Cong. Inc. v. Rittenhouse*, 305 F.3d 957, 973 (9th Cir. 2002).
[189] *Kleppe v. Sierra Club*, 427 U.S. 390, 409–10 (1976).

In order to satisfy NEPA's hard look standard, BLM must therefore fully assess the public health impacts of its plan to open up the Bakersfield region to new and harmful oil and gas development. This legal obligation applies to BLM and allows it to "strictly adhere" to NEPA as the Draft 2025 SEIS claims it must do, notwithstanding recent Executive Orders (e.g. (E.O. 14154) that attempt to prioritize energy development on public lands.[190]

b. Oil and gas development is exacerbating disproportionate pollution burdens in the region, particularly for communities in close proximity to drilling activity.

The Bakersfield Field Office region is home to many of the communities most significantly burdened by pollution in California. For example, BLM has noted that nearly 65% of the population are people of color.[191] In Kern County, which the Draft 2025 SEIS identifies as the likeliest place for new oil and gas development, 60% of residents are people of color,[192] 57% of residents are Hispanic or Latino,[193] and an estimated 41% of residents aged 18 and older speak English less than "very well."[194] As of 2023, American Community Survey estimated that 19.2% of Kern County's residents fall below the poverty level,[195] with 40.4% of residents falling below 200% of the poverty level.[196] BLM has also noted that 44% of the population qualifies as low income.[197]

Much of Kern County is in "serious" nonattainment for particulate matter air quality standards and "extreme" nonattainment for ozone air quality standards ("serious" is the highest nonattainment designation for particular matter while "extreme" is the highest for ozone).[198] Indeed, recent analysis concludes that Bakersfield "has the most unhealthful air in the nation"

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[190] Draft 2025 SEIS at 12. BLM's premise that a "national energy emergency" exists is fundamentally flawed and is in fact just a pretext for arbitrarily boosting favored energy sources like fossil fuels, while cutting renewable energy production. *See* Letter to Douglas Burgum, Secretary of the Interior, from coalition of environmental groups, "Department of the Interior Emergency NEPA Procedures" (May 16, 2025).

[191] 2024 Holmes Western EA, App. 2: Socioeconomic Profile (May 15, 2024) at 20.

[192] U.S. Census Bureau, "ACS Demographic and Housing Estimates" (2023), https://data.census.gov/table/ACSDP1Y2023.DP05?q=Kern+County,+California.

[193] *Id.*

[194] U.S. Census Bureau, "Language Spoken at Home" (2023), https://data.census.gov/table/ACSST1Y2023.S1601?q=Kern+County,+California&t=Language+Spoken+at+Home.

[195] U.S. Census Bureau, "Selected Characteristics of People at Specified Levels of Poverty in the Past 12 Months" (2023).

[196] U.S. Census Bureau, "Poverty Status in the Past 12 Months" (2023).

[197] 2024 Holmes Western EA, App. 2: Socioeconomic Profile at 18.

[198] EPA, "California Nonattainment/Maintenance Status for Each County by Year for All Criteria Pollutants" (current as of Feb. 28, 2026), https://www3.epa.gov/airquality/greenbook/anayo_ca.html.

and is the "worst place[] to live" *in the nation* for air pollution.[199] Ventura County in the Planning Area has similarly poor air quality in nonattainment of particulate matter and ozone standards.[200] The region also experiences severe drinking water supply and contamination problems, and ground subsidence as more and more water is removed.[201] The County has the second highest number of community water systems in California that rely on contaminated groundwater.[202] Residents in Kern and nearby Kings counties are forced to rely on contaminated drinking water because the community water systems are small and lack the resources to properly treat the groundwater or use another uncontaminated water source.[203]

As a result of these pollution burdens, data from CalEPA's CalEnviroScreen tool indicates that communities in this region, particularly the San Joaquin Valley, are statistically the "most affected by pollution" in the state, meaning they experience the most asthma emergency room visits, heart attacks, and low birth-weight infants.[204] The latest research shows that Kern County ranked second among California counties for highest heart-disease caused deaths based on 2019-2023 data.[205] Based on 2019–2021 data, Kern County had the highest instance of Hispanic infant mortality among California counties with reliable data.[206]

Pursuant to NEPA, the community characteristics and existing environmental burdens in this region warrant a "hard look" at the potential adverse environmental effects and the localized health impacts on vulnerable communities associated with authorizing new development.[207] Yet despite acknowledging in its 2012 EIS and 2019 SEIS for the Bakersfield Field Office Planning Area that the region "qualifies as an environmental justice population area," BLM has seemingly ignored the potential environmental justice impacts in any prior environmental review for the oil

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[199] E. McCormick, "Revealed: The 10 Worst Places to Live in US for Air Pollution" (Mar. 8, 2023), https://www.theguardian.com/us-news/2023/mar/08/10-most-air-polluted-places-to-live-us.

[200] EPA, "California Nonattainment/Maintenance Status for Each County by Year for All Criteria Pollutants."

[201] Cal. Council on Science & Technology (CCST), An Independent Assessment of Well Stimulation in California, Vol. 2, Potential Environmental Impacts of Hydraulic Fracturing and Acid Stimulations (Jul. 2015) at 65.

[202] Ctr. for Biological Diversity, Comments on 2020 Lease Sale EA at 73.

[203] Cal. DOJ., Comments on 2020 Lease Sale EA at 13-14; *see* SWRCB, Report to the Legislature: Communities That Rely on a Contaminated Groundwater Source for Drinking Water (Jan. 2013, revised Jun. 2020); *see also* OEHHA, Methodology for a Statewide Drinking Water Contaminant Indicator (Jan. 2017), https://oehha.ca.gov/media/downloads/calenviroscreen/report/ces3dwmethodology.pdf.

[204] OEHHA, CalEnviroScreen 4.0 Tool (Oct. 2021) at 154, 159, 164.

[205] In Kern County, the age-adjusted death rate for deaths caused by heart disease per 100,000 people is 207.1; in Kings County, it is 177.9; the state-wide rate is 143.6. Nat. Inst. on Minority Health & Health Disparities, Heart Disease Death Rates Table for California by County (2019-2023).

[206] Cal. Dept. of Public Health, County Health Status Profiles 2024 at 38, https://www.cdph.ca.gov/Programs/CHSI/CDPH%20Document%20Library/CHSP_Profiles/CHSP-2024.pdf.

[207] *See Bernhardt*, 472 F. Supp. 3d at 620; *Marsh*, 490 U.S. at 374.

and gas extraction it authorizes on public land and cannot refuse to examine these impacts now.[208]

Over 107,000 people, or nearly 12 percent of Kern County residents alone, live within roughly a half-mile of oil and gas wells.[209] Over half these residents are people of color.[210] One-third of the County's wells are within the same distance of schools and hospitals.[211] Overall, approximately 25 percent of oil and gas wells in Kern County are located in low-income communities.[212] According to a new report from CalGEM's Scientific Advisory Panel, the scientific literature now indicates "that compared to non-Hispanic White and more socioeconomically advantaged populations, non-Hispanic Black, non-Hispanic Asian, and Hispanic populations and those of lower socioeconomic status were more likely to live near upstream oil and gas development activities where exposures to stressors are likely to be higher."[213]

A raft of new studies and data increasingly link proximity to oil and gas operations to higher rates of cancer, adverse birth outcomes,[214] respiratory illnesses,[215] cardiovascular

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[208] 2012 FEIS at 388.
[209] The Oil & Gas Threat Map, "Oil & Gas Threat Map 2.0, Kern County" (2026), https://oilandgasthreatmap.com/threat-map/; *see also* U.S. Census Bureau, "ACS Demographic and Housing Estimates" (2023), https://data.census.gov/table/ACSDP1Y2023.DP05?q=Kern+County,+California (estimating the 2023 total Kern County population to be 913,820).
[210] The Oil & Gas Threat Map, "Oil & Gas Threat Map 2.0, Kern County."
[211] K. Ferrar, "California Setback Analyses Summary," FracTracker Alliance (Apr. 2, 2020), https://www.fractracker.org/2020/04/california-setback-analysis-summary/.
[212] *Id.*
[213] CalGEM Scientific Advisory Panel Report at ES-6.
[214] *See, e.g.*, D.J. Gonzalez et al., Oil and Gas Production and Spontaneous Preterm Birth in the San Joaquin Valley, CA: A Case-Control Study (Aug. 2020); K.V. Tran et al., Residential Proximity to Oil and Gas Development and Birth Outcomes in California: A Retrospective Cohort Study of 2006–2015 Births (June 3, 2020), https://pmc.ncbi.nlm.nih.gov/articles/PMC7268907/pdf/ehp5842.pdf.
[215] *See, e.g.*, Am. Lung Assn, "State of the Air Report Card: Kern County" (2025); D.J. Gonzalez et al., *Upstream Oil and Gas Production and Ambient Air Pollution in California*, Science of The Total Environment, 806, 150298 (Feb. 1, 2022); J.E. Johnston et al., *Respiratory Health, Pulmonary Function and Local Engagement in Urban Communities Near Oil Development*. 197 Env't Rsch. 111088 (June 2021), https://doi.org/10.1016/j.envres.2021.111088; J.J. Buonocore, *Air Pollution and Health Impacts of Oil & Gas Production in the United States*. 1 Env't Rsch.: Health 021006 (May 8, 2023), https://iopscience.iop.org/article/10.1088/2752-5309/acc886; M. Pianko, "California Lagged in Capping Century-Old Oil Wells Leaking Under Homes of LA Residents Plagued by Illness and Odors" (Feb. 13, 2020), https://www.desmogblog.com/2020/02/13/los-angeles-vista-hermosa-cap-orphan-oil-wells-leaking-doggr.

problems,[216] and other negative health consequences.[217] Several scoping comments on BLM's Draft 2025 SEIS also detail this research.[218] Most of these studies and data, including CalGEM's Scientific Advisory Panel report, focus on California and the Bakersfield Field Office Planning Area in particular, and demonstrate the major threat to communities in this area from approving any new oil and gas development.[219]

BLM has failed to grapple with any of this new information and changed circumstances in the region.[220] Neither the 2012 FEIS nor the 2019 SEIS consider or analyze this updated information, and BLM has failed to conduct the appropriate analysis of public health impacts on Bakersfield communities in any subsequent environmental review document at later stages of its decisionmaking process, including the leasing and APD stages. To the extent BLM plans to rely on the 2014 RMP and accompanying SEIS for later leasing and permitting decisions in the region, this means the agency must grapple with these impacts now and amend the RMP accordingly.[221]

6. The 2014 RMP and the Draft 2025 SEIS conflict with SB 1137, California's fracking ban, and other statewide laws and policies to phase out oil and gas production and protect vulnerable communities.

California has enacted several statutes in recent years to protect its disadvantaged communities from air and water pollution that BLM has not considered in its planning documents for the Bakersfield region. Approving new oil and gas development on federal lands would have a significant adverse impact on the state's ability to meet these goals.

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[216] *See, e.g.*, J.E. Johnston et al., *Cardiovascular Health and Proximity to Urban Oil Drilling in Los Angeles, California* (Aug. 8, 2023), 34 J. of Exposure Sci. & Env't Epidemiology 505 (2024), https://doi.org/10.1038/s41370-023-00589-z.

[217] *See, e.g.*, K. Graham, "Unlined Waste Disposal Pits Endanger Groundwater in San Joaquin Valley" (Oct. 24, 2021), https://www.digitaljournal.com/tech-science/unlined-waste-disposal-pits-endanger-groundwater-in-san-joaquin-valley/article; L. Gross, "A California Water Board Assures the Public that Oil Wastewater is Safe for Irrigation, but Experts Say the Evidence is Scant," Inside Climate News (2022), https://insideclimatenews.org/news/06022022/a-california-water-board-assures-the-public-that-oil-wastewater-is-safe-for-irrigation-but-experts-say-the-evidence-is-scant/.

[218] *See, e.g.*, Center Scoping Comments at 18–30.

[219] *See* Earthjustice, In the Shadow of Big Oil: Neighborhood Drilling in California (June 11, 2021).

[220] *N. Plains Res. Council, Inc. v. Surface Transp. Bd.*, 668 F.3d 1067, 1072, 1075 (9th Cir. 2011) (conclusions must be supported by reliable studies).

[221] *Bernhardt*, 472 F. Supp. 3d at 620 (failing to conduct the analysis "leaves the issue[s] wholly unstudied and violative of NEPA's fundamental purpose, and thus fails to satisfy the hard look required under NEPA").

BLM acknowledges that its management decisions must not violate any "relevant Federal, State, Tribal, and local laws protecting the environment" under NEPA.[222] The MLA also directs that "[n]one of such provisions" in federal leases "shall be in conflict with the laws of the State in which the leased property is situated."[223] Congress further affirmed respect for state law in 30 U.S.C. § 189, which states "[n]othing in this [Act] shall be construed or held to affect the rights of the States or other local authority to exercise any rights which they may have[.]" In addition, FLPMA specifies that federal land use plans must "provide for compliance with applicable pollution control laws, including State . . . air, water, noise, or other pollution standards or implementation plans[.]"[224]

Thus, BLM must amend the 2014 RMP to reconcile its analysis with new statewide laws and policies. For example, in 2022, SB 1137 established a 3,200-foot physical setback area statewide between new and reworked oil and gas wells and facilities and all homes, schools, and other sensitive locations, as well as a range of engineering controls for all wells to mitigate pollution in nearby communities.[225] In order to implement SB 1137, California's oil and gas regulatory agency CalGEM adopted public health and safety regulations implementing the provisions in the law, which are now in effect.[226] California has also implemented a fracking ban for years that the Draft 2025 SEIS mentions in passing but otherwise fails to meaningfully address. While the 2014 RMP recognizes that "BLM requires operators on Federal minerals to acquire all necessary Federal, state, and local permits prior to developing a lease" and that if any state-level fracking-related requirements are "more stringent" than in the plan "they will serve as additional safeguards,"[227] the Draft 2025 SEIS largely proceeds as though fracking will occur in the Planning Area.

California's Department of Conservation, CalGEM's parent agency, has similarly urged BLM in scoping comments to comply with SB 1137 and the fracking ban in the Bakersfield region, reinforcing that its requirements apply "in California on all land administered by BLM whether that land is owned in total by the federal government or is a 'split-estate.'"[228] EPA also commented that BLM should implement setbacks in line with "[a]ny current State of California established minimum setback distance from occupied structures" in order to "protect human health."[229]

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[222] *See, e.g.*, DOI, Finding of No Significant Impact: E&B Natural Resources Management Corporation Nine Applications for Permit to Drill in Kern Front DOI-BLM-CA-C060-2024-0053-EA (May 1, 2025) at 3, https://eplanning.blm.gov/Documents/?id=70e5e4e6-a7f2-f011-8407-001dd80db62a&spid=272fa68b-a8f2-f011-8406-001dd802fdea.
[223] 30 U.S.C. § 187.
[224] 43 U.S.C. § 1712(c)(8).
[225] 2022 Cal. Legis. Serv. 365 (S.B. 1137).
[226] SB 1137 First Emergency Implementation Regulations, Cal. Code Regs. tit. 14, §§ 1765–1765.10 (2024).
[227] 2014 RMP at XVI.
[228] Scoping Comments for the Draft 2025 SEIS, from the Cal. State Water Boards, Cal. Dept. of Conservation, Cal. Dept. of Fish & Wildlife, Cal. Coastal Commission, Cal. State Parks at 5–6.
[229] EPA, Scoping Comments for Draft 2025 SEIS at 3–4.

NEPA requires BLM to discuss project alternatives that include appropriate mitigation strategies to offset the impacts of approving new development in the Bakersfield region,[230] and these important state laws and policies provide many feasible measures to address public health impacts. For example, SB 1137 requires continuous on-site monitoring by oil and gas operators, which is sorely needed in overburdened regions like Bakersfield.[231] The law also requires measures for leak detection and response planning for methane and hydrogen sulfide, which are ubiquitous at well sites.[232] BLM should consider requiring similar leak detection systems and expand their scope to detect other toxic and hazardous air contaminants including particulate matter, carbon monoxide, nitrous oxide, ozone, and volatile organic compounds (VOCs) such as aromatic (cyclic and polycyclic) hydrocarbons like benzene. Recent reports confirm the availability of engineering emission controls and effective operational practices such as leak detection and repair programs.[233]

Similarly, in order to limit air pollution and prevent methane waste, BLM should also prohibit both venting and flaring. A 2021 study showed that flaring and venting during oil production were "the highest contributors to sector emissions [of methane], accounting for 32% and 24%, respectively."[234] BLM could thus consider requiring a vapor venting prevention system like the measure required in SB 1137.[235] Operators would report vapor venting whenever it occurs, and BLM would then suspend operations until the source of vapor is identified and any leak is repaired, and permanently shut down wells and production facilities that repeatedly violate the prohibition. A related prohibition on flaring—which is an even bigger source of methane than venting and can cause increases in respiratory-related hospitalizations for people even 60 miles away—would further reduce public health risks in frontline communities and go a long way toward addressing the statewide impacts of flaring on air quality.[236]

SB 1137 includes a range of other engineering mitigation controls designed to address air pollution that BLM must consider and incorporate into its amended RMP. For example, new requirements for tank leak detection and shut down of leaking or out-of-compliance tanks[237]

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[230] 42 U.S.C. § 4332(C)(iii), (F); *Methow Valley Citizens Council*, 490 U.S. at 351.
[231] S.B. 1137 § 2 (enacting Cal. Pub. Res. Code § 3283(a)(2)).
[232] S.B. 1137 § 2 (enacting Cal. Pub. Res. Code § 3283(a)(1), (a)(2)).
[233] *See, e.g.*, D.R. Michanowicz et al., Methane and Health-Damaging Air Pollutants from the Oil and Gas Sector: Bridging 10 Years of Scientific Understanding (Oct. 6, 2021), https://www.psehealthyenergy.org/wp-content/uploads/2021/10/Full-Report_Bridging-10-Years-of-Scientific-Understanding.pdf.
[234] *Id.* at 3–9.
[235] S.B. 1137 § 2 (enacting Cal. Pub. Res. Code § 3282(f)).
[236] W. Blundell & A. Kokoza, Natural Gas Flaring, Respiratory Health, and Distributional Effects, 208 J. of Pub. Econ. 104601 (Apr. 2022), https://doi.org/10.1016/j.jpubeco.2022.104601.
[237] S.B. 1137 § 2 (enacting Cal. Pub. Res. Code § 3283(a)(1), (a)(2)); S.B. 1137 § 2 (enacting Cal. Pub. Res. Code § 3282(f)).

recognize the reality that upstream liquid storage tanks have emerged as the single largest fugitive emissions source of both methane and VOCs.[238]

Recognizing that oil and gas production invariably produces dust that threatens public health, SB 1137 also includes dust control measures like limiting vehicle speeds and covering drilling muds and stored sands.[239] BLM should consider stronger dust control measures that better mitigate particulate matter emissions by, for example, requiring measures that address emissions during each phase of production activity and for different source activities.[240]

In addition to air pollution, BLM must also require mitigation measures designed to prevent water pollution due to oil and gas drilling, which is a serious concern for frontline communities. SB 1137 includes baseline and post-drilling water testing to measure the impacts of drilling, and requires operators to provide notice to community members pre-drilling.[241] BLM should consider similar requirements and further expand the list of analytes for water testing to include key per- and polyfluoroalkyl substances (PFAS), also known as "forever" chemicals that are associated with drilling fluids and known to cause cancer and developmental toxicity.[242]

SB 1137 also includes sound controls, in recognition of the fact that oil and gas activities expose nearby residents to constant noise for a long duration of time.[243] The law similarly provides light controls that BLM should consider, including requirements for minimum intensity lighting at well sites during evening hours and hooded lighting that is not shined onto neighboring properties.[244]

7. BLM must demonstrate CAA Conformity at the RMP stage and cannot do so without amending the 2014 RMP.

The Bakersfield Planning Area is home to our nation's greatest air quality challenges. The San Joaquin Valley air basin, located in the Planning Area, maintains the worst designation for ozone pollution in the country and has yet to attain fine particulate matter ($PM_{2.5}$) National

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[238] D.R. Michanowicz et al., Methane and Health-Damaging Air Pollutants from the Oil and Gas Sector: Bridging 10 Years of Scientific Understanding at 7.
[239] SB 1137 § 2 (enacting Cal. Pub. Res. Code § 3282(e)).
[240] *See, e.g.*, S. Coast Air Quality Mgmt. Dist., "Fugitive Dust," http://www.aqmd.gov/home/rules-compliance/ceqa/air-quality-analysis-handbook/mitigation-measures-and-control-efficiencies/fugitive-dust (accessed Mar. 11, 2026).
[241] S.B. 1137 § 2 (enacting Cal. Pub. Res. Code § 3284).
[242] H. Tabuchi., "E.P.A. Approved Toxic Chemicals for Fracking a Decade Ago, New Files Show" (July 13, 2021), https://www.nytimes.com/2021/07/12/climate/epa-pfas-fracking-forever-chemicals.html; OEHHA, "Safe Drinking Water and Toxic Enforcement Act of 1986 Chemicals Known to the State to Cause Cancer or Reproductive Toxicity" (Apr. 21, 2023) at 18.
[243] S.B. 1137 § 2 (enacting Cal. Pub. Res. Code § 3282(b), (c)).
[244] S.B. 1137 § 2 (enacting Cal. Pub. Res. Code § 3282(d)).

Ambient Air Quality Standard (NAAQS).[245] On February 7, 2024, EPA strengthened the annual health-based NAAQS for $PM_{2.5}$ from a level of 12 micrograms per cubic meter to 9 micrograms per cubic meter.[246] The Valley is not expected to meet the new standard even by 2032,[247] heightening the importance of further restrictions on polluting projects and activities throughout the airshed,[248] including via an amendment to the 2014 RMP.

Despite growing concerns over the lasting impacts that air pollution will have on community members, vast portions of the Planning Area continue to produce the bulk of California's crude oil and main most of the state's active wells, which cause significant air pollution.[249] Despite the stark air pollution crisis in the region, BLM has never meaningfully considered the General Conformity Rule—the CAA provision that was enacted to prevent the federal government from worsening air quality in already polluted geographies—at any point in approving petroleum extraction in this region.

BLM has a responsibility to amend its 2014 RMP and produce a comprehensive SEIS that provides accurate air emissions estimates for all oil and gas development in the region, including details about the calculations and assumptions used to achieve those numbers, and to perform a conformity determination for the aggregated effects of all drilling activity. BLM's failure to provide this information and perform a conformity determination at the RMP level is arbitrary and capricious and violates the CAA.

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[245] San Joaquin Valley Air Pollution Control Dist., "Ambient Air Quality Standards & Attainment Status," https://ww2.valleyair.org/air-quality-information/ambient-air-quality-standards-valley-attainmnet-status/ (accessed Mar. 11, 2026).

[246] *See generally* EPA, Reconsideration of the National Ambient Air Quality Standards for Particulate Matter (prepublication version, signed Feb. 5, 2024); 89 Fed. Reg. 16202 (Mar. 6, 2024); *accord*, EPA, "EPA Finalizes Stronger Standards for Harmful Soot Pollution, Significantly Increasing Health and Clean Air Protections for Families, Workers, and Communities" (Feb. 7, 2024), https://www.epa.gov/newsreleases/epa-finalizes-stronger-standards-harmful-soot-pollution-significantly-increasing.

[247] EPA, Fine Particle Concentrations for Counties with Monitors Based on Air Quality Data from 2020 – 2022 (2024) at 1, https://www.epa.gov/system/files/documents/2024-02/table_annual-pm25-county-design-values-2020-2022-for-web.pdf; EPA, EPA Projects More than 99% of Counties Would Meet the Revised Fine Particle Pollution Standard (2024), https://www.epa.gov/system/files/documents/2024-02/2024-pm-naaqs-final-2032-projections-map.pdf.

[248] *See* A. Lazo, "California's Pursuit of Clean Air Just Got Much Harder: New Soot Standards Set" (Feb. 7, 2024), https://calmatters.org/environment/2024/02/california-new-soot-standards ("Emissions from agriculture, energy production and goods transport are among the major sources.").

[249] Western States Petroleum Association (WSPA), San Joaquin Valley: The Oil and Gas Industry's Production Workhorse (2019), https://www.wspa.org/wp-content/uploads/LAEDC_regional_factsheet_SanJoaquin_v2.pdf.

In addition, as a result of recent changes to federal law, to the extent BLM believes its discretion to impose mitigation or protective stipulations at the leasing and drilling stages may be limited, BLM must now analyze conformity at the planning stage. See Section IV.C.3 above.

a. CAA Conformity requirements

The purpose of the Clean Air Act[250] is "to protect and enhance" air quality in the United States.[251] To achieve this goal, states are required to submit a SIP to EPA that regulates the states' fulfillment of the CAA and the enforcement of the NAAQS.[252] Functionally, NAAQS work by establishing upper limits for six common criteria pollutants in order to protect public health and welfare.[253] Namely, the six criteria pollutants are: ozone (O_3), particulate matter ($PM_{2.5}$ and PM_{10}), sulfur dioxide (SO_2), nitrogen dioxide (NO_2), lead (Pb), and carbon monoxide (CO).[254] When an area is unable to comply with one or more NAAQS, the EPA designates it as "nonattainment" and requires it to abide by stricter regulations that are intended to drive the area toward attainment.[255] One such requirement for areas designated as nonattainment is that they must comply with the General Conformity Rule pursuant to United States Code section 7506(c).

The EPA promulgated its final General Conformity Rule under the CAA in 1993.[256] Under this rule, the federal government is required to conform "to an implementation plan's purpose of eliminating or reducing the severity and number of violations of the national ambient air quality standards and achieving expeditious attainment of such standards[.]"[257] Specifically, the federal government may not cause new NAAQS violations, intensify the rate or severity of NAAQS violations, or interrupt the timely attainment of any NAAQS or interim milestones.[258] In other words, the federal government's actions must be consistent with a state's implementation plan and its goals for achieving attainment.

An action will trigger a formal conformity determination if it requires federal funding or approval, occurs in a nonattainment or maintenance area, exceeds federal *de minimis* levels, and is not otherwise exempt.[259] These threshold requirements constitute the applicability analysis—at

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[250] 42 U.S.C. § 7401.
[251] *Id.* § 7401(b)(1).
[252] *Id.* § 7410(a).
[253] EPA, "NAAQS Table" (Nov. 4, 2025), https://www.epa.gov/criteria-air-pollutants/naaqs-table.
[254] EPA, "Environments and Contaminants – Criteria Pollutants" (2025), https://www.epa.gov/americaschildrenenvironment/environments-and-contaminants-criteria-air-pollutants#About%20the%20Criteria%20Air%20Pollutants%20Indicators.
[255] 42 U.S.C. §§ 7407 (on area designation), 7502–7509(a) (on requirements for nonattainment areas).
[256] 58 Fed. Reg. 63247 (Nov. 30, 1993).
[257] 42 U.S.C. § 7506(c)(1)(A).
[258] *Id.* § 7506(c)(1)(B).
[259] EPA, General Conformity Training Module (2010) at 3.

the end of which the federal agency must determine whether it must support its action with a formal conformity determination.[260]

Estimating emissions for comparison with the region's *de minimis* levels is an important component of the applicability analysis. To determine whether the emissions contributed by the federal government's actions are *de minimis*, the federal agency must show that total direct and indirect emissions, combined, are below the region's stipulated thresholds.[261] Direct emissions are those that are caused by the action and indirect emissions are those that may be separated by time or space but are of the type that "the agency can practically control" and for which "the agency has continuing program responsibility."[262] All emissions must be "reasonably foreseeable," which means that they may be calculated based on reasonable assumptions regarding techniques and equipment to be used.[263]

BLM's use of EPA's Air Quality Index (AQI) in the Draft 2025 SEIS does *not* satisfy these requirements, is arbitrary and capricious, and cannot establish that air emissions are minimal. Instead, BLM's required conformity analysis must include specific emission contributions from individual criteria pollutants/precursors that the Planning Area is in nonattainment with. The Draft 2025 SEIS's tactic of just adding up all pollutants and comparing to total AQI for the region is not connected to any CAA requirements and minimizes the importance of the most harmful pollutants.[264]

b. The Bakersfield Planning Area is one of the most polluted places in the nation.

Vast swaths of the Bakersfield Planning Area, particularly the San Joaquin Valley, are currently designated as nonattainment for 8-hour ozone and $PM_{2.5}$ NAAQS, and as nonattainment for 1-hour ozone under state standards.[265]

In fact, recent research and data show that pollution levels are so severe that the ozone nonattainment status for each of the counties in the Valley is designated as extreme[266]: the worst

[260] 40 C.F.R. § 93.152.
[261] EPA, General Conformity Training Module (2010) at 21.
[262] 40 C.F.R. § 93.152.
[263] EPA, General Conformity Training Module (2010) at 21.
[264] Draft 2025 SEIS at 20–21.
[265] The 1-hour ozone NAAQS was revoked in 2005, but the San Joaquin Valley had previously been classified as extreme nonattainment. Under California standards, the Valley is classified as severe nonattainment. San Joaquin Valley Air Pollution Control Dist., "Ambient Air Quality Standards & Attainment Status," https://ww2.valleyair.org/air-quality-information/ambient-air-quality-standards-valley-attainmnet-status/.
[266] San Joaquin Valley Air Pollution Control Dist., Guidance for Assessing and Mitigating Air Quality Impacts (GAMAQI) (Mar. 19, 2015) at 29, https://ww2.valleyair.org/media/g4nl3p0g/gamaqi.pdf.

possible classification for ozone.[267] Currently, there are only a total of 12 counties in the entire nation that are classified at this level.[268] This means that the Valley Air Basin accounts for two thirds of our nation's most severely polluted counties in terms of ozone. This pollutant is measured at 25 monitoring stations across the Valley, and the basin's maximum 8-hour average ozone concentration has increased between 2019 and 2020.[269]

Air pollution is widely known to have serious health effects on communities. One recent study found that people living in areas with the highest pollution in California, including the Valley, experienced 51% higher risk of COVID-19 mortality compared to those living in areas with less pollution.[270] For the nearly 3 million Californians who live within a half mile of an oil or gas well, these health effects have acute and lasting impacts on daily life—causing some to experience dramatic challenges in completing normal daily activities.[271]

As a result of the region's ongoing struggles with air pollution and NAAQS violations, this area is often called the most polluted air basin in the country. Until the Valley sheds this label—until it achieves attainment designations for all criteria pollutants—it will be required to comply with the CAA's General Conformity Rule. While the San Joaquin Valley Air Basin continues its efforts toward providing cleaner air for its communities, BLM must amend its 2014 RMP to comply with the lowest *de minimis* thresholds for ozone precursors as established under the CAA: 10 tons per year (TPY) for both nitrogen oxides (NOx) and reactive organic gases (ROGs) (or VOCs).[272]

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[267] Areas designated as nonattainment for ozone may be classified as marginal, moderate, serious, severe, or extreme. 42 U.S.C. § 7511(a)(1).

[268] EPA, "Greenbook: Current Nonattainment Counties for All Criteria Pollutants" (Feb. 28, 2026), https://www3.epa.gov/airquality/greenbook/ancl.html#Top.

[269] San Joaquin Valley Air Pollution Control Dist., 2022 Plan for the 2015 8-Hour Ozone Standard (Dec. 15, 2022) at 2-11, 2-16, https://ww2.valleyair.org/media/q55posm0/0000-2022-plan-for-the-2015-8-hour-ozone-standard.pdf (Figure 2-11: Basin Maximum 8-Hour Average Ozone Concentrations).

[270] P.B. English et al., *Association Between Long-Term Exposure to Particulate Air Pollution with SARS-CoV-2 Infections and COVID-19 Deaths in California, U.S.A.*, 9 Env't Advances 100270 (Oct. 2022), https://doi.org/10.1016/j.envadv.2022.100270.

[271] CalGEM Scientific Advisory Panel Report at ES-4; J.L. Mernit, "The Health Hazards of California's Neighborhood Drilling," High Country News (Apr. 13, 2021), https://www.hcn.org/articles/climate-desk-oil-the-health-hazards-of-californias-neighborhood-drilling/.

[272] *See generally* San Joaquin Valley Air Pollution Control Dist., 2022 Plan for the 2015 8-Hour Ozone Standard; *see also* CCST, An Independent Scientific Assessment of Well Stimulation in California, Vol. 2, Chpt. 3, Air Quality Impacts from Well Stimulation at 184 ("ROGs" refers to a California-specific defined class of species, and are similar to VOCs). Because NOx is a major precursor for $PM_{2.5}$, BLM should also comply with the $PM_{2.5}$ *de minimis* threshold. San Joaquin Valley Air Pollution Control Dist., 2024 Plan for the 2012 Annual PM2.5 Standard (June 20, 2024) at 4-23, 5-10, https://ww2.valleyair.org/media/gw5bacvj/2024-pm25-plan.pdf.

c. Oil and gas development produces significant emissions.

At every stage of oil and gas extraction—including construction, drilling, operations, maintenance, plugging, and abandonment—pollutants are released that exacerbate NAAQS violations in the Bakersfield Planning Area, cause adverse health effects to communities, and worsen the consequences of climate change.

The process of oil extraction involves industrial procedures that emit significant amounts of criteria pollutants, both intentionally and unintentionally. Specifically, oil and gas operations can produce emissions from oil production (pumping and extraction), oil handling in tanks and pipelines, well drilling and workovers, well stimulation via hydraulic fracturing and acidization, and the separation of oil and water.[273] Pollutants are released from pump seals, tank hatches, site glasses, pipe fittings, gauges, valves, pipe repairs that produce a blowdown, and a number of other common channels.[274]

Leaks are also troublingly common, with state inspectors recently identifying recurring leaks spewing methane from dozens of wells in and around Bakersfield and Arvin.[275] In April 2024, residents and first responders in Bakersfield reported a leak from a nearby well site that caused symptoms including "fatigue, [a] bad headache . . . brain fog, trouble with concentration, and . . . nausea."[276] And as recently as January 2025, EPA reported seven different "super emitter" methane leaks at oil and gas sites across Kern County.[277] EPA's super emitter program reports large leaks "of 100 kilograms per hour of methane or greater" from oil and gas facilities,[278] with some of the leaks as large as 800 kilograms per hour,[279] further highlighting the extent of the crisis facing frontline communities.

Ozone precursors, NOx and VOC, are of particular concern in this region because it is already in extreme nonattainment for ozone, as is NOx as a $PM_{2.5}$ precursor because the region is in serious nonattainment for $PM_{2.5}$. In oil operations, NOx emissions are specifically attributable to activities that depend on diesel or natural gas engines, such as drilling, workovers, hydraulic fracturing, and general use trucks.[280] Emissions of VOCs are also highly impacted by oil extraction, and in fact the oil and natural gas industry is the largest source of industrial VOCs in

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[273] EDF, Filling the Void: The Value of New Technology to Reduce Air Pollution and Improve Information at Oil and Gas Sites in California (2017) at 13.
[274] *Id.*; *see also* CalGEM Scientific Advisory Panel Report, Chapter 2.
[275] J. Cox, "State Finds 27 Oil Wells Leaking Methane in Arvin-Lamont Area" (June 1, 2023), https://www.bakersfield.com/news/state-finds-37-oil-wells-leaking-methane-in-arvin-lamont-area/article_52120332-00da-11ee-b466-83e7f8b280c5.html.
[276] *See, e.g.*, Identifying Violations Affecting Neighborhoods (IVAN), *Local Reports*, Kern County (multiple reports on April 3 to 5, 2024).
[277] EPA, "Methane Super Emitter Data Explorer" (2025).
[278] *Id.*
[279] EPA, "Methane Emissions Event Report" (2025).
[280] CCST, An Independent Scientific Assessment of Well Stimulation in California, Vol. 2, Chpt. 3, Air Quality Impacts from Well Stimulation (July 2015) at 182–266.

the country.[281] A recent study even found that benzene, a known carcinogen, is often leaking from abandoned wells, a vast majority of which are in close proximity to buildings and homes.[282] Hazardous air pollutant (HAP) emissions are also highly significant at drilling sites and can be detected at well production, during completions and recompletions, during flaring, and from equipment leaks.[283] By one estimate, total fuel chain emissions from California-refined oil between 2013 and 2017 produced around 75.9 metric tons of $PM_{2.5}$ and were responsible for more than 8,000 deaths.[284]

Oil and gas regions can experience spikes in emissions where dramatic increases can occur in just a few minutes. These spikes can amount to emissions in the wheelhouse of "a thousand or more wells in routine operation" occurring simultaneously.[285] Such is the case during the region's recent "super emitter" leaks in Kern County.

Other times, delinquent operators have allowed accidents to go undetected. This has occurred when crude oil spills and degraded netting around sump ponds have gone entirely unnoticed, adding additional air pollution.[286] Even the state agency responsible for enforcing compliance with regulations at extraction sites, CalGEM, admits that it is unable to "prosecute enforcement actions in a timely manner" or to "adequately protect the health and safety of the citizens of the state."[287]

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[281] EPA, "Controlling Air Pollution from the Oil and Natural Gas Industry" (Sep. 10, 2025), https://www.epa.gov/controlling-air-pollution-oil-and-natural-gas-industry/basic-information-about-oil-and-natural-gas.

[282] D.C. DiGiulio et al., *Chemical Characterization of Natural Gas Leaking from Abandoned Oil and Gas Wells in Western Pennsylvania*, 8 ACS Omega no. 22, 19443 (2023), https://doi.org/10.1021/acsomega.3c00676; *see also* L. Gross, "Abandoned Oil and Gas Wells Emit Carcinogens and Other Harmful Pollutants, Groundbreaking Study Shows," Inside Climate News (June 6, 2023), https://insideclimatenews.org/news/06062023/abandoned-oil-gas-wells-health/.

[283] Earthjustice, Petition to the EPA: EPA Must List Oil and Gas Wells and Associated Equipment as an Area Source Category and Set National Air Toxics Standards to Protect Public Health (May 13, 2014) at 26–29.

[284] G. Karras, Decommissioning California Refineries: Climate and Health Paths in an Oil State (July 2020) at 22–25, https://www.cbecal.org/wp-content/uploads/2020/07/Decomm-CA-Refineries-July2020.pdf (compiling deaths attributable to chronic exposure to $PM_{2.5}$, and excluding deaths related to other pollutants and indirect emissions such as wildfires).

[285] D. Allen, *Emissions from Oil and Gas Operations in the United States and their Air Quality Implications*, Journal of the Air & Waste Management Association, 66 J. of the Air & Waste Mgmt. Ass'n 549 (June 1, 2016), https://www.tandfonline.com/doi/full/10.1080/10962247.2016.1171263.

[286] J. Wilson, "Are California Oil Companies Complying with the Law? Even Regulators Often Don't Know," ProPublica (Mar. 22, 2021), https://www.propublica.org/article/are-california-oil-companies-complying-with-the-law-even-regulators-often-dont-know.

[287] *Id.*

In the area with the worst ozone designation under the CAA, actions that have the potential to contribute to the ambient pollution of ozone precursors must be scrutinized carefully at the RMP stage. Oil extraction in California emits significant pollution at every step of the process, and our state lacks the resources to ensure compliance with basic health and safety measures as they exist now—allowing significant deterioration of machinery and leaks to go unnoticed. The General Conformity Rule's exception for *de minimis* emissions, which recognizes that some actions do not significantly contribute to emissions and should therefore be exempted, cannot apply to activities that promise to contribute significantly to air pollution concerns in the San Joaquin Valley such as well drilling—which BLM has failed to show fall below *de minimis* levels.

d. BLM has never undertaken a meaningful conformity review for oil and gas development in the San Joaquin Valley.

As discussed above, at every point in BLM's three-stage process for oil and gas decisionmaking in the Bakersfield region, BLM has evaded performing a conformity determination.

In the 2014 RMP, BLM incorrectly determined that estimated emissions from the plan fall below *de minimis* levels. Specifically, the agency found that the total projected emissions from oil and gas development in the San Joaquin Valley would result in an additional 2.058 tons per year (TPY) of NOx and 6.779 TPY of ROGs/VOCs emissions—both of which are below the region's *de minimis* threshold of 10 TPY each.[288] These estimates are unsubstantiated, unrealistically low, and over a decade old at this point. The Draft 2025 SEIS appears to update these numbers and now estimates total emissions from the RFDS would result in 473.3 TPY of NOx and 536.6 TPY of ROGs/VOCs, including fracking and mid-stream emissions (or 83.74 TPY of NOx and 104.05 TPY of ROGs/VOCs, including fracking and excluding mid-stream emissions).[289]

Although these estimates are significantly higher than in the 2014 RMP, and way over the 10 TPY threshold, they are *still* unsubstantiated and unrealistically low and—as EPA has previously commented—still "do not allow for a full understanding of the emissions."[290] The estimates continue to lack "detailed emissions calculations" including, among other factors, "a breakout of emissions calculated for individual equipment and area sources, as well as emissions estimates for transportation (e.g., number of truck trips for set-up, fracturing, take-down)" and an explanation of "emission factors and required horsepower (hp) for all equipment."[291] The estimates also lack entire categories of emissions like well pad construction, power poles, and pipelines needed at well sites and power and water generation needed to supply operations. EPA

[288] 2012 FEIS at 402, 756.
[289] Draft 2025 SEIS at 48.
[290] EPA, Comments on Bakersfield Field Office Hydraulic Fracturing Draft Supplemental Environmental Impact Statement (June 10, 2019) at 2.
[291] *Id.* at 1–2.

and commenters have repeatedly requested this information for years to no avail.[292] The lack of detail makes it impossible to compare BLM's latest estimates with the numbers provided in the 2014 RMP, which similarly lack any detail or context.

Moreover, BLM limited its updated estimates to only 4 wells projected to be fracked per year on new leases in the Planning Area, ignoring the hundreds of other wells its RFDS projects to be drilled per year on both new and existing leases in the area (which is still an undercount as discussed earlier), and emissions from highly common and polluting EOR practices used on wells in this area.[293]

BLM ultimately dismisses the larger estimates in its Draft 2025 SEIS by claiming a conformity review is not applicable now anyway but "will be analyzed for each APD submitted on any leases issued following this action."[294] Not only does this claim contradict BLM's statements in the 2014 RMP, where the agency confirmed it is "[a]t this RMP stage [that] an applicability analysis is required to determine whether current and anticipated emissions are below de minimis and whether a formal conformity determination is required," BLM has a long history of evading conformity at the APD stage too, as discussed in more detail below.[295] Critically, the agency relies on per-well emissions estimates from 2024 and 2025 APDs for its calculations in the Draft 2025 SEIS,[296] but a coalition of organizations including some of those on this letter has repeatedly sued BLM for its deficient APD analysis[297] and BLM has already

[292] *Id.* at 1–2; EPA, Comments on 2019 SEIS (Dec. 2, 2019); Letter from Matthew J. Lakin, Acting Director, Air and Radiation Division, EPA Region 9 to Michelle Ghafar (Oct. 20, 2022); Emails between Thomas Plenys at EPA Region 9, Environmental Review Branch and Matthew J. Thomas and Franklin E. Giles at BLM's Bakersfield Field Office (Nov. 16, 2022 through Feb. 21, 2023); Letter from Tom Kelly, Air and Radiation Division, EPA Region 9 to Matthew Thomas at BLM's Bakersfield Field Office (Apr. 3, 2023); Center for Biological Diversity et al., Comments on Applications for Permit to Drill in the Bakersfield Field Office, submitted to BLM (Dec. 18, 2025).
[293] Draft 2025 SEIS at 2, 48.
[294] *Id.* at 24.
[295] 2012 FEIS at 233.
[296] Draft 2025 SEIS at 39.
[297] *Ctr. for Biological Diversity v. U.S. Bureau of Land Mgmt.*, No. 1:23-cv-00938-JLT-CDB (E.D. Cal., filed June 22, 2023); Second Amended Complaint for Declaratory and Injunctive Relief, *Ctr. for Biological Diversity v. U.S. Bureau of Land Mgmt.*, No. 1:23-CV-00938-JLT-CDB (E.D. Cal., filed April 4, 2025), Dkt. No. 71; *see also* Expert Declaration of Dr. Ranajit Sahu in Support of Plaintiffs' Response to Motion for Voluntary Remand (Dec. 19, 2023), *Ctr. for Biological Diversity v. U.S. Bureau of Land Mgmt.*, No. 1:23-cv-00938-JLT-CDB (E.D. Cal., filed April 4, 2025), Dkt. No. 23-3; Letter from coalition of community, environmental justice, and environmental organizations to BLM, DOI, and EPA officials re. BLM's Routine Violations of the Clean Air Act in Issuing Oil and Gas Drilling Permits on Public Land in California (July 16, 2024).

conceded in response that its estimates are entire orders of magnitude too low[298] and that its emissions methodology for California needed to be scrapped.[299] This litigation is ongoing and BLM's deficient permitting process has not been fixed. Thus, now in its third round of RMP review for the Bakersfield area, BLM continues to refuse to perform the complete and accurate conformity review required at this stage.

At the second (leasing) stage after the RMP stage, BLM has continued to evade conformity analysis. In its most recent December 2020 lease sale in the Bakersfield area, BLM claimed that lease sales are exempt from conformity review because the "location of the emission sources are not known," and because conformity determinations do not need to be performed "for any portions of a federal action that are subject to major or minor New Source Review [] permitting."[300] BLM further claimed that performing a conformity analysis at this stage would be redundant because the actions would still need to be permitted through a local agency, so "[a] secondary analysis by BLM is not required."[301] Instead, BLM stated that it will perform a conformity analysis for non-permitted emission sources as a result of a lease.

What is not mentioned, however, is that by the time BLM performs its conformity analysis at the third and final stage (the APD stage), the project has been segmented into smaller actions. What was once an entire regional plan for petroleum operations, consisting of hundreds of APDs, has now become a project with just a single or handful of APDs. This means that at the very final point at which petroleum extraction could undergo a conformity determination, it evades the process again and the entire oil development process skirts review. For this reason, BLM has never found any APD project in the Bakersfield region exceeds the *de minimis* threshold of 10 TPY, despite the fact it permits hundreds of APDs per year. This practice violates federal laws. NEPA law doctrines prevent federal projects from being "segmented" or

[298] *Compare* BLM, Environmental Assessment California Resource Production Corporation Mount Poso; 6 Applications for Permit to Drill DOI-BLM-CA-C060-2022-0112-EA Programmatic Project #136 (May 31, 2023) at 30–31, *with* BLM, Environmental Assessment California Resource Production Corporation Mount Poso; 6 Applications for Permit to Drill DOI-BLM-CA-C060-2022-0112-EA Programmatic Project #136 (May 23, 2024) at 18–19.
[299] Federal Defendants' Motion for Voluntary Remand and Memorandum in Support at 7–8, Decl. of Gabriel Garcia in Support of Federal Defendants' Motion at 1–4, *Ctr. for Biological Diversity v. U.S. Bureau of Land Mgmt.*, No. 1:23-CV-00938-JLT-CDB (E.D. Cal., filed Nov. 7, 2023), Dkt. Nos. 21-1, 21-2.
[300] 2020 Lease Sale EA at 6.
[301] *Id.*; *see also WildEarth Guardians v. U.S. Bureau of Land Mgmt.*, 322 F.Supp.3d 1134, 1146 (D. Colo. 2018) ("BLM determined that because a conformity analysis requires more precise information to allow an accurate comparison of project-level emissions with specific thresholds in the General Conformity Rules, it cannot reasonably estimate air quality impacts for conformity purposes because of all the unknowns previously discussed.").

piecemealed to circumvent proper review.[302] The same prohibition against segmentation under NEPA applies to conformity review under the CAA.[303]

For example, BLM recently approved 25 APDs for Holmes Western Oil Corporation on the same day at the same location in the same oil field in Kern County, but segmented the permits across three different permit packages and EAs.[304] In another example, Chevron was allowed to split 41 APDs at the same location into five separate EAs, avoiding conformity determination for them all.[305] These are representative examples of how BLM typically handles air emissions at the APD stage in the Bakersfield region. As a result, BLM's emissions estimates for each package are unrealistically low and unsupported,[306] conflicting with per-well estimates in the Oil and Gas Zoning Ordinance Environmental Impact Report issued by Kern County itself as well as estimates for BLM APDs in other states where the *de minimis* level is conveniently higher.[307] In fact, due to commenters repeatedly requesting this information from BLM's

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[302] *Del. Riverkeeper Network v. F.E.R.C.*, 753 F.3d 1304, 1308, 1320 (D.C. Cir. 2014) (holding agency had improperly segmented a pipeline project and failed to assess cumulative impacts).
[303] EPA, General Conformity Training Module (2010) at 12 (stating that an "action cannot be segmented to create several smaller projects with the emissions from each compared to the de minimis levels").
[304] *See* 2024 Holmes Western EA; BLM, Environmental Assessment, Holmes Western Oil Corporation, Ten Applications for Permit to Drill in Midway Sunset, DOI-BLM-CA-C060-2024-0060-EA (Dec. 18, 2024); BLM, Environmental Assessment, Holmes Western Oil Corporation, Four Applications for Permit to Drill in Midway Sunset, DOI-BLM-CA-C060-2024-0085-EA (Dec. 18, 2024).
[305] BLM either approved or slated for approval 41 APDs for Chevron at the same location in the Midway Sunset oil field. BLM, Environmental Assessment, Chevron USA Incorporated, Twelve Applications for Permit to Drill in Midway Sunset, DOI-BLM-CA-C060-2020-0095-EA; BLM, Environmental Assessment, Chevron USA Incorporated, Three Applications for Permit to Drill in Midway Sunset, DOI-BLM-CA-C060-2020-0141-EA; BLM, Environmental Assessment, Chevron USA Incorporated, Three Applications for Permit to Drill in Midway Sunset, DOI-BLM-CA-C060-2020-0123-EA; BLM, Environmental Assessment, Chevron USA Incorporated, Nine APDs in Midway Sunset, DOI-BLM-CA-C060-2021-0010-EA; BLM, Environmental Assessment, Chevron USA Incorporated, Fourteen APDs Drill in Midway Sunset, DOI-BLM-CA-C060-2021-0054-EA.
[306] *See, e.g.*, BLM, Environmental Assessment, Berry Petroleum, Nineteen Applications for Permit to Drill in Main Camp, DOI-BLM-CA-C060-2024-0059-EA at 35 (in a permit package approved in 2025 for nineteen wells to Berry Petroleum in Midway Sunset, BLM calculated total maximum year emissions for nineteen wells at 2.79 tons of VOC (or 0.147 tons per well) and 2.58 tons of NO_x (or 0.136 tons per well)).
[307] *See, e.g.* Center for Biological Diversity et al., Comments on Applications for Permit to Drill in the Bakersfield Field Office, submitted to BLM (Dec. 18, 2025) at 54–57; BLM, Environmental Assessment, DJR Operating LLC, Nageezi Unit 2309 and 2409 Cluster Oil Wells Projects, DOI-BLM-NM-FO10-2020-0029 at 108 (project EA for four well pads and 16 APDs in San Juan County, New Mexico estimating emissions as 4.36 TPY of NOx and 18.306 TPY of VOC per well).

Bakersfield Field Office to no avail, EPA itself has also requested this information repeatedly but has yet to receive a response either.[308]

The agency also routinely omits important sources of emissions from its calculations, like from the construction of the well pads, power poles, and pipelines that are slated to be built and from emissions due to power and water generation needed to supply well operations. Indeed, after conceding its emissions methodology was seriously flawed in response to several commenters' litigation challenging Bakersfield area APDs, BLM's revised estimates are several orders of magnitude higher now, with NOx estimates for one representative permit package increasing by more than *12,000%*—from 0.053 tons per year for well development to 6.8 tons per year. Because BLM considered this package in a vacuum divorced from any other APDs it is issuing, it claimed these emissions are nonetheless below the *de minimis* threshold.

Given the agency's unhindered piecemealing at the APD stage, the Draft 2025 SEIS's claim that conformity is not applicable now but "will be analyzed for each APD submitted on any leases issued following this action" is false and not borne out in practice.[309] BLM must analyze the aggregated emissions impacts for all drilling in the region now, at the current planning stage, in order to perform a proper cumulative assessment for conformity review. Indeed, EPA also urges BLM to complete an "air basin level" emissions analysis for the Bakersfield region with "mitigation measures (including control measures and design features)" identified at this stage "to help ensure consistency for all future BLM-authorized activities."[310]

Moreover, assuming Bakersfield region APDs produce more than *de minimis* emissions, BLM must also amend its 2014 RMP before issuing additional APDs because these APDs exceed the "levels of production or use" contemplated in the RMP (which assumed only *de minimis* emissions from APDs).[311]

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[308] *See* Emails between Thomas Plenys, EPA Region 9, Environmental Review Branch, and Matthew Thomas and Franklin Giles, BLM Bakersfield Field Office (Nov. 16, 2022 through Feb. 21, 2023), where Mr. Plenys repeatedly requested Draft EAs for APDs from Mr. Thomas and Mr. Giles but did not receive this information; Letter from Tom Kelly, EPA Region 9, Geographic Strategies and Modeling Section, Air and Radiation Division, to Matthew Thomas (cc Franklin Giles) (Apr. 3, 2023), requesting again "an example of the calculations supporting a general conformity applicability analysis, i.e., the comparison of estimated project emissions with the general conformity de minimis thresholds" and noting EPA had "not yet received this information and remain interested in viewing calculations" for a Bakersfield Field Office APD.

[309] Draft 2025 SEIS at 24.

[310] EPA, Scoping Comments for Draft 2025 SEIS at 3–4.

[311] 43 C.F.R. §§ 1601.0-5(n)(2), (3), 1610.5-3(c), 1610.5-5 (requiring initiation of amendment process to address any "change in the scope of resource uses" within the resource area); *see* 2012 FEIS at 402, 756; *see also, e.g.*, *Diné Citizens Against Ruining Our Env't*, 923 F.3d at 856 (holding that BLM abused its discretion in tiering EAs for APDs to RMP EIS, when EIS predicted that drilling a single vertical well would use 283,500 gallons of water but Appellants stated that drilling a single horizontal well will actually use 1,020,000 gallons of water).

To comply with the CAA, BLM must support its findings with calculations, assumptions, data sources, and explanations. Further, BLM's final emissions estimates must be reasonable and based on the best data available. Unrealistically low estimates that BLM is unable to support, or that are based on outdated or otherwise inferior data, cannot properly exempt these emissions from a conformity determination. Finally, BLM must actually perform site-specific analysis that shows individualized project-based estimates. Failure to perform any one of these will constitute arbitrary and capricious behavior by BLM in its failure to comply with the CAA's General Conformity Rule.[312]

e. BLM must also comply with other CAA requirements.

Beyond NAAQS, cumulative impacts from additional $PM_{2.5}$ and ozone precursor emissions could affect California's Regional Haze Rule plan for improving visibility in nearby Federal Class 1 areas. Numerous Class 1 areas like Yosemite, Sequoia, and Kings Canyon National Parks and San Rafael and Dome Land Wilderness Areas are directly adjacent to or within the planning area identified in the Draft SEIS.[313] These Class I areas already suffer from some of the worst visibility the nation, and while progress has been made, there is still substantial work to be done before the state reaches long term goals of natural visibility in Class 1 areas. Beyond the CAA mandate to remedy existing visibility impairment, the Act also requires prevention of future impairment.[314] As such it is incumbent on BLM to analyze potential impacts to visibility in nearby Class 1 areas, including cumulative impacts. In addition, to the extent it has not already, BLM should have consulted with, and incorporated any recommended mitigation or other measures recommended by, federal land managers including the National Park Service (NPS) to assess this proposal and adopt measures to ensure potential cumulative visibility impacts do not result in additional degradation of Class I area air quality.

8. BLM must address new information and changed circumstances related to greenhouse gas emissions in the Bakersfield Planning Area and the reality of the accelerating climate crisis.

The Draft 2025 SEIS identifies GHGs as a resource area with "specific substantive issues which required further consideration based on new information or circumstances."[315] The document identifies the substantive issue as "[h]ow will the BLM assess and mitigate the impacts

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[312] An agency's analysis will be considered arbitrary and capricious if it has "relied on factors which Congress has not intended it to consider, entirely failed to consider an important aspect of the problem, offered an explanation for its decision that runs counter to the evidence before the agency, or is so implausible that it could not be ascribed to a difference in view or the product of agency expertise." *Bark*, 958 F.3d at 869 (quoting *Motor Vehicle Mfrs. Ass'n v. State Farm Mutual Auto. Ins. Co.*, 463 U.S. 29, 43 (1983)).

[313] Draft 2025 SEIS at 22–23.

[314] SIPs are required to "contain such emission limits, schedules of compliance and other measures as may be necessary to make reasonable progress toward meeting the national goal" of preventing "any future, and the remedying of any existing, impairment of visibility in mandatory class I Federal areas which impairment results from manmade air pollution." 42 U.S.C. § 7491.

[315] Draft 2025 SEIS at 9.

of oil and gas development on . . . greenhouse gasses?"[316] However, the GHG analysis is fundamentally flawed by being unreasoned and failing to assess and incorporate significant new information and changed circumstances critical to evaluating the GHG impacts of oil and gas development in the Bakersfield Planning Area and 2020 Lease Sale, and how to mitigate these impacts. BLM must therefore amend the 2014 RMP and complete a broader SEIS that addresses this significant new information.

In enacting FLPMA, Congress declared that public lands must be managed to protect the quality of various resources, including the air and atmosphere.[317] In creating FLPMA, Congress paired this declaration of values that must be protected with the obligations that BLM account for "the long-term needs of future generations," prevent "permanent impairment," and "prevent unnecessary or undue degradation."[318] Taken together, FLPMA may be properly read as directing BLM to make management decisions that are protective of the air and atmosphere—including the climate—for the long-term.[319] Yet BLM has not fulfilled its duty under FLPMA to prevent impairment of the atmosphere here. While BLM admits that oil and gas development will lead to emissions of GHG,[320] BLM nonetheless is proposing a plan (and refusing to amend the 2014 RMP) for maximum oil and gas development. BLM then shirks its duty to properly estimate GHG emissions from oil and gas development the RMP will enable.

As detailed below, the Draft 2025 SEIS is flawed and inadequate because the GHG analysis fails to (a) assess and incorporate significant new data in estimating upstream and midstream GHG emissions; (b) consider and incorporate new scientific information that confirms that new oil and gas development on federal lands is inconsistent with preventing the worst damages of the climate crisis; (c) consider new information showing that many GHG mitigation measures relied on in the Draft 2025 SEIS have been delayed, weakened, or nullified; (d) acknowledge that oil and gas development on federal lands in the Planning Area is inconsistent with California climate policy; and (e) consider the climate change impacts to California that will result from the GHG emissions in the Planning Area.

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[316] *Id.*

[317] 43 U.S.C. § 1701(8) ("The Congress declares that it is the policy of the United States that . . . the public lands be managed in a manner that will protect the quality of scientific, scenic, historical, ecological, environmental, *air and atmospheric*, water resource, and archeological values; that, where appropriate, will preserve and protect certain public lands in their natural condition; that will provide food and habitat for fish and wildlife and domestic animals; and that will provide for outdoor recreation and human occupancy and use") (emphasis added).

[318] 43 U.S.C. §§ 1701(a)(8)), 1702(c)) 1732(b).

[319] Climate change and the atmosphere are inextricably linked. *See* NASA, "What is Climate Change?" (last updated Oct. 21, 2024), https://science.nasa.gov/climate-change/what-is-climate-change/ ("Changes observed in Earth's climate since the mid-20th century are driven by human activities, particularly fossil fuel burning, which increases heat-trapping greenhouse gas levels in Earth's atmosphere, raising Earth's average surface temperature.").

[320] *See, e.g.*, Draft 2025 SEIS at 24, 49-50.

a. BLM fails to assess and incorporate new data on the increasingly high carbon intensity of oil and gas production in the Planning Area's oil fields.

The Draft 2025 SEIS fails to assess and incorporate new information on the high upstream GHG emissions from oil and gas production specific to the oil fields in the Bakersfield Planning Area and 2020 Lease Sale parcels, although this data is publicly available and updated annually by the California Air Resources Board (CARB).[321] This omission results in substantially underestimated upstream GHG emissions. BLM must calculate the production of GHG emissions from the Planning Area and 2020 Lease Sale using the most recent 2024 CARB oil field-specific carbon intensity values.

CARB estimates the upstream carbon intensity (CI) for crude oil produced in each oil field in California. The most recent 2024 CARB data shows that the average upstream CI across all California-produced crude oil was 20 g CO2eq/MJ, equivalent to 117 kg CO2eq/barrel in 2024.[322] This is 1.6 times higher than the average CI for crudes produced outside California and refined in the state, which averaged 12.38 g CO2eq/MJ, equivalent to 71.96 kg CO2eq/barrel in 2024.[323] Many major oil fields in the Planning Area have very high CI values, for example, Midway Sunset oil field at 36.59 g CO2eq/MJ, Kern Front at 33.38 g CO2eq/MJ, and McKittrick at 28.52 g CO2eq/MJ.[324] The Draft 2025 SEIS should use these 2024 oil field-specific CI values for its upstream GHG estimates.

The Draft 2025 SEIS similarly fails to incorporate and consider a 2021 report based on CARB data that concluded that "California-sourced oils are now among the most climate-damaging in the world and are rapidly becoming even more so."[325] The report found that in 2019, the CI of oil produced in California and refined in the state was more than one-and-a-half times greater than that of crudes produced outside of California and refined in the state (i.e., crude from the Middle East, South America, Africa, Canada and Mexico). The report also found that the CI of California-produced crude is increasing over time. For example, the 2024 average upstream CI of California-produced crude oil was 117 kg CO2eq/barrel, which was 1.4 times higher than in 2012, when the average CI of California-produced crude was 81 kg CO2eq/barrel. As detailed in the 2021 report, the production GHG emissions are so high in many California

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[321] Cal. Air Resources Bd. (CARB), "LCFS Crude Oil Life Cycle Assessment, Final California Crude Average Carbon Intensity Values," https://ww2.arb.ca.gov/resources/documents/lcfs-crude-oil-life-cycle-assessment (accessed March 12, 2026).
[322] CARB, Low Carbon Fuel Standard: Crude Oil Life Cycle Assessment, Calculation of 2024 Crude Average Carbon Intensity Value (Jan. 14, 2026) at 5–9, https://ww2.arb.ca.gov/sites/default/files/classic/fuels/lcfs/crude-oil/2024_Crude_Average_CI_Calculation_F.pdf.
[323] *Id.*
[324] *Id.*
[325] J. Fleming, Killer Crude: How California Produces Some of the Dirtiest, Most Dangerous Oil in the World, Center for Biological Diversity (June 2021) at 5, https://www.biologicaldiversity.org/programs/climate_law_institute/pdfs/June-2021-Killer-Crude-Rpt.pdf.

oil fields, including in the Bakersfield Planning Area, because extracting the remaining heavy oil from aging oil fields requires more energy-intensive EOR extraction methods like cyclic steam injection, steam flooding, waterflooding—which are very prevalent in the state—and fracking (prior to the state's fracking ban).

b. BLM fails to assess and incorporate new information on the high methane leakage rate in California, which leads to an underestimate of midstream emissions.

BLM's estimates of GHG emissions from the distribution, storage, and processing stages of oil and gas development (commonly called midstream emissions) fail to assess and incorporate published data on the high methane leakage that occurs during these midstream operations. Incorporating this information would significantly increase the estimates of midstream GHG emissions from the Bakersfield Planning Area and 2020 Lease Sale.

The Draft 2025 SEIS assumes that the methane leakage rate would be similar to the national average taken from older Department of Energy National Energy Technology Laboratory (NETL) reports.[326] However, abundant new research not considered by BLM has established that methane leakage rates from U.S. oil and gas development are much higher than reported by NETL.[327] A 2021 study not considered by BLM provides methane leakage rates specific to oil and gas development in the San Joaquin Basin in the Planning Area. Burns and Grubert (2021) report a methane leakage level of 4.8% for gas production in the San Joaquin Basin, which is among the highest leakage rates reported in the U.S.[328] BLM should use this published methane leakage rate for the San Joaquin Basin for calculating midstream emissions in the Planning Area. Indeed, as recently as 2025, EPA reported seven different "super emitter" methane leaks at oil and gas sites across Kern County.[329]

c. BLM fails to consider and incorporate new scientific information that confirms that new oil and gas development on federal lands is inconsistent with preventing the worst damages of the climate crisis.

New scientific evidence not considered in the Draft 2025 SEIS confirms that new oil and gas development on federal lands is inconsistent with preventing the worst damages of the climate crisis, specifically that (i) fossil fuel emissions are the primary driver of the climate crisis and causing severe and growing harms to people, wildlife, and the environment, and (ii) the federal government must stop approvals of new fossil fuel production and infrastructure to avoid

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[326] Draft 2025 SEIS at 50–51.
[327] *See e.g.*, M. Omara et al., *Methane Emissions from US Low Production Oil and Natural Gas Well Sites*, 13 Nature Commc'n 2085 (Apr. 2022), https://doi.org/10.1038/s41467-022-29709-3; E.D. Sherwin et al., *U.S. Oil and Gas System Emissions from One Million Aerial Site Measurements*, 627 Nature 328 (2024), https://doi.org/10.1038/s41586-024-07117-5.
[328] D. Burns & E. Grubert, *Attribution of Production-Stage Methane Emissions to Assess Spatial Variability in the Climate Intensity of US Natural Gas Consumption*, 16 Env't Rsch. Letters 044059 (2021), https://doi.org/10.1088/1748-9326/abef33.
[329] EPA, "Methane Super Emitter Data Explorer."

exacerbating the crisis. The scoping letter from the Center for Biological Diversity described and submitted much of this important new research and is incorporated by reference here. In addition to those studies submitted in the scoping comments, these comments highlight several additional studies that should be assessed and incorporated into the Draft 2025 SEIS.

Fossil fuel production and use are currently responsible for around 90% of global human-caused CO_2 emissions.[330] The Intergovernmental Panel on Climate Change (IPCC) concluded in its 2023 Sixth Assessment Report that fossil fuel emissions were responsible for the largest share and growth in GHG emissions.[331]

The federal government has repeatedly recognized that fossil fuel emissions are causing severe and increasing climate change damages, and that rapid, deep reductions are needed to prevent catastrophic harms. The 2023 Fifth National Climate Assessment (NCA) concluded that "[t]he global warming observed over the industrial era is unequivocally caused by greenhouse gas emissions from human activities—primarily burning fossil fuels."[332] It found that "[t]he effects of human-caused climate change are already far-reaching and worsening across every region of the United States."[333] Further, "[a]cross all regions of the U.S., people are experiencing warming temperatures and longer-lasting heatwaves. Many other extremes, including heavy precipitation, drought, flooding, wildfire, and hurricanes, are becoming more frequent and/or severe, with a cascade of effects in every part of the country."[334] The Fifth NCA makes clear that:

> [t]he more the planet warms, the greater the impacts. Without rapid and deep reductions in global greenhouse gas emissions from human activities, the risks of accelerating sea level rise, intensifying extreme weather, and other harmful climate impacts will continue to grow. Each additional increment of warming is expected to lead to more damage and greater economic losses compared to previous increments of warming, while the risk of catastrophic or unforeseen consequences also increases.[335]

[330] SEI, The Production Gap Report 2025.
[331] Intergovernmental Panel on Climate Change (IPCC), Climate Change 2023: Synthesis Report: A Report of the Intergovernmental Panel on Climate Change at 4, https://www.ipcc.ch/report/ar6/syr/downloads/report/IPCC_AR6_SYR_FullVolume.pdf.
[332] U.S. Global Change Research Program, Fifth National Climate Assessment (2023), Overview at 1-13.
[333] *Id.* at 1-5.
[334] *Id.* at 1-16.
[335] *Id.* at 1-5.

The IPCC 2023 Report assessed that all pathways consistent with the Paris Agreement's 1.5 degrees Celsius target require transformational action to rapidly phase out fossil fuels so that global fossil CO_2 emissions peak by 2025 and decline by half by 2030.[336]

The Draft 2025 SEIS fails to consider new scientific research showing that there is no room in the global carbon budget for new fossil fuel extraction and infrastructure if the U.S. is to avoid the worst dangers from climate change. In 2015, the United States agreed to the pivotal goal of limiting global temperature rise to 1.5 degrees Celsius under the Paris Agreement, given the evidence that 2 degrees Celsius heating would lead to catastrophic climate outcomes.[337] International organizations and scientific assessments (e.g., IPCC, International Energy Agency (IEA), United Nations (UN)) have repeatedly established that, to meet the 1.5 degrees Celsius benchmark, governments must immediately stop approving new fossil fuel extraction and infrastructure projects.[338] Fossil fuel extraction and infrastructure projects already in operation and under development would release enough GHGs to heat the planet well past 1.5 degrees Celsius.[339] Simply stated, the global carbon budget has no room for fossil fuel expansion—meaning no new oil and gas fields, coal mines, pipelines, fossil fuel export terminals, fossil fuel power plants, or other infrastructure. Moreover, existing extraction and infrastructure projects must be phased out to limit harms from global heating.[340]

The IEA in its World Energy Outlook report has mapped out a Net Zero Emissions Scenario designed to meet energy needs while limiting temperature rise to 1.5 degrees Celsius. In 2021, 2023, and again in 2025, the IEA concluded that to limit temperature rise to 1.5 degrees,

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[336] *Id.* at 29; *see also* IPCC, Global Warming of 1.5°C (2018), https://www.ipcc.ch/sr15/ (An IPCC special report on the impacts of global warming of 1.5°C above pre-industrial levels and related global greenhouse gas emission pathways, in the context of strengthening the global response to the threat of climate change, sustainable development, and efforts to eradicate poverty.).

[337] United Nations (UN), Framework Convention on Climate Change, Conference of the Parties, Adoption of the Paris Agreement (2015) at 3.

[338] SEI, The Production Gap; D. Welsby et al., *Unextractable Fossil Fuels in a 1.5 °C World*, 597 Nature 230 (2021), https://doi.org/10.1038/s41586-021-03821-8; D. Calverley & K. Anderson, Phaseout Pathways for Fossil Fuel Production Within Paris-Compliant Carbon Budgets (2022), https://research.manchester.ac.uk/en/publications/phaseout-pathways-for-fossil-fuel-production-within-paris-complia; K. Trout et al., *Existing Fossil Fuel Extraction Would Warm the World Beyond 1.5°C*, 17 Env't Rsch. Letters 064010 (2022), https://iopscience.iop.org/article/10.1088/1748-9326/ac6228#references; F. Green et al., *No New Fossil Fuel Projects: The Norm We Need*, 384 Science 954 (2024), https://www.science.org/doi/10.1126/science.adn6533.

[339] K. Trout et al., *Existing Fossil Fuel Extraction Would Warm the World Beyond 1.5°C*; IPCC, Climate Change 2023: Synthesis Report: A Report of the Intergovernmental Panel on Climate Change.

[340] D. Tong et al., *Committed Emissions from Existing Energy Infrastructure Jeopardize 1.5°C Climate Target*, 572 Nature 373 (2019), https://www.nature.com/articles/s41586-019-1364-3; K. Trout et al., *Existing Fossil Fuel Extraction Would Warm the World Beyond 1.5°C.*

no new oil and gas fields or coal mines should be approved, some fields must close early, and "many of the LNG projects currently under construction are no longer necessary."[341]

d. BLM fails to consider new information demonstrating that many of its GHG mitigation measures have been delayed, weakened, or nullified.

The Draft 2025 SEIS fails to discuss, consider, and incorporate new information on the status of the mitigation measures that it relies on to reduce the GHG impacts of the 2014 RMP. The document states that "emission controls (e.g., vapor recovery devices, no-bleed pneumatics, leak detection and repair, etc.) can substantially limit the amount of GHGs emitted to the atmosphere."[342] The Draft 2025 SEIS then lists federal regulations that it claims "will reduce GHG emissions from any development related to the proposed leasing action."[343] The regulations listed include the New Source Performance Standard for Crude Oil and Natural Gas Facilities (40 C.F.R. 60, OOOOa), Standards of Performance for Crude Oil and Natural Gas Facilities for Which Construction, Modification or Reconstruction Commenced After November 15, 2021 (40 C.F.R. 60, OOOOb), Waste Emissions Charge for Petroleum and Natural Gas Systems (40 C.F.R. 99), and the Greenhouse Gas Reporting Rule.[344] However, the document fails to acknowledge that these regulations have recently been delayed, weakened, or nullified.

In November 2025, the EPA issued a final rule[345] to delay implementation of the 2024 New Source Performance Standards (NSPS) and Emissions Guidelines (i.e., Standards of Performance for Crude Oil and Natural Gas Facilities for Which Construction, Modification or Reconstruction Commenced After November 15, 2021 (40 C.F.R. 60, OOOOb)) focused on reducing emissions of methane and VOCs from oil and gas production. The 2025 EPA rule delays many of the requirements to limit methane pollution from oil and gas leaks, venting, and flaring, such as delaying provisions for control devices, equipment leaks, storage vessels, process controllers, and covers/closed vent systems.[346]

In May 2025, EPA nullified the final rule for the Waste Emissions Charge for Petroleum and Natural Gas Systems (40 C.F.R. 99)).[347] This program facilitated compliance with the requirements of the Waste Emissions Charge in the 2024 Methane Emissions Reduction Program. In September 2025, EPA announced a proposed rule to end the Greenhouse Gas Reporting Program. If finalized, the proposal would remove reporting obligations for

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[341] Int'l Energy Agency, World Energy Outlook (2025).
[342] Draft 2025 SEIS at 56.
[343] *Id.*
[344] *Id.*
[345] 90 Fed. Reg. 55671 (Dec. 3, 2025).
[346] EPA, Final Extension of Deadlines in Standards of Performance for New, Reconstructed, and Modified Sources and Emissions Guidelines for Existing Sources: Oil and Natural Gas Sector Climate Review (Nov. 2025), https://www.epa.gov/system/files/documents/2025-11/fact-sheet_o-g_final-ifr_20251124.pdf.
[347] 90 Fed. Reg. 21225 (May 19, 2025).

most large facilities, all fuel and industrial gas suppliers, and CO_2 injection sites.[348]

The effect of delaying, weakening or nullifying these regulations to reduce methane and VOC emissions from oil and gas operations is increased emissions of methane that worsen the climate crisis, as well as increased emissions of smog and soot-forming VOCs and other toxic air pollutants that harm public health. There was a significant increase of 2.4% in U.S. GHG emissions in 2025, marking a dramatic change from the prior two years of emissions decreases.[349] The 2025 rise in U.S. GHG emissions was driven in part by increases in fossil fuel emissions including a 1.1% increase in oil emissions and 1.1% increase in gas emissions.[350]

e. BLM fails to acknowledge that its proposal to expand oil and gas development on federal lands in the Bakersfield Planning Area is inconsistent with California climate policy.

The Draft 2025 SEIS fails to acknowledge that GHG emissions from new oil and gas development in the Planning Area are inconsistent with California climate policy and meeting state climate targets. New oil and gas development under the RFDS will lock in new GHG emissions for decades in California. This is counter to Governor Newsom's 2021 directive to CARB to evaluate how to phase out oil and gas extraction in the state by 2045.[351] This is also counter to Assembly Bill 1279, the California Climate Crisis Act, which requires the state to reduce GHG emissions by 85% compared to 1990 levels by 2045.

f. BLM fails to consider the climate change impacts to California that will result from Bakersfield Planning Area GHG emissions.

The Draft 2025 SEIS fails to consider climate change impacts resulting from the GHG emissions from oil and gas development in the Bakersfield Planning Area and 2020 Lease Sale. The document refers to the 2023 BLM Specialist Report in its GHG analysis, but this report is outdated and fails to disclose key climate change impacts to California.[352]

For example, the BLM Specialist Report does not include any discussion of how fossil fuel emissions-driven climate change is increasing wildfire impacts to California. BLM must disclose and assess the new scientific research demonstrating that climate change is the primary

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[348] EPA, "EPA Releases Proposal to End the Burdensome, Costly Greenhouse Gas Reporting Program, Saving up to $2.4 Billion" (Sept. 12, 2025), https://www.epa.gov/newsreleases/epa-releases-proposal-end-burdensome-costly-greenhouse-gas-reporting-program-saving-24.
[349] Rhodium Grp., "Preliminary US Greenhouse Gas Emissions Estimates for 2025" (Jan. 13, 2026), https://rhg.com/research/us-greenhouse-gas-emissions-2025/.
[350] P. Friedlingstein et al., *Global Carbon Budget 2025*, Earth Sys. Sci. Data (Nov. 2025, preprint), https://doi.org/10.5194/essd-2025-659.
[351] Gov. Gavin Newsom, "Governor Newsom Takes Action to Phase Out Oil Extraction in California."
[352] BLM, 2023 BLM Specialist Report on Annual Greenhouse Gas Emissions and Climate Trends from Coal, Oil, and Gas Exploration and Development on the Federal Mineral Estate (Aug. 22, 2024) at 25 (hereafter "BLM Specialist Report").

driver of the increases in area burned, extreme fire weather, and community wildfire destruction in California in recent decades.[353] Increasing autumn temperatures and decreasing precipitation have contributed to a more than doubling of autumn days with extreme fire weather in California over the past few decades.[354] Extreme fire weather leads to rapidly spreading wildfires that are difficult to suppress and are responsible for most of the area burned and most community destruction by wildfire.[355] Fast-moving wildfires comprise less than 3% of all U.S. fire events but are estimated to account for 89% of all structures damaged or destroyed.[356]

BLM must also consider new research confirming that GHG emissions from oil and gas development projects have quantifiable and consequential impacts. Abrams et al. (2025) provides a framework to quantify the additional temperature rise that will be caused by new fossil fuel projects and shows ways to quantify their concrete, foreseeable harms to people and wildlife. Project-specific damages that can be quantified include the near-immediate climate heating in response to CO_2 emissions (called the Transient Climate Response to CO_2 Emissions); number of people who will be left outside of the "human climate niche" which is the climate conditions in which human societies have historically thrived; number of people who will be exposed to unprecedented heat; number of additional heat-related deaths; and ecosystem damages. This study highlights that every ton of CO_2 emissions adds to global warming, and every fraction of a degree of additional warming matters.[357] This study counters false claims that project-level GHG emissions are "negligible" in the context of global emissions and have negligible impacts.

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[353] A.P. Williams et al., *Observed Impacts of Anthropogenic Climate Change on Wildfire in California*, 7 Earth's Future 892 (2019), https://doi.org/10.1029/2019EF001210; L.R. Hawkins et al., *Anthropogenic Influence on Recent Severe Autumn Fire Weather in the West Coast of the United States*, 49 Geophysical Rsch. Letters e2021GL095496 (2022), https://doi.org/10.1029/2021GL095496; P. Jain et al., *Observed Increases in Extreme Fire Weather Driven by Atmospheric Humidity and Temperature*, 12 Nature Climate Change 63 (2022), https://doi.org/10.1038/s41558-021-01224-1; M. Turco et al., *Anthropogenic Climate Change Impacts Exacerbate Summer Forest Fires in California*, 120 Proceedings of the Nat'l Academy of Scis. e2213815120 (2023), https://doi.org/10.1073/pnas.2213815120.

[354] M. Goss et al., *Climate Change is Increasing the Likelihood of Extreme Autumn Wildfire Conditions across California*, 15 Env't Rsch. Letters 094016 (2020), https://doi.org/10.1088/1748-9326/ab83a7.

[355] J.D. Coop et al., *Extreme Fire Spread Events and Area Burned under Recent and Future Climate in the Western USA*, 31 Global Ecology and Biogeography 1949 (2022), https://onlinelibrary.wiley.com/doi/10.1111/geb.13496.

[356] J.K. Balch et al., *The Fastest-Growing and Most Destructive Fires in the U.S. (2001-2020)*, 386 Sci. 425 (2024), https://www.science.org/doi/10.1126/science.adk5737.

[357] N.J. Abram et al., *Quantifying the Regional to Global Climate Impacts of Individual Fossil Fuel Projects to Inform Decision-Making*, 4 npj Climate Action 92 (2025).

9. BLM must consider new information and changed circumstances related to energy supply and demand that undercuts the premises underlying the 2014 RMP.

While a key premise of the 2014 RMP is the "critical need for domestic energy production" and "[t]he national focus on increased domestic oil and gas production and the development of renewable energy,"[358] it is clear that energy supply and demand have shifted away from fossil fuels in the years since the plan was finalized and that we are not in an energy emergency that would justify increasing oil and gas production on public lands or leaving sensitive public lands open to drilling.

Oil production is at an all-time high,[359] the United States is a net exporter of petroleum,[360] and companies are sitting on more than 6,000 approved drilling permits on public lands that are not being used.[361] The United States is currently the world's top producer of oil and natural gas, according to the U.S. Energy Information Administration.[362] In fact, by March of last year, under President Biden, the United States was producing more crude oil than any other country, ever.[363] In 2023 and early 2024, the United States produced more than 13 million barrels of oil per day. Today, oil prices remain stable or are declining, a sign that production is stable. Meanwhile, the oil and gas industry, as well as mining and other extractive industries, enjoy ample access to public lands. Contrary to the principles of multiple use and sustained yield, the oil and gas industry dominates our public lands with over 81% of public lands open to drilling.[364] Therefore, a purported energy emergency cannot be used to justify portions of the 2014 RMP that unlawfully prioritize oil and gas above other multiple uses.

10. BLM must address new information and changed circumstances regarding sensitive species impacted by oil and gas development within the Bakersfield Planning Area.

The 2014 RMP recognized the need to "[e]nsure appropriate protection for Threatened and Endangered species, critical habitat, other biological resources, and cultural and paleontological resources in a multiple-use environment" in light of "the extraordinary

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[358] 2012 FEIS at 2.
[359] *See, e.g.*, U.S. Energy Info. Admin. (EIA), "United States Produces More Crude Oil than Any Country, Ever" (Mar. 11, 2024).
[360] *See, e.g.*, EIA, "Oil and Petroleum Products Explained" (Jan. 19, 2024), https://www.eia.gov/energyexplained/oil-and-petroleum-products/imports-and-exports.php.
[361] *See, e.g.*, Oil & Gas Watch, "Thousands of Permits to Drill on Federal Lands Are Not Being Used. So Why 'Expedite' More?" (Jan. 16, 2025) https://news.oilandgaswatch.org/post/thousands-of-permits-to-drill-on-federal-lands-are-not-being-used-so-why-accelerate-more-approvals.
[362] EIA, "United States Produces More Crude Oil than Any Country, Ever."
[363] *Id.*
[364] The Wilderness Society, Open for Drilling: The Outsized Influence of Oil and Gas on Public Lands (Mar. 19, 2025).

biodiversity present within the Planning Area."[365] But BLM has ignored new information, research, and studies provided during the scoping period, and incorporated herein by reference, showing the 2014 RMP does not satisfy its biodiversity goals and must be amended to properly address impacts from oil and gas development on sensitive species and their habitats within the Bakersfield region,[366] including but not limited to amending the best management practices and standard operating procedures (BMPs/SOPs) for biological resources in Appendix L from the underlying 2012 FEIS.[367]

Likewise, this comment letter offers additional studies that bolster the concerns raised in scoping and further support the need to amend the biodiversity-related portions of the 2014 RMP. Moreover, consistent with the need for a 2014 RMP amendment and BLM's announcement in the scoping notice that it was considering such an amendment, additional consultation is required under the ESA regarding the issues discussed herein.

a. BLM improperly ignored, or inadequately considered, new species-related information submitted during the scoping period.

The scoping comments introduced new information about (i) species listed or proposed to be listed under the federal ESA since the publication of the 2019 SEIS; (ii) species listed or given candidate species status under the California ESA (CESA) since the publication of the 2019 SEIS; (iii) post-2019 research providing new insight into the harms of conventional and unconventional oil and gas development on wildlife and ecosystems; and (iv) post-2019 research[368] on the impacts of development to San Joaquin kit fox, blunt-nosed leopard lizard, and giant kangaroo rat. The Draft 2025 SEIS does not adequately consider—and, indeed, fails to consider at all in the RMP amendment context—this new information, in violation of laws including FLPMA and NEPA. As noted above, this type of information concerning new species listings, and a changed understanding of impacts on species covered by an RMP, justify an RMP amendment.[369]

The Draft 2025 SEIS acknowledges that species occurring within the Planning Area have been "either proposed for listing or formally listed" under the ESA since 2019,[370] but it addresses this issue by providing very limited information concerning only five species—the Southern Sierra Nevada Distinct Population Segment (DPS) of Fisher; Kern Canyon slender salamander; Monarch butterfly; Northwestern pond turtle; and Southwestern pond turtle—in Table 3-7 (reproduced below).[371]

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[365] 2014 RMP at 7.
[366] Center Scoping Comments at 46–64.
[367] 2012 FEIS, app. L.
[368] *Id.* at 64–65.
[369] *Bd. of Cnty. Comm'rs of Cnty. of San Miguel*, 584 F. Supp. 3d at 961, 968; *Klamath*, 468 F.3d at 556.
[370] Draft 2025 SEIS at 25.
[371] *Id*. at 26.

Table 3-7 Species listed or proposed for listing on the ESA since publication of the 2019 FSEIS.

Common Name (Scientific Name)	Status[3]	Proposed or Designated Critical Habitat	General Habitat Description
Fisher (*Pekania pennanti*) Southern Sierra Nevada Distinct Population Segment (DPS)	**USFWS**: FLE **BLM**: N/A **CDFW**: SLE	**Planning Area:** Present **Supplemental Analysis Areas**: Not present **Lease Areas**: Not present	Mature conifer and mixed hardwood forests in the Sierra Nevada.
Kern Canyon slender salamander (*Batrachoseps simatus*)	**USFWS**: FPT **BLM**: S **CDFW**: N/A	**Planning Area:** Present **Supplemental Analysis Areas**: Not Present **Lease Areas**: Not Present	Narrow canyons in rocky habitat along the lower Kern River Canyon, Erskine Creek and Bodfish Creek Drainages. Preference of rocks and woody debris in areas that retain soil moisture.
Monarch butterfly (*Danaus plexippus*)	**USFWS**: FPT **BLM**:S **CDFW**: SGCN	**Planning Area:** Present **Supplemental Analysis Areas**: Not Present **Lease Areas**: Not Present	Found throughout California. Presence of milkweed is critical for habitat selection.
Northwestern pond turtle (*Actinemys marmorata*)	**USFWS**: FPT **BLM**: S **CDFW**: SSC	No proposed or designated critical habitat at this time.	Ponds, lakes, and streams, as well as the adjacent upland features throughout most of California.
Southwestern pond turtle (*Actinemys pallida*)	**USFWS**: FPT **BLM**: S **CDFW**: SSC	No proposed or designated critical habitat at this time.	Ponds, lakes, and streams, as well as the adjacent upland features throughout most of California.

While scoping comments pointed out that at least three other newly listed or proposed-for-listing species occur within the Planning Area—relictual slender salamander, South Coast DPS and South Sierra DPS foothill yellow-legged frogs (FYLF), and Northern DPS and Southern DPS western spadefoots[372]—BLM fails to even acknowledge their existence.

Likewise, despite new information submitted in the scoping comments concerning impacts from oil and gas operations to previously listed species in the Planning Area, the giant kangaroo rat and blunt-nosed leopard lizard do not appear in the Draft 2025 SEIS at all. The kit fox is only mentioned as an example of a special status species that the 2019 SEIS concluded may experience "significant loss . . . from all cumulative surface-disturbing activities, over time, throughout the Planning Area."[373]

The scoping comments also noted that, since 2019, five species occurring within the Planning Area were listed or given candidate status under CESA—South Coast DPS and South Sierra DPS of FYLF, Temblor legless lizard, Crotch's bumble bee, Western bumble bee, and burrowing owl.[374] While it is well settled that BLM must abide by CESA as well as the federal ESA,[375] the Draft 2025 SEIS completely ignores these newly state-protected species and the

[372] Center Scoping Comments at 52.
[373] Draft 2025 SEIS at 64.
[374] *Id*. at 53, 60–64.
[375] *See, e.g.*, 81 Fed. Reg. 12938, 12939 (Mar. 11, 2016) (characterizing a proposed amendment to a renewable energy conservation plan as "developed by the BLM, USFWS, California Energy Commission, and California Department of Fish and Wildlife," in part to "[m]eet the requirements of the . . . California Endangered Species Act"); *see also* BLM, "California Coastal

proffered information regarding impacts to such species and their habitat in connection with the 2014 RMP.

For species it does not refuse to acknowledge, BLM fails to disclose where exactly the new federal- and state-protected species are known to occur within the Planning Area. BLM focuses only on the seven parcels at issue in the 2020 Lease Sale as opposed to the entire Planning Area at issue in the 2014 RMP. Moreover, BLM's limited analysis claims that "[t]he fisher, Kern Canyon slender salamander, northwestern pond turtle and southwestern pond turtle are not likely to occur within the lease parcels, based on their habitat (described in Table 3-7)."[376] However, Table 3-7 only considers proposed or designated critical habitat for these species; it does not disclose where these species are known to occur, which is likely a broader area.[377] Without this basic geographic information for the entire Planning Area, it is impossible for BLM to adequately evaluate how the 2014 RMP and development on the seven lease parcels involved in the 2020 Lease Sale will affect these imperiled species, and BLM's decision to reject an RMP amendment is arbitrary and unsupported.

b. Additional post-2019 research and studies concerning federally listed species confirm the need to amend the 2014 RMP.

i. Foothill Yellow-Legged Frog

As previously discussed, despite apparent overlap of the South Coast DPS and South Sierra DPS FYLF ranges with federal lands and mineral estate in the Planning Area (see range map below),[378] the Draft 2025 SEIS does not mention FYLF.

The South Coast DPS and South Sierra DPS FYLF were listed as endangered on September 28, 2023.[379] On January 14, 2025, the United States Fish and Wildlife Service (USFWS) proposed a final rule designating 10,077 acres of critical habitat for the South Coast DPS and 307,772 acres of critical habitat for the South Sierra DPS.[380]

National Monument Resource Management Plan" (Sept. 2005) at 1-14, 1-20 to 1-22, https://eplanning.blm.gov/Project-Home/?id=2d119c99-a7f2-f011-8407-001dd80c29f3; BLM, Record of Decision for Headwaters Forest Reserve Resource Management Plan (June 2004) at 12, https://eplanning.blm.gov/Project-Home/?id=9245e39b-a7f2-f011-8406-001dd802fdea.

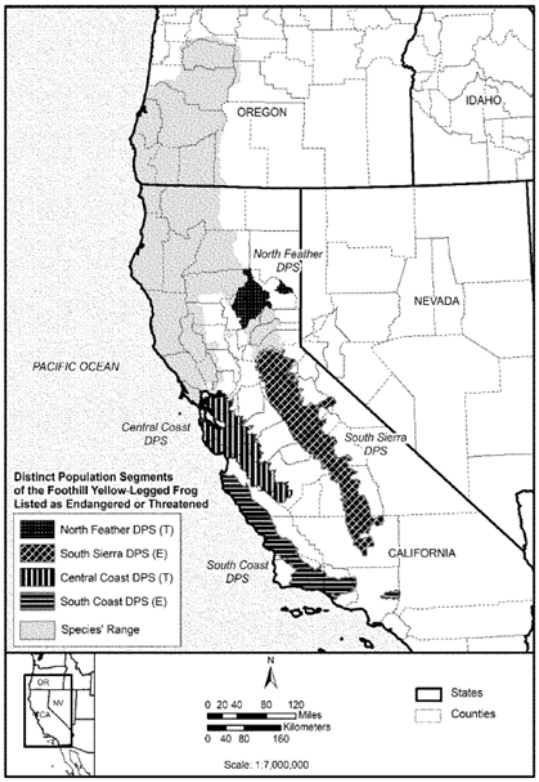
[376] Draft 2025 SEIS at 27.

[377] *Id*. at 26.

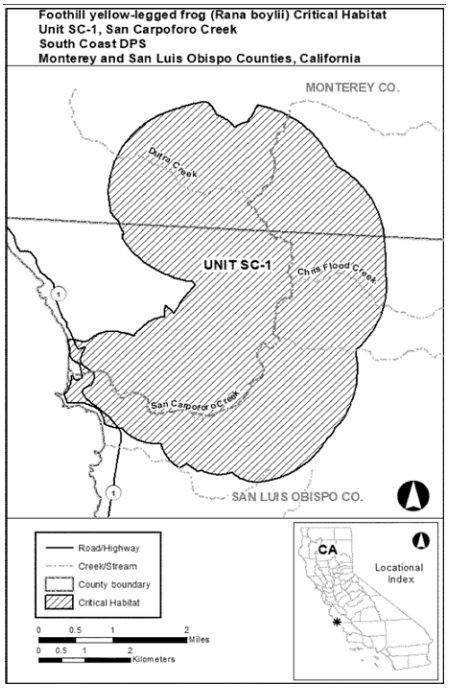
[378] 90 Fed. Reg. 3412, 3416 (Jan. 14, 2025).

[379] *See generally* 88 Fed. Reg. 59698 (Aug. 29, 2023).

[380] 90 Fed. Reg. 3412–70 (Jan. 14, 2025).



Further, proposed critical habitat Unit SC-1 (see map below)[381] appears to intersect with federal lands open for leasing under the RMP in northwest San Luis Obispo County.



[381] *Id*. at 3453.

The available scientific information regarding impacts to FYLF confirm the need for an RMP amendment to ensure species protection—including but not limited to the following studies:

- Cook et al. (2012) made "frequent observations" of FYLF up to 331 meters from a natal stream and found substantial evidence of "road mortality," indicating that FYLF "are susceptible to indirect impacts from urbanization."[382] BLM acknowledges that roads will accompany oil and gas activity under the 2014 RMP and on the seven lease parcels involved in the 2020 Lease Sale.[383] Accordingly, it is likely that new roads accompanying RMP projects will adversely affect FYLF, with additional mitigation needed in a revised SEIS and RMP amendment, especially given the proposed critical habitat overlap with BLM surface land and split estate.

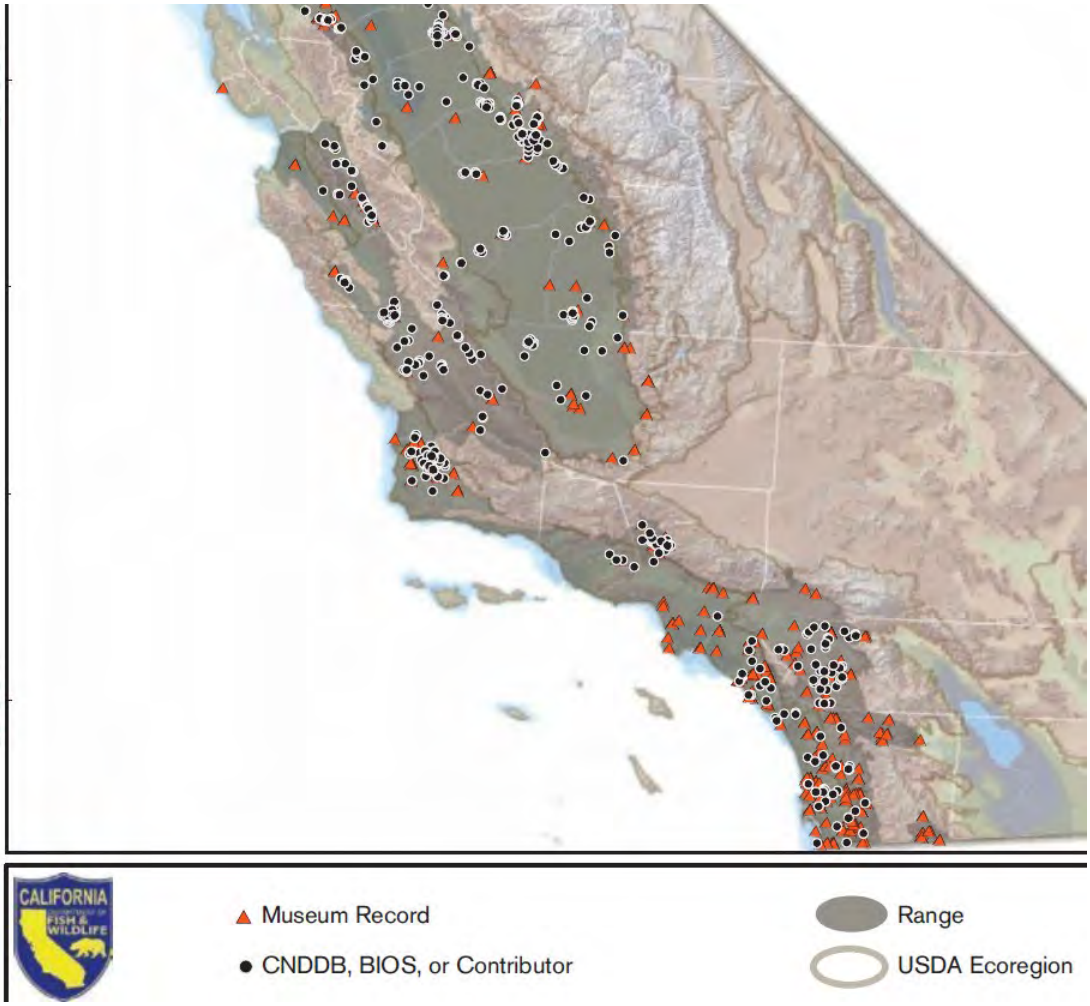
- Adams et al. (2017) observed "that Bd [(amphibian chytrid fungus)] loads in *R. boylii* increase at lower stream flows, indicat[ing] that climate change, water extraction for human use, and disease may be acting synergistically to threaten *R. boylii* populations in central California . . . ."[384] BLM acknowledges that, in the Planning Area, "[p]rolonged droughts in 2012-2016 and again in 2020-2022 significantly reduced streamflows, concentrated water quality constituents, and heightened stress on both managed and natural hydrologic systems."[385] Accordingly, it is likely that the threats of drought, water extraction, and disease will come together to exacerbate known threats to FYLF from oil and gas development in a manner not fully reflected in the prior environmental review and 2014 RMP, such that an amendment is necessary.

- Kupferberg et al. (2022) "expect that transmission of pathogens would be reduced in years with higher baseflows."[386] The Draft 2025 SEIS acknowledges that "[o]il and gas development can contribute to declining groundwater levels and reductions in aquifer storage."[387] It is likely that groundwater extraction for oil and gas activity may lead to lower baseflows, and thus higher chytrid transmission, in FYLF habitat, resulting in impacts greater than those previously acknowledged in the 2014 RMP and prior environmental review, and confirming the need for an RMP amendment.

[382] D.G. Cook et al., *Rana boylii* (Foothill Yellow-legged Frog) *Upland Movement*, 43(2) Herpetological Rev. 325 (2012).
[383] *See, e.g.*, Draft 2025 SEIS at 36–37.
[384] Adams, A.J. et al., *Extreme drought, host density, sex, and bullfrogs influence fungal pathogen infection in a declining lotic amphibian*, 8(3) Ecosphere at 11 (2017).
[385] Draft 2025 SEIS at 30.
[386] S.J. Kupferberg et al., *Seasonal Drought and its Effects on Frog Population Dynamics and Amphibian Disease in Intermittent Streams*, Ecohydrology at 12 (2022).
[387] Draft 2025 SEIS at 62.

ii. Western Spadefoot

As previously discussed, despite apparent overlap of Western spadefoot range with federal lands and mineral estate in the Planning Area (see range map below),[388] the Draft 2025 SEIS does not mention Western spadefoot. USFWS proposed to list the Northern DPS western spadefoot as threatened on December 5, 2023.[389]



The available scientific information regarding impacts to Western spadefoot from oil and gas development under the 2014 RMP confirms the need for an RMP amendment to ensure species protections—including but not limited to the following studies, which are newly relevant as supplying part of the basis for the proposed listing:[390]

[388] R.C. Thomson et al., *California Amphibian and Reptile Species of Special Concern*, Univ. of Cal. Press (2016) at 131.
[389] *See generally* 88 Fed. Reg. 84252 (Dec. 5, 2023).
[390] 88 Fed. Reg. at 84254, 84260, 84263, 84271, 84274–75.

- USFWS (2005) warned: "Activities that produce low frequency noise and vibration, such as grading for development and seismic exploration for natural gas, in or near habitat for western spadefoot toads, may be detrimental to the species. Dimmitt and Ruibal (1980) determined that spadefoot toads were extremely sensitive to such stimuli and would break dormancy and emerge from their burrows in response to these disturbances. Disturbances that cause spadefoot toads to emerge at inappropriate times could result in detrimental effects such as mortality or reduced fitness."[391] It is, thus, likely that oil and gas activity under the RMP and on the seven lease parcels could harm Western spadefoot by causing individuals to emerge at inappropriate times, resulting in a need for an amendment to the 2014 RMP and broader SEIS.

- USFWS (2005) also noted that "[s]padefoot toad metamorphs attempting to disperse across dirt roads have been killed, possibly because they often try to bury themselves in the road to avoid an approaching vehicle (J. Vance pers. comm. 2005)."[392] As noted above, BLM acknowledges that new roads may be built to service oil and gas development under the RMP and on the seven lease parcels. It is, thus, likely that these roads will impact Western spadefoot in a way not addressed in the Draft 2025 SEIS, prior environmental review, and the 2014 RMP. BLM must amend the 2014 RMP to address these impacts, in conjunction with fully considering them in a revised SEIS.

iii. Northwestern and Southwestern Pond Turtles

The USFWS proposed to list the Northwestern pond turtle and the Southwestern pond turtle as threatened on October 3, 2023,[393] after the 2019 SEIS and 2020 EA. These new listings illustrate the need to amend the 2014 RMP to ensure species protection, in combination with a revised SEIS that properly evaluates the available scientific information concerning impacts to Northwestern and Southwestern pond turtles from oil and development under the 2014 RMP—including but not limited to the following studies:

- Otten et al. (2023) notes previous studies have found that freshwater turtle populations exposed to crude oil experienced "altered diets" and "increased rates of hatchling deformities."[394] In addition, "beyond the direct mortality caused by the spill," freshwater northern map turtles exposed to an oil spill experienced "declines in the estimated population size and shifts in the size distribution," which are "likely indicative of negative demographic impacts" following the spill.[395] BLM acknowledges that oil and gas activity under the 2014 RMP and on the seven lease

[391] U.S. Fish & Wildlife Service (USFWS), Recovery Plan for Vernal Pool Ecosystems of California and Southern Oregon (2005) at II-234.
[392] *Id*.
[393] *See generally* 88 Fed. Reg. 68370 (Oct. 3, 2023).
[394] J.G. Otten et al., *Freshwater Turtle Populations as Bioindicators Following an Oil Spill: Delayed Demographic Changes Reveal Long-Term Impacts*, Ecological Indicators (2023) at 7.
[395] *Id*. at 1.

parcels can result in hydrocarbon spills[396] and wastewater spills threatening surface water.[397] It is, thus, likely that spills from oil and gas activity under the 2014 RMP and on the seven lease parcels will impact the pond turtles in a manner requiring an RMP amendment.

- Nicholson et al. (2020) noted that "[r]ecent [western pond turtle] population studies revealed that road density and proximity were significantly associated with increasingly male-biased sex ratios, further suggesting female-biased road mortality," and their analyses "indicate that roads…constitute significant threats to the long-term persistence of both species of [western pond turtle]."[398] As noted above, BLM acknowledges that new roads may be built to service oil and gas development under the RMP and on the seven lease parcels. It is, thus, likely that these roads will impact pond turtles in a manner requiring an amendment to the 2014 RMP and full consideration and disclose in a revised SEIS.

iv. Monarch Butterfly

The Draft 2025 SEIS states that the monarch butterfly, its proposed critical habitat, and the milkweed it depends on are "[p]resent" in the Planning Area,[399] and that monarch butterflies and milkweed "may occur within the lease parcels."[400] However, the Draft 2025 SEIS fails to consider information on the impacts of oil and gas development on monarch butterflies and their critical habitat in the Planning Area and 2020 Lease Sale, or discuss mitigation for these impacts. The 2014 RMP also fails to discuss mitigation for threats to monarch butterflies and their critical habitat and, thus, requires an amendment to ensure adequate species protection.

The USFWS proposed to list the monarch butterfly under the ESA and designate 4,395 acres of critical habitat on December 12, 2024 due to its precarious status and numerous threats to its continued existence.[401] Western migratory monarch butterflies, which occur in the Planning Area, are particularly threatened: "The western migratory population has declined by more than 95% since the 1980s, putting the western populations at greater than 99% chance of extinction by 2080."[402] In 2025 there were only 12,260 overwintering western migratory monarchs in

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[396] *See, e.g.*, 2020 Lease Sale EA at 63.
[397] *See, e.g.*, Draft 2025 SEIS at 60.
[398] E.G. Nicholson et al., *Historical Museum Collections and Contemporary Population Studies Implicate Roads and Introduced Predatory Bullfrogs in the Decline of Western Pond Turtles*, PeerJ at 1, 17 (2020).
[399] Draft 2025 SEIS at 26 (Table 3-7).
[400] *Id.* at 27, 58.
[401] *See generally* 89 Fed. Reg. 100662 (Dec. 12, 2024); USFWS, Monarch (*Danaus plexippus*) Species Status Assessment Report, version 2.1 (Sept. 2020).
[402] USFWS, "Fish and Wildlife Service Proposes Endangered Species Act Protection for Monarch Butterfly; Urges Increased Public Engagement to Help Save the Species" (Dec. 10, 2024), https://www.fws.gov/press-release/2024-12/monarch-butterfly-proposed-endangered-species-act-protection.

California, down from 4.5 million in the 1980s.[403] Indeed, "[t]he three lowest counts . . . have all occurred in recent years: 1,901 individual monarchs in 2020, 9,119 in 2024, and 12,260 in 2025."[404]

Research not considered by the Draft 2025 SEIS or prior environmental review has recognized that numerous sites along the central and southern California coast are critical for overwintering and migratory western monarchs.[405] In addition, the Central Valley and Coast Range, which fall within the Planning Area, also serve as important migratory habitat for western monarchs, especially "for the first spring generation . . . [by] provid[ing] the last habitats that most fall migrating western monarchs cross before arriving at their coastal overwintering areas."[406]

BLM also did not consider research that identifies major threats to monarchs from habitat loss and modification, pesticide and herbicide use, light pollution, road mortality, and climate change, all of which are likely to be worsened by oil and gas development in the Planning Area.

The negative effects of pesticides and herbicides on monarchs cannot be overstated. The introduction and widespread use of neonicotinoid insecticides has been identified as the most likely factor behind the sudden decline of western monarchs.[407] Monarchs are exposed to herbicides and insecticides not only on use sites but also in areas affected by spray drift.[408] Oil and gas leasing in the Planning Area could foreseeably lead to greater pesticide use. For example, pesticide use at leasing sites is permitted,[409] and restrictions on herbicide use in the 2014 RMP (i.e., "herbicide use will not be permitted within 300 feet of listed plant populations

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[403] *Id.*; Xerces Soc'y, Western Monarch Numbers Remain at Historic Low (Jan. 29, 2026), https://xerces.org/press/western-monarch-numbers-remain-at-historic-low.
[404] *Id.*
[405] *See generally* E.M. Pelton et al., *Western Monarch Population Plummets: Status, Probable Causes, and Recommended Conservation Actions*, 7 Front. Ecol. Evol. (2019), https://doi.org/10.3389/fevo.2019.00258; D.G. James, *Monarch Butterflies in Western North America: A Holistic Review of Population Trends, Ecology, Stressors, Resilience and Adaptation*, 15 Insects 40 (2024), https://doi.org/10.3390/insects15010040; 89 Fed. Reg. 100662 (Dec. 12, 2024).
[406] P.J. McIntyre et al., *Mapping Migration Habitat for Western Monarch Butterflies Reveals Need for Public-Private Approach to Conservation*, 19 Frontiers in Ecology and Evolution at 1, 10 (2024), https://doi.org/10.3389/fevo.2024.1460363.
[407] D.G. James, *Monarch Butterflies at Western North America: A Holistic Review of Population Trends, Ecology, Stressors, Resilience and Adaptation* at 1, 4–5; C.A. Halsch et al., *Pesticide Contamination of Milkweeds Across the Agricultural, Urban, and Open Spaces of Low Elevation Northern California*, 8 Frontiers in Ecology and Evolution (2020) at 2–3, 7–8, https://doi.org/10.3389/fevo.2020.00162.
[408] D.G. James, *Monarch Butterflies at Western North America: A Holistic Review of Population Trends, Ecology, Stressors, Resilience and Adaptation* at 5; M.L. Forister et al., *Increasing Neonicotinoid Use and the Declining Butterfly Fauna of Lowland California*, 12 Biology Letters 20160475 at 1 (2016), http://dx.doi.org/10.1098/rsbl.2016.0475.
[409] 2014 RMP at 245.

identified during pre-project surveys") only apply to the few plant species listed therein, and not milkweed upon which monarchs depend.[410] This is inadequate.

Road mortality is another major threat to monarchs. Estimates of the percentage of monarchs road-killed during fall migration by collisions with vehicles is as high as 99.5%.[411] The DSEIS indicates that there will be significant road development in the Planning Area: "[e]ach new access road comprises approximately 1.1 acres (47,520 square feet) (0.5 miles long by 18 feet wide) per new pad."[412] Nighttime light pollution has been shown to disturb diurnal migratory monarch butterflies.[413] While the 2025 DSEIS does not mention night lighting, the 2019 SEIS indicates that well sites and rigs will have night lighting for conventional and fracked wells.[414]

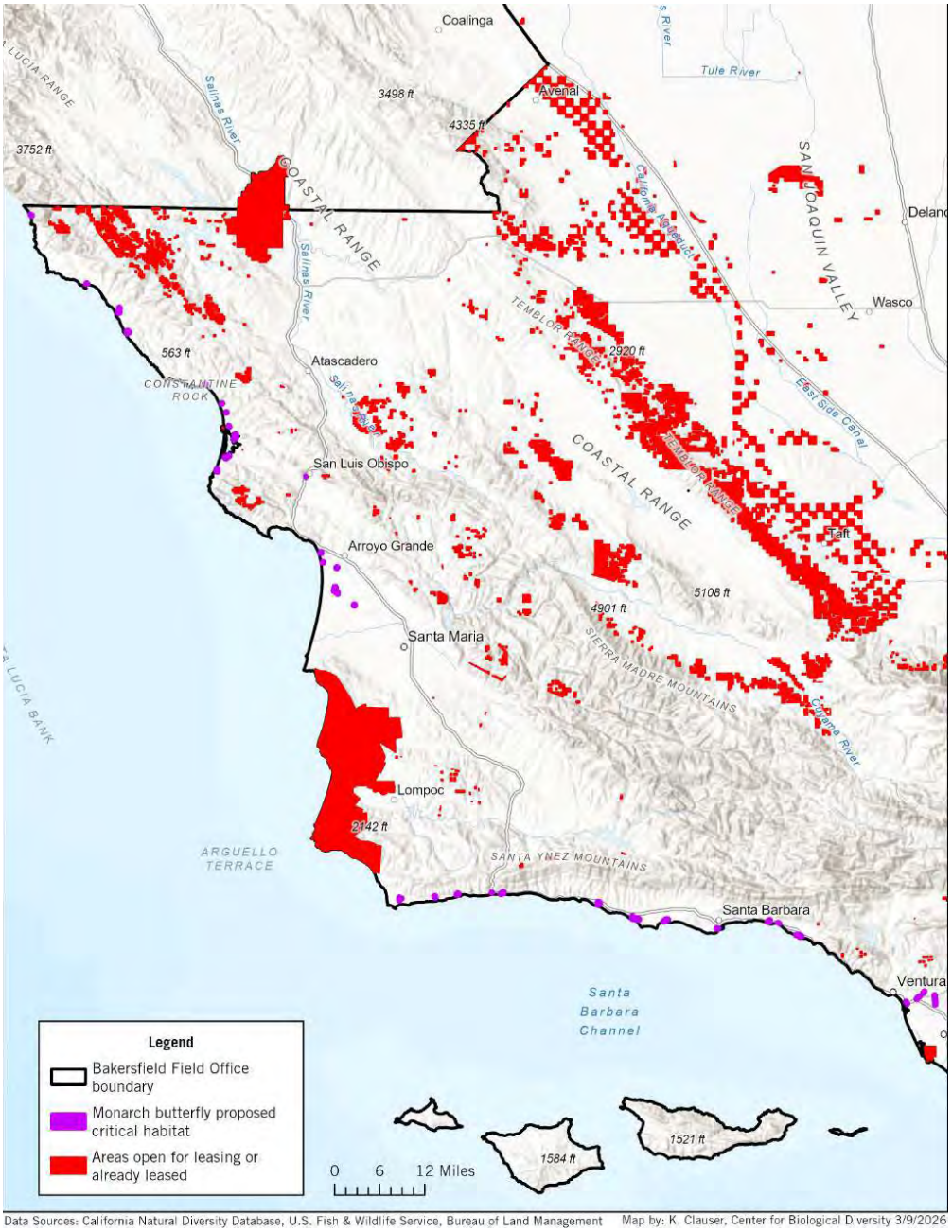
Climate change has been identified as a primary driver of monarch decline,[415] and future climate change threatens to make much of their habitat unsuitable.[416] Rising temperatures are causing phenological mismatches between migration timing and flowering of milkweeds and nectar resources in spring and summer. Rising summer temperatures, and unseasonal severe cold fronts and early heat waves, can lower reproductive success and survival. Drought reduces the availability of milkweeds and nectar plants. Severe winter storm events can kill large proportions of the overwintering population and damage habitat.[417] Oil and gas development in the Planning Area will contribute to climate change and worsen climate harms to monarch butterflies.

The Draft 2025 SEIS, and prior environmental reviews associated with the 2014 RMP, do not discuss mitigation for these threats to monarch butterflies and their critical habitat from oil and gas development in the Planning Area. The 2014 RMP has general BMPs/SOPs for biological resources, which also fail to discuss mitigation for threats to monarch butterflies and the plants they depend on.[418]

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[410] *Id.* at 234.
[411] I. Momeni-Dehaghi et al., *Roadkill is a Crucial Factor in the Population Decline of Migratory Monarch Butterflies*, bioRxiv at 1 (2024), https://doi.org/10.1101/2024.09.27.615542.
[412] Draft 2025 SEIS at 37 (Table 4-3).
[413] *See generally* A.F. Parlin et al., *Oriented Migratory Flight at Night: Consequences of Nighttime Light Pollution for Monarch Butterflies*, 25 iScience 104310 (2022), https://doi.org/10.1016/j.isci.2022.104310.
[414] 2019 SEIS at 82.
[415]D.G. James, *Monarch Butterflies at Western North America: A Holistic Review of Population Trends, Ecology, Stressors, Resilience and Adaptation* at 3, 11; *see generally* E.R. Zylstra et al., *Changes in Climate Drive Recent Monarch Butterfly Dynamics*, 5 Nature Ecology & Evolution 1441 (2021), https://www.nature.com/articles/s41559-021-01504-1.
[416] C. Sáenz-Romero et al., Establishing Monarch Butterfly Overwintering Sites for Future Climates: *Abies Religiosa* Upper Altitudinal Limit Expansion by Assisted Migration, 7 Frontiers in Forests and Global Change 1440517 at 2 (2024), https://doi.org/10.3389/ffgc.2024.1440517.
[417] 89 Fed. Reg. 100662, 10672–73 (Dec. 12, 2024); USFWS, Monarch (*Danaus plexippus*) Species Status Assessment Report, version 2.1 at 40–41.
[418] 2012 FEIS, app. L.

For the 2020 Lease Sale, the Draft 2025 SEIS notes that "[s]ince milkweed plant habitat populations occur throughout most of California, monarch butterflies may occur within the lease parcels."[419] Even so the Draft 2025 SEIS does not address other locations within the Bakersfield Planning Area where monarchs may occur. BLM should consider that, per the following map, one proposed critical habitat site is within 1 mile of an area open for leasing, while 21 proposed critical habitat sites are within 5 miles of areas open for leasing.[420]



[419] Draft 2025 SEIS at 42.

[420] Center for Biological Diversity, GIS map and data analysis by K. Clauser (2026).

Additionally, the Draft 2025 SEIS vaguely states that "[t]his species is dependent on the milkweed plant, which can be easily identified at most times of the year; thus, populations should be easily identified and avoided."[421] However, the Draft 2025 SEIS and 2014 RMP contain no measures that would require the identification and avoidance of milkweed, or any suggestion that operators would be trained to identify milkweed. The Draft 2025 SEIS also states that "Controlled surface use (CSU) stipulations would be applied to all parcels (see Appendix B of the 2020 EA)" and that "potential impacts would be mitigated by the CSU stipulations."[422] But the CSU stipulations similarly do not address mitigation for threats to monarch butterflies.

The above discussion reflects new information and changed circumstances confirming the need for an amendment to the 2014 RMP and a revised SEIS that fully accounts for and mitigates impacts to monarchs.

v. Kern Canyon slender salamander & relictual slender salamander

The Draft 2025 SEIS states that the Kern County slender salamander and its proposed critical habitat are present within the Planning Area, within the lower Kern River Canyon, Erskine Creek and Bodfish Creek Drainages.[423] Without explanation, though, the Draft 2025 SEIS fails to include the relictual slender salamander despite the overlap of the salamander's habitat with the Planning Area. For both species, the Draft 2025 SEIS fails to consider information on the impacts of oil and gas development on these species or discuss mitigation for these impacts. For both species, there is new information and changed circumstances that require an amendment to the 2014 RMP.

In 2022, the USFWS proposed to list the Kern Canyon slender salamander as threatened with approximately 2,051 acres of critical habitat, and the relictual slender salamander as endangered with approximately 2,685 acres of critical habitat.[424] On November 21, 2023, the USFWS proposed to increase its critical habitat proposal to 2,057 acres for the Kern Canyon slender salamander and to 4,942 acres for the relictual slender salamander.[425]

Major threats to both species are road-building, disease, and climate change.[426] Roads damage the hydrology of the salamander's habitat, and destroy and degrade the seeps and springs that salamanders depend on. Roads may also result in direct mortality of individual salamanders. Amphibian chytrid fungus (*Batrachochytrium dendrobatidis*, or *Bd*) is a major threat, where infection could cause die-offs in already small populations. Climate change is expected to reduce the water level of the seeps and springs that support these species.[427]

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[421] Draft 2025 SEIS at 58.
[422] *Id.*
[423] *Id.* at 26 (Table 3-7).
[424] 87 Fed. Reg. 63150, 63150 (Oct. 18, 2022).
[425] 88 Fed. Reg. 81028, 81029–30 (Nov. 21, 2023).
[426] C.D. Moss et al., *Distribution, natural history, and conservation status of the relictual slender salamander* (Batrachoseps relictus), 105 Northwestern Naturalist 32, 41–43 (2024), https://doi.org/10.1898/NWN23-18.
[427] *Id.*

Based on the above, oil and gas development in or near the salamander's restricted range is likely to worsen the harms from road-building and could contribute to the spread of chytrid fungus. Oil and gas development in the Planning Area will also worsen climate change. The Draft 2025 SEIS and the BMPs/SOPs for biological resources in the 2014 RMP fail to address mitigation for the threats to these imperiled salamanders.[428] Accordingly, an amendment to the 2014 RMP is necessary, along with a revised SEIS that fully accounts for and mitigates species impacts.

c. BLM must amend the 2014 RMP to address new state listings and new information about state-listed species.

Federally listed FYLF were also listed under CESA after the 2019 FEIS, and proposed-for-listing Western spadefoot is now being recommending for listing under CESA.[429] In addition, the Southern California/Central Coast Distinct Population Segment ("DPS") of mountain lions received permanent protections under CESA in 2026[430] and are present throughout the Planning Area,[431] as discussed further below.

As the California Departments of Conservation, Fish and Wildlife, and Parks and Recreation, and the California Coastal Commission and State Water Resources Control Board noted in their scoping comment, "[t]he state's regulatory and permitting authority and processes [including under CESA and the California Environmental Quality Act] apply to third party (e.g. non-federal) oilfield operations in California on all land administered by BLM whether that land is owned in total by the federal government or land that is under private ownership with federal mineral estate (split-estate)."[432]

Accordingly, these new listings warrant amendments to the 2014 RMP and Draft 2025 SEIS to ensure compliance with California law and adequate protections for these species.

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[428] 2012 FEIS, app. L.

[429] Cal. Nat. Res. Agency, Dep't of Fish and Wildlife, Biogeographic Data Branch, California Natural Diversity Database, State and Federally Listed Endangered and Threatened Animals of California (Feb. 2026) at 14; Cal. Nat. Res. Agency, Dep't of Fish and Wildlife, Petition Evaluation for Western Spadefoot (Spea hammondii) (Jan 2026).

[430] *Id*. at 21.

[431] *See, e.g.*, News23 Bakersfield, "Mountain Communities Demand Action as Mountain Lion Attacks Surge in Kern County" (Jan. 3, 2026), https://www.turnto23.com/news/in-your-neighborhood/frazier-park-grapevine/mountain-communities-demand-action-as-mountain-lion-attacks-surge-in-kern-county; Los Padres ForestWatch, "Mountain Lion," https://forestwatch.org/learn-explore/wildlife-plants/mountain-lion/.

[432] Scoping Comments for the Draft 2025 SEIS, from the Cal. State Water Boards, Cal. Dept. of Conservation, Cal. Dept. of Fish & Wildlife, Cal. Coastal Commission, Cal. State Parks (July 23, 2025) at 12.

i. Mountain lion

While California recently listed mountain lions in the Bakersfield Planning Area as "threatened" under CESA, the Draft 2025 SEIS fails to mention mountain lions, much less consider the impacts oil and gas leasing would have on that species.[433] The mountain lion has been on track for CESA protection since 2020. In January 2020, the California Department of Fish and Wildlife (CDFW) recommended that the state Fish and Game Commission designate mountain lions as a candidate species under CESA, which gives candidate species the same protections as listed species.[434] That same year, the California Fish and Game Commission agreed, and granted these populations candidacy status.[435] On December 10, 2025, CDFW released their status review regarding the petition and recommended listing six genetically distinct sub-populations of pumas as the threatened Southern California/Central Coast mountain lion DPS under CESA.[436] On February 12, 2026, the California Fish and Game Commission agreed with CDFW's recommendation and voted to officially list this DPS as threatened under CESA.[437]

The newly listed DPS includes the Central Coast North ("CC-N"), Central Coast Central ("CC-C"), Central Coast South ("CC-S"), the Santa Ana Mountains/San Gorgonio ("SGSB"), and Eastern Peninsular Range populations.[438] The CC-C, CC-S, and SGSB populations are relevant to the Bakersfield Planning Area, as reflected in the following figure:

[433] The 2019 SEIS does not mention the mountain lion. The 2012 FEIS contains mere mentions but has no substantive discussion of impacts. Mentions of the mountain lion include: 2012 FEIS at 280 (noting the Sierra bioregion includes the mountain lion), 344 (discussing Bitter Creek and noting "Recently, three condors have been lost to a mountain lion in the area"), 355 (noting the Back Country Byway has mountain lion habitat).
[434] *See generally* CDFW, Report to the Fish and Game Commission: Evaluation of Petition from the Center for Biological Diversity and the Mountain Lion Foundation to List the Southern California/Central Coast Evolutionarily Significant Unit (ESU) of Mountain Lions as Threatened U (Issue 7) (2020) (hereafter "CDFW 2020").
[435] CDFW, A Status Review of the Petitioned Southern California/Central Coast Evolutionarily Significant Unit (ESU) of Mountain Lion (Puma concolor cougar) in California (2025) at 1 (hereafter "CDFW 2025").
[436] *Id.* at 85.
[437] *See generally* CDFW, California Fish and Game Commission Finds CESA Protections Warranted for Southern California and Central Coast Mountain Lion (2026) (hereafter "CDFW 2026"), https://wildlife.ca.gov/News/Archive/california-fish-and-game-commissionfinds-cesa-protections-warranted-forsouthern-californiaandcentral-coastmountain-lion.
[438] CDFW 2025 at vii-viii.

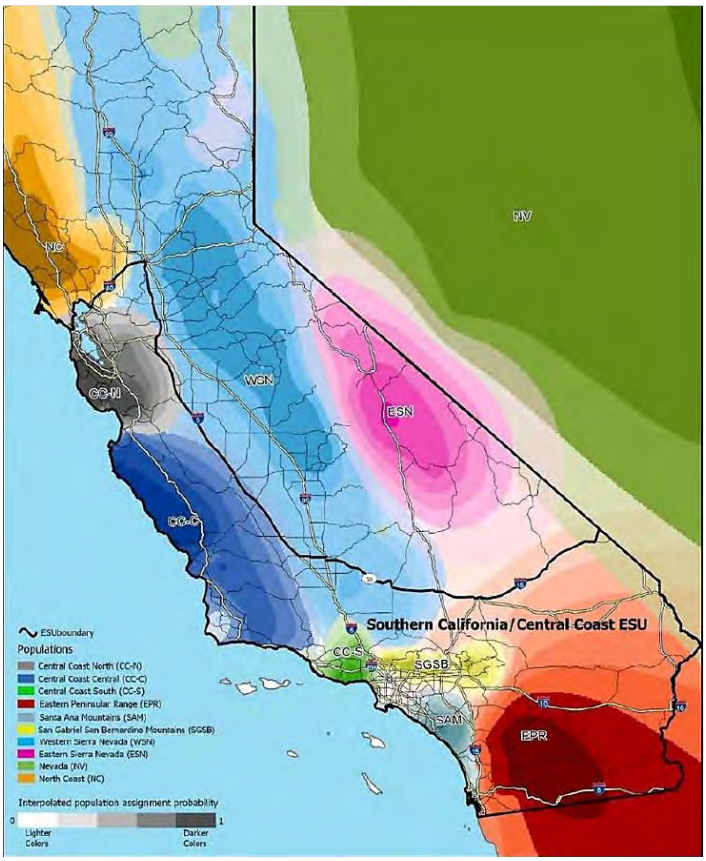


Figure 1: Genetically distinct mountain lion populations in California. The black represents the CC-N population, dark blue the CC-C population, green the CC-S population, and yellow the San Gabriel/San Bernardino population. The black outline along the Central Coast and Southern California represents the originally petitioned Evolutionarily Significant Unit ("ESU"). The ultimately protected Central Coast and Southern California Distinct Population Segment is almost the entire area of the petitioned ESU.[439]

There is a wealth of recent scientific studies that address threats to mountain lions. These studies illuminate, for example, the dire conditions of the DPS's genetic health and viability, the myriad threats they face, and the importance of the lease area for their long-term survival.[440] The research cited in CDFW's Status Review and this Comment represent the best available science

[439] *See* T.A. Yap et al., *A Petition to List the Southern California/Central Coast Evolutionarily Significant Unit (ESU) of Mountain Lions as Threatened under the California Endangered Species Act (CESA)* at 3 (2019) (modeling map on K.D. Gustafson et al., *Genetic Source–Sink Dynamics Among Naturally Structured and Anthropogenically Fragmented Puma Populations*, 20 Conservation Genetics 215 (2019) at Fig. 2 (hereafter "Gustafson 2019")).

[440] *See generally* K.D. Gustafson et al., *Multi-Population Puma Connectivity Could Restore Genomic Diversity to at-risk Coastal Populations in California*, 15(2) Evolutionary Applications 286 (2022), https://doi.org/10.1111/eva.13341; T.A. Yap et al., *California Connections: How Wildlife Connectivity Can Fight Extinction and Protect Public Safety* (2021); Gustafson 2019; J.F. Benson et al., *The Ecology of Human-Caused Mortality for a Protected Large Carnivore*, 120(13) Proceedings of the Nat'l Academy of Scis. e2220030120 (2023); CDFW 2025.

regarding mountain lions in the region. BLM must consider these myriad recent studies and use them to inform their decisionmaking regarding which areas of the mineral estate to open, or close, to industrial development. In particular, an amendment to the 2014 RMP, and a broader SEIS, are necessary to address likely impacts on mountain lions from increased noise, light, human presence, and traffic enabled by oil and gas activities in the Bakerfield Planning Area.

Human Presence: The construction and operation of oil and gas facilities in the lands open for leasing would increase human presence. Several studies document the nuanced sensitivities of California mountain lions to human presence, activities, and infrastructure. Studies have demonstrated that mountain lion avoidance behavior increases with greater development densities.[441] One study found that mountain lions are so fearful of humans and noise generated by humans that they will abandon the carcass of a deer and forgo the feeding opportunity just to avoid humans.[442] In addition, mountain lions have been found to respond fearfully upon hearing human vocalizations, avoiding the area and moving more cautiously when hearing humans.[443] Other studies have demonstrated that mountain lion behavior is impacted when exposed to other evidence of human presence, such as lighting or vehicles/traffic.[444]

One way California mountain lions adapt to increased human presence and development is to decrease their activity during the daytime and increase their activity during the nighttime.[445] The BKFO SEIS anticipates that "wells [would] generally operate 24 hours per day, 7 days per week, and 365 days per year."[446] These constant operations would deter mountain lions during any hour, reducing their ability to adapt to increased human development in the region. At the very least, BLM should amend the 2014 RMP to impose an SOP and BMPs to pause oil and gas activities at night to mitigate harms to the mountain lion (and other species).

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[441] J.A. Smith et al., *Moving Through the Matrix: Promoting Permeability for Large Carnivores in a Human-Dominated Landscape*, Landscape and Urban Planning, 183, 50–56 (2019); J.A. Smith et al., *Top Carnivores Increase Their Kill Rates on Prey as a Response to Human-Induced Fear*, Proceedings of the Royal Society B: Biological Sciences, 282(1802) at 1-5 (2015); Y. Wang et al., *Mesopredator Spatial and Temporal Responses to Large Predators and Human Development in the Santa Cruz Mountains of California*, Biological Conservation 190, 24 (2015), https://doi.org/10.1016/j.biocon.2015.05.007; Y. Wang et al., *Residential Development Alters Behavior, Movement, and Energetics in a Top Carnivore*, PlosOne, 12(10), e0184687 (2017) at 11.

[442] *See generally* J.A. Smith et al., *Fear of the Human 'Super Predator' Reduces Feeding Time in Large Carnivores*, Proceedings of the Royal Society B: Biological Sciences, 284(1857), 20170433 (2017). The study concluded that even "non-consumptive forms of human disturbance may alter the ecological role of large carnivores by affecting the link between these top predators and their prey." *Id.* at 3.

[443] *Id.*; J.P. Suraci et al., *Fear of Humans as Apex Predators Has Landscape-Scale Impacts from Mountain Lions to Mice*, Ecology Letters, 22(10) (2019) at 1-2.

[444] Wang 2017 at 2; Smith 2017 at 4; C.C. Wilmers et al., *Scale Dependent Behavioral Responses to Human Development by a Large Predator, the Puma*, PLoS ONE, 8(4) at 7 (2013).

[445] Suraci 2019 at 1, 4–5; Wang 2015 at 29.

[446] Draft 2025 SEIS at 38.

Constructions and Operations: Even when humans are not present at the oil and gas well sites, the noise caused by production is likely to adversely affect the region's mountain lions. Fracking is associated with constant noise, which can be substantial even hundreds of meters away from the production site.[447] According to the Draft 2025 SEIS, conventional drilling could produce sound in the 50-82 decibel range, and fracking would reach 107 decibels.[448] Yet BLM provides no analysis of how this increase in noise pollution would impact mountain lions.

Increased noise from oil and gas development has been shown to alter predator-prey dynamics, reducing hunting success in predators relying on acoustic cues.[449] Mountain lions have sensitive hearing and respond rapidly to new auditory cues. The topography and plant composition of a landscape affect how well sound travels, and therefore how much of an impact construction and production of oil and gas will have on mountain lions and other.[450]

Traffic and Roads: Alternative B will foreseeably increase the number of roads and vehicles throughout the Planning Area. In addition to impacts to mountain lion wildlife connectivity, increasing traffic and roads in the area could lead to an increased chance of a vehicle strikes. CDFW identified vehicle strikes as one of the leading threats to mountain lions in the DPS.[451] The SEIS states that new access roads just for fracking would be disturb up to 48 acres.[452] Roads can substantially fragment a landscape and render it far less habitable for mountain lions. BLM must take these impacts into consideration.

ii. Temblor Legless Lizard

BLM must improve its analysis of the impacts of conventional and unconventional oil and gas development on the imperiled Temblor legless lizard (TLL). Oil and gas development is the primary threat to the Temblor legless lizard, and new information and changed circumstances around this species demonstrate the need for an amendment to the 2014 RMP and a broader NEPA analysis.

As stated in the Center for Biological Diversity's July 2025 scoping comments—

> The Temblor legless lizard (*Anniella alexanderae*) is a rare species with a restricted range in western Kern County, Kings County, and southern Fresno County. The TLL is listed as a Species of Special Concern in California and has been recommended by scientific

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[447] J. Hays et al., *Public Health Implications of Environnemental Noise Associated with Unconventional Oil and Gas Development*, 580 Science of the Total Environment, 448, 450 (2017) https://doi.org/10.1016/j.scitotenv.2016.11.118; T. Rutherford et al., Effects of Noise from Oil and Gas Development on Ungulates and Small Mammals—A Science Synthesis to Inform National Environmental Policy Act Analyses, United States Geological Survey (2024) at 1.
[448] Draft 2025 SEIS at 38.
[449] Rutherford 2024 at 20.
[450] *Id.* at 8.
[451] CDFW 2025 at 27, 81.
[452] Draft 2025 SEIS at 36.

> experts for federal and state listing under the Endangered Species Act. The species was recently granted candidate status under the CESA, meaning that as of July 2022, the lizard receives the same legal protection afforded to an endangered or threatened species in the State.[453]

The U.S. Fish and Wildlife Service is conducting a status review of the TLL to determine if it should be listed under the federal Endangered Species Act.

Since the scoping period, new information and changed circumstances on the TLL have emerged, including critical updated mitigation measures proposed by CDFW. BLM must take all of this into account in its environmental analysis and decisionmaking.

Rose et al. (2024) Study: A 2024 study by herpetologist Jonathan Rose and other experts provides important survey recommendations for Temblor legless lizards to address the challenges associated with lizard detection. This important study and its insights into the TLL's habitats, behaviors, and occurrences illustrate that past surveys were likely underinclusive, showing a need for an updated NEPA review and amendment to the 2014 RMP.[454]

For example, the study recognizes that the TLL prefers warm, loose and friable soil with low clay content such as loamy sand.[455] They also prefer sites with moderate plant cover and sites near ephemeral streams (e.g., washes and alluvial fans) likely due to these habitats having loose, friable soils suitable for burrowing.[456] A key recommendation of the study is "increased spatial and temporal coverage of sampling," including multiple surveys of the same site within each survey season and conducting site surveys over multiple years.[457]

Notably, the study describes how targeted surveys for TLLs were conducted in Kern and Fresno counties during mid-February to mid-April in 2022 and 2023 when lizard detectability is highest due to mild temperatures and higher soil moisture near the surface.[458] The researchers surveyed a total of 89 sites in 2022 (n=60) and 2023 (n=68) and detected Temblor legless lizards at 12 of 89 sites, including 5 new localities.[459] Several new TLL detection sites were documented in Kern County.[460]

Separate from this study, there have been TLL detections at 13 locations within oil field boundaries, including the Midway Sunset oil field, which is the largest oil field in Kern County with more than 25,000 active and idle wells; the McKittrick oil field; and Pleasant Valley oil

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[453] Center Scoping Comments at 60–62.
[454] *See generally* J.P. Rose et al. (2024), *Digging into Detectability: Uncovering How Temperature Influences Detection Probability of the Fossorial Temblor Legless Lizard*, 15(1) Journal of Fish and Wildlife Management 237 (2024) (hereafter "Rose et al. (2024)").
[455] *Id.* at 244, 247.
[456] *Id.*
[457] *Id.* at 237, 245, 248.
[458] *Id.* at 237.
[459] *Id.*
[460] *Id.* at 240.

field.[461] Ten occurrence locations overlap protected lands: one occurrence overlaps the State's Pleasant Valley Ecological Reserve within the Pleasant Valley oil field; one occurrence overlaps the Center for Natural Land's Management's private conservation area "Lokern Preserve"; two occurrences overlap the State's Lokern Ecological Reserve (one of these is the same one that overlaps the Lokern Preserve); three occurrences overlap BLM's Panoche/Coalinga Area of Critical Environmental Concern; and six occurrences overlap BLM's Lokern-Buena Vista Area of Critical Environmental Concern (two of which are the same occurrences that overlap Lokern Ecological Reserve).[462] In total, 31 oil fields overlap the Temblor legless lizard's narrow range (Figure 2).[463]

[461] Center for Biological Diversity, GIS map and data analysis by K. Clauser (2026).
[462] *Id.*
[463] *Id.* These 31 oil fields are Antelope Hills, North Antelope Hills, Antelope Plains Gas (ABD), Asphalto, Belgian Anticline, Blackwells Corner, Buena Vista, Cal Canal Gas, Carneros Creek, Chico-Martinez, Coalinga, Coalinga East Extension, Cymric, Elk Hills, Guijarral Hills, Jacalitos, Kettleman North Dome, Kreyenhagen (ABD), McDonald Anticline, McKittrick, Midway-Sunset, Monument Junction, North Belridge, Pleasant Valley, Pyramid Hills, Railroad Gap, Shale Flats Gas (ABD), Shale Point Gas (ABD), South Belridge, Temblor East (ABD), and Temblor Ranch.

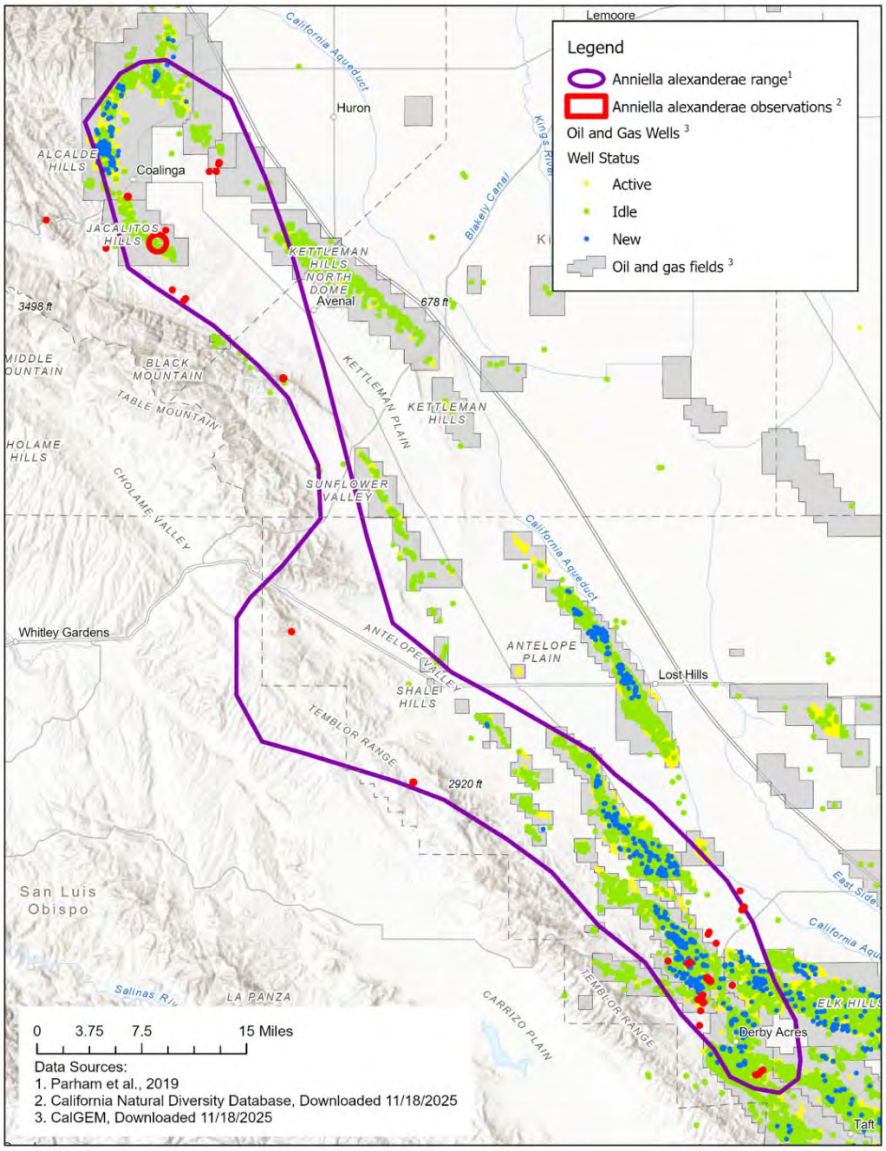


Figure 2: Active oil and gas development in the Temblor legless lizard range and overlap with lizard detection sites.

Rose et al. (2024) researchers also found that "a few negative surveys are not sufficient to conclude that this species is absent from a site."[464] At many sites, TLL were not observed until the researchers had conducted three or more surveys. At three of 12 sites where lizards were detected over the 2-year survey period, lizards were observed during surveys in one year but not in the other year. The study further concluded that their "results also show that surveys over multiple years might be needed to document the presence of Temblor legless lizards, particularly during droughts when conditions at the surface are unsuitable."[465]

The study found that substrate temperature influences detectability, and estimated a

[464] Rose et al. (2024) at 245.
[465] *Id.*

higher probability of detections from surveys conducted between mid-February and mid-April based on temperature and humidity.[466] For surveys done in summer when the detectability of TLLs is lower, the study concluded that an even larger number of surveys would be required.[467] Specifically, the study estimated the number of sequential negative surveys (n*) required to have high confidence that a site was truly unoccupied by TLLs for surveys done in winter and spring.[468] The number of surveys needed depends on the substrate temperature at the time of the survey, soil texture, and the distance that the site was located from an ephemeral stream.[469] The number of sequential negative surveys needed was found to range up to 16 surveys in habitat areas with low clay soil, lower substrate temperature (~10°C) and close proximity to ephemeral streams.[470]

Accordingly, BLM must amend the 2014 RMP after an updated TLL survey.

CDFW (2024) Mitigations: In 2024, CDFW specified mitigation measures for the TLL to reduce threats from oil and gas development under the Kern County Zoning Ordinance that governs oil and gas permitting in Kern County.[471] In the case of the Kern Ordinance, CDFW concluded that oil and gas development activities associated with the Project "would be likely to significantly impact TLL."[472] CDFW laid out mitigation measures for habitat assessment and surveys for TLL.

Importantly, CDFW specified that multiple surveys should be conducted at surveys sites during February to April and it recommends site surveys multiple times per season, along with surveys over multiple seasons to increase the probability of lizard detection.[473] CDFW also recommends consultation if TLL are documented or suspected to be present to discuss project implementation and take avoidance, including an incidental take permit if avoidance is not feasible.[474]

BLM must consider these mitigation measures (reproduced as follows) and update its own to reflect the best and most updated science and management for protecting the TLL:

> **Recommended Mitigation Measure 1:** CDFW recommends that a qualified biologist prepare a TLL habitat assessment and survey plan (Plan) for CDFW review and approval prior to implementation of any Project-related activity (including projects that result in ministerial actions) that may involve ground disturbance, vegetation maintenance, and/or

[466] *Id.* at 237.
[467] *Id.* at 245.
[468] *Id.* at 247.
[469] *Id.* at 244.
[470] *Id.* at 247.
[471] CDFW, *Revisions to Title 19 – Kern County Zoning Ordinance (2024) Focused on Oil and Gas Local Permitting (Project) Second Supplemental Recirculated Environmental Impact Report (SSREIR) SCH: 2013081079* (June 6, 2025) (hereinafter "CDFW (June 2025)") at 3-4.
[472] *Id.* at 3.
[473] *Id.*
[474] *Id.* at 4.

construction or maintenance of facilities. This would include activities such as exploration, production, completion, stimulation, reworking, injection, and plugging and abandonment. The Plan would detail the habitat assessment and surveys methods that would be incorporated prior to the initiation of the activities outlined above.[475]

The Plan would require a qualified biologist to conduct a detailed habitat assessment to determine if the Project activity and the immediate surrounding vicinity contain habitat suitable to support TLL. Suitable areas, such as areas with loose or friable soils, in or near a wash, ephemeral streams and swales, and areas that include the presence of native shrubs, should be documented as part of the habitat assessment.[476]

The Plan would also include detailed survey methods that would be implemented prior to the initiation of Project activities within suitable habitat to detect the presence of TLL. Surveys would be designed to optimize TLL detectability, incorporating best available science on appropriate survey approaches, to reasonably ensure that Project activities would not result in the unauthorized take of the species. To optimize detectability, surveys would need to include the use of coverboards and/or raking, and would need to be conducted by a qualified biologist with a valid Memorandum of Understanding (MOU) with CDFW. Surveys should be conducted during appropriate temperatures (e.g., 10 to 30 degrees Celsius) and during the appropriate time of year (e.g., February through April). Additionally, due to the difficulty in detecting TLL, multiple surveys would need to be conducted within a season, and multiple survey seasons would increase the probability of detection.[477]

The Plan would be submitted to CDFW for review and concurrence at least 60 days prior to implementation. This plan would be superseded if or when there is a CDFW-approved TLL protocol available for public use.[478]

Recommended Mitigation Measure 2: If TLL are documented or suspected to be present, either during surveys or Project activities, consultation with CDFW is warranted to discuss how to implement the Project and avoid take; or if avoidance is not feasible, to acquire an Incidental Take Permit (ITP) prior to the implementation of any Project activities identified above, pursuant Fish and Game Code section 2081 subdivision (b).[479]

d. BLM is required to conduct additional consultation under the ESA.

An agency must initiate consultation with USFWS whenever it takes an action that "may affect" a listed species or its critical habitat.[480] What constitutes "agency action" is to be broadly interpreted. The amendment or approval of an RMP is an "agency action" to which the

[475] *Id.*
[476] *Id.*
[477] *Id.*
[478] *Id.*
[479] *Id.* at 4.
[480] *See* 50 C.F.R. § 402.14(a).

obligation to consult applies if the amendment "may affect" listed species.[481] "Section 7(a)(2) consultation is required so long as the federal agency has 'some discretion' to take action for the benefit of a protected species."[482] The decision that BLM proposes to make upon finalization of the Draft 2025 SEIS and approval of a new ROD also undoubtedly triggers BLM's duty to consult.

It is without doubt that a decision on a land use plan is an "agency action" within the meaning of the ESA, as it is a discretionary decision whereby BLM designates which public lands and mineral estate are available for oil and gas leasing and development, imposes conditions on such uses,[483] and thereby satisfies the legally binding preconditions for leasing mineral estate in the Planning Area for oil and gas development. The decision is an action that "may affect" listed species: it is the required first decision that decides exactly where and how federal mineral estate may be developed.

BLM claims that "additional consultation has been determined to be unnecessary" because prior "consultations concluded that the effects of the proposed action(s) are not likely to jeopardize the continued existence of any species listed as threatened or endangered under the ESA" and "the 2019 FSEIS and this DSEIS…did not show a notable increase in total impacts to listed species in the Planning Area."[484] However, the 2017 Programmatic Biological Opinion (PBO) was limited such that additional consultation is required.

First, the "geographic scope" of the 2017 PBO was limited to lands "primarily in Kings and Kern Counties, with occasional projects in a small portion of San Luis Obispo County,"[485] whereas the 2014 RMP includes opening federal lands for oil and gas leasing in Fresno, Madera, Santa Barbara, Tulare, and Ventura Counties as well.[486] Second, the 2017 PBO only covers eight listed species: San Joaquin kit fox, blunt-nosed leopard lizard, giant kangaroo rat, Tipton kangaroo rat, Kern mallow, San Joaquin wooly-threads, California jewelflower, and Bakersfield cactus.[487] Yet according to BLM's 2012 FEIS, 86 federally listed species occur within the Planning Area, of which 38 are known or likely to occur on public lands in the Decision Area and three more of which may occur on split estate.[488] The 2012 FEIS reports that public lands provide "important habitat" for 16 listed species and provide "potentially important habitat" for

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[481] 50 C.F.R. § 402.02; *All. for the Wild Rockies v. U.S. Dep't of Agric.*, 772 F.3d 592, 598–99 (9th Cir. 2014); *Lane Cnty. Audubon Soc'y v. Jamison*, 958 F.2d 290, 293–94 (9th Cir. 1992) (BLM land use plans that designate areas for particular uses are agency action to which section 7 of the ESA applies); *Pac. Rivers Council v. Thomas*, 30 F.3d 1050, 1056 (9th Cir. 1994).
[482] *Nat. Res. Def. Council v. Jewell*, 749 F.3d 776, 779 (9th Cir. 2014) (en banc).
[483] *See Pac. Rivers Council v. Thomas*, 30 F.3d 1050, 1055 (9th Cir. 1994); *Cottonwood Env't Law Ctr. v. U.S. Forest Serv.*, 789 F.3d 1075, 1086 n.12 (9th Cir. 2015); *All. for Wild Rockies*, 772 F.3d at 598–99.
[484] Draft 2025 SEIS at 67–68.
[485] USFWS, Programmatic Biological Opinion on Oil and Gas Activities on Bureau of Land Management Lands in the San Joaquin Valley (2017) (hereafter "2017 PBO") at 1.
[486] Draft 2025 SEIS at 4.
[487] 2017 PBO at 1.
[488] 2012 FEIS at 252.

16 additional species.[489] Third, the 2017 PBO did not cover the newly listed FYLF populations occurring within the Planning Area. BLM must complete consultation with USFWS prior to making a decision on whether to amend the 2014 RMP and whether to move forward with oil and gas activities on the seven parcels involved in the 2020 Lease Sale.

In addition, since issuance of the 2019 SEIS and 2017 PBO, USFWS proposed the Northwestern and Southwestern pond turtles,[490] Western spadefoot,[491] monarch butterfly,[492] Kern Canyon slender salamander,[493] and relictual slender salamander[494] for listing under the federal ESA, as discussed further above. BLM must confer with USFWS "on any agency action which is likely to jeopardize the continued existence of any species proposed to be listed under [ESA Section 4] or result in the destruction or adverse modification of critical habitat proposed to be designated for such species."[495] Thus, BLM must confer with USFWS on the above proposed-to-be-listed species prior to making a decision on amending the 2014 RMP and allowing oil and gas activities on the seven lease parcels.

Finally, as discussed in the scoping comments, BLM must consult with the National Marine Fisheries Service regarding listed steelhead populations within the Planning Area.[496] BLM did not address this requirement in the Draft 2025 SEIS. BLM must initiate and complete consultation on the steelhead prior to making a decision on amendment of the 2014 RMP and finalizing the environmental review associated with the seven lease parcels.

11. BLM must address new information and changed circumstances related to surface and groundwater resources in the Bakersfield Planning Area.

As discussed further in the incorporated scoping comments, new data concerning the acceleration of groundwater depletion in the Central Valley and San Joaquin Valley underscore the need to amend the 2014 RMP to ensure adequate mitigation of water-related impacts to groundwater from oil and gas production. As climate change and the accompanying droughts continue to worsen, so will surface water scarcity and pressure on groundwater resources.[497]

A 2022 report uses data from the past two decades to show that the rate of groundwater depletion in the Central Valley has been accelerating since 2003, and "the patterns of groundwater storage variations documented here are unlikely to change without significant

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[489] *Id*.
[490] 88 Fed. Reg. 68370 (Oct. 3, 2023).
[491] 88 Fed. Reg. 84252 (Dec. 5, 2023).
[492] 89 Fed. Reg. 100662 (Dec. 12, 2024).
[493] 88 Fed. Reg. 81028 (Nov. 21, 2023).
[494] *Id*.
[495] 16 U.S.C. § 1536(a)(4); 50 C.F.R. § 402.10.
[496] Center Scoping Comments at 69–73.
[497] Hanak, Ellen et al., Water and the Future of the San Joaquin Valley, Public Policy Institute of California (2019) at 11, https://www.ppic.org/wp-content/uploads/water-and-the-future-of-the-san-joaquin-valley-february-2019.pdf.

groundwater management intervention."[498] This trend is already visible, as groundwater overdraft in the San Joaquin Valley has accelerated in recent years.[499]

Indeed, the oil industry in Kern County enjoys "profligate" water use, with ever increasing amounts of water needed to extract the County's heavy crude oil.[500] A 2022 analysis shows that Kern County accounts for 99.5 percent of the high-quality water injected for fossil fuel extraction across California—enough water to supply over 2,300 households—but the state is failing to accurately collect data on the exact quantities of water used to produce oil.[501]

Moreover, waste pits, and especially unlined pits, pose a number of threats to both surface water and groundwater in California. A 2021 study confirms that unlined pits endanger groundwater in the San Joaquin Valley, documenting how the disposal of over 16 billion barrels of oil and gas wastewater into unlined pits over a 50-year period has introduced salts, carcinogens, and other toxins into regional aquifers.[502]

Commenters have repeatedly raised issues related to the 2014 RMP's failure to mitigate impacts of oil and gas operations on water scarcity and water quality, and BLM's failure to take a "hard look" at such impacts in its prior review. Despite this issue being the subject of litigation leading to BLM's commitment to prepare the Draft 2025 SEIS, this document continues to discount impacts to water resources and fails to propose a water quality-related RMP amendment.

In particular, the Draft 2025 SEIS continues to only address groundwater impacts to counties in the San Joaquin Valley as a whole as opposed to considering how groundwater supplies in local communities would be impacted by oil and gas drilling.

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[498] Liu, Pang-Wi et al., *Groundwater Depletion in Cal.'s Central Valley Accelerates During Megadrought*, Scientific Reports, Nature Communications (2022) at 7, doi:10.1038/s41467-022-35582-x; *see also* Bostic, Darcy et al., *Thousands of Domestic and Public Supply Wells Face Failure Despite Groundwater Sustainability Reform in Cal.'s Central Valley*, Scientific Reports (Sept. 8, 2023), doi:10.1038/s41598-023-41379-9.

[499] Hanak, Water and the Future of the San Joaquin Valley at 11.

[500] L. Gross, "A California Water Board Assures the Public that Oil Wastewater Is Safe for Irrigation, But Experts Say the Evidence Is Scant" (Feb. 2022).

[501] L. Gross & P. Aldhous, "Drought-Wracked California Allows Oil Companies to Use High-Quality Water. But Regulators' Error-Strewn Records Make Accurate Accounting Nearly Impossible," Inside Climate News (Sept. 18, 2022), https://insideclimatenews.org/news/18092022/drought-wracked-california-allows-oil-companies-to-use-high-quality-water-but-regulators-error-strewn-records-make-accurate-accounting-nearly-impossible/; Inside Climate News, "Water Injection into California Oil and Gas Wells" (Sept. 18, 2022), https://insideclimatenews.github.io/2022-09-ca-kern-oil-water/.

[502] D.C. DiGiulio et al., *Vulnerability of Groundwater Resources Underlying Unlined Produced Water Ponds in the Tulare Basin of the San Joaquin Valley, California*, 55 Environmental Science & Technology 14782, 14783 (2021).

BLM must consider alternatives and mitigation measures that would protect water quality and quantity, both through a revised SEIS and an amendment to the 2014 RMP.

12. BLM must address new information and changed circumstances related to geologic and seismicity risks in the Bakersfield Planning Area.

As argued in the scoping comments incorporated by reference, the Bakersfield Planning Area is one of the most seismically active regions in California. Recent studies on the impacts of the region's seismic activities on oil and gas activities, as well as the potential for induced seismicity by additional fossil fuel development, reflect impacts greater than previously understood and provide a basis for amending the 2014 RMP.

First, new research from 2019 shows a potential increase in oil and gas well leakage due to earthquakes, as follows:

> Earthquakes occurring naturally or induced by human activities can damage surface and subsurface infrastructure. Oil and gas wells represent a category of subsurface infrastructure that can act as leakage pathways connecting oil and gas reservoirs, groundwater aquifers, and the atmosphere. The integrity of these wells can be compromised through a wide range of processes and contribute to groundwater contamination, greenhouse gas emissions, and air quality degradation.[503]

The study found that in California, the "hot spots" for subsurface leakage potential are correlated with well densities.[504] Specifically, [t]he well clusters in CA clearly delineate the Central Valley and southern coastal regions where oil and gas development is prevalent."[505] BLM must consider this information and account for impacts to ground and surface water, air pollution, and other environmental and human features resulting from increased oil and gas development and possible leakage in an RMP amendment.

Second, a 2024 report explained that "the effect of natural or induced seismicity on wellbores" is "[o]f particular concern," as natural or induced seismicity "can damage wellbores" after permanent plugging and abandonment.[506] The 2024 report analyzed additional research from 2023 regarding "increased leakage of gas from plugged oil and gas wells resulting from seismic activity due to injection of produced water into disposal wells and hydraulic fracturing."[507]

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[503] M. Kang et al., *Potential Increase in Oil and Gas Well Leakage Due to Earthquakes*, 1 Environ. Res. Commun. (2019) at 1, https://doi.org/10.1088/2515-7620/ab576e.
[504] *Id.*
[505] *Id.* at 3.
[506] D.C. DiGiulio, Evaluation of Draft Environmental Impact Report on Geological Storage of Carbon Dioxide at the Carbon TerraVault I Facility in Kern County, California (Feb. 25, 2024) at 13–14.
[507] *Id.* at 14.

Third, BLM should have considered the cumulative geologic and seismic impacts of other oil field projects that have been developed, or are reasonably foreseeable, in the Planning Area in evaluating the need for amendment to the 2014 RMP and the need for a broader SEIS. One such category of projects that is highly consequential and could impact oil and gas development is carbon capture and storage (CCS).

CCS is the process of capturing carbon dioxide (CO_2) emissions from a smokestack, compressing that CO_2, and then injecting the CO_2 waste (transported via pipeline or truck) at high pressures underground. In California, due to the passage of Senate Bill 905 (SB 905), only permanent storage of CO_2 waste is allowed, though in other areas of the country, injection of CO_2 for enhanced oil recovery is common. As with California's fracking ban, discussed above, BLM must amend the 2014 RMP to ensure compliance with SB 905 and prohibit the use of CCS for enhanced oil recovery.

In Kern County alone there are three CCS projects planned for oil fields; these projects are moving through various stages of permitting and/or have been approved.[508] In the CEQA review for the Carbon TerraVault I project in the Elk Hills oil field, Kern County identified 22 "cumulative" projects, many of which involve CCS.[509] Documents about many of these projects are available and BLM must consider these projects and the related impacts of increased oil and gas activity via an RMP amendment. For example, injected CO_2 can travel through pore space for long distances (e.g., 10+ miles). It is likely that such subsurface intrusion will exacerbate impacts previously recognized in the 2014 RMP, warranting an amendment.

Moreover, as noted above, BLM has acknowledged that activities under the 2014 RMP "may cause land subsidence," and "potential impacts to surface water infrastructure, such as aqueduct and canal damage," but has improperly postponed a full assessment of those impacts until the site-specific stage.[510] The scoping comments incorporated herein by reference highlighted the seismicity risks discussed by the California Council on Science and Technology.[511] These risks further support an amendment.

Finally, the Draft 2025 SEIS acknowledges that the fungus that causes Valley Fever (Coccidiomycosis) is common in the soil of the Planning Area and has led to an increased number of infections.[512] In addition to the research cited in the Draft 2025 SEIS, however, a recent preprint study conducted in Kern County found that the odds for developing Valley Fever were increased by 11% for people living within 5 kilometers (3 miles) of at least one preproduction oil and gas well, and that the odds of infection increased by 0.7% for each

[508] *See, e.g.,* Kern County, Recirculated Environmental Impact Report for Carbon TerraVault I Project, Vol. 1, ch. 3.9 (June 2024) at 3-45.
[509] *Id.* at 3-45 to 3-46.
[510] Draft 2025 SEIS at 61–62.
[511] Center Scoping Comments at 37.
[512] Draft 2025 SEIS at 27, 59.

additional preproduction well within that distance.[513] Nevertheless, the underlying 2014 RMP contains no mitigation plan to protect the public from dust and soil disturbance related to oil and gas activities in the Planning Area. It is necessary for BLM to amend the 2014 RMP to address this new information regarding increased Valley Fever risk to communities living near oil and gas production and ensure adequate mitigation.[514]

13. BLM must address new information and changed circumstances related to the treatment of wilderness, ACECs, recreation and visual resources, and cultural resources in the Bakersfield Planning Area.

The new information and changes discussed above and in the incorporated scoping comments submitted on July 23, 2025 by CalWild and others—including with regard to climate change, energy policy, air quality and greenhouse gas emissions, public health risks and compliance with state laws like SB 1137, and the potential impact of the 2025 Budget Reconciliation Act—illustrate the need to amend the 2014 RMP to make sure that lands with high ecological, historical, recreational, visual, cultural, or other values remain closed to leasing instead of potentially "available," and to reign in the federal government's energy dominance agenda seeking to promote the production of fossil fuels over all other uses of our public lands.

Additionally, BLM must amend the 2014 RMP to comply with the Public Lands Rule, enacted in 2024, which requires conservation to be on an equal footing with other uses on our public lands in resource management planning.[515] Among other requirements, the rule directs BLM to:

- Implement conservation as a land use within the multiple use framework in planning efforts;[516]
- Conduct and maintain an inventory of landscape intactness as a resource value and evaluate alternatives to protect intact landscapes or portions of intact landscapes, identify which of those will be managed for their intactness and establish management direction for desired conditions and landscape objectives;[517]
- Identify quantifiable restoration outcomes in land use plans that are consistent with restoration principles;[518]
- Avoid permanent impairment of ecosystem resilience and provide justification where there may be impairment;[519]

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[513] L. Couper et al., Oil and Gas Well Development and Coccidioidomycosis Risk in California: A Case-Crossover Study, Preprint (Sept. 21, 2025) at 9, https://doi.org/10.1101/2025.09.19.25336198.
[514] EPA, Scoping Comments on Draft 2025 SEIS at 5.
[515] *See generally* 89 Fed. Reg. 40308 (May 9, 2024).
[516] 43 C.F.R. § 6101.5.
[517] *Id.* § 6102.2.
[518] *Id.* § 6102.3.1.
[519] *Id.* § 6102.5(b)(1), (b)(8).

- Identify allowable uses and actions anticipated to achieve or promote significant progress towards achieving land health standards;[520]
- Conduct watershed conditions assessments every 10 years and use them to inform land use planning;[521] and
- Meaningfully consult w/tribes and incorporate indigenous knowledge.[522]

Incorporating these and other requirements of the Conservation and Landscape Health Rule into the 2014 RMP and a broader SEIS is critical to BLM's resource management planning for the Bakersfield Field Office.

Moreover, an RMP amendment is necessary to reflect BLM's own updated reporting, which acknowledges the tension and inconsistency between oil and gas leasing and protecting other important resources and values.[523] Accordingly, reevaluating the 2014 RMP's treatment of the types of public lands listed above, and revising the Draft 2025 SEIS to include a comprehensive analysis concerning such lands in light of updated information, is necessary to ensure consistency with FLPMA's multiple use and sustained yield mandate, along with FLPMA's commitment to avoiding unnecessary and undue degradation.

It is also important for BLM to consider and put forth an alternative that closes existing available areas to future oil and gas leasing, does not make available additional areas for leasing, and incorporates conservation elements and mitigation measures for oil and gas permitting, while incorporating the following elements into an updated alternatives analysis as part of a revised SEIS, including in the preferred alternative for an amendment to the 2014 RMP:

- Emphasize conservation and (quiet) recreation access and prohibit or limit extractive industrial activities (by making additional/retaining existing areas as unavailable for leasing, using conditions of approval, stipulations and/or mitigation measures) in additional sensitive areas;
- Prioritize reducing greenhouse gas emissions, and preventing pollution, and include strict standards to monitor and protect public health and the environment;
- Require meaningful prior engagement with land trusts (including but not limited to Friends of the Carrizo Plain, Carrizo Plain Conservancy, The Wildlands Conservancy, Ojai Valley Land Conservancy, Sequoia Riverlands Trust, Tejon Ranch Conservancy, and Santa Barbara County Land Trust) regarding any proposed leasing within five miles of lands in which they have an ownership interest (e.g., Carrizo Plain National Monument, Wind Wolves Preserve, etc.); and
- Include elements that reflect community and Tribal priorities for these public lands.

The new information and changes discussed throughout this comment letter further illustrate the need for an amendment to the 2014 RMP that updates the inventory of lands with wilderness characteristics (LWCs), which appears to date back to an earlier RMP such as the

[520] *Id.* § 6103.1.1.
[521] *Id.* § 6103.2.
[522] *Id.* § 6102.5 (b)(4), (b)(6).
[523] *See, e.g.*, DOI, Report on the Federal Oil and Gas Leasing Program (Nov. 2021) at 12.

1997 Caliente RMP or the 1984 Hollister RMP. An updated LWCs inventory is especially important for any lands in the Planning Area that are open to leasing or being considered for such designation. LWCs should be managed as closed to fluid mineral development and/or leasing.

Additionally, it is important for any amendment to the 2014 RMP to confirm BLM's commitment to managing wilderness areas and wilderness study areas as closed to leasing, and to make the following updates concerning ACECs:

- Close the Ancient Lakeshores, Bitter Creek, Blue Ridge, Chico Martinez, Erskine Creek, Horse Canyon, Piute Cypress, Point Sal, Tierra Redonda, and Upper Cuyama Valley ACECs to any and all oil and gas development/leasing, in order to protect and prevent irreparable damage to the ACECs' resources; and
- Close the Compensation Lands, Cypress Mountain, Cyrus Canyon, Hopper Mountain, Kaweah, Kettleman Hills, Lokern-Buena Vista, Los Osos, and Salinas River ACECs to any and all oil and gas development/leasing, in order to protect and prevent irreparable damage to the ACECs' resources or, at a minimum, put a fluid mineral leasing stipulation (NSO) in place for each ACEC.

Next, BLM must reconsider and amend the 2014 RMP's determinations with regard to eligible wild and scenic rivers, as BLM's most recent analysis failed to take into account the overall ecological value of particular segments, along with upstream segments managed by the National Park Service, leading to improper and inaccurate unsuitability determinations on the Kaweah, Kern, and Salinas Rivers. An RMP amendment must close these four segments to oil and gas leasing, in addition to preserving the closure for the segments previously deemed suitable.

Finally, BLM must reconsider and amend the 2014 RMP with regard to recreation management, including to—

- Complete designation of the Wu Ki' Oh Trail and San Joaquin River Trail as National Recreation Trails and close the trail corridor (0.25-mile wide) to fluid mineral leasing;
- Ensure complete closure of the Pacific Crest Trail corridor (0.25-mile wide) to fluid mineral leasing;
- Close the Keyesville, San Joaquin River Gorge, and Temblor Range Special Recreation Management Areas (SRMAs) to fluid mineral development and/or leasing;
- Close the Atwell Island, Case Mountain, Chimney Peak, and Fresno River Extensive Recreation Management Areas (ERMAs) to fluid mineral development and/or leasing;
- Prohibit oil and gas development and leasing in the Keyesville Historic Mining District, Piedras Blancas Lighthouse Station, and any other location which has significant historical values; and
- Treat all lands within five miles of lands held for conservation purposes by land trusts and nonprofit organizations (e.g., Wind Wolves Preserve, Tejon Ranch), and lands

held as state, national, and county parks and beaches (e.g., Yosemite, Sequoia and Kings Canyon National Parks), as closed to fluid mineral leasing or development.[524]

14. BLM must amend the 2014 RMP to factor in idle and orphaned wells and cleanup obligations.

BLM has failed to consider, discuss, and disclose how oil and gas development under the 2014 RMP and on the seven lease parcels will contribute to the growing idle and orphaned wells crisis, despite its awareness of the end-of-life environmental consequences of oil and gas production.

Experts note that California's statewide cost of cleanup for all unplugged oil and gas wells is around $21.5 billion.[525] Operators have only submitted less than 1% of that amount in bonds.[526] "[I]t is unlikely that the remaining production of over 100,000 wellbores and nearly 30,000 facilities operating today will suffice to pay for their own decommissioning even if all future profits are applied to the liabilities."[527]

In response to this rapidly growing idle and orphaned well crisis, California's Bipartisan Infrastructure Law of 2021 provided nearly $5 billion of taxpayer money to fund the plugging of orphaned wells across the country, "confront[ing] the potent atmospheric pollution that orphaned oil and gas wells emit, while also accounting for the legacy impact that orphaned wells have on their surrounding environment."[528] BLM noted in 2024 that "[i]n many cases, idled wells can be used as a proxy for wells at risk of becoming orphaned."[529] Despite the Bipartisan Infrastructure Law requiring the BLM director to "review and reduce the inventory of idled wells on federal land,"[530] the Draft 2025 SEIS does not address the magnitude of the problem in the Planning Area.

CalGEM notes that plugging expenses in recent years have been $220,000 to $900,000 per well.[531] Prior to BLM's 2024 Fluid Mineral Leases and Leasing Process Rule, "BLM ha[d] not increased its minimum bond amounts, which [were] $10,000 for individual lease bonds, $25,000 for statewide bonds, and $150,000 for nationwide bonds, since 1951 (statewide and nationwide bonds) and 1960 (individual lease bonds)."[532] BLM recognized that its "minimum

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[524] *See* Los Padres ForestWatch, Key Places Targeted by BLM Drilling/Fracking Plan (2026), https://forestwatch.org/wp-content/uploads/2026/01/Key-Landscapes-Opened-to-Drilling-by-BLM-Plan-2026.pdf.
[525] *See* D. Purvis, There Will Be Blood: Decommissioning California's Oilfields, CarbonTracker (May 2023) at 5.
[526] *Id*.
[527] *Id*. at 41.
[528] DOI, Orphaned Wells Program Annual Report to Congress (Nov. 2024) at 7.
[529] *Id.* at 41.
[530] *Id.*
[531] Cal. Department of Conservation, Fiscal Year 2025-2026 Budget Change Proposal, No. 3480-081-BCP-2025-MR (Apr. 15, 2025) at 5.
[532] 88 Fed. Reg. 47562, 47565 (July 24, 2023).

bond amounts [were] outdated, expose[d] the Federal Government to significant financial risks in the event of bankruptcies, and delay[ed] 'complete and timely' reclamation and restoration of lease tracts, which can cause or exacerbate a range of environmental issues, including methane leaks, surface and groundwater contamination, interference with agricultural activities, and degraded wildlife habitat."[533]

The 2024 Rule increased the minimum lease bond to $150,000 and the minimum statewide bond to $500,000.[534] These amounts still pale in comparison to the $220,000 to $900,000 required to plug a single well in California. In addition, in December 2025 BLM moved to extend the deadline for operators to secure the increased level of bonding while BLM contemplates a separate rulemaking that would "significantly change the timeline for this requirement."[535]

BLM is acutely aware of the environmental impacts of idle and orphaned wells:

> Without proper maintenance, orphaned wells and other abandoned oil and natural gas infrastructure can lead to significant methane emissions. As unmaintained wellbores, wellheads, pipes, and casings age, corrode, and deteriorate, infrastructure intended to isolate oil, gas, and other substances can allow harmful gases, such as methane, hydrogen sulfide and produced waters to escape into the surrounding environment. These emissions occur when there is a source of methane, such as a geologic formation, and a leaking wellbore acting as a pathway for the gas to travel from the source to the environment…The gas may escape directly into the atmosphere and soils or contaminate groundwater resources that the public may rely on for drinking water.[536]

In 2024, BLM pointed to a "2021 study of abandoned wells [that] found an average methane emission rate of 11 grams per hour per well,"[537] as well as a 2024 study that found "some individual unplugged wells have been measured emitting 76,000 grams of methane per hour."[538] BLM also noted that "[a]s subsurface oil and gas casing and well infrastructure erode

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[533] *Id*.
[534] 43 C.F.R. § 3104.1(a).
[535] 90 Fed. Reg. 59069, 59069 (Dec. 18. 2025).
[536] DOI, Orphaned Wells Program Annual Report to Congress at 42 (citing N.J. Gianoutsos et al., *Geologic Sources and Well Integrity Impact Methane Emissions from Orphaned and Abandoned Oil and Gas Wells*, 912 Science of the Total Environment (2024) at 4).
[537] *Id.* (citing J.P. Williams et al., *Methane Emissions from Abandoned Oil and Gas Wells in Canada and the United States*, 55 Environmental Science & Technology 563 (2021)).
[538] *Id.* at 43 (citing S.N. Riddick et al., *Methane Emissions from Abandoned Oil And Gas Wells in Colorado*, 922 Science of the Total Environment (2024)); *see also* E.D. Lebel et al., *Methane Emissions from Abandoned Oil and Gas Wells in California*, Environmental Science & Technology (2020) (survey finding two-thirds of sampled idle wells in California are leaking methane)).

over time, deterioration and other factors can lead to increased methane emissions from the well."[539]

Given the above, it is likely that oil and gas development under the 2014 RMP and on the seven lease parcels will contribute to the idle and orphaned well crisis in a manner that must be addressed in an RMP amendment and much broader SEIS.

BLM must take into account the severe lack of financial assurance that operators have and will provide for cleanup of their wells. Of the Bipartisan Infrastructure Law's $241.3 million in direct funding "for well plugging and reclamation of orphaned wells located on federal land," BLM only "received $35 million in total funds to plug 93 wells."[540] That equates to an average of about $376,000 per well. Even if operators eventually comply with the 2024 Fluid Mineral Leases and Leasing Process Rule increased bonding requirements ($150,000 minimum lease bond and $500,000 minimum statewide bond), oil and gas wells developed under the RMP and on the seven lease parcels will still be dramatically under-bonded.

BLM must amend the 2014 RMP to account for the GHG, air quality, and water quality impacts that will persist until all wells in the Planning Area are properly plugged.

15. BLM must ensure consistency with management plans for adjacent field offices.

FLPMA and its regulations mandate that RMPs and RMP amendments are consistent with other resource-related plans and assist with resolving any inconsistencies.[541] BLM must ensure that the SEIS for the 2014 RMP is consistent with management of other adjacent field offices, particularly the Central Coast planning area, which is directly adjacent to the Bakersfield Planning Area. BLM has now opened *another* several hundred thousand acres of federal land and mineral estate to oil and gas development as part of the ongoing process for the Central Coast RMP, and that process is moving forward during the same timeframe as for the Bakersfield region.[542] Indeed, the Central Coast and Bakersfield field offices are managing similar, connected resources in these regions. BLM must therefore ensure consistent management across field office boundaries of shared resources like air quality, wilderness, ACECs, recreation and visual resources, cultural resources, among others.

V. BLM's Draft 2025 SEIS is legally deficient in its analysis of the impacts of fracking in both the 2014 RMP and the 2020 Lease Sale.

As argued above, the Draft 2025 SEIS should have been much broader in scope and should have addressed the full range of new information and changed circumstances discussed

[539] DOI, Orphaned Wells Program Annual Report to Congress at 44 (citing Gianoutsos et al., *Geologic Sources and Well Integrity Impact Methane Emissions from Orphaned and Abandoned Oil and Gas Wells* (2024)).
[540] DOI, Orphaned Wells Program Annual Report to Congress (Nov. 2025) at 6-7.
[541] 43 U.S.C. § 1712(c)(8); 43 C.F.R. §§ 1610.3-2, 1610.3-1(a).
[542] *See generally* BLM, Central Coast Field Office, Draft SEIS (Dec. 12, 2025).

herein pertaining to the need to amend the 2014 RMP. Without such analysis, the Draft 2025 SEIS fails to comply with NEPA.

Assuming arguendo that BLM could have limited the Draft 2025 SEIS to evaluating the impacts of fracking on the 2014 RMP and the 2020 Lease Sale, the Draft 2025 SEIS still fails to satisfy NEPA's "hard look" requirement. The "hard look" requirement applies to SEISs in addition to EISs,[543] and "must be taken objectively and in good faith, not as an exercise in form over substance, and not as a subterfuge designed to rationalize a decision already made[.]"[544] By contrast, the analysis contained in the Draft 2025 SEIS is either absent, cursory, or improperly deferred in key respects.

Moreover, the Draft 2025 SEIS does not contain a holistic analysis of impacts to the seven parcels involved in the 2020 Lease Sale but, instead, sprinkles a few lease sale references throughout while improperly relying on prior analysis rather than new information.

For these reasons and as further discussed infra, BLM must revise the Draft 2025 SEIS to include a comprehensive analysis of new information and changed circumstances relevant not only to fracking but the broader question of amending the 2014 RMP.

A. The Draft 2025 SEIS contains an inadequate analysis of the impacts of fracking.

With regard to fracking, the Draft 2025 SEIS (1) does not properly factor in California's fracking ban and SB 1137, (2) improperly defers analysis to later stages of BLM's planning process, (3) downplays air pollution-related impacts on communities in California, (4) miscalculates greenhouse gas emissions and climate impacts, (5) ignores or discounts impacts to biological resources, (6) ignores concerns about the chemicals used in fracking, (7) relies on unfounded assumptions regarding impacts to surface and groundwater resources, (8) fails to mitigate soil-related impacts from Valley Fever, (9) downplays seismicity concerns, (10) discounts impacts to recreation and visual resources, and (11) ignores or downplays impacts to wilderness and ACECs.

[543] *Or. Nat. Res. Council v. Lowe*, 109 F.3d 521, 528 (9th Cir. 1997); *see Northwest Resource Info. Ctr. v. National Marine Fisheries Serv.*, 56 F.3d 1060, 1066 (9th Cir.1995) ("An agency's EIS (or SEIS) may thus be reversed or remanded only if it is arbitrary, capricious, or an abuse of discretion. However, this court still must ensure that the agency took a 'hard look' at the environmental consequences of its action.") (citations omitted).

[544] *W. Watersheds Project v. Kraayenbrink*, 632 F.3d 472, 491 (9th Cir. 2011) (citation and internal quotation marks omitted).

1. The Draft 2025 SEIS continues to discuss fracking as if it will occur, despite BLM's acknowledgment that California has banned fracking and has restricted most new oil and gas drilling within 3,200 feet of sensitive receptors.

As discussed further above, California announced the need to ban fracking in 2020 and finalized a regulation under which it ceased issuing fracking permits in 2024.[545] While the Draft 2025 SEIS gives lip service to the existence of California's ban on fracking,[546] the document proceeds based on the underlying assumption that fracking in California will continue to occur on federal lands, including continued reliance on a fracking-related RFDS of greater than zero. BLM must revise the Draft 2025 SEIS to make clear that operators must comply with state fracking laws and regulations on federal lands, including the ban that is currently in effect in California.

To the extent BLM intended the Draft 2025 SEIS to evaluate the impacts of fracking on a contingent basis assuming that California's fracking ban goes away, the document must make this assumption explicit.

In the same vein, any contingent discussion of fracking must acknowledge the relevance of SB 1137 as an additional limitation on fracking, even assuming arguendo that California repeals its fracking ban or the ban otherwise becomes invalid. SB 1137 prohibits most new oil and gas activities within 3,200 feet of sensitive receptors like homes, schools, and hospitals and applies to operators on federal as well as state lands, as discussed further above.

As the Draft 2025 SEIS fails to acknowledge that fracking may not occur on federal lands in California as long as the state's fracking ban is in effect, and fails to mandate compliance with SB 1137 as an additional limit on fracking, revision is necessary to ensure that BLM takes a "hard look" at these issues and makes a corresponding amendment to the 2014 RMP.

2. The Draft 2025 SEIS improperly defers analysis to later stages of BLM's planning process.

Throughout the Draft 2025 SEIS, BLM evades meaningful review of impacts by stating that site-specific analyses will be conducted at the APD phase.[547] For example, BLM claims that "[t]he impacts on newly listed wildlife species are minimal," even though "site-specific reviews" would be necessary at later stages,[548] with BLM ultimately postponing ESA consultation until

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[545] Cal. Exec. Order N-79-20 (Sept. 23, 2020), https://www.gov.ca.gov/wp-content/uploads/2020/09/9.23.20-EO-N-79-20-Climate.pdf; Cal. Code Regs. tit. 14, § 1780(d) (2024).
[546] Draft 2025 SEIS at 18 (acknowledging California's fracking ban and stating, with regard to federal lands, that "BLM does not have regulatory authority over hydraulic fracturing in California; that authority rests with [CalGEM], which oversees all well stimulation activities in the state").
[547] *See, e.g., id.* at ES-2, 3, 28, 57–58, 68.
[548] *Id.* at ES-2.

the site-specific stage.[549] Moreover, BLM asserts that "environmental review, including direct and indirect effects, for the development of leased parcels, including well completion techniques such as hydraulic fracturing, is a site-specific analysis,"[550] "concludes that the [San Joaquin Valley Air District] requirement to quantify GHG emissions would occur at the [site-specific] stage,"[551] and claims that it "would consider site specific conditions and data [regarding water use conditions] during project level review."[552] In another example, although BLM acknowledges that oil and gas "may cause land subsidence," and "potential impacts to surface water infrastructure, such as aqueduct and canal damage," it postpones a full assessment of those impacts until the site-specific stage.[553]

BLM's reliance on later site-specific analyses to assuage concerns about leasing violates the law. First, the Ninth Circuit has held that deferring analysis of foreseeable impacts until a later, site-specific stage, is unlawful.[554] Indeed, the purpose of an EIS "is to evaluate the [range of] possibilities in light of current and contemplated plans and to produce an informed estimate of the environmental consequences."[555]

Second, the July 2025 Budget Reconciliation Act amended the MLA, as discussed above, potentially impacting BLM's routine practice of deferring analysis to later stages of its oil and gas management process. BLM must address the gaps in its RMP-level analysis now because it has never done so for the Bakersfield Field Office region before, whether in the 2012 FEIS, the 2014 RMP, or the 2019 SEIS, and it has historically failed to do so at the APD stage.

3. The Draft 2025 SEIS improperly analyzes the air pollution-related impacts of fracking.

As discussed above, the Draft 2025 EIS is incorrect in asserting that CAA conformity review is not required at this stage.[556] Considering the prevalence of areas of nonattainment within the Bakersfield Planning Area, it is likely that the decision to finalize the 2014 RMP and open large swaths of land to oil and gas drilling will, in fact, cause or contribute to a violation of

[549] *Id.* at 68.
[550] *Id.* at 3.
[551] *Id.* at 57.
[552] *Id.* at 61.
[553] *Id.* at 61–62.
[554] *Kern v. U.S. Bureau of Land Mgmt.*, 284 F.3d 1062, 1072 (9th Cir. 2002) ("An agency may not avoid an obligation to analyze in an EIS environmental consequences that foreseeably arise from an RMP merely by saying that the consequences are unclear or will be analyzed later when an EA is prepared for a site-specific program proposed pursuant to the RMP . . . If an agency were able to defer analysis discussion of environmental consequences in an RMP, based on a promise to perform a comparable analysis in connection with later site-specific projects, no environmental consequences would ever need to be addressed in an EIS at the RMP level if comparable consequences might arise, but on a smaller scale, from a later site-specific action proposed pursuant to the RMP.").
[555] *City of Davis v. Coleman*, 521 F.2d 661, 676 (9th Cir. 1975).
[556] Draft 2025 SEIS at 24.

the NAAQS and interfere with the purpose of one or more SIPs. The failure to conduct a proper conformity review here violates both NEPA and the CAA.

Critically, the Draft 2025 SEIS improperly excludes emissions that should be part of the conformity analysis. BLM must consider all reasonably foreseeable direct and indirect emissions from oil and gas activities as part of the conformity analysis, but the agency misclassifies midstream emissions in particular as indirect emissions for which it lacks "practical control" and "continuing program responsibility."[557] But "continuing program responsibility" simply means that:

> [A] Federal agency has responsibility for emissions caused by[] (1) Actions it takes itself; or (2) Actions of non-Federal entities that the Federal agency, in exercising its normal programs and authorities, approves, funds, licenses or permits, provided the agency can impose conditions on any portion of the action that could affect the emissions.[558]

The Draft 2025 SEIS therefore underestimates reasonably foreseeable emissions. First midstream emissions are actually direct emissions caused or initiated by the federal action, occurring at the same time and place as the action, and reasonably foreseeable.[559] This is evident from BLM's description of the proposed action: it considers the "impacts of hydraulic fracturing technology on BLM-managed land and mineral estate in the Planning Area," excluding national monuments,[560] and based on reasonably foreseeable well development over the course of "10 years."[561] Thus the lifetime of the action is projected to be approximately 10 years across the entire Bakersfield Planning Area. All midstream emissions (i.e., those emissions occurring after production but before refining) take place within this geographic and temporal boundary and should be properly categorized as "direct" emissions.

Second, even assuming, *arguendo*, that site-specific operational emissions are properly characterized as indirect emissions, they nevertheless fall under BLM's continuing program responsibility. BLM must therefore include them in its conformity analysis. When EPA promulgated the general conformity regulations in 1993, it provided numerous examples for emissions that would fall under an agency's continuing program and practical control.[562] For example, if the Forest Service were to issue a permit to a ski resort and included conditions regarding the construction and operation of the resort, "emissions from the construction and operation of the resort are a continuing program responsibility of the Forest Service[.]"[563] As another example, if the Federal Aviation Administration was deciding whether to expand an airport located in a nonattainment area, the resulting "increase in emissions of 50 [tpy] of

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[557] 40 C.F.R. § 93.153(b); Draft 2025 SEIS at 44.
[558] 40 C.F.R. § 93.152.
[559] *Id.*
[560] Draft 2025 SEIS at 2.
[561] *Id.*
[562] *See generally* 58 Fed. Reg. 63214 (Nov. 30, 1993).
[563] *Id.* at 63221.

[VOCs] due to vehicle and airport related emissions" would be considered under a conformity determination.[564]

Courts have reinforced these principles. For example, one court assessed whether the Department of Energy ("DOE") was required to assess emissions from Mexican power plants in its approval of a transmission line and compliance with CAA general conformity requirements.[565] The court found that because DOE "can, and did, condition the issuance of the [] permits upon the maintenance of pollution control measures," where "[n]o other federal agency ha[d] the ability to impose such conditions," and where without the permits the transmission lines could not be built, power plant emissions were those that DOE could "practicably control" through issuance of a transmission line permit.[566]

Here, BLM maintains continuing program responsibility and practical control over midstream operational emissions stemming from the 2014 RMP because it will issue a final decision approving certain federal lands for oil and gas leasing, it has discretion to dictate which areas are open or closed for leasing, and its decision will include stipulations and mitigation measures applicable to operation of those wells. Moreover, BLM has continuing program responsibility for federal oil and gas leasing throughout the leasing, APD, and plugging/abandonment stages. As a result, and for the purposes of CAA conformity under EPA's regulations, midstream operations of oil and gas leasing in the Bakersfield region remain under practical control and continuing program responsibility of BLM, and those emissions must be included in an RMP-level conformity analysis.

We are also concerned that the Draft 2025 SEIS uses the Air Quality Index (AQI) metric and very large geographic areas to portray the RMP's relative incremental emissions as negligible.[567] However, AQI is not a CAA standard, nor is it a metric for demonstrating conformity to the SIP, nor is it a viable metric for air quality analysis in areas that are already failing to meet NAAQS. What matters is whether emissions of ozone precursors in nonattainment areas will cause or contribute to NAAQS violations or interfere with SIP measures.

The analysis of impacts to air and atmospheric values in the Draft 2025 SEIS is further flawed for the reasons discussed in the previous section, including the document's failure to properly evaluate the air pollution-related impacts of fracking on communities located near oil and gas activities. The Draft 2025 SEIS downplays air impacts by claiming that "[t]he primary contributors to air pollution in the region continue to be wildfires, mobile sources, and agricultural activities," based on aggregating its impact analysis over the entire Planning Area or

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[564] *Id.* at 63222–23.
[565] *Border Power Plant Working Grp. v. DOE*, No. 02cv513-IEG(POR), 2006 LX 19756, at *21 (S.D. Cal. Feb. 8, 2006).
[566] *Id.*
[567] Draft 2025 SEIS at 45 (estimating "less than one point (1% of the AQI at the NAAQS concentration)").

entire counties, rather than recognizing significant impacts to communities where oil and gas drilling occur.[568] This approach is improper and requires revision to the Draft 2025 SEIS.

4. The Draft 2025 SEIS undercounts greenhouse gas emissions from fracking.

The fracking-related discussion of climate change and GHG emissions in the Draft 2025 SEIS is flawed for the same reasons discussed above concerning the need for an amendment to the 2014 RMP. In particular, as detailed above, the Draft 2025 SEIS is flawed and inadequate because the GHG analysis fails to (1) assess and incorporate significant new data in estimating upstream and midstream GHG emissions; (2) consider and incorporate new scientific information that confirms that new oil and gas development on federal lands is inconsistent with preventing the worst damages of the climate crisis; (3) consider new information showing that many GHG mitigation measures relied on in the Draft 2025 SEIS have been delayed, weakened, or nullified; (4) acknowledge that oil and gas development on federal lands in the Planning Area is inconsistent with California climate policy; and (5) consider the climate change impacts to California that will result from the GHG emissions in the Planning Area.

In addition, the Draft 2025 SEIS fails to adequately explain its estimates of GHGs that would be emitted from oil and gas development in the Bakersfield Planning Area and fails to provide a GHG emissions estimate for the 2020 Lease Sale. The document estimates potential GHG emissions from oil and gas development in the area at 17,200,815 metric tons CO2e "over the life of the RFDS."[569] However, the Draft 2025 SEIS fails to provide an explanation of what RFDS scenario is being used to generate this estimate and fails to show its work. The RFDS represents a large range of 90 to 360 new wells per year on existing leases, and 10 to 40 new wells per year on new leases, over 10 years.[570] Therefore, the estimate of GHG emissions resulting from the RFDS should also be a range reflecting the number of wells assumed to be developed, rather than a single number. The document does not state how many wells were modeled to generate the GHG estimate and whether it modeled only wells on new leases, or whether wells on existing leases were also included. The Draft 2025 SEIS also fails to specify whether GHG emissions from fracking are included and what those emissions are, instead vaguely stating that well development emissions "may include" emissions from fracking.[571] The Draft 2025 SEIS states that these emissions estimates are calculated in the "BLM Lease Sale Emissions Tool"[572] but fails to provide any citation or documentation for that tool or show its work on how it arrived at those estimates.

The Draft 2025 SEIS also fails to provide an estimate of GHG emissions that would be emitted by the 2020 Lease Sale. Instead, the document vaguely states that "air emissions and related impacts from the 2020 Lease Sale are considered in this analysis and are included in the emission estimates discussed above,"[573] without showing any estimate or how this estimate is

[568] *Id.* at ES-2, 44–45.
[569] *Id.* at 51–52.
[570] *Id.* at 2.
[571] *Id.* at 51.
[572] *Id.*
[573] *Id.* at 57.

included. Because the Draft 2025 SEIS does not adequately explain how BLM developed its GHG emission estimates, or the data or tools BLM used to do so, the public cannot ensure that these estimates are correct or meaningfully comment thereon.

The Draft 2025 SEIS refers to the 2023 BLM Specialist Report on Annual Greenhouse Gas Emissions and Climate Trends from Coal, Oil, and Gas Exploration and Development on the Federal Mineral Estate for "further discussion of the reasonably foreseeable and cumulative GHG emissions associated with BLM's oil and gas leasing actions and methodologies."[574] However, this report's purpose is to provide estimates of the GHG emissions from federal fossil fuel production in 2023. The report does not add clarity on how the Draft 2025 SEIS estimates GHG emissions from the 2014 RMP or from the 2020 Lease Sale. The report itself states that it "does not take the place of an analysis and disclosure of emissions at the project level that may be completed for NEPA analysis specific to a decision to lease or authorize development."[575]

5. The Draft 2025 SEIS improperly ignores or discounts fracking-related impacts to biological resources.

As argued above, there is a need to amend the 2014 RMP and prepare a broader in scope SEIS to address new species-related information relevant to the Planning Area. This same information illustrates the deficiencies in the Draft 2025 SEIS with regard to fracking-specific impacts.

Moreover, BLM makes no attempt to analyze how the Table 3-7 species will be impacted by fracking under the 2014 RMP. According to the Draft 2025 SEIS, "potential direct and indirect impacts to special status species from hydraulic fracturing activities depend on species occurrence within a potential leasing area and would therefore be further analyzed at the leasing stage and protective measures and lease stipulations would be applied at that stage."[576] This conclusion is inaccurate and inadequate to satisfy NEPA's "hard look" requirements for three reasons.

First, project-level mitigation is inadequate for avoiding the cumulative harms to special status species. The RMP stage is the proper place to consider cumulative impacts and area-wide impacts on specific species. Second, BLM relies on delineated Supplemental Analysis Areas in the Draft 2025 SEIS and in the prior environmental documents, yet it makes no attempt to discuss impacts on newly protected species even within these Areas. And third, BLM has access to occurrence data—it claims that in "identify[ing] the best available information to develop the Draft 2025 SEIS . . . BLM biologists reviewed the . . . California Fish and Wildlife – California Natural Diversity Database."[577] BLM must disclose, discuss, and consider where Table 3-7 species and ignored protected species occur and how oil and gas development under the 2014 RMP and on the seven lease parcels involved in the 2020 Lease Sale will impact them.

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[574] *Id.* at 50.
[575] BLM Specialist Report at 8.
[576] *Id*. at 58.
[577] *Id*. at 25.

NEPA's purpose is to ensure that an agency, "in reaching its decision, will have available, and will carefully consider, detailed information concerning significant environmental impacts; it also guarantees that the relevant information will be made available to the larger audience that may also play a role in both the decision-making process and the implementation of that decision."[578] With this bare-bones Draft 2025 SEIS, BLM fails to consider and disclose important information about newly protected species and how they will be impacted by fracking.

6. The Draft 2025 SEIS does not take a hard look at chemicals used in fracking operations.

There is no discussion in the Draft 2025 SEIS of chemicals used in fracking operations and their potential air quality, water quality, and public health-related impacts, despite commenters raising this issue in past comment letters and litigation leading to BLM's commitment to prepare the Draft 2025 SEIS.

Fracking is directly associated with hundreds of chemical additives employed and the resultant air pollution. These chemicals fall into categories: breakers to lower fracking fluid viscosity before fracking fluid flows back, proppants to keep newly-formed fractures open, gelling agents to pry open fractures, biocides to prevent bacteria from degrading gelling agents, carriers for aiding in transport of other fluids, and crosslinkers to increase viscosity of fluids in order to boost fracking effectiveness.[579] Reporting via the California South Coast Air Quality Management District has shown that at least 38 chemicals known to be air toxics have been used in fracking and other types of unconventional oil and gas recovery in Los Angeles County, California.[580]

Many chemicals used in fracking operations are designated as Hazardous Air Pollutants (HAPs), which can enter the air during the venting of gases during fracking or the evaporation of chemicals from fracking and produced fluids, leading to dangerous human exposures. For example, "ethylbenzene and formaldehyde are both known carcinogens, while methanol is linked to reproductive harm, and hydrochloric acid and hydrofluoric acid can cause both eye irritation and respiratory harm."[581]

Additionally, studies show that oil and gas operations, including fracking, contaminate groundwater through the common practice of disposing wastewater in unlined pits, which are

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[578] *Methow Valley Citizens Council*, 490 U.S. at 349.
[579] *See, e.g.*, W. Stringfellow et al., *Identifying Chemicals of Concern in Hydraulic Fracturing Fluids Used for Oil Production*, 220 Envtl. Pollution 413, 415 (2017).
[580] J.C. Fleming et al., Danger Next Door: The Top 12 Air Toxics Used for Neighborhood Oil Drilling in Los Angeles (Dec. 2017) at 6, https://www.biologicaldiversity.org/publications/papers/DangerNextDoor.pdf.
[581] Californians Against Fracking, Fracking and Dangerous Drilling in California Briefing Book (Dec. 2017) at 8, https://www.bisologicaldiversity.org/campaigns/california_fracking/pdfs/fracking-and-drilling-in-california.pdf.

prone to leaking.[582] The contaminants, which include "arsenic, uranium and other naturally occurring toxic elements," and make their way into water used for human consumption and agricultural crop irrigation, have been shown to include potentially carcinogenic chemicals.[583]

For these reasons, it is important for BLM to revise the Draft 2025 SEIS to take a "hard look" at impacts related to chemical additives used in fracking.

7. The Draft 2025 SEIS uses a misleading methodology when discussing fracking-related impacts to surface and groundwater resources.

The Draft 2025 SEIS states that "oil and gas development continues to use only a small fraction of the region's overall water supply,"[584] which is not the same as assessing the impacts of oil and gas development on the communities who rely on groundwater in the immediate vicinity. In addition, as argued above, the Draft 2025 SEIS fails to take a "hard look" at impacts of fracking-related oil and gas operations on water scarcity and water quality and fails to mitigate the same.

8. The Draft 2025 SEIS fails to take a hard look at fracking's impacts on soil resources.

As discussed further above, the Draft 2025 SEIS gives only a cursory acknowledgment to the prevalence of Valley Fever, without recognizing the likelihood that oil and gas operations will exacerbate its spread in neighboring communities and without any attempt to mitigate those impacts. Consistent with NEPA, additional analysis is required.

9. The Draft 2025 SEIS fails to conduct an updated analysis of seismicity-related impacts.

The Draft 2025 SEIS mentions seismicity only in passing, asserting that "Seismic activity related to potential hydraulic fracturing associated with oil and gas leasing and development in the Planning Area is sufficiently analyzed in Section 4.10 of the 2019 FSEIS."[585] By contrast,

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[582] EPA, Hydraulic Fracturing for Oil and Gas: Impacts from the Hydraulic Fracturing Water Cycle on Drinking Water Resources in the United States (Dec. 2016) at 7-26, https://cfpub.epa.gov/ncea/hfstudy/recordisplay.cfm?deid=332990; K. Graham, "Unlined Waste Disposal Pits Endanger Groundwater in San Joaquin Valley," Digital Journal (Oct. 24, 2021), https://www.digitaljournal.com/tech-science/unlined-waste-disposal-pits-endanger-groundwater-in-san-joaquin-valley/article.

[583] L. Gross, "A California Water Board Assures the Public that Oil Wastewater Is Safe for Irrigation, But Experts Say the Evidence Is Scant"; S.B.C. Shonkoff et al., Hazard Assessment of Chemical Additives Used in Oil Fields that Reuse Produced Water for Agricultural Irrigation, Livestock Watering, and Groundwater Recharge in the San Joaquin Valley of California: Preliminary Results (2016) at 9, https://www.psehealthyenergy.org/wp-content/uploads/2022/11/Preliminary_Results_13267_Disclosures_FINAL-1.pdf.

[584] Draft 2025 SEIS at ES-2.

[585] *Id.* at 11.

and as discussed above, new information on the interplay between seismic activity and oil and gas production reflect impacts greater than previously understood, warranting a thorough analysis under NEPA.

10. The Draft 2025 SEIS improperly discounts impacts to recreation and visitor services.

The Draft 2025 SEIS incorrectly asserts that "[i]mpacts of oil and gas leasing and development on recreation are sufficiently analyzed in Section 4.15 of the 2012 FEIS," with "[n]o . . . new circumstances or information . . . that would change these conclusions," including the recent designation of a new historic trail in the Planning Area.[586] This conclusion is incorrect for the reasons discussed above, as big picture changes and new information related to public health underscore the need for additional recreation-related closures throughout the Planning Area.

11. The Draft 2025 SEIS improperly omits or discounts impacts to wilderness, wilderness study areas, and ACECs.

There is no discussion of wilderness and wilderness study areas in the Draft 2025 SEIS. To ensure adequate protection for these resources, BLM must revise the SEIS to take a "hard look" at fracking's impacts to such resources.

Additionally, while the Draft 2025 SEIS claims that "Impacts of oil and gas leasing and development on Areas of Critical and Environmental Concern (ACEC) are sufficiently analyzed in Section 4.17 of the 2012 FEIS and supplemented in Section 4.11 of the 2019 FSEIS,"[587] the discussion above illustrates the inaccuracy of this conclusion. In particular, there is a need for additional ACEC closures from oil and gas leasing to ensure protection of those landscapes and the species—including newly-protected species—living in, and relying on, those ACECs. BLM must take a fresh, "hard look" at ACECs without relying entirely on prior environmental review.

B. The Draft 2025 SEIS's analysis of impacts related to the 2020 Lease Sale is similarly flawed.

If an EA indicates that a federal action "may" significantly affect the quality of the human environment, the agency must prepare an EIS.[588] In making this determination, BLM must "consider every significant aspect of the environmental impact of a proposed action."[589] "A determination that significant effects on the human environment will in fact occur is not

[586] *Id.* at 12.
[587] *Id.*
[588] *See, e.g., Anderson v. Evans*, 371 F.3d 475, 488 (9th Cir. 2004) (citation and internal quotation marks omitted).
[589] *Baltimore Gas & Elec. Co. v. Nat. Res. Def. Council, Inc.*, 462 U.S. 87, 97 (1983) (citation and internal quotation marks omitted).

essential. If substantial questions are raised whether a project may have a significant effect upon the human environment, an EIS must be prepared."[590]

BLM has acknowledged its obligation to supplement the 2020 Lease Sale EA with regard to a broader "analysis of potential environmental impacts from leasing seven parcels" in the Bakersfield region.[591] Accordingly, BLM claimed that the Draft 2025 SEIS "will provide supplemental information for the 2020 EA . . . for on-the-ground, site-specific field evaluations for the seven lease parcels (4,134 acres) nominated through Expressions of Interest (EOI) and leased during the December 2020 Competitive Oil and Gas Lease Sale."[592]

Even so, as discussed further above, the Draft 2025 SEIS contains only sporadic mentions to the 2020 Lease Sale sprinkled throughout the document as opposed to a holistic and comprehensive discussion of relevant impacts. Most of the references to the Lease Sale come from the category of "Issues Considered but Not Further Analyzed," with BLM asserting that the 2020 Lease Sale EA sufficiently analyzed those issues rather than conducting an independent analysis.[593] In particular, the Draft 2025 SEIS concludes that cultural resources, Native American values, paleontological resources, visual resources, livestock grazing, ACECs, social and economic resources, recreation, and visitor services are sufficiently analyzed in the 2020 Lease Sale EA and that there is no significant new information relevant to those issues.[594] BLM likewise claims that it is no longer required to analyze the environmental justice impacts of the lease sale, despite the significant environmental justice communities in the sale area.[595]

Moreover, with regard to biological resources, the Draft 2025 SEIS also makes no attempt to analyze the impacts of oil and gas development on the seven lease parcels to the Table 3-7 special status species. BLM states that "[p]otential impacts to the species listed in Table 3-7 and their associated habitats would be similar to effects on other species discussed in the 2020 EA, including the potential for direct mortality, loss or alteration of habitat, and harassment."[596] "Similar" does not mean "same." Describing potential impacts to newly protected species as similar to impacts previously discussed for different species is an acknowledgement that there would be additional and different impacts to newly protected species. Even if "similar" and "same" were perfect synonyms, the Draft 2025 SEIS fails to support that conclusion. It simply repeats, without providing any evidence, that "the fisher, Kern Canyon slender salamander, and northwestern and southwestern pond turtles are unlikely to be present within the seven lease parcels and therefore would be unlikely to be impacted by surface disturbance resulting from leasing these parcels."[597]

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[590] *Found. for N. Am. Wild Sheep v. U.S. Dep't of Agric*., 681 F.2d 1172, 1178 (9th Cir. 1982) (internal citation omitted).
[591] Draft 2025 SEIS at ES-1, 4.
[592] *Id.* at 3.
[593] *Id.* at 10–12.
[594] *Id.*
[595] *Id.* at 12.
[596] *Id*. at 58.
[597] *Id*.

In the same vein, BLM claims that "impacts to these species are not expected to be greater than those analyzed in the 2020 EA."[598] The 2020 EA's analysis—though slim itself—at least notes "Species Specific Impacts."[599] For the instant SEIS, BLM cannot replace consideration and discussion of species-specific impacts with a vague comparison to a document that did not even reference the species at issue here.

The conclusions in the Draft 2025 SEIS concerning the 2020 Lease Sale are improper and unsupported for the same reasons discussed throughout this comment letter, regarding the need for an updated amendment to the 2014 RMP and more thorough environmental review to address new information and changed circumstances, and because the 2020 Lease Sale-specific analysis in the Draft 2025 SEIS relies and depends on the Draft 2025 SEIS's flawed fracking discussion.

As discussed above, the lack of analysis regarding the impacts of the 2020 Lease Sale motivated the last round of litigation and led to BLM's commitment to prepare the Draft 2025 SEIS. Even so, the Draft 2025 SEIS remains out of compliance with NEPA because it repeats rather than remedies the same flaws identified in the earlier litigation, along with ignoring new information and changed circumstances discussed during the 2025 scoping period and identified above.

VI. Because BLM signaled an intent to reopen the 2019 ROD and invited broad public comments, BLM must consider and respond to all comments related to the Draft 2025 SEIS and 2014 RMP.

As discussed above, BLM's June 2025 scoping notice invited comments on a potential amendment to the 2014 RMP, including comments on previously considered alternatives, suggestions for additional alternatives, and issues such as "air quality; water quality; special status species; archaeology; fluid mineral resources (oil and gas); and social and economic conditions."[600] The text of the Draft 2025 SEIS itself states that the final SEIS will lead to "a new decision document" that "will amend or supersede the 2019 Record of Decision (ROD) to the extent determined necessary or appropriate by Federal Defendants."[601] BLM, thus, has set the expectation that it is reopening the underlying administrative record for reconsideration of the full suite of issues relevant to fluid mineral leasing in the 2014 RMP, and that it will consider all comments relevant to the 2014 RMP.

Accordingly, even if any of the comments contained herein, or in the incorporated scoping comments, could be construed as seeking reopening and reconsideration of the wisdom of policy decisions in the 2014 RMP unrelated to fracking and without offering new information and changed circumstances, BLM must nevertheless treat such comments as falling within the scope of this administrative action, and must properly respond to all such comments as required by FLPMA and NEPA.

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[598] *Id*.
[599] 2020 Lease Sale EA at 62.
[600] 90 Fed. Reg. 26605, 26605 (June 23, 2025).
[601] Draft 2025 SEIS at 1, 14.

VII. Conclusion

We look forward to seeing a proposed amendment to the 2014 RMP and a revised SEIS addressing the concerns raised herein in a manner that will protect the health of all Californians—especially communities most impacted by oil and gas activity—the unique landscapes we cherish, and the species that dwell there. It is imperative that BLM complies with its multiple use and sustained yield mandate, and its duty to prevent unnecessary and undue degradation of public lands, rather than continuing to prioritize one polluting industry at everyone else's expense.

If you have any questions about the foregoing comments, you may reach out to any of us directly or contact Elizabeth Fisher (efisher@earthjustice.org), Michelle Ghafar (mghafar@earthjustice.org), Cooper Kass (ckass@biologicaldiversity.org), or Victoria Bogdan Tejeda (vbogdantejeda@biologicaldiversity.org), who helped prepare this submission.

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Addendum 6

Center for Biological Diversity, Comments on Notice of Availability of the Draft Central Coast Field Office Oil and Gas, Leasing and Development Supplemental Environmental Impact Statement, Docket No. DOI-BLM-CA-C090-2025-0017-RMP-EIS (March 13, 2026).



March 13, 2026

Bureau of Land Management
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Submitted via eplanning and via email to BLM_CA_CCFO_OIL_GAS_SEIS@blm.gov

Re: Notice of Availability of the Draft Central Coast Field Office Oil and Gas, Leasing and Development Supplemental Environmental Impact Statement, California [A2407–014–004–065516; O2509–014–004– 125222], 91 Fed. Reg. 1329 (Jan. 13, 2026)

The Center for Biological Diversity ("the Center") submits the following comments in response to the Bureau of Land Management's ("BLM") Notice of Availability ("NOA") of the Draft Central Coast Field Office Oil and Gas, Leasing and Development Supplemental Environmental Impact Statement, California [DOI-BLM-CA-C090-2025-0017-RMP-EIS], 91 Fed. Reg. 1329 (Jan. 13, 2026) (hereinafter, the "draft SEIS" or the "2025 draft SEIS").

As with our comments on the notice of intent, we have compiled and emailed as attachments all of the sources cited in this comment letter. Source pdfs are also available in our submission to the BLM ePlanning portal, and at the following Box.com link: https://diversity.box.com/s/21ijuyfa16xhuukbrjb711uzgsjyloqy.

We also incorporate by reference the comment letters our organization submitted to BLM in 2017 and 2018 regarding BLM's previous RMP amendment and EIS, and the comment we submitted in July 2025 on the notice of intent (aka, the scoping period).

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I. Organization Background

The Center for Biological Diversity is a national, nonprofit conservation organization with more than 1.8 million members and online activists dedicated to the protection of endangered species and wild places. Nearly 4,000 of the Center's members live and recreate in the Central Coast Planning Area. The Center uses science, policy and law to advocate for the conservation and recovery of species on the brink of extinction and the habitats they need to survive. The Center has and continues to actively advocate for increased protections for species and their habitats in California. The lands that will be affected by the proposed project contain habitat for listed, rare, and imperiled species that the Center has worked to protect including endangered and threatened species such as the California condor, California red-legged frog, California tiger salamander, San Joaquin kit fox, Giant kangaroo rat, and Blunt-nosed leopard lizard. The Center's board, staff, and members use the public lands in California, including the lands and waters that would be affected by expanded fossil fuel development authorized by this master development plan, for quiet recreation (including hiking and camping), scientific research, aesthetic pursuits, and spiritual renewal.

II. BLM Should Have Amended the RMP Based on New Information and Changed Circumstances

BLM's refusal to amend its 2019 RMP arbitrarily ignores an abundance of new information before the agency, as described in the Center's comments here and our scoping comments: new information and studies, changed circumstances, new laws, and more. BLM must now step back and evaluate the new situation in which it is operating and amend its RMP to restrict oil and gas activities in the planning area.

As BLM is aware, an RMP amendment "*shall* be initiated by the need to consider monitoring and evaluation findings, new data, new or revised policy, a change in circumstances or a proposed action that may result in a change in the scope of resource uses or a change in the terms, conditions and decisions of the approved plan."[1] In the Center's July 2025 scoping comment, we presented ample instances of new information and changed circumstances that would trigger an amendment. Further, BLM's own 2025 draft SEIS describes a number of these triggering events, such as newly-protected species and water resource impacts.

[1] 43 C.F.R. § 1610.5–5 (emphasis added). This standard differs from what BLM included in its notice of availability: "The potential for an RMP amendment is dependent upon the alternative selected. The BLM welcomes comments on all preliminary alternatives as well as suggestions for additional alternatives." 90 Fed. Reg. 26603. Even if that statement had validity, the Center's July 2025 comment suggested five alternatives: (1) no oil and gas drilling; (2) elimination of fracking; (3) enabling a managed decline of oil and gas production; (4) prohibiting any new land disturbance and requiring "no surface occupancy" on any new leases; and (5) prohibiting leasing in Endangered Species Act critical habitat or areas known to be occupied by special status species.

Based on this new information, the result of an amendment would rationally be to not open additional surface and mineral estate in the planning area to oil and gas development. At the very least BLM must develop and select an alternative that does not propose lands for leasing with low oil and gas potential, that provides greater protections for all Areas of Critical Environmental Concern ("ACECs") within the Planning Area, adheres to new California environmental and health protections, and more (see later in this comment letter).

It is unclear (and unsupported) what BLM means in its NOA that the draft SEIS did not show a "notable increase in total impacts," leading to BLM's conclusion that "[t]herefore, no amendment to the 2019 RMP amendment is necessary."[2] Even if a "notable" increase in "total impacts" was the regulatory standard to amend an RMP, which it is not, to the contrary, adopting "preferred" Alternative F will, on its face, have notable and significant impacts.

A number of Alternative F's impacts, particularly when paired against new information and changed circumstances, are alarming. Under BLM's forecasted development scenario, the climate-harming emissions from oil and gas activities will be the equivalent to burning over 730 million pounds of coal.[3] These impacts are significant on their own and at this amendment stage, must be viewed in light of the new information and changed circumstances of how the climate crisis has accelerated. In another example, subsidence in the planning area is a well-known and urgent issue, with many recent studies (including those referenced in the current draft SEIS) pointing to its worsened condition.[4] The 2025 draft SEIS also acknowledges that there are four new impaired water bodies in the planning area, including Cantua Creek (of which nearly 26 miles overlap with BLM proposed lease areas, for a 25% intersection with BLM lands) and San Vicente Creek (with over 9 miles of overlap, or a 26% intersection with BLM lands).[5] These water bodies, which overlap with listed species habitat and occurrences (see later in this letter), could be further impaired by BLM's proposed decision. Since BLM's last analysis, five species have been newly listed for protection or proposed for listing under the Endangered Species Act ("ESA") whose range and/or critical habitat overlap with the proposed action.[6] At least five species have been given protection under the California Endangered Species Act ("CESA") (of these, BLM acknowledges only four and doesn't mention the California mountain lion).[7]

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[2] BLM, *Notice of Availability of the Draft Central Coast Field Office Oil and Gas, Leasing and Development Supplemental Environmental Impact Statement, California*, 91 Fed. Reg. 1329, 1330 (Jan. 13, 2026). BLM does not define "notable," nor trace this supposed standard to any legal basis.

[3] 2025 DSEIS at 66 (estimating CO_2e emissions at 660,977 tons); comparison made using EPA's Greenhouse Gas Equivalencies Calculator, https://www.epa.gov/energy/greenhouse-gas-equivalencies-calculator.

[4] *See, e.g.*, 2025 DSEIS at 40.

[5] 2025 DSEIS at 40-41.

[6] *Id.* at 13 ("Five species have been newly listed or proposed for listing under the Endangered Species Act, including the foothill yellow-legged frog, western spadefoot, and northwestern pond turtle. While proposed critical habitat overlaps with BLM-managed lands . . . .").

[7] *Id.* at 50-51 ("The Temblor legless lizard (Anniella alexanderae) has been a California Endangered Species Act (CESA) candidate since July 1, 2022. Crotch's bumble bee (Bombus crotchii) and the Western bumble bee

All of these species and their habitats could be adversely impacted by BLM's proposal, and this reality constitutes new information and changed circumstances warranting an amendment.

While these impacts all amount to significant new (or even, one might say, "notable") impacts warranting an RMP amendment, the examples above do not even take into account issue areas the 2025 draft SEIS arbitrarily excluded from consideration, such as health and safety, seismicity, and wildlife habitat.[8] The Center and others submitted comments at the notice of intent stage calling BLM's attention to new and increased impacts to these resource values that also trigger an amendment.

III. BLM Must Align Its RMP and NEPA Analysis with California and New Federal Laws

The MLA directs that "[n]one of such provisions" in federal leases "shall be in conflict with the laws of the State in which the leased property is situated."[9] Congress further affirmed respect for state law in 30 U.S.C. § 189, which states "[n]othing in this [Act] shall be construed or held to affect the rights of the States or other local authority to exercise any rights which they may have." In addition, FLPMA specifies that federal land use plans must "provide for compliance with applicable pollution control laws, including State . . . air, water, noise, or other pollution standards or implementation plans."[10]

Because of these laws, BLM must amend the RMP to reconcile its decisions and analysis with new statewide laws and policies. Neither the 2025 draft SEIS nor BLM's Federal Register announcement sufficiently addresses, responds to, or incorporates into decisionmaking California laws passed since BLM's previous review period and that must be adhered to with oil and gas activities. We raised this issue and pointed to specific laws BLM must consider in our scoping comment and believe BLM's responses in the draft SEIS (or lack of responses) to be inadequate.

CA SB 905 and CO_2 EOR: A law that we did not raise in scoping, but that BLM must consider, is SB 905 (2022). This law bans enhanced oil recovery ("EOR") using carbon dioxide ("CO_2"). BLM's RFDS supposes that EOR "may be used on any or all wells under this RFD Scenario."[11] In a new development since the 2019 Final EIS and Record of Decision ("ROD"), use of CO_2 for EOR is ballooning in popularity, spurred in part by the 45Q tax credit

(Bombus occidentalis) were both reinstated as endangered candidate species under CESA in 2022. The Burrowing owl (Athene cunicularia) was given endangered candidate status under CESA in 2024.").
[8] *Id.* at Table 1-2.
[9] 30 U.S.C. § 187.
[10] 43 U.S.C. § 1712(c)(8).
[11] 2019 SEIS, Appendix B at B-26. As BLM explains in its RFDS, "EOR is the implementation of various techniques for increasing the amount of crude oil that can be extracted from an oil field over the life of a well. EOR techniques include (1) thermal recovery using heat; (2) gas injection using carbon dioxide (CO2), natural gas, or nitrogen; or (3) chemical injection using long-chained molecules called polymers to increase the effectiveness of waterfloods." *Id.* at B-25.

that offers companies $85/ton of CO_2 used for EOR.[12] BLM must therefore be explicit that EOR using CO_2 is prohibited in California, including as a technique used on federal leases.

CA SB 1137: With regards to SB 1137 (2022), because some of BLM's existing and proposed federal lease acreage overlaps with SB 1137's Health Protection Zones, BLM must adhere to this law and discuss how that adherence impacts the RMP and environmental analysis under NEPA.[13] BLM's rationale in the 2025 draft SEIS that it cannot adhere to SB 1137 because "BLM does not have authority to enforce State laws and regulations" in unavailing and contradicts proposed decisions for this Planning Area.[14] For example, in the 2019 SEIS (and now here, since BLM is carrying forward its proposed alternatives), Alternatives B and C are premised on "a 0.5-mile buffer defined by CalGEM,"[15] the State's oil and gas agency. If BLM can adhere to that state buffer, it can adhere to SB 1137.

California's Department of Conservation, CalGEM's parent agency, has similarly urged BLM in scoping comments to comply with SB 1137 and the fracking ban, reinforcing that its requirements apply "in California on all land administered by BLM whether that land is owned in total by the federal government or is a 'split-estate.'"[16] EPA also commented that BLM should implement setbacks in line with "[a]ny current State of California established minimum setback distance from occupied structures" in order to "protect human health."[17]

In addition to adhering to the health buffer area, SB 1137 proposes many reasonable mitigations that BLM must discuss and adopt.[18] For example, SB 1137 requires continuous on-site monitoring by oil and gas operators.[19] The law also requires measures for leak detection and response planning for methane and hydrogen sulfide, which are ubiquitous at well sites.[20]

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[12] *See* 26 U.S.C. § 45Q; U.S. Energy Information Administration (EIA), "Tax credits drive carbon capture deployment in our Annual Energy Outlook" (July 18, 2025), https://www.eia.gov/todayinenergy/detail.php?id=65764#; Institute for Energy Economics and Financial Analysis (IEEFA), Tax Credits for CCUS, https://ieefa.org/sites/default/files/2025-02/IEEFA%20CCUS%2045Q%20factsheet.pdf; Data Insights, Unveiling Carbon Dioxide Enhanced Oil Recovery Industry Trends (Feb. 5, 2026), https://www.datainsightsmarket.com/reports/carbon-dioxide-enhanced-oil-recovery-1386950.

[13] *See* Center for Biological Diversity map of CCFO and HPZ overlap, https://center.maps.arcgis.com/apps/View/index.html?appid=6e96191808a5438f8d32fed7d7222fae.

[14] 2025 DSEIS at 20-21.

[15] 2019 FEIS at 17-18.

[16] BLM, Central Coast Field Office SEIS Public Scoping Summary Report (Oct. 2025) at D-112.

[17] *Id.* at D-24, 25; *see also* EPA Region 9, Comment on NOI to Prepare CCFO Oil and Gas SEIS (July 23, 2025) at 3-4 (hereinafter, "2025 EPA Scoping Comment").

[18] 42 U.S.C. § 4332(C)(iii), (F); *Methow Valley Citizens Council*, 490 U.S. at 351.

[19] SB 1137 § 2 (enacting Cal. Pub. Res. Code § 3283(a)(2)).

[20] *Id.* BLM should consider requiring similar leak detection systems and expand their scope to detect other toxic and hazardous air contaminants including particulate matter, carbon monoxide, nitrous oxide, ozone, and volatile organic compounds such as aromatic (cyclic and polycyclic) hydrocarbons like benzene.

Similarly, in order to limit air pollution and prevent methane waste, BLM should prohibit both venting and flaring. BLM could thus consider requiring a vapor venting prevention system like the measure required in SB 1137.[21] SB 1137 further includes a range of other engineering mitigation controls designed to address air pollution that BLM must consider and incorporate into its amended RMP. For example, SB 1137 imposes new requirements for tank leak detection and shut down of leaking or out-of-compliance tanks.[22]

Recognizing that oil and gas production invariably produces dust that threatens public health, SB 1137 includes dust control measures like limiting vehicle speeds and covering drilling muds and stored sands.[23] In addition to air pollution, BLM must also require mitigation measures designed to prevent water pollution due to oil and gas drilling. SB 1137 includes baseline and post-drilling water testing to measure the impacts of drilling, and requires operators to provide notice to community members pre-drilling.[24] SB 1137 also includes sound controls, in recognition of the fact that oil and gas activities expose nearby residents to constant noise for a long duration of time.[25] The law similarly provides light controls that BLM should consider, including requirements for minimum intensity lighting at well sites during evening hours and hooded lighting that is not shined onto neighboring properties.[26]

Federal Public Lands Rule: BLM must amend the RMP to comply with the Public Lands Rule (2024), which requires conservation to be on an equal footing with other uses on our public lands in resource management planning.[27] Among other requirements, the rule directs BLM to:

- Implement conservation as a land use within the multiple use framework in planning efforts;[28]
- Conduct and maintain an inventory of landscape intactness as a resource value and evaluate alternatives to protect intact landscapes or portions of intact landscapes, identify which of those will be managed for their intactness and establish management direction for desired conditions and landscape objectives;[29]

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[21] SB 1137 § 2 (enacting Cal. Pub. Res. Code § 3282(f)). Operators would report vapor venting whenever it occurs, and BLM would then suspend operations until the source of vapor is identified and any leak is repaired, and permanently shut down wells and production facilities that repeatedly violate the prohibition.
[22] *Id*.
[23] SB 1137 § 2 (enacting Cal. Pub. Res. Code § 3282(e)). BLM should consider stronger dust control measures that better mitigate particulate matter emissions by, for example, requiring measures that address emissions during each phase of production activity and for different source activities.
[24] SB 1137 § 2 (enacting Cal. Pub. Res. Code § 3284).
[25] SB 1137 § 2 (enacting Cal. Pub. Res. Code § 3282(b), (c)).
[26] SB 1137 § 2 (enacting Cal. Pub. Res. Code § 3282(d)). Light and noise from oil and gas can seriously harm wildlife, as detailed later in this comment.
[27] 89 Fed. Reg. 40308 (May 9, 2024).
[28] 43 C.F.R. § 6101.5.
[29] *Id*. § 6102.2.

- Identify quantifiable restoration outcomes in land use plans that are consistent with restoration principles;[30]
- Avoid permanent impairment of ecosystem resilience and provide justification where there may be impairment;[31]
- Identify allowable uses and actions anticipated to achieve or promote significant progress towards achieving land health standards;[32]
- Conduct watershed conditions assessments every 10 years and use them to inform land use planning;[33] and
- Meaningfully consult with Tribes and incorporate Indigenous knowledge.[34]

IV. BLM Improperly Failed to Present, Consider, and Analyze Alternatives

A. Failure to consider additional alternatives.

In its notice of intent, BLM solicited "comments on all preliminary alternatives as well as suggestions for additional alternatives."[35] Doing so is in line with NEPA's statutory requirement for an EIS to contain a robust alternatives analysis.[36] Accordingly, during scoping, the Center proposed the following alternatives: (1) no oil and gas drilling; (2) elimination of fracking; (3) enabling a managed decline of oil and gas production; (4) prohibiting any new land disturbance and requiring "no surface occupancy" ("NSO") on any new leases; and (5) prohibiting leasing in Endangered Species Act critical habitat or areas known to be occupied by special status species.

The Center again urges BLM to consider these alternatives, and incorporates by reference our July 2025 scoping comment containing reasons for these proposals.

BLM's reasons for declining to consider these alternatives are unavailing. For example, responding to the request for "No Surface Occupancy on New Leases and/or No Leases in Listed Species Habitats," BLM says it already "considered a range of alternatives that would close all *split estate* lands to oil and gas leasing and development."[37] But the Center suggested NSO on *any* new leases—not just split estates. This is because concerns with new land surface disturbance from oil and gas extends to all lands, not just split estates. BLM was therefore unresponsive to this proposed alternative and did not "consider incorporating [it] into the analysis."[38]

In that same answer, BLM vaguely provides that "closure of Threatened or Endangered (T&E) habitats is already addressed under the range of alternatives considered

[30] *Id.* § 6102.3.1.
[31] *Id.* § 6102.5(b)(1).
[32] *Id.* § 6103.1.1.
[33] *Id.* § 6103.2.
[34] *Id.* § 6102.5 (b)(4) and (b)(6).
[35] 90 Fed. Reg. 26602 (June 23, 2025).
[36] 42 U.S.C. § 4332(C)(iii).
[37] 2025 DSEIS at 20 (emphasis added).
[38] *Id.* at 1.

in this SEIS and no separate analysis is necessary."[39] One can assume that BLM is referring to, for example, Alternative B, which limits future leasing to within the boundaries of oil and gas fields, or Alternative C, which would apply NSO restrictions to threatened and endangered critical habitat.[40] But BLM fails to recognize that since its 2019 decision dismissing these alternatives, additional species have earned protected status—including under the federal Endangered Species Act.[41] Further, BLM has not taken into account newly protected species under CESA, which should also warrant protection from oil and gas leasing. BLM therefore needs to reevaluate an alternative that prohibits leasing where all (including newly listed, proposed-for-listing, and candidate) protected species—under both the federal ESA and CESA—and their habitats occur and are likely to occur.

B. Failure to present a true range of alternatives.

Beyond the alternatives the Center proposed during scoping in July 2025, BLM's alternatives approach in the 2025 draft SEIS is flawed: the 2019 FEIS presented six alternatives, and "assumed same level of oil and gas development under the 2015 RFDS would apply to Alternatives A, C, D, E, and F."[42] The 2025 draft SEIS then carried forward the six alternatives, including their associated "Management Goals and Objectives, Management Actions, and best management practices common to all alternatives as described in Chapter 2, Section 2.4 on pages 2-3 and 2-4 (BLM 2019)."[43] But assuming the same level of development and prescribing the same objectives and practices does not create a meaningful "range" of alternatives.

BLM must re-do the SEIS to propose and consider additional alternatives that present a true range of options. Specifically, new alternatives must lessen the possible "max" production established in the RFDS.

This suggestion aligns with the Environmental Protection Agency's ("EPA") July 2025 scoping comment to BLM.[44] There, EPA reminds BLM of its statutory obligations under NEPA, writing:

> EPA recommends including alternatives that avoid, minimize, and/or mitigate for adverse impacts to water, wetlands, air, wildlife, local communities, Tribal resources, and other resources (42 U.S.C. Section 4331(a)). . . . We also recommend that the [draft SEIS] [p]ropose reasonable alternatives that include specific measures that would, among other things, attain the widest

[39] *Id.* at 20.
[40] 2019 ROD at 16.
[41] *See, e.g.*, 2025 DSEIS at 13 ("Five species have been newly listed or proposed for listing under the Endangered Species Act, including the foothill yellow-legged frog, western spadefoot, and northwestern pond turtle.").
[42] *Id.* at 16. Alternative B assumed slightly less well development and surface disturbance. *Id. See also* 2016 DSEIS at 2-11 ("The level of oil and gas development described in the RFD Scenario would apply to all five alternatives.").
[43] *Id.* at 16.
[44] 2025 EPA Scoping Comment at 4.

range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences and preserve important historic, cultural, and natural aspects of our national heritage (42 U.S.C. Sections 4331(b)(3) and (4)).

C. BLM must withdraw lands with little to no oil and gas potential from alternatives.

We maintain our request that BLM offer a managed decline and no further oil and gas development alternative. However, even if BLM were to reject our "no further leasing" alternative, it nonetheless defies logic that BLM is proposing to make lands with low- to no-productive capacity for oil and gas available for fossil fuel leasing. BLM must withdraw these lands from its alternatives (including Alternative F) and offer at least one new, reduced acreage alternative in a new SEIS.

BLM's RFDS discloses that throughout the CCFO, only two areas—Provinces 10 (San Joaquin Basin) and 11 (Central Coastal)—are truly areas of "high" oil and gas occurrence potential.[45] Only two areas then have "moderate" potential for occurrence, and five have "low" to "no" potential.[46]

Specifically, the RFDS notes that "the CCFO has areas of high, moderate, low and no occurrence potential (see Figure 4) . . . . The size of each category is shown in Table 5 (CCFO Oil and Gas Occurrence Potential).[47] Table 5 is reproduced below:

Table 5. CCFO Oil and Gas Occurrence Potential

Category	Total Acres within CCFO Planning Area	Federal Mineral Estate
High	1,853,670 acres	451,680 acres
Moderate	611,660 acres	2,680 acres
Low	2,274,610 acres	79,470 acres
None	2,080,430 acres	258,600 acres
Total	6,820,400 acres	792,430 acres

Source: BLM, 2015. CCST, 2015, p. 253.

BLM even goes so far as to surmise that:

> *Even if there are advances in science and technology* that resolve some of the uncertainty associated with the Monterey Formation source rock, these advances are not likely to alter the RFD Scenario for federal minerals in the planning area for the next 15 to 20 years due to the geology of the region. Therefore, all available scientific, industry, and government information indicates that absent currently unforeseen changes in oilfield technology,

[45] 2019 FEIS, Appendix B at B-8 through B-10.
[46] *Id.*, Appendix B at B-10 through B-12.
[47] *Id.*, Appendix B at B-7.

> future oil and gas development within the CCFO area will continue as it has over the last 10 or 20 years.[48]

Yet Alternative F, without explanation, proposes to open mineral estate in *all* provinces and areas—regardless of their production potential—for oil and gas activities. According to BLM's Table 5, around 454,000 acres of federal mineral estate in the CCFO have "high" or "medium" oil and gas occurrence potential. Yet under Alternative F, BLM is opening 725,500 acres to oil and gas leasing.[49] This means that 40% of the land—or 270,000 acres—that BLM is designating as available for oil and gas leasing under Alternative F cannot even be used for its designated purpose.

The revised Mineral Leasing Act ("MLA"), discussed later in this comment, emphasizes land with oil and gas potential, rather than all mineral estate.[50] In the RFDS, BLM admits there are hundreds of thousands of acres without known or believed oil and gas deposits. Alternative F designates these acres for leasing anyways, without explanation. Even assuming, *arguendo*, that acreage with low or no productive potential is unlikely to actually be leased or bid upon, BLM is nonetheless—without any apparent rationale—making this acreage vulnerable to private leasing. By doing so, BLM is not considering possibly more protective management strategies on these lands.

Confusingly, BLM acts in its NEPA analysis as if Alternative F opens up only areas of high productive potential. Throughout the 2025 draft SEIS, BLM offers some version of the conclusion that impacts of Alternative F will be minimal because, for example, species habitat does not "intersect with areas of high development potential."[51] But as established, "development potential" is not what guides Alternative F. Instead, Alternative F is opening almost all federal mineral estate lands in the planning area for private leasing.

BLM cannot have it both ways: on the one hand, opening up vast acreage across the CCFO for oil and gas leasing, while on the other, foregoing analysis of impacts outside the high potential zones. Similarly, BLM cannot, on the one hand, conclude that oil and gas development in the CCFO is unlikely to advance even with science and technology, while on the other, designate lands it thinks are unlikely to have oil and gas vulnerable to exploration and leasing.

Instead, at the very least, BLM should withdraw lands with only moderate, low, or no oil and gas potential from Alternative F. These lands should be managed to protect the environmental values they *do* possess, such as species habitat, water, recreational values, and more. Moreover, "[FLPMA] does not mandate that every use be accommodated on

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[48] *Id.*, Appendix B at B-16 (emphasis added).
[49] 2025 DSEIS at 3. Alternative F proposes closing only 67,500 acres.
[50] 30 U.S.C. § 226 (a)(1) ("Any parcel of land subject to disposition under this chapter that is *known or believed to contain* oil or gas deposits shall be made available for leasing . . . .") (emphasis added).
[51] 2025 DSEIS SEIS at PDF page 13 (executive summary).

every piece of land . . . . It is past doubt that the principle of multiple use does not require [an agency] to prioritize development over other uses."[52]

D. BLM must consider new alternatives in light of the 2025 Budget Reconciliation Act.

The July 2025 Budget Reconciliation Act raises significant questions about BLM's discretion in the context of federal oil and gas leasing and, as a result, potentially changes BLM's legal obligations with regards to oil and gas management decisions and analyses. Specifically, the Reconciliation Act amended the MLA to require, *inter alia*, that certain lands "*shall* be made available for leasing" once designated as open under an approved RMP.[53]

To the extent that BLM believes that the Reconciliation Act limits BLM's discretion over whether to offer parcels to lease, which parcels to offer, and what mitigation and stipulations can be imposed *at the leasing or permitting stages*, the Reconciliation Act requires BLM to weigh much more heavily the impacts of additional oil and gas leasing, as well as mitigation, minimization, and avoidance of impacts, *at the planning stage*.

Prior to the Reconciliation Act, BLM routinely relied on its broad leasing discretion to mitigate conflicts between oil and gas development and other public land uses. Even where lands were identified as "open" for leasing, BLM could choose not to hold lease sales or to withhold specific parcels based on environmental or other concerns. Other stakeholders, however, have argued that the Reconciliation Act removes this discretion with its "shall" language. To the extent the agency adopts that interpretation, BLM must, during this planning process, revisit its designation of lands open to ensure it can meet its FLPMA multiple use and environmental protection mandates if BLM agrees it lacks the discretion not to lease otherwise open lands.

To the extent BLM adopts the interpretation of the Reconciliation Act proffered by others, the agency's new leasing mandate has changed the environmental baseline, whether or not BLM amends the RMP, because lands currently designated as "open" for leasing now face a substantially higher probability of being leased and developed. Such a change warrants an RMP amendment and more comprehensive SEIS to account for and consider the reasonably foreseeable consequences of this increased leasing, including expanded surface disturbance, greater GHG emissions, and additional far-ranging cumulative impacts on habitat for plants and animals, water resources, air quality, and ACECs, among others.

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[52] *N.M. ex rel. Richardson v. U.S. Bureau of Land Mgmt.*, 565 F.3d 683, 709-10 (10th Cir. 2009) (finding Bureau violated NEPA by failing to include an analysis in its EIS of an alternative closing grasslands to development). *See also id.* at 711 (Courts have recognized that "whether any of the lands in [a] plan area are suitable for fluid minerals development . . . is precisely the question the planning process was intended to address. It would fit well within the scope of the plan objectives for BLM to conclude that no lands in the plan area are suitable for leasing and development.").

[53] 30 U.S.C. § 226(a) (2024) (emphasis added), as amended by Pub. L. No. 119-21, § 50101(d)(1), 129 Stat. 72, 138 (2025).

For example, if the Reconciliation Act broadly limits BLM's discretion, the agency must now account for, analyze, and disclose to the public information pertaining to, at minimum, the following:

- The Reconciliation Act's reinstatement of non-competitive leasing, which may result in substantially more acreage being under lease, limiting other uses, such as recreation or wildlife conservation.[54]
- BLM's previous analysis assumed that not all available parcels would be leased. BLM must reassess that analysis and conclusion in an amended RMP and comprehensive SEIS in light of the Reconciliation Act's new requirements.[55]

The changes to leasing brought about by the Reconciliation Act underscore the need for BLM to reevaluate and expand the range of alternatives it considers as part of an amendment process. For example, BLM must consider reducing the acreage designated as open to leasing or apply broad NSO and other protective stipulations to ensure sensitive areas are not routinely made available for leasing and drilling. This is critical in order to ensure BLM meets its mandate of managing for multiple use, sustained yield, and prevention of unnecessary or undue degradation of sensitive resources present on BLM land.

E. BLM should consider an alternative that protects ACECs.

ACECs are special areas that warrant heightened protection. FLPMA defines ACECs as "areas within the public lands where special management attention is required . . . to protect and prevent irreparable damage to important historic, cultural, or scenic values, fish and wildlife resources or other natural systems or processes, or to protect life and safety from natural hazards."[56] FLPMA provides that RMPs "shall . . . give priority to the designation and *protection of*" ACECs.[57]

There are ACECs within the Planning Area, but rather than prioritize protection of these highly important areas, BLM's Alternative F opens up ACECs for oil and gas activities.[58] This should change.

There is also new information and changed circumstances regarding ACECs. For example, in 2023, BLM limited vehicle access in the Panoche-Coalinga ACEC to "protect habitat for the endangered blunt-nosed leopard lizard."[59] As BLM explained in its press release, "Limiting motorized vehicles in the area will protect this species' natural environment, found only in Central California . . . . We must prevent disturbance during this

[54] Pub. L. No. 119-21, § 50101(a)(2), 129 Stat. 72, 137 (2025).
[55] *See id.* § 50101(d)(1).
[56] 43 U.S.C. § 1712(c)(3).
[57] *Id.* (emphasis added).
[58] 2025 DSEIS at 3 ("NSO stipulations would apply to some lands open to leasing, including Joaquin Rocks Area of Critical Environmental Concern (ACEC) [and] ACECs within the Ciervo Panoche Natural Area (CPNA)").
[59] BLM, "BLM takes measures to protect endangered species at Panoche Hills" (Feb. 23, 2023), https://www.blm.gov/press-release/blm-takes-measures-protect-endangered-species-panoche-hills-0.

new phase and during the critical breeding season."[60] BLM further noted that the blunt-nosed leopard lizard ("BNLL") population that lives in the area is part of a captive breeding program BLM executes in partnership with the Fresno Chaffee Zoo, the Bureau of Reclamation, the U.S. Fish and Wildlife Service, California Department of Fish and Wildlife, and Fresno State University "to recover the species from the imminent danger of extinction."[61] BLM's 2023 decision in the Panoche-Coalinga ACEC was a step in the right direction to protect the imperiled BNLL. BLM's decision now must not undermine that progress.

In accordance with FLPMA, and to be consistent with its past practices and ongoing efforts to protect imperiled species in places like Panoche-Coalinga, BLM should propose (and adopt) an alternative to prohibit oil gas leasing in all ACECs within the planning area.

V. BLM Ignored the Center's New Information and "Recent Studies" Flagged and Submitted During the Scoping Period

BLM's 2025 draft SEIS for the Central Coast Field Office fails to consider the substantial body of recent scientific studies and new information that the Center submitted during the scoping process. The Center did more than just submit new information; in its scoping comment, the Center took the time to explicitly label sections as containing "recent studies" issued since 2019. Nonetheless, the 2025 draft SEIS lists studies BLM specialists considered,[62] and only one recent study the Center submitted is mentioned. This failure violates both NEPA and the Administrative Procedure Act ("APA") and renders BLM's analysis arbitrary and capricious.

A. A supplemental EIS must consider new information.

BLM says it prepared the SEIS in order to "analyze the environmental effects of oil and gas leasing and development within the Planning Area and to determine whether changes are needed to the fluid mineral decisions based on new information or changes in circumstances in the CCFO."[63] Failing to consider and discuss the significant new scientific evidence that has become available (and been presented to BLM) since the 2019 Final EIS violates the purpose of environmental review.[64]

BLM's failure to consider and discuss new studies and information violates other fundamental tenants of NEPA. The statute mandates that an EIS include a detailed statement on the "reasonably foreseeable environmental effects of the proposed agency action."[65] What is "reasonably foreseeable" is necessarily informed by the current state of

[60] *Id*.
[61] *Id*.
[62] 2025 DSEIS at 84-87. For example, in each issue area of the 2025 DSEIS, it says: "BLM resource specialists reviewed the following information: . . .", followed by a bullet-point list of studies.
[63] 2025 DSEIS at 4.
[64] *See, e.g.*, U.S. Dep't of the Interior, 516 DM 1, Handbook of National Environmental Policy Act Implementing Procedures § 3.7(a) (Feb. 2026) ("The bureau should make use of reliable existing data and resources.")
[65] 42 U.S.C. § 4332(C)(i).

scientific knowledge, not the state of knowledge at the time of a prior, now-superseded analysis. Congress further directed that agencies "ensure the professional integrity, including scientific integrity, of the discussion and analysis in an environmental document," and "make use of reliable data and resources" in carrying out the Act.[66] These provisions, taken together, impose an obligation on BLM to incorporate new scientific studies into its analysis, which it has failed to do here.

B. BLM failed to acknowledge or consider recent studies and new information the Center submitted during scoping.

The Center not only submitted numerous recent scientific studies and new information as part of their scoping comments for the Central Coast SEIS, but the Center made sure to explicitly label those recent studies and information as such to call BLM's attention to them.[67] Yet without any explanation, BLM ignored nearly all of this credible new information it was obligated to consider.

More specifically, a careful audit of BLM's 2025 draft SEIS reveals that, of the information the Center cited and labeled as "recent studies" and "new information" in its scoping comments, BLM cited only one.[68] The agency provided no explanation for why it disregarded all other submitted studies, all of which bear directly on the environmental impacts at issue in the SEIS.

The studies BLM ignored span every major resource area analyzed in the SEIS. With respect to **climate change** and the need to phase out fossil fuel production, the Center flagged and submitted, among other sources:

- Wolf, Shaye et al., Scientists' Warning on Fossil Fuels, 5 Oxford Open Climate Change 1 (2025), doi:10.1093/oxfclm/kgaf011.
- Ripple, William J. et al., World Scientists' Warning of a Climate Emergency, 70 BioScience 100 (2020), doi:10.1093/biosci/biz088.
- Intergovernmental Panel on Climate Change, Climate Change 2023: Synthesis Report (2023).
- U.S. Global Change Research Program, Fifth National Climate Assessment (2023).
- Oil Change International, Drilling Toward Disaster: Why U.S. Oil and Gas Expansion Is Incompatible with Climate Limits (2019).
- Tong, Dan et al., Committed Emissions from Existing Energy Infrastructure Jeopardize 1.5°C Climate Target, 572 Nature 373 (2019).
- Intergovernmental Panel on Climate Change, Climate Change 2021: The Physical Science Basis (2021).

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[66] *Id.* § 4332(D)-(E).
[67] *See* Center for Biological Diversity scoping comments, submitted July 2025. We used the terms "recent" and "new" to mean the information arose since BLM completed its 2019 FEIS (hereinafter "2025 Center Scoping Comments").
[68] The single study BLM referenced was Hwang et al.'s review of hydraulic fracturing's environmental implications, cited on page 75 of the 2025 DSEIS.

- Fleming, John et al., Killer Crude: How California Produces Some of the Dirtiest, Most Dangerous Oil in the World (2021).

Regarding **air pollution and public health impacts** from oil and gas development, the Center flagged and submitted:

- Gonzalez, David J.X. et al., Upstream Oil and Gas Production and Ambient Air Pollution in California, 806 Sci. Total Env't (2022).
- Buonocore, Jonathan J. et al., Air Pollution and Health Impacts of Oil & Gas Production in the United States, Env't Rsch.: Health (2023).
- McPherson, Kristi et al., Air Pollution from Unconventional Oil and Gas Development, 338 Atmospheric Env't (2024).
- Woodruff, Tracey J., Health Effects of Fossil Fuel–Derived Endocrine Disruptors, 390 New Eng. J. Med. 922 (2024).
- Aker, Alison M. et al., The Human Health Effects of Unconventional Oil and Gas Development (UOGD): A Scoping Review of Epidemiologic Studies, 115 Can. J. Pub. Health 446 (2024).
- Deziel, Nicole C. et al., Applying the Hierarchy of Controls to Oil and Gas Development, 17 Env't Rsch. Letters 071003 (2022).
- Phillips, Carly, Climate Change Threatens Already Poor Air Quality in California's Central Valley, Union of Concerned Scientists (July 26, 2022).

Regarding **seismicity and well integrity**, the Center flagged and submitted:

- Kang, Mary et al., Potential Increase in Oil and Gas Well Leakage Due to Earthquakes, Env't Rsch. Commc'ns (2019);
- DiGiulio, Dominic, Evaluation of Draft Environmental Impact Report on Geological Storage of Carbon Dioxide at the Carbon TerraVault I Facility in Kern County, California (2024).

Regarding **wildlife and ecological impacts** of oil and gas development, the Center flagged and submitted:

- Walker, Brett L. et al., Quantifying Habitat Loss and Modification from Recent Expansion of Energy Infrastructure in an Isolated, Peripheral Greater Sage-Grouse Population, 255 J. Env't Mgmt. 109819 (2020).
- Tornabene, Blake J. et al., Comparative Effects of Energy-Related Saline Wastewaters and Sodium Chloride on Hatching, Survival, and Fitness-Associated Traits of Two Amphibian Species, 40 Env't Toxicology & Chemistry 3137 (2021).
- Graham, Andrew & Douglas A. Wilcox, The Impacts of Marcellus Shale Gas Drilling Accidents on Amphibians in a Pennsylvania Fen, 29 Wetlands Ecology & Mgmt. 155 (2021).
- Katovich, Erik S., Quantifying the Effects of Energy Infrastructure on Bird Populations and Biodiversity, 58 Env't Sci. & Tech. (2023).

- Rutherford, Tiffany K. et al., Effects of Noise from Oil and Gas Development on Ungulates and Small Mammals—A Science Synthesis to Inform National Environmental Policy Act Analyses, U.S. Geological Survey (2023, rev. 2024).
- Maxwell, Lori M. et al., Effects of Noise from Oil and Gas Development on Raptors and Songbirds—A Science Synthesis to Inform National Environmental Policy Act Analyses, U.S. Geological Survey (2024).

With respect to **species-specific impacts** to the San Joaquin kit fox, BNLL, and giant kangaroo rat, the Center flagged and submitted:

- U.S. Fish & Wildlife Serv., Species Status Assessment Report for the San Joaquin Kit Fox (2020).
- Cypher, Brian et al., Response of San Joaquin Kit Foxes to Road Construction Sites, Cal. Dep't of Transp. (2023).
- Ivey, Kimberly N. et al., Thermal Ecology of the Federally Endangered Blunt-Nosed Leopard Lizard (Gambelia sila), 8 Conservation Physiology (2020).
- Gaudenti, Natalie et al., Habitat Heterogeneity Affects the Thermal Ecology of an Endangered Lizard, 11 Ecology & Evolution 14843 (2021).
- Germano, David J. et al., Effects of Oil Fields on Home Range, Movements, and Rates of Predation of Blunt-Nosed Leopard Lizards (Gambelia sila), 58 J. Herpetology 135 (2024).

Under the Administrative Procedure Act ("APA") and NEPA, courts must confirm "that the agency has adequately considered and disclosed the environmental impact of its actions and that its decision is not arbitrary or capricious."[69] Where an agency fails to make a reasoned decision based on its evaluation of the evidence, it acts arbitrarily and capriciously.[70] Here, this is not a situation where BLM considered the submitted studies and, after reasoned analysis, determined them to be inapplicable or unreliable. Rather, BLM appears to have simply ignored them. The APA requires more. An agency must, at minimum, acknowledge and respond to the significant scientific information placed before it during the NEPA process.[71] BLM's failure to do so here renders the draft SEIS legally deficient.

[69] *Nevada v. Dep't of Energy*, 457 F.3d 78, 87–88 (D.C. Cir. 2006).
[70] *Earth Island Inst. v. U.S. Forest Serv.*, 442 F.3d 1147, 1160 (9th Cir. 2006).
[71] *See WildEarth Guardians v. U.S. Dep't of Agric. Animal & Plant Health Inspection Serv. Wildlife Servs.*, 135 F.4th 717, 736–37 (9th Cir. 2025) (holding that an agency may not simply reiterate its "general conclusions" when faced with a "substantial body of research" cited in public comments, and that when "new, contrary scientific information becomes available, the agency must explain its reasons for disagreeing with it").

VI. BLM Improperly Deferred Analysis of Impacts to the APD Stage.

Throughout the 2025 draft SEIS, BLM evades meaningful review of the impacts from oil and gas development by stating that site-specific analyses would be conducted at the APD phase.[72] BLM's repeated deferrals are problematic.

First, the Ninth Circuit has held that deferring analysis of foreseeable impacts until a later, site-specific stage, is unlawful.[73] After all, the purpose of an EIS "is to evaluate the [range of] possibilities in light of current and contemplated plans and to produce an informed estimate of the environmental consequences."[74]

Second, the 2025 Reconciliation Act amended the MLA in such a way that weighs against deferral of necessary analysis at the planning stage. The MLA now states that any oil and gas leases issued "may not require any stipulations or mitigation requirements not included in the approved [RMP]."[75] This provision is now reflected in BLM's leasing regulations: "[l]eases issued by the BLM will include only those stipulations and mitigation measures included in the [RMP] covering that parcel of land that is being leased."[76] While we do not read the language in the MLA as precluding additional analysis at the leasing stage, full analysis of impacts at the RMP stage is necessary to inform and craft site-specific stipulations and mitigation requirements that have to be enshrined in the RMP, according to this language. In other words, in order to fully protect environmental resources, BLM must not defer its environmental analysis later stages.

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[72] *See e.g.* 2025 DSEIS at PDF page 14 [no page number associated with this page] ("For example, BLM claims that "[t]he effects on newly listed wildlife species are minimal," even though "site-specific reviews" would be necessary at later stages"); 2025 DSEIS at 4 (BLM asserting that "environmental review, including direct and indirect effects, for the development of leased parcels, including well completion techniques such as hydraulic fracturing, is a site-specific analysis,"); 2025 DSEIS at 51 (""some species occurrences may not be adequately documented."); 2025 DSEIS at 72 (concluding "that the SJVAPCD requirement to quantify GHG emissions and to implement SJVAPCD Best Performance Standards… [should occur] at the site-specific" stage); 2025 DSEIS at 74 (BLM "would consider site specific conditions and data [regarding water use conditions] during project level review."); *id.* (acknowledging that oil and gas "may cause land subsidence," and "potential impacts to surface water infrastructure, such as aqueduct and canal damage," a full assessment of those impacts is postponed until the site-specific stage"); 2025 DSEIS at 80 (postponing ESA consultation until the site-specific stage).

[73] *Kern v. BLM*, 284 F.3d 1062, 1072 (9th Cir. 2002) ("An agency may not avoid an obligation to analyze in an EIS environmental consequences that foreseeably arise from an RMP merely by saying that the consequences are unclear or will be analyzed later when an EA is prepared for a site-specific program proposed pursuant to the RMP . . . If an agency were able to defer analysis discussion of environmental consequences in an RMP, based on a promise to perform a comparable analysis in connection with later site-specific projects, no environmental consequences would ever need to be assessed in an EIS at the RMP level if comparable consequences might arise, but on a smaller scale, from a later site-specific action proposed pursuant to the RMP.").

[74] *Davis v. Coleman*, 521 F.2d 661, 676 (9th Cir. 1975).

[75] 30 U.S.C. § 226(a)(2)(A)(ii).

[76] 43 C.F.R. § 3101.13.

VII. BLM Failed Multiple FLPMA Requirements.

The Federal Land Policy and Management Act ("FLPMA") of 1976, as amended,[77] provides for the management, protection, development and enhancement of the public lands. Under FLPMA, BLM must manage public lands "in a manner that will protect the quality of the scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and archeological values,"[78] and give special protection to areas of critical environmental concern.[79] FLPMA further requires BLM to manage all public lands to prevent "unnecessary or undue degradation."[80] BLM must also stay appraised of what values its public lands possess so as to inform its management decisions.[81]

BLM's RMP, and the agency's decision not to amend the RMP during this reconsideration period (collectively the "RMP decisions" here), violate multiple provisions of FLPMA and are arbitrary and capricious. While we point out a number of these deficiencies below, FLPMA's requirements underlay this entire RMP planning process, and BLM's information gathering and analysis failures in the NEPA context also implicate FLPMA.

A. Unnecessary and undue degradation

1. BLM's RMP decisions do not contain specific measures to avoid UUD

BLM's RMP decisions violate FLPMA because they fail to avoid unnecessary and undue degradation (or hereinafter, "UUD") of biological resources and habitat, air quality and the atmosphere, and water resources—all of which FLPMA requires BLM to protect.

At the "heart of FLPMA" is the requirement that BLM "shall . . . take any action necessary to prevent [UUD] of the lands."[82] Further, as the Ninth Circuit explained, UUD requirements "are distinct from NEPA. A finding that there will not be significant impact [under NEPA] does not mean either that the project has been reviewed for [UUD], or that [UUD] will not occur."[83]

While FLPMA provides BLM with "discretion to choose appropriate *measures* to *address* [ ] environmental degradation,"[84] that discretion confers on BLM an affirmative obligation to act in the face of UUD. For example, in *Theodore Roosevelt Conservation P'ship v. Salazar*, the D.C. Circuit held that BLM did not violate the UUD standard because the record of decision contained numerous specific, definite mitigation measures to minimize and offset the environmental impact of development; BLM ensured "funding for

[77] 43 U.S.C. 1701 et seq.
[78] *Id*. § 1701(a)(8).
[79] *Id*. §§ 1701(a)(11), 1702(a).
[80] *Id*. § 1732(b).
[81] *Id*. § 1711(a).
[82] *Mineral Policy Ctr. v. Norton,* 292 F. Supp. 2d 30, 33, 42 (D.D.C. 2003), citing 43 U.S.C. § 1732(b).
[83] *CBD v. U.S. Dep't of the Interior*, 623 F.3d 633, 645 (9th Cir. 2010) (citation omitted).
[84] *Gardner v. U.S. Bureau of Land Mgmt.*, 638 F.3d 1217, 1222 (9th Cir. 2011) (emphasis added).

and oversight of monitoring and mitigation;" and the ROD contained specific, additional measures "if further declines in wildlife populations" were observed.[85]

Here, there is no evidence that BLM affirmatively addresses the numerous ways fossil fuel development in the planning area could cause UUD. Neither the RMP decisions, the draft SEIS, nor BLM's vague explanation for declining to amend the RMP[86] adequately explain how BLM management under the proposed decision will prevent or mitigate such impacts to the resources BLM manages.

Instead of following the model in *Theodore Roosevelt* by offering specific, definite measures, funding to carry those measures through (and enforce conditions), and additional actions BLM will take "if further declines" occur, BLM instead vaguely gestures towards conditions that could be applied later in the oil and gas process.[87]

While we contend BLM should apply additional protective measures at the APD stage, that discretion to layer on additional mitigations does not absolve BLM of its responsibility for the RMP decisions to avoid UUD. Further, the 2025 draft SEIS does not propose any updates to the BMPs and COAs to avoid UUD, despite new information and changed circumstances about the legal landscape and newly listed species, newly impaired water bodies, air pollution nonattainment updates, and more.

2. Opening acreage with little/no oil and gas potential could lead to UUD.

As explained earlier in this comment, Alternative F authorizes leasing on nearly 300,000 acres of federal mineral estate that have low/no oil and gas potential.[88] Leasing of those acres could lead to numerous harms from "wildcat" oil and gas exploration, including from using new or existing roads, wellpad construction, test drilling, night lighting, noise, and chemical use. With these activities come an array of air, water, climate, vegetation, and species harms, among others. With a low likelihood of successful production, this means that many acres in the Planning Area—that otherwise could be managed for conservation values—will be unnecessarily damaged. BLM has not explained why it is opening nearly 300,000 acres for leasing or how it will avoid UUD should those lease parcels be explored. This violates FLPMA.

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[85] *Theodore Roosevelt Conservation P'ship v.* Salazar, 661 F.3d 66, 71, 77-78 (D.C. Cir. 2011).
[86] "The results of this Draft Supplemental Analysis, additive to those identified in the 2019 Final EIS, did not show notable increase in total impacts. No conflicts were found between the estimated impacts of the alternatives and the resource or program management goals and objectives stated in the RMP amendment. The range of alternatives has not changed between the BLM-approved 2019 RMP amendment and its 2019 Final EIS, and the 2025 Draft Supplemental EIS. Therefore, no amendment to the 2019 RMP amendment is necessary." 91 Fed. Reg. 1330 (January 13, 2026).
[87] 2019 ROD at 4. The most the 2025 DSEIS says about BMPs is "The BLM's land use decisions identify areas as open or closed to fluid mineral leasing and establishes appropriate stipulations, and other mitigation measures and best management practices (BMPs) that could be applied to areas identified as open to leasing." 2025 DSEIS at 4.
[88] 2019 FEIS, Appendix B at B-7.

3. BLM should adopt species-specific UUD measures.

BLM should take additional steps to ensure that species in the planning area do not suffer UUD; BLM can take these steps through RMP decisions (e.g., by reducing acreage opened for leasing) and/or through SOPs and BMPs required of operators.

For instance, the BNLL is a federally endangered species that occurs in the planning area.[89] BLM proposed an SOP for operators to "survey for burrows that may be used by blunt-nosed leopard lizards in the area to be disturbed by the project and a 50-foot buffer."[90] Evidence shows that a 50-foot buffer is insufficient. According to the USFWS, the additional survey area protocol for BNLL "will be a minimum of 250 feet unless a reasonable justification can be made," e.g., existence of a permanent structure.[91] According to the CDFW's review of the best available scientific information in 2022, a BNLL buffer area would need to be 164 acres *at a minimum* to avoid take.[92] In any event, BLM must update its 50-foot buffer SOP.

In addition, surveys of BNLL burrows alone are not enough. BNLL use burrows constructed by ground squirrels and kangaroo rats, and in the absence of such burrows, the USFWS explains that they construct shallow, simple tunnels in earth berms or under rocks.[93] Based on this evidence, to avoid UUD to BNLLs, BLM should require surveys for the lizards themselves—not just burrows.

BLM's RMP decisions also are risking UUD to an array of other species. BLM's 2025 proposed action does not add to or adapt the 2019 decision's biological resources guidelines for "conserving habitat and minimizing project impacts,"[94] even though there are several newly-listed and proposed-for-listing species and candidate species that occur within the planning area, such as the foothill yellow-legged frog, western spadefoot, western pond turtle, and California mountain lion. BLM must avoid UUD to new protected species by a) updating its 2019 guidelines to reflect current and new information; and b)

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[89] 2019 FEIS at 3.11-1.
[90] 2019 ROD at B-7.
[91] U.S. Fish and Wildlife Service, Programmatic Biological Opinion on Oil and Gas Leasing and Development on Bureau of Land Management Lands in the Central Coast Field Office (Fresno, Monterey and San Benito Counties) at 19 (2019) (hereinafter "2019 PBO").
[92] CDFW, Letter to Kern County Planning and Nat'l Res Dep't from Bob Stafford for Julie Vance, Regional Manager (April 6, 2022) at 6-7 (further noting, "CDFW's recommendation for avoiding take, providing for individual and population persistence, and conforming to the applicable recovery goals is to design the project to avoid all occupied BNLL habitat, and base that avoidance on known spatial ecology of BNLL."). *See also id.* at 7 (going on to explain that "a reasonable plan for avoidance is to assume that the lizard might utilize up to 98.8 acres in any direction from where it was observed," and assuming a circular home range, the diameter would be 2340.8 feet, or a 395-acre circle as a buffer).
[93] U.S. Fish & Wildlife Service, Blunt-nosed leopard lizard (*Gambelia sila*) 5-Year Review: Summary and Evaluation at 2 (2010), https://ecosphere-documents-production-public.s3.amazonaws.com/sams/public_docs/species_nonpublish/1539.pdf.
[94] 2019 ROD at B-5; *see also id.* at B-3 (describing "Standard Operating Procedures (SOP) typically applied to BLM undertakings or authorizations that are implemented to avoid or mitigate impacts to biological resources.").

including species-specific measures for newly-protected species. As part of its FLPMA inventory requirements, BLM should also review new and updated information on *all* impacted plant and animal species and adapt its SOPs and BMPs accordingly.

BLM's 2025 draft SEIS dismisses the idea of updating its biological resources guidelines and SOPs, saying only there are not likely to be adverse effects to newly-protected species because some of these species' habitats "are outside of areas *where the RFDS suggests oil and gas development will occur*."[95] This is irrational. Under Alternative F, as noted earlier in this comment, BLM is proposing to open over 700,000 acres for oil and gas leasing, regardless of how the RFDS characterizes those lands. BLM must not fail to protect all species on lands it is proposing to lease, and accordingly it must update its biological resource measures to reflect this and prevent UUD.

4. BLM should consider ACEC-specific UUD measures.

As noted earlier in this comment, ACECs are areas designated under FLPMA where special management attention is required to protect and prevent irreparable damage to resources, including fish and wildlife resource and other natural systems.[96] FLPMA provides that BLM, in the process of revising RMPs, "shall . . . give priority to the designation and *protection of*" ACECs.[97]

Alternative F leaves some ACECs open for oil and gas leasing without NSO stipulations. While Alternative F proposes NSO stipulations in Joaquin Rocks ACEC and ACECs within the Ciervo-Panoche Natural Area,[98] no such stipulations are applied to the whole of the Panoche-Coalinga ACEC, although mineral estate within this ACEC is designated as open for leasing,[99] and that ACEC is home to imperiled species like the BNLL. The Panoche-Coalinga was "established to protect its significant habitat for rare, threatened, and endangered plants and wildlife."[100] BLM acknowledges that biological resources in ACECs may be degraded if oil and gas development occurs in the area.[101]

BLM provided no reason in 2019 why it did not put NSO stipulations on all ACECs. Prohibiting surface occupancy in ACECs is a reasonable means of protecting areas requiring special management attention. EPA echoed this concern and issued a similar request in its 2025 scoping comment, which BLM has not acknowledged in the 2025 draft SEIS. EPA wrote: "In addition, we recommend that the BLM consider NSO lease

[95] 2025 DSEIS at 75 (emphasis added).
[96] 43 U.S.C. § 1712(c)(3).
[97] 43 U.S.C. § 1712(c)(3).
[98] 2025 DSEIS at 3.
[99] 2019 FEIS at 4.14-7 (noting under Alternative F, areas open to leasing include Panoche-Coalinga ACEC (subject to NSO stipulations within the Ciervo-Panoche Natural Area)).
[100] *Id.* at 3.14-5, 6.
[101] *Id.* at 4.14-7 ("Even with the CSU stipulations and other conditions of approval, oil and gas development within SMAs could degrade biological resources (i.e., ACECs outside the Ciervo-Panoche Natura Area) . . .").

stipulations within Areas of Critical Environmental Concern or other valued areas where important aquatic resources may be impacted."[102]

B. FLPMA's inventory requirements

FLPMA directs that "[t]he Secretary shall prepare and maintain on a continuing basis an inventory of all public lands and their resource and other values," and "[t]his inventory shall be kept current so as to reflect changes in conditions and to identify new and emerging resource and other values."[103] According to one court, a legal violation arises when BLM nevertheless approves an RMP without considering record evidence and information showing the existence of resources and values like newly-listed species.[104] Further, FLPMA's inventory regulations require, "in collaboration with any cooperating agencies, [BLM to] arrange for resource, environmental, social, economic and institutional data and information to be collected, or assembled if already available."[105] Similar to this requirement is NEPA's requirement that the agency establish an environmental baseline before decisions are made.[106]

BLM fails FLPMA's inventory requirements on several counts. What follows are examples, though this inventory issue permeates issues throughout this decision and analysis process.

In one example, BLM fails to provide evidence of western spadefoot toad distribution to supports its conclusion that the RMP activities will not likely adversely affect the species or its habitat. For starters, BLM does not provide any maps to illustrate where the western spadefoot occurs, yet BLM admits to an extensive range.[107] Despite this evidence showing the western spadefoot's likely occurrence throughout leasing areas, BLM nonetheless concludes the RMP "is not likely to adversely affect western spadefoot [and its habitat] because they are outside of areas where the RFDS suggests oil and gas development would occur."[108] This is arbitrary, unsupported, and irrational. Aside from BLM trying to "have it both ways" by only analyzing issues in high-potential oil and gas areas (an

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[102] 2025 EPA Scoping Comment at 9.
[103] 43 U.S.C. § 1711(a).
[104] *Ctr. for Biological Diversity v. U.S. Bureau of Land Mgmt.*, 746 F. Supp. 2d 1055, 1167 (N.D. Cal. 2009).
[105] 43 C.F.R. § 1610.4-3.
[106] *Great Basin Res. Watch v. Bureau of Land Mgmt.*, 844 F.3d 1095, 1101 (9th Cir. 2016) ("Without establishing the baseline conditions which exist … before [a project] begins, there is simply no way to determine what effect the [project] will have on the environment and, consequently, no way to comply with NEPA.").
[107] 2025 DSEIS at 48 ("Currently, the species is patchily distributed throughout its historical range . . . . A species distribution model for the northern portion of the western spadefoot's range (north of Santa Barbara, California) found the areas predicted to have suitable habitat are patchily distributed north in the Coast Range, along the foothills surrounding both sides of the Central Valley, and in remnant habitat within the Central Valley.") (citations omitted); *see also* Center for Biological Diversity, Petition to List 53 Amphibians and Reptiles in the United States as Threatened or Endangered Under the Endangered Species Act (July 11, 2012), https://www.biologicaldiversity.org/campaigns/amphibian_conservation/pdfs/Mega_herp_petition_7-9-2012.pdf.
[108] 2025 DSEIS at 75.

issue flagged elsewhere in our comment), this statement indicates BLM has not assessed whether the western spadefoot occurs in *all* acreage it proposes for leasing. BLM must develop an accurate inventory of western spadefoot distribution and evidence of overlap (or not) with areas the RMP designates as available for oil and gas leasing. If this information is not immediately available, BLM must arrange for this data to be assembled.

Similarly, BLM makes an irrational conclusion on the impacts to the western pond turtle. Like the western spadefoot, BLM fails to provide a map of the species' range, yet offers evidence from the USFWS that the turtle is found "down to northern Monterey County, the lower elevation and foothills of the southern Cascades and Sierra Nevada Mountains, and areas within the Sacramento and San Joaquin Valleys."[109] Without further analysis or evidence to support its conclusion, BLM then dismisses any possible threats by concluding the RMP "is not likely to adversely affect . . . western pond turtle and [its habitat] because they are outside of areas where the RFDS suggests oil and gas development would occur."[110] This conclusion defies FLPMA which requires more robust inventorying and consideration of evidence of species distribution.

In another example, BLM makes no effort to map, describe, or inventory newly-listed and candidate species under the California Endangered Species Act ("CESA") like the Temblor legless lizard and Crotch's bumblebee. Of the former, all the 2025 draft SEIS offers is that the "Temblor legless lizard (*Anniella alexanderae*) has been a California Endangered Species Act (CESA) candidate since July 1, 2022" and its occurrence overlaps "BLM surface, split estate, non-BLM land, and the San Joaquin Management Area."[111] There is extensive information on the Temblor legless lizard that BLM did not include or evidently consider in this draft SEIS in violation of FLPMA. (The Center provided some of this information in its scoping comments and provides updated science and information here.) BLM did not even mention the Temblor legless lizard in its 2019 final SEIS.[112] Now, BLM must inventory and share with the public where its proposed leasing areas overlap with Temblor legless lizard habitat and occurrences.

Along these lines, BLM acknowledges "Crotch's bumble bee (*Bombus crotchii*) and the Western bumble bee (*Bombus occidentalis*) were both reinstated as endangered candidate species under CESA in 2022. The Burrowing owl (*Athene cunicularia*) was given endangered candidate status under CESA in 2024."[113] The 2025 draft SEIS then names broadly that these species may overlap with BLM and surface estate throughout the planning area.[114] Just like with the Temblor legless lizard, BLM then offers no other

[109] 2025 DSEIS at 49.
[110] *Id.* at 75.
[111] *Id.* at 50-51.
[112] *See generally* Final Proposed RMPA/Final EIS, Appendix L: Biological Resources.
[113] *Id.* at 51.
[114] *Id.*

information, mapping, or pledge to inventory these species in order to describe potential impacts from the RMP decisions.[115]

Finally, EPA's 2025 scoping comments make several inventory recommendations that BLM has ignored and not responded to. In brief, these include:

- Updating BLM's inventories and maps of existing wetlands and waters of the U.S. within the planning area, including waters that are regulated under the CWA and wetlands that are protected under Executive Order 11990 (1977); this update should include information on the location, type, and extent of these waters;
- Delineating and marking seeps, springs, and wetlands;
- Creating an updated map showing water protection areas for public water supply wells and surface water intakes (e.g., streams, rivers, and reservoirs);[116]
- Updating BLM's identification and characterization of existing and potential groundwater resources, including all aquifers and USDWs;
- Estimating the water demand per well;
- Estimating sources of water for each well; and
- Describing vulnerabilities particular to communities near existing and proposed lease areas, such as human health, socioeconomic, and cultural vulnerabilities.

BLM must take up EPA's suggestions to inventory resources and use that inventory to inform its management decision and environmental analysis.

C. FLPMA requires that BLM protect atmospheric values

In enacting FLPMA in 1976, Congress declared that public lands must be managed to protect the quality of various resources, including the air and atmosphere.[117] In creating FLPMA, Congress paired this declaration of values that must be protected with the obligations that BLM account for "the long-term needs of future generations", prevent "permanent impairment", and "prevent unnecessary or undue degradation."[118] Taken together, FLPMA may be properly read as directing BLM to make management decisions that are protective of the air and atmosphere—including the climate—for the long-term.[119]

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[115] BLM did not mention the two bumble bees in its 2019 FEIS. *See generally* Final Proposed RMPA/Final EIS, Appendix L: Biological Resources.

[116] EPA then recommends that BLM require monitoring of water quality in private wells within one mile of oil and/or gas project areas to help ensure mitigation measures are adequate to protect water resources. 2025 EPA Scoping Comment at 13.

[117] 43 U.S.C. § 1701(8) ("The Congress declares that it is the policy of the United States that-- . . . the public lands be managed in a manner that will protect the quality of scientific, scenic, historical, ecological, environmental, *air and atmospheric,* water resource, and archeological values; that, where appropriate, will preserve and protect certain public lands in their natural condition; that will provide food and habitat for fish and wildlife and domestic animals; and that will provide for outdoor recreation and human occupancy and use;") (emphasis added).

[118] 43 U.S.C. §§ 1701(a)(8)), 1702(c)) 1732(b).

[119] While the federal government recently renounced its duty to regulate climate-polluting greenhouse gas emissions under the Clean Air Act, environmental groups have challenged that action in court. *See* Mark Drajem, "NRDC and Coalition Sue Over Endangerment Rollback and Climate Protections" (Feb. 18, 2026),

Climate change and the atmosphere are inextricably linked: "Changes observed in Earth's climate since the mid-20th century are driven by human activities, particularly fossil fuel burning, which increases heat-trapping greenhouse gas levels in Earth's atmosphere, raising Earth's average surface temperature."[120] Or as explained by NOAA, "Each year, human activities release more carbon dioxide into the atmosphere than natural processes can remove, causing the amount of carbon dioxide in the atmosphere to increase."[121] Moreover, "[c]arbon dioxide concentrations are rising mostly because of the fossil fuels that people have been burning for energy since the start of the Industrial Revolution."[122]

BLM has not fulfilled its duty under FLPMA to prevent impairment of the atmosphere here. While admitting that oil and gas development will lead to emissions of greenhouse gases such as carbon dioxide (CO_2), methane (CH_4), and nitrous oxide (N_2O),[123] BLM nonetheless is proposing to adopt an alternative that amounts to an all-out fossil fuel extraction option, in that Alternative F opens for leasing much more acreage than is projected to be developed in the RFDS.[124] BLM then shirks its duty to estimate GHG emissions from oil and gas development the RMP will enable.[125] As noted earlier in this comment, it is improper for BLM to defer analysis of impacts to the APD stage when it can provide its best estimate of impacts now, particularly because FLPMA demands protection of atmospheric values.

As part of its duty under FLPMA, BLM also fails to account for the rollback of other environmental laws meant to reduce emissions of greenhouse gases ("GHGs") from oil and

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https://www.nrdc.org/press-releases/nrdc-coalition-sue-endangerment-rollback-climate-protections. Regardless, federal law requires BLM to comply with state air pollution control standards, including those related to greenhouse gases. 43 U.S.C. § 1712(c)(8).

[120] NASA, https://science.nasa.gov/climate-change/what-is-climate-change/.

[121] NOAA, https://www.climate.gov/news-features/understanding-climate/climate-change-atmospheric-carbon-dioxide.

[122] *Id*.

[123] 2025 DSEIS at 64.

[124] 2019 FEIS at 2-1 ("[T]he Preferred Alternative was selected based on the Administration's goal of strengthening energy independence and the BLM support of an all-of-the-above energy plan that includes oil and gas underlying America's public lands. The Preferred Alternative fulfills FLPMA's mandate for multiple use and sustained yield of the BLM lands because it applies the least restrictions necessary to develop Federal minerals within existing oil and gas fields where the vast majority of oil and gas production is projected to occur.").

[125] BLM's claim that it otherwise "is unable to quantify impacts to air quality and atmospheric conditions, or to ground or surface water, from the range of alternatives because the exact timing and/or location of future leasing and development activities is not available or attainable" conflicts with the assurances in its RFDS pointing to fields and locations where it is sure oil and gas development will occur. *See, e.g.*, 2019 FSEIS, Appendix B at B-14 ("Based on the production history of these regions and the presence of shale formations in these areas, it is likely potential future oil and gas resource production will be centered in these five basins."); *id*. at B-15 ("Even if some of the uncertainties are resolved, these advances are not likely to alter the RFD Scenario for federal minerals in the planning area for the next 15 to 20 years due to the geology of the region.").

gas operations such as the methane rule.[126] All of these management decisions and failures will result in increased GHG emissions that will contribute to and exacerbate the climate crisis. Accounting for these laws means estimating the amount of GHGs Alternative F will generate is of utmost importance, as such an estimation will be different than it would have been before those laws were rolled back.

As the Supreme Court explained in its 2024 *Loper Bright* decision, when Congress delegates authority to an agency, "the role of the reviewing court under the APA is, as always, to independently interpret the statute and *effectuate the will of Congress* subject to constitutional limits."[127] Here, the will of Congress in FLPMA is clear with respect to protecting atmospheric values from degradation.

Despite this clear expression of intent, GHGs from unfettered oil and gas development enabled by this RMP will degrade the atmosphere. Accordingly, BLM cannot shirk its duty to not only disclose and analyze the impacts of its planning decisions on climate change at the RMP stage, but it must amend the RMP so as to honor Congress's intent to prevent the degradation of the atmosphere and resulting harms from climate change to future generations.

VIII. BLM Failed to Take a Hard Look at All Environmental Impacts

NEPA's "hard look" requirement persists, and must be followed here.[128] Said another way, NEPA's purpose is to ensure that an agency, "in reaching its decision, will have available, and will carefully consider, detailed information concerning significant environmental impacts; it also guarantees that the relevant information will be made available to the larger audience that may also play a role in both the decision-making process and the implementation of that decision."[129]

In its 2025 draft SEIS, BLM failed these hard look and information disclosure requirements for many issue areas. As we have mentioned in this letter, we incorporate by reference our earlier comment letters raising these issues and providing specific citations.

A. Failure to adequately analyze Alternative F.

In BLM's 2016 draft SEIS, BLM chose Alternative C as its preferred choice.[130] BLM presented this alternative in the draft SEIS for analysis—including through a 24-page

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[126] *See, e.g.*, EPA, "EPA Launches Biggest Deregulatory Action in U.S. History" (March 12, 2025), https://www.epa.gov/newsreleases/epa-launches-biggest-deregulatory-action-us-history; University of Texas, Austin, Rollback of Methane Regulations Tests Corporate Commitments (June 17, 2025), https://www.ceesa.utexas.edu/energy-pathways/rollback-of-methane-regulations-tests-corporate-commitments#:~:text=EPA%20followed%20this%20up%20in,the%20Obama%2Dera%20methane%20rules.
[127] *Loper Bright Enters. v. Raimondo*, 603 U.S. 369, 395 (2024).
[128] *See, e.g.*, *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 333 (1989) (describing how NEPA ensures "that agencies will take a 'hard look' at environmental consequences and [guarantee] broad public dissemination of relevant information").
[129] *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 349 (1989).
[130] 2016 DSEIS at 2-1 ("Analysis of each alternative has been reviewed and has guided the BLM in selecting Alternative C as the Preferred Alternative.").

chapter analyzing and comparing the draft alternatives—and, importantly, public comment.[131] Yet in its 2019 final EIS ("FEIS") and Record of Decision, BLM sprang upon the public an entirely new preferred alternative, Alternative F.[132] Alternative F proposed a vastly different scope and magnitude of impacts compared to BLM's previous preferred alternative under the 2016 draft SEIS.[133]

After a process whereby BLM was meant to consider additional alternatives and supplement its environmental analysis, BLM's 2025 draft SEIS elected Alternative F as the preferred alternative and offered little in terms of impacts analysis. This fails NEPA in several ways.

First, the 2025 draft SEIS completely excludes many issues that BLM analyzed for other (lesser-impacting) alternatives in the 2019 SEIS. Issues BLM is now saying it does not have to analyze for Alternative F include health and safety, geology, seismicity, soil, vegetation, wildlife habitat.[134] It is irrational for BLM to proceed as if Alternative F does not impact those resource values.

Second, as noted in EPA's 2025 scoping comment, BLM must present the alternatives "in comparative form . . . to show how they . . . address the reasonably foreseeable impacts or consequences to the affected environment. [BLM should] [q]uantify the impacts of each alternative to the greatest extent possible."[135] That comparison is absent in the 2025 draft SEIS. In the 2019 final SEIS, BLM's table 2-6 compares alternatives but admits that it, too, excludes comparison of some issue areas.[136] For example, that table from 2019 omits comparative analysis of public health, geology, seismicity, soil, vegetation, and wildlife among alternatives, including Alternative F.[137]

In addition to the impacts BLM has not sufficiently analyzed named above, Alternative F opens areas on/within ACECs and Recreation and Public Purpose ("R&PP") lands for oil and gas development *with* surface occupancy.[138] Surface development of R&PP lands was not contemplated under *any* alternative presented and analyzed in the

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[131] 2016 DSEIS, Chapter 2 ("Alternatives").
[132] 2019 ROD at 4. ("This ROD approves Alternative F. Under Alternative F, unless currently closed under the 2007 Hollister Field Office RMP, Federal mineral estate would be open to oil and gas leasing with CSU stipulations and/or subject to NSO.").
[133] Alternative F, compared to BLM's previous preferred Alternative C, opens nearly twice the acreage for oil and gas operations. Specifically, Alternative C proposed opening 398,000 acres, versus Alternative F's proposal of opening over 725,000 acres. 2019 ROD at 14.
[134] 2025 DSEIS at 8-13.
[135] 2025 EPA Scoping Comment at 4.
[136] 2019 FEIS at 2-20 ("Not all resources or resource uses presented in Chapter 3 (Affected Environment) or Chapter 4 (Environmental Consequences) of this Proposed RMPA/Final EIS are included in Table 2-6.").
[137] *Id*.
[138] *Id*. at 2-14. BLM proposes that "CSU stipulations would apply to all lands open to leasing. NSO stipulations would apply to some lands open to leasing, including Joaquin Rocks Area of Critical Environmental Concern (ACEC); ACECs within the Ciervo Panoche Natural Area (CPNA); and giant kangaroo rat core population areas." 2025 DSEIS at 3.

2016 draft SEIS, including the "no action" alternative.[139] Surface occupancy for oil and gas development has the potential to harm visual resources in the state parks, recreational opportunities, safety, and habitat for listed species.[140] BLM never explained why this surface occupancy was a preferred alternative, nor did BLM analyze the impacts from such a major change in 2019 or in 2025.

B. Climate change and GHGs

1. The GHG analysis fails to assess and incorporate significant new information and changed circumstances.

The 2025 draft SEIS identifies Air Quality: GHG emissions as an area with "specific substantive issues which required further consideration based on new information or circumstances."[141] BLM then identifies the substantive issue of "What would be the impact of different approaches to oil and gas management . . . on climate change and federal efforts to minimize climate change? What measures will be implemented to minimize contributions to and the impacts of climate change?"[142] However, the 2025 draft SEIS's GHG analysis is fundamentally flawed for being unreasoned and failing to assess and incorporate significant new information and changed circumstances critical to evaluating the GHG impacts of oil and gas development in the Planning Area.

As detailed below, the GHG analysis is flawed and inadequate in numerous key respects, including that BLM (a) fails to adequately explain its estimates of the GHG emissions from the Planning Area; (b) fails to assess and incorporate significant new data in estimating upstream and midstream GHG emissions; (c) fails to consider and incorporate new scientific information that confirms that new oil and gas development on federal lands is inconsistent with preventing the worst damages of the climate crisis; (d) fails to consider new information showing that many GHG mitigation measures relied on in the DSEIS have been delayed, weakened, or nullified; (e) fails to acknowledge that oil and gas development on federal lands in the Planning Area is inconsistent with California climate policy; and (f) fails to consider the climate change impacts to California that will result from the GHG emissions from the Planning Area.

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[139] 2019 FEIS at ES-5. Under the previous 2007 Central Coast RMP—which served as Alternative A, the "No Action" Alternative in the 2019 FEIS—all leases on R&PP lands are subject to no surface occupancy ("NSO") stipulations. *Id*.

[140] Mt. Diablo State Park contains designated critical habitat for the threatened Alameda whipsnake/Alameda Striped Racer (*Masticophis lateralis euryxanthus*) and California red-legged frog (*Rana draytonii*). Black Diamond Mines Regional Preserve provides habitat for the federally listed Alameda whipsnake/Alameda Striped Racer (*Masticophis lateralis euryxanthus*). Henry W. Coe State Park contains designated critical habitat for the California red-legged frog (*Rana draytonii*) and California tiger salamander (*Ambystoma californiense*).

[141] 2025 DSEIS at 7.

[142] *Id*.

a. BLM fails to adequately explain its estimates of GHGs.

First, BLM estimates potential GHG emissions from oil and gas development in the Planning Area at around 661,000 metric tons CO_2e over the life of the RFDS.[143] However, the draft SEIS fails to provide an explanation of what RFDS scenario is being used to generate this estimate, and it fails to show its work. The RFDS estimated between 3-5 "additional or exploratory wells" and "between 0-32 additional or new wells" in existing fields.[144] These are ranges. Therefore, the estimate of GHG emissions resulting from the RFDS should also be a range reflecting the number of wells assumed to be developed, rather than a single number.

The draft SEIS also does not state how many wells were modeled to generate the GHG estimate and whether it modeled only wells on new leases, or whether wells on existing leases were also included. The draft SEIS states that these emissions estimates are calculated in the "BLM Lease Sale Emissions Tool"[145] but fails to provide any citation or documentation for that tool or show its work on how it arrived at those estimates.

Second, the 2025 draft SEIS refers to the *2024 BLM Specialist Report on Annual Greenhouse Gas Emissions and Climate Trends from Coal, Oil, and Gas Exploration and Development on the Federal Mineral Estate* (hereafter *2024 BLM Specialist Report*) for "further discussion of BLM's oil and gas leasing actions and methodologies."[146] However, this report's purpose is to provide estimates of the GHG emissions from federal fossil fuel production generally. The report does not add clarity on how the 2025 draft SEIS estimates GHG emissions from the RMP in the Planning Area. The report itself states that it "does not take the place of an analysis and disclosure of emissions at the project level that may be completed for NEPA analysis specific to a decision to lease or authorize development."[147]

b. BLM fails to assess and incorporate significant new data in estimating GHG emissions.

New data on the carbon intensity of California oil and gas. BLM fails to assess and incorporate new information on the high upstream GHG emissions from oil and gas production in California, although this data is publicly available and updated annually by the California Air Resources Board ("CARB").[148] This omission results in BLM underestimating GHG emissions. BLM must calculate the production GHG emissions from the Planning Area using the most recent 2024 CARB oilfield-specific carbon intensity values.

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[143] *Id.* at 66, Table 4-6.
[144] *Id.* at 2.
[145] *Id.* at 65.
[146] *Id.* at 64.
[147] BLM, 2023 BLM Specialist Report on Annual Greenhouse Gas Emissions and Climate Trends from Coal, Oil, and Gas Exploration and Development on the Federal Mineral Estate (August 22, 2024) at 8.
[148] California Air Resources Board, LCFS Crude Oil Life Cycle Assessment, Final California Crude Average Carbon Intensity Values, https://ww2.arb.ca.gov/resources/documents/lcfs-crude-oil-life-cycle-assessment.

CARB estimates the upstream carbon intensity ("CI") for crude oil produced in each oilfield in California. The most recent 2024 CARB data shows that the average upstream CI across all California-produced crude oil was 20 g CO_2eq/MJ, equivalent to 117 kg CO_2eq/barrel in 2024.[149] This is 1.6 times higher than the average CI for crudes produced outside California and refined in the state, which averaged 12.38 g CO_2eq/MJ, equivalent to 71.96 kg CO_2eq/barrel in 2024. The three most-productive fields in the CCFO area, according to the RFDS,[150] produced crude oil in 2024 with the following higher-than-average CIs: Coalinga – 34.89 g CO_2eq/MJ; San Ardo – 23.72 g CO_2eq/MJ; and Lynch Canyon – 34.75 g CO_2eq/MJ.[151] BLM should use 2024 oilfield-specific CI values for its upstream GHG estimates.

The 2025 draft SEIS similarly fails to incorporate and consider a 2021 report based on CARB data that concluded that "California-sourced oils are now among the most climate-damaging in the world and are rapidly becoming even more so."[152] The report found that in 2019, the CI of oil produced in California and refined in the state was more than 1.5 times greater than that of crudes produced outside of California and refined in the state (i.e., crude from the Middle East, South America, Africa, Canada and Mexico). The report also found that the CI of California-produced crude is increasing over time. For example, the 2024 average upstream CI of California-produced crude oil was 117 kg CO_2eq/barrel, which was 1.4 times higher than in 2012, when the average CI of California-produced crude was 81 kg CO_2eq/barrel. As detailed in the 2021 report, the production GHG emissions are so high in many California oilfields because extracting the remaining heavy oil from aging oilfields requires more energy-intensive extraction methods like cyclic steam injection, steam flooding, waterflooding, and fracking (prior to the state's fracking ban). BLM must consider this new information when updating its GHG estimates.

New information on methane leakage rates. BLM's estimates of GHG emissions from the distribution, storage, and processing stages of oil and gas development (commonly called midstream emissions) fail to assess and incorporate new published data on the high methane leakage that occurs during these midstream operations. Incorporating this information would significantly increase the estimates of midstream GHG emissions from the Planning Area.

The 2025 draft SEIS assumes that methane leakage rate would be similar to the national average taken from older Department of Energy National Energy Technology Laboratory ("NETL") reports.[153] However, abundant new research not considered in the

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[149] California Air Resources Board, LCFS Crude Oil Life Cycle Assessment, Calculation of 2024 Crude Average Carbon Intensity Value, https://ww2.arb.ca.gov/sites/default/files/classic/fuels/lcfs/crude-oil/2024_Crude_Average_CI_Calculation_F.pdf (hereinafter "CARB 2024 Crude Oil Life Cycle Assessment").
[150] 2019 FEIS, Appendix B at B-4.
[151] CARB 2024 Crude Oil Life Cycle Assessment at 6-8.
[152] Fleming, J., Killer Crude: How California Produces Some of the Dirtiest, Most Dangerous Oil in the World, Center for Biological Diversity (June 2021), at p. 5, Table 1, https://www.biologicaldiversity.org/programs/climate_law_institute/pdfs/June-2021-Killer-Crude-Rpt.pdf.
[153] 2025 DSEIS at 65.

2025 draft SEIS has established that methane leakage rates from U.S. oil and gas development are much higher than reported by NETL.[154]

A 2021 study not considered by BLM provides methane leakage rates specific to oil and gas development in the San Joaquin Basin. Burns and Grubert (2021) report a methane leakage level of 4.8% for gas production in the San Joaquin Basin, which is among the highest leakage rates reported in the U.S.[155] BLM should use this published methane leakage rate for the San Joaquin Basin for calculating midstream emissions in the Planning Area.

c. BLM fails to consider new information and changed circumstances that many GHG mitigation measures have been delayed, weakened, or nullified.

The 2025 draft SEIS fails to discuss, consider, and incorporate new information on the status of the mitigation measures that it relies on to reduce the GHG impacts of Alternative F.[156] The draft SEIS also lists federal regulations that it states "will reduce GHG emissions from any development related to the proposed leasing action."[157] However, the draft SEIS fails to acknowledge that these regulations have recently been delayed, weakened, or nullified. For example:

- In November 2025, EPA issued a final rule[158] to delay implementation of the 2024 New Source Performance Standards ("NSPS") and Emissions Guidelines (i.e., Standards of Performance for Crude Oil and Natural Gas Facilities for which Construction, Modification or Reconstruction Commenced After November 15, 2021 (40 CFR 60, OOOb)) focused on reducing emissions of methane and volatile organic compounds ("VOCs") from oil and gas production. The rule delays many of the requirements to limit methane pollution from oil and gas leaks, venting, and flaring, such as delaying provisions for control devices, equipment leaks, storage vessels, process controllers, and vent systems.[159]

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[154] *See e.g.* Omara, Mark et al., Methane emissions from US low production oil and natural gas well sites, 13 Nature Commun 2085 (2022), https://doi.org/10.1038/s41467-022-29709-3; Sherwin, Evan D. et al., US oil and gas system emissions from one million aerial site measurements, 627 Nature 328 (2024), https://doi.org/10.1038/s41586-024-07117-5.

[155] Burns, Diana and Emily Grubert, Attribution of production-stage methane emissions to assess spatial variability in the climate intensity of US natural gas consumption, 16 Environ. Res. Lett. 044059 (2021), https://doi.org/10.1088/1748-9326/abef33.

[156] *See, e.g.*, 2025 DSEIS at 71 ("emission controls (e.g., vapor recovery devices, no-bleed pneumatics, leak detection and repair, etc.) can substantially limit the amount of GHGs emitted to the atmosphere.").

[157] *Id*.

[158] 90 Fed. Reg. 55671 (Dec. 3, 2025).

[159] EPA, Final Extension of Deadlines in Standards of Performance for New, Reconstructed, and Modified Sources and Emissions Guidelines for Existing Sources: Oil and Natural Gas Sector Climate Review (November 2025), https://www.epa.gov/system/files/documents/2025-11/fact-sheet_o-g_final-ifr_20251124.pdf.

- In September 2025, EPA announced a proposed rule to end the Greenhouse Gas Reporting Program ("GHGRP"). If finalized, the proposal would remove reporting obligations for most large facilities, all fuel and industrial gas suppliers, and CO_2 injection sites.[160]
- In March 2025, the EPA nullified the final rule for the Waste Emissions Charge for Petroleum and Natural Gas Systems (40 CFR 99)).[161] This program had facilitated compliance with the requirements of the Waste Emissions Charge in the 2024 Methane Emissions Reduction Program.

The effect of delaying, weakening or nullifying these regulations to reduce methane and VOCs emissions from oil and gas operations is increased emissions of methane that worsen the climate crisis, as well as increased emissions of smog and soot-forming VOCs and other toxic air pollutants that harm public health. Rollbacks of federal climate regulations contributed to the significant increase in U.S. GHG emissions by 2.4% in 2025, marking a dramatic change from the prior two years of emissions decreases.[162] BLM must take these changed circumstances into account in its RMP actions and environmental review.

d. BLM's specialist report is flawed.

The 2025 draft SEIS fails to consider the climate change impacts resulting from the GHG emissions from oil and gas development in the Planning Area. The draft SEIS refers to *2023 BLM Specialist Report* in its GHG analysis, but this report is outdated, general, and fails to disclose key climate change impacts to California.[163]

For example the *BLM Specialist Report* does not discuss how fossil fuel emissions-driven climate change is increasing wildfire impacts to California. BLM must disclose and assess the new scientific research demonstrating that climate change is the primary driver of the increases in area burned, extreme fire weather, and community wildfire destruction in California in recent decades.[164] Increasing autumn temperatures and decreasing

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[160] EPA, EPA Releases Proposal to End the Burdensome, Costly Greenhouse Gas Reporting Program, Saving up to $2.4 Billion (September 12, 2025), https://www.epa.gov/newsreleases/epa-releases-proposal-end-burdensome-costly-greenhouse-gas-reporting-program-saving-24.
[161] 90 Fed. Reg. 21225 (May 19, 2025).
[162] Rhodium Group, Preliminary US Greenhouse Gas Emissions Estimates for 2025 (January 13, 2026), https://rhg.com/research/us-greenhouse-gas-emissions-2025/.
[163] BLM, 2023 BLM Specialist Report on Annual Greenhouse Gas Emissions and Climate Trends from Coal, Oil, and Gas Exploration and Development on the Federal Mineral Estate (August 22, 2024) at 25.
[164] Williams, A., et al., Observed impacts of anthropogenic climate change on wildfire in California, 7 Earth's Future 892 (2019), https://doi.org/10.1029/2019EF001210; Hawkins, L.R. et al., Anthropogenic influence on recent severe autumn fire weather in the west coast of the United States, 49 Geophysical Research Letters e2021GL095496 (2022), https://doi.org/10.1029/2021GL095496; Jain, P. et al., Observed increases in extreme fire weather driven by atmospheric humidity and temperature, 12 Nature Climate Change 63 (2022), https://doi.org/10.1038/s41558-021-01224-1; Turco, M. et al., Anthropogenic climate change impacts exacerbate summer forest fires in California, 120 PNAS e2213815120 (2023), https://doi.org/10.1073/pnas.2213815120.

precipitation have contributed to a more than doubling of autumn days with extreme fire weather in California over the past few decades.[165] Extreme fire weather leads to rapidly spreading wildfires that are difficult to suppress and are responsible for most of the area burned and most community destruction by wildfire.[166]

BLM must also consider new research by Abrams et al. (2025), which provides a framework to quantify the additional temperature rise that will be caused by new fossil fuel projects and shows ways to quantify their concrete, foreseeable harms to people and wildlife. Project-specific damages that can be quantified include the near-immediate climate heating in response to CO_2 emissions (called the Transient Climate Response to CO_2 Emissions (TCRE)); number of people who will be left outside of the "human climate niche" which is the climate conditions in which human societies have historically thrived; number of people who will be exposed to unprecedented heat; number of additional heat-related deaths; and ecosystem damages. This study highlights that every ton of CO_2 emissions adds to global warming, and every fraction of a degree of additional warming matters.[167] This study counters false claims that project-level GHG emissions are "negligible" in the context of global emissions and have negligible impacts.

C. Health and safety

BLM erroneously eliminated issues of health and safety impacts from further analysis in the 2025 draft SEIS.[168] According to BLM: "No new circumstances or information were identified during preparation of this SEIS that would change these conclusions. Therefore, no further analysis is warranted."[169] This was an error for several reasons.

First, broadly speaking, an agency under NEPA "cannot discount the localized impacts to people for whom the public health impacts are of clear significance."[170] Protecting public health is fundamental to NEPA's underlying purpose, as Congress created NEPA in part to "stimulate the health and welfare of man."[171] To this end, NEPA requires federal agencies "use all practicable means, consistent with other essential considerations of national policy" to "assure for all Americans safe, healthful, productive and aesthetically

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[165] Goss, M. et al., Climate change is increasing the likelihood of extreme autumn wildfire conditions across California, 5 Environmental Research Letters 1094016 (2020), https://doi.org/10.1088/1748-9326/ab83a7.
[166] Coop, Jonathan D. et al., Extreme fire spread events and area burned under recent and future climate in the western USA, 31 Global Ecology and Biogeography 1949 (2022), https://doi.org/10.1111/geb.13496. Fast-moving wildfires comprise less than 3% of all U.S. fire events but are estimated to account for 89% of all structures damaged or destroyed. Balch, J.K., et al. 2024, The fastest-growing and most destructive fires in the U.S. (2001-2020), 386 Science 425 (2024), https://www.science.org/doi/10.1126/science.adk5737.
[167] Abram, N.J. et al., Quantifying the regional to global climate impacts of individual fossil fuel projects to inform decision-making, 4 npj Climate Action 92 (2025), https://doi.org/10.1038/s44168-025-00296-5.
[168] 2025 DSEIS at 9.
[169] *Id*.
[170] *Bernhardt*, 472 F. Supp. 3d at 619 (NEPA does not "allow for an abdication of an analysis, especially where increased harm on certain populations living near active oil and gas development on federal and tribal lands is acknowledged and the potential for alternative approaches exists.").
[171] 42 U.S.C § 4321.

and culturally pleasing surroundings."[172] In addition, NEPA's use of the term "human environment" expressed Congressional intent that NEPA should promote public policy attentive to the inexorable link between human well-being and environmental integrity.[173]

Second, health impacts from oil and gas are of importance to people living in the planning area. In Planning Area counties, there are nearly 6,000 people who live within a half-mile of oil and gas wells.[174] As discussed in our scoping comments, oil and gas activity causes serious public health and safety impacts and even a *single* well drilled near communities has been found to adversely affect health.[175] We provided ample information—including studies post-dating BLM's 2019 SEIS—documenting how oil and gas development harms respiratory health, increases the likelihood of certain cancers, is linked to adverse birth outcomes, and more. These findings are supported by the 2021 California Oil and Gas Public Health Rulemaking Scientific Advisory Panel.[176]

Third, the 2019 final SEIS acknowledges that "Alternative F would have a potential to result in emissions being located near a sensitive receptor."[177] To address this impact, BLM says that each "proposed activity would be reviewed cooperatively with the surface manager to determine if it is compatible with the existing uses/conditions, and if not, the activity would be moved or possibly even denied/rejected."[178] But as BLM is surely aware, in January 2026, the U.S. Government sued the State of California over SB 1137, the 2022 oil and gas drilling buffer law, arguing that it cannot apply to federal lands.[179] That lawsuit is pending, but signals BLM's intention to ignore whether oil and gas siting is "compatible with the existing uses/conditions." If BLM intends to ignore SB 1137 and other local and state

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[172] *Id*. § 4331(b).
[173] Rajiv Bhatia and Aaron Wernham, *Integrating Human Health into Environmental Impact Assessment: An Unrealized Opportunity for Environmental Health and Justice*, 116 ENVTL. HEALTH PERSPECTIVES, 991 (Apr. 16, 2008) (Noting that "the statutory and procedural requirements of EIA provide a powerful and underutilized mechanism to institutionalize a holistic, cross-sectoral approach to addressing health in public policy" and describing the then-emerging and now well-established practice of health impact assessment as a "catalyst" for integrating health considerations into environmental assessments under NEPA and its state analogs). Study submitted with the Center's 2025 scoping comments.
[174] The Oil & Gas Threat Map, Oil & Gas Threat Map 2.0, https://oilandgasthreatmap.com/threat-map/ (accessed July 16, 2025). Study submitted with the Center's 2025 scoping comments.
[175] *See, e.g.*, E. L. Hill, Shale Gas Development and Infant Health: Evidence from Pennsylvania (2018), https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6629042/. Study submitted with the Center's 2025 Scoping Comments.
[176] California Oil and Gas Public Health Rulemaking Scientific Advisory Panel, RE: Response to CalGEM Questions for the California Oil and Gas Public Health Rulemaking Scientific Advisory Panel (2021), https://www.conservation.ca.gov/calgem/Documents/public-health/Public%20Health%20Panel%20Responses_FINAL%20ADA.pdf. Study submitted with the Center's 2025 Scoping Comments.
[177] 2019 FEIS at 4.5-12.
[178] *Id*. ("This would minimize or eliminate the potential for emissions from oil and gas development to cause substantial air pollutant concentrations and a potentially adverse impact to existing sensitive receptors.").
[179] U.S. DOJ, Justice Department Files Complaint Against California Over Unconstitutional State Regulation of Federal Lands (Jan. 14, 2026), https://www.justice.gov/opa/pr/justice-department-files-complaint-against-california-over-unconstitutional-state-regulation.

laws and policies meant to protect sensitive receptors, this must be explained and accounted for in the 2025 draft SEIS.

In sum, BLM's claim that it received "[n]o new circumstances or information" on this topic is plainly incorrect and belied by the record. BLM was obligated to consider this new information in its draft SEIS and its RMP decisionmaking, and to respond accordingly.

D. Air quality

1. BLM must explain its data sources & discrepancies for well development and production emissions.

BLM should disclose the data sources it used to estimate well development and production emissions, just as it disclosed the data used to inform its estimates of midstream end-use emissions.[180] BLM offers no explanation either for its well development and production estimates, nor does BLM explain why it disclosed data for other types of emissions but not those.

Second, BLM does not explain why its estimates for air emissions differ so greatly between the 2019 and 2025 EISs. Below is a table comparing BLM's air emissions estimates for annual well development[181] in the 2019 final SEIS[182] and the 2025 draft SEIS.[183] The table also shows differences between estimates in 2019[184] and 2025[185] for production emissions.[186] Some of the differences from 2019 to 2025 appear quite significant, and BLM does not account for them. BLM must explain why there are differences, particularly since the 2025 draft SEIS incorporates the list of assumptions for air resources used in 2019.[187]

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[180] 2025 DSEIS at 59, fns 8, 9, 10 (noting data used for midstream, end-use, and end-use HAP emissions).
[181] Defined in 2025 as: "Well Development emissions occur on the well site during site preparation, well drilling and construction, and production testing. Emission sources include diesel drilling rig engines, drill pad construction equipment (i.e., dozers, backhoe, grader, etc.), equipment trucks, water trucks, drill rig crew trucks/vehicles, and portable lift equipment; worker commuting and material deliveries; and fugitive dust emissions resulting from soil disturbance and vehicle traffic on unpaved surfaces. Well drilling and completion is estimated to take an average of 4 days with a drill rig or generator running 24 hours per day." 2025 DSEIS at 58. The 2019 FEIS describes well development to include surface disturbance, new well development, and well stimulation. 2019 FEIS at 4.5-5.
[182] 2019 FEIS at 4.5-5.
[183] 2025 DSEIS at 59.
[184] 2019 FEIS at 4.5-5.
[185] 2025 DSEIS at 59.
[186] Defined in 2025 as: "Production emissions occur at the leased well site and include travel for daily inspections. Criteria pollutants or hazardous air pollutants could also occur through venting or fugitive losses during maintenance, emissions from use of chemicals, and leakage from valves, fittings, piping, and the wellhead." 2025 DSEIS at 58. The 2019 FEIS describes production emissions to include oil and gas production, combustion sources and vents and fugitives. 2019 FEIS at 4.5-5.
[187] 2025 DSEIS at 59 ("The list of assumptions on page 4.5-3 of the 2019 FEIS is incorporated by reference into supplemental analysis for air resources.").

Well Development Emissions	**PM10**	**PM2.5**	**VOC**	**NOx**	**CO**	**SO2**	**HAPs/ TACs**	**ROG**
2019	27.34	4.22	n/a	4.81	1.01	0.01[188]	n/a	0.25
2025	0.6	0.1	0.12	1.3	1.4	0.004	0.033	n/a
Difference *(italicized when 2025 is lower than 2019)*	*26.64*	*4.12*		*3.51*	0.39	*0.006*		
Well Production Emissions	**PM10**	**PM2.5**	**VOC**	**NOx**	**CO**	**SO2**	**HAPs/ TACs**	**ROG**
2019	1.77	1.77	n/a	3.59	0.21	1.04	n/a	9.37
2025	1.0	0.4	3.8	2.5	3.2	0.022	0.958	n/a
Difference *(italicized when 2025 is lower than 2019)*	*0.77*	*1.37*		*1.09*	2.99	*1.018*		

2. BLM should explain whether the 2019 MOU still applies.

BLM should explain whether the Air Quality Memorandum of Understanding ("MOU") it referenced in 2019 still applies after the passage of time and changes in administration. In particular, in the 2019 Protest Report, BLM states that the following recommendations "from the Air Quality Technical Working Group would be implemented, as appropriate, under the auspices of the interagency MOU:[189]

- BLM would confer with the National Park Service and/or US Forest Service to determine the appropriate level of analysis for oil and gas leasing or development activities that may adversely affect Class I areas (and air quality related values [AQRVs]). FLM's may also consult with EPA regarding emission offsets when further site-specific NEPA analysis begins and/or the APD phase commences.
- As feasible, FLM's would tier from existing near-field analyses in order to disclose potential impacts from well drilling, completion, and operation. Analyses would take into account emission reduction strategies that are currently committed to and identify mitigation strategies that may be necessary, including, but not limited to, buffers from occupied structures or sensitive receptors.
- If necessary, BLM would require near-field dispersion modeling at the leasing or APD phase for oil and gas development activities that may adversely affect Class I areas [and AQRVs].

[188] Calculated as SOx.
[189] 2019 Protest Resolution Report at 22 (Oct. 4, 2019).

E. Water Resources

BLM purports to have updated its analysis of water resource impacts in light of new information since the 2019 FEIS in the 2025 draft SEIS.[190] But rather than conducting the rigorous analysis that NEPA demands, BLM retreats behind programmatic generalities and repeatedly defers meaningful analysis to the APD stage. As detailed below, this approach fails to satisfy the hard look requirement and ignores substantial comments submitted by both the Center and EPA during the scoping period.

1. BLM impermissibly defers its water resource analysis to project-level review.

The 2025 draft SEIS continuously defers its water resource analysis to later stages of review. For example:

- "BLM will assess water-quantity risks during APD review under FLPMA and 43 CFR parts 3160 and 3170."[191]
- "The BLM would consider site specific conditions and data during project level review."[192]
- "… potential impacts would be avoided or minimized through site-specific monitoring standards and regulations and application of best management practices (BMPs), as required by applicable federal, state, and local regulations, once sufficiently detailed location information is available."[193]

Putting off analysis that can be done at this stage is legally impermissible, as explained earlier in this comment. Both the Center and EPA raised this concern in their scoping comments. EPA specifically recommended that BLM "utilize the NEPA analysis and RMP revision process to streamline or add consistency to these decisions where possible" rather than leaving all decisions to the APD stage.[194] BLM ignored this recommendation entirely.

2. BLM fails to adequately analyze impacts to surface water quality.

a. The 2025 DSEIS dismisses impaired waters without meaningful analysis.

The 2025 draft SEIS identifies newly 303(d)-listed impaired water bodies within the Planning Area, including Cantua Creek in Fresno County and San Vicente Creek in Santa Cruz County, both of which have significant overlap with BLM-managed lands.[195] According to BLM's own Table 3-8, over 25% of Cantua Creek's impaired stream miles and over 26% of San Vicente Creek's impaired stream miles intersect BLM lands.[196]

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[190] 2025 DSEIS at 37.
[191] *Id.* at 38.
[192] *Id.* at 72).
[193] *Id.* at 74.
[194] 2025 EPA Scoping Comments at 11.
[195] 2025 DSEIS at 40-41, Table 3-8.
[196] *Id.*

Yet BLM dismisses the significance of these impairments, stating that "the impaired water bodies listed in Table 3-8 appear to reflect the combined influence of agricultural practices, historic mining activity, and natural geochemistry" and that "regional land use patterns appear to remain the dominant driver of surface water quality conditions in the Planning Area."[197] This conclusory dismissal is inadequate. Having identified water bodies where over a quarter of the impaired water bodies intersect with BLM lands, BLM cannot simply shrug off its responsibility to analyze the impact that oil and gas leasing could have, simply because other land uses also impact those waterbodies. In greater detail below we highlight the vulnerabilities and values of the impaired water bodies that could be further degraded by Alternative F.

Cantua Creek flows through western Fresno County in close proximity to the Coalinga Oil Field, one of the largest and most active oil fields in the region, which has been producing oil since the late 19th century and currently yields over 10,000 barrels per day using enhanced recovery methods including steam flooding and water flooding.[198] The creek is listed as impaired for chlorpyrifos, selenium, and DDT, and more than six miles of the creek crosses BLM lands.[199] The unincorporated community of Cantua Creek, located along the waterway, is a state-designated disadvantaged community whose residents face severe drinking water contamination, including elevated levels of cancer-causing haloacetic acids and trihalomethanes.[200] Residents have been warned not to drink or cook with their tap water and have waited since 2018 for new water wells, enduring repeated delays and mounting water debt.[201] Any additional pollution loading from oil and gas operations on nearby BLM lands could compound the already dire water quality conditions facing this community.

Cantua Creek also runs through the Panoche-Coalinga ACEC, as depicted in this GIS map as the areas outlined in pink. (See Appendix A.) Cantua Creek is the red line flowing from across the Diablo Range from left to right into Fresno County.

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[197] 2025 DSEIS at 42.
[198] *See* Fresno County Department of Public Works and Planning, Coalinga Oil Field Project Fact Sheet: Conditional Use Permit Application Nos. 3538, 3539, & 3548 (noting the field "currently produces more than 10,000 barrels of oil per day" and is subject to enhanced recovery methods).
[199] 2025 DSEIS Table 3-8.
[200] Central California Environmental Justice Network, *Water and Environmental Justice in the Central Valley* (2021) https://ccejn.org/2021/07/21/water-and-environmental-justice-in-the-central-valley/ (reporting that water samples from Cantua Creek showed elevated haloacetic acids and trihalomethanes, both linked to cancer, and that residents pay over $200 per month for water they cannot drink); UC Davis Environmental Health Sciences Center, *Environmental Justice Tour of the San Joaquin Valley* (2024), https://environmentalhealth.ucdavis.edu/communities/environmental-justice-tour-san-joaquin-valley-2024 (documenting Cantua Creek as a disadvantaged community with contaminated water, poverty, and cumulative pollution burdens). The community also has a higher pollution burden than 90% of California according to CalEnviroScreen.
[201] UC Davis Environmental Health Sciences Center (2024) (quoting a Cantua Creek resident: "We live forgotten, unseen, neglected, with contaminated water. We have been fighting over this for years.").

BLM has not met its NEPA and FLPMA duties to assess the occurrence of, and potential impacts to, special-status species along the creek. This map shows that species habit and occurrence overlaps with the creek in several locations, including potential lease parcels. The species areas are shown in green and depict areas of Swainson's hawk, the BNLL, northern California legless lizard, San Joaquin kit fox, and the Indian Valley bush-mallow. (See Appendix A.)

BLM must inventory the resources of Cantua Creek, pursuant to FLPMA, and disclose and analyze the impacts the RMP decisions will have on the creek, nearby communities, wildlife, and vegetation.

San Vicente Creek is a 9.2-mile coastal stream in Santa Cruz County that flows from the Santa Cruz Mountains to the Pacific Ocean near the community of Davenport.[202] The creek is listed as impaired for aluminum, with over 26% of its impaired stream miles crossing BLM lands—the highest percentage overlap of any waterbody in Table 3-8.[203] San Vicente Creek is an ecologically critical watershed: it supports habitat for endangered Central California Coast coho salmon, threatened steelhead trout, threatened California red-legged frog, and old-growth coast redwoods.[204] The National Marine Fisheries Service has identified San Vicente Creek as having the best potential for viable coho salmon habitat at the southernmost end of their range.[205] In 2021, a century-old dam on the creek's Mill Creek tributary was removed to restore spawning access, and ongoing restoration work conducted in partnership with BLM itself and the Resource Conservation District of Santa Cruz County has placed over 100 large redwood trees into the creek channel to create spawning habitat.[206] The watershed is also regionally unique for the amount of karst

[202] CDFW, Santa Cruz County Big Basin Coastal Watershed Stream Habitat Assessment Reports: San Vicente Creek (2013).
[203] 2025 DSEIS Table 3-8.
[204] Sempervirens Fund, *San Vicente Creek: Restoring a Stronghold* (2024), https://sempervirens.org/news/san-vicente-creek-restoring-a-stronghold (hereinafter "Sempervirens Fund (2024"); Resource Conservation District of Santa Cruz County, *A "Mess is Best" for Healthy Streams: San Vicente Creek Restoration Continues* (2025), https://www.rcdsantacruz.org/item/254 (noting the creek provides habitat for endangered coho salmon, threatened steelhead trout, and threatened California red-legged frog).
[205] Becker, Gordon S. et al., Southern Steelhead Resources Evaluation: Identifying Promising Locations for Steelhead Restoration in Watersheds South of the Golden Gate, Center for Ecosystem Management and Restoration (2010) (noting that at one time San Vicente Creek was the "best fishing stream along the coast" and that there is "substantial interest in conserving steelhead resources in San Vicente Creek."); *see also* Sempervirens Fund (2024).
[206] Resource Conservation District of Santa Cruz County (2025) (describing the ongoing restoration partnership between BLM and other agencies, including placement of 106 large redwood trees into 1.25 miles of creek channel); Sempervirens Fund, *Mill Creek Dam Removed in Santa Cruz Mountains* (2021) https://sempervirens.org/news/news-mill-creek-dam-removed-in-santa-cruz-mountains/.

underlying its upper reaches, which sustains cold summer flows critical for salmonid survival even during drought.[207]

Given BLM's own active partnership in restoring San Vicente Creek for endangered species, it is incongruous for the agency to simultaneously dismiss the significance of this waterbody's impairment in the 2025 draft SEIS. BLM must analyze whether any oil and gas activity authorized under the RMP could degrade water quality in San Vicente Creek and undermine the substantial public investment in its restoration.

b. BLM does not address Clean Water Act Section 303(d) compliance or TMDLs.

In the Center's 2025 scoping comments, we requested that BLM identify all 303(d)-listed waterbodies in the Planning Area, disclose the nature of each impairment, identify whether a Total Maximum Daily Load ("TMDL") has been established, and disclose any load allocations in effect. In their 2025 scoping comments, EPA made a parallel and detailed recommendation: BLM should "identify where a TMDL exists and identify how the potential project pollutant loads would comply with the TMDL allocations for point and nonpoint sources."[208] EPA further recommended that where TMDLs have not yet been developed, "proposed activities in the drainages of CWA impaired or threatened waterbodies be either carefully limited to prevent any worsening of the impairment or avoided where such impacts cannot be prevented."[209]

The 2025 draft SEIS lists impaired waterbodies and their pollutants in Table 3-8, but that is where the analysis ends. BLM does not identify which impairments have existing TMDLs, does not analyze how pollutant loads from oil and gas development would interact with TMDL allocations, and does not consider limiting or avoiding activities in impaired drainages. This falls well short of the analysis both we and EPA called for and must be corrected.

c. BLM does not establish setback distances or NSO stipulations for water resources.

EPA recommended during scoping that BLM "consider including setback distances that could be required through leasing stipulations such as No Surface Occupancy (NSO) for waters within the planning area," as well as NSO stipulations "within Areas of Critical Environmental Concern or other valued areas where important aquatic resources may be impacted."[210] This recommendation recognized that setbacks provide critical protection by allowing accidental releases to be detected and remediated before contaminants reach

[207] Resource Conservation District of Santa Cruz County, San Vicente Creek Watershed Plan for Salmonid Recovery (2014) (noting the watershed is regionally unique due to the amount of karst underlying the upper watershed which sustains summer base flows).
[208] 2025 EPA Scoping Comments at 9.
[209] *Id.*
[210] *Id.*

water resources, and by preventing nonpoint source pollutants such as sediments from reaching surface waters.[211]

The 2025 draft SEIS does not establish or analyze any setback distances or NSO stipulations for water resources. This failure is particularly egregious given the documented presence of impaired waterbodies, endangered species habitat, and drinking water resources within the Planning Area.

d. BLM ignores wetlands, riparian areas, and floodplains.

EPA's scoping comment recommended that BLM provide updated inventories and maps of wetlands and waters of the U.S. within the Planning Area, and that BLM analyze potential impacts to wetlands and riparian areas from oil and gas activities, including effects on stream structure, sediment supply, riparian vegetation, habitat corridors, water quality, and aquatic biota.[212] EPA further recommended delineating and marking seeps, springs, and wetlands on maps and on the ground prior to project-level development.[213]

The 2025 draft SEIS does not provide updated wetlands inventories or maps, does not analyze impacts to wetlands and riparian areas, and does not propose measures to protect these resources. This is a significant gap. Oil and gas development can alter hydrology through surface disturbance, compaction, and increased runoff, leading to stream structure failure and sediment loading of wetlands and riparian areas.[214] BLM's failure to even inventory these resources, let alone analyze impacts to them, prevents informed decision making and violates FLPMA and NEPA.

e. BLM ignores stormwater runoff from well pads and production infrastructure.

EPA's scoping comment recommends that BLM analyze the potential impacts of stormwater runoff from well pads and other production infrastructure.[215] The 2025 draft SEIS does not address stormwater runoff impacts at all. This is another area where BLM's blanket deferral to project-level review leaves a significant gap in the environmental analysis.

f. BLM does not map public drinking water supply sources.

In its scoping comment, EPA recommended that BLM include an updated map delineating source water protection areas for public water supply wells and surface water intakes, identify reservoirs that serve as drinking water sources, analyze potential impacts to these sources, and consider NSO lease stipulations to protect them.[216] The 2025 draft SEIS does not include such maps, does not identify drinking water supply sources within

[211] *Id*.
[212] 2025 EPA Scoping Comments at 9-10.
[213] *Id*. at 10.
[214] *Id*.
[215] *Id*. at 8.
[216] *Id*. at 10.

the Planning Area, and does not analyze potential impacts to them. Without this basic information, neither the public nor decisionmakers can assess whether the RMP adequately protects the water supplies on which communities depend.

3. BLM fails to analyze water quantity and scarcity impacts at the appropriate scale.

As previously discussed in the Center's scoping comments, the Central Coast Planning Area already faces extreme water scarcity. The San Joaquin Valley has the greatest imbalance between groundwater pumping and replenishment in California.[217] Groundwater depletion in the Central Valley has been accelerating since 2003, and recent research confirms that this trend is unlikely to reverse absent significant management intervention.[218] Multiple groundwater basins in the Planning Area, including the Salinas Valley, Pajaro Valley, and Gilroy-Hollister Valley, remain in historic overdraft.[219] Parts of the Planning Area, particularly Fresno and Merced Counties, routinely experience drought conditions affecting hundreds of thousands of people.[220]

The 2025 draft SEIS acknowledges several of these facts in passing. It notes that "most [basins] remain in historic overdraft" and that prolonged droughts "significantly reduced stream flows, concentrated water quality constituents, and increased reliance on groundwater."[221] But having acknowledged these conditions, BLM fails to analyze how additional oil and gas development will interact with them. BLM should improve its disclosure and analysis in several ways, described below.

a. BLM must evaluate water impacts at the local community scale, not at the county level.

BLM has historically only addressed groundwater impacts to counties in the Central Coast Planning Area as a whole and has failed to consider how groundwater supplies in local communities would be impacted by oil and gas drilling. This approach obscures the real impacts of oil and gas drilling on local communities. The 2025 draft SEIS does not correct this deficiency. It provides no basin-level or community-level water demand analysis. There is no evaluation of how water use from expanded oil and gas development

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[217] Hanak, Ellen et al., *Replenishing Groundwater in the San Joaquin Valley*, Public Policy Institute of California (2018) at 3 (submitted with 2025 Center Scoping Comments).
[218] Liu, Pang-Wei et al., *Groundwater depletion in California's Central Valley accelerates during Megadrought*, Nature Communications (2022), doi:10.1038/s41467-022-35582-x; *see also* Bostic, Darcy et al., *Thousands of Domestic and Public Supply Wells Face Failure Despite Groundwater Sustainability Reform in California's Central Valley*, Scientific Reports (Sept. 8, 2023), doi:10.1038/s41598-023-41379-9 (submitted with 2025 Center Scoping Comments).
[219] 2025 DSEIS at 39 (Section 3.4.1, Groundwater Resources).
[220] Milanes, Carmen et al., Indicators of Climate Change in California, Fourth Edition, California Environmental Protection Agency, Office of Environmental Health Hazard Assessment (2022) at Page III-61-69.
[221] 2025 DSEIS at 39, 42.

will interact with existing demands in specific basins and subbasins. BLM should provide/analyze, at minimum:

- Total community water withdrawals across all use categories in affected areas;
- An examination of cumulative water use and trends in relevant basins and subbasins;
- Estimates of water use specifically associated with oil and gas development in each basin;
- Disclosure of potential sources of water for project development; and
- A study of regional water supply dynamics under different development scenarios for areas with high oil and gas potential.

EPA made a parallel recommendation in its 2025 scoping comment, urging BLM to include a range of estimated water demand per well, possible water sources for development, and potential impacts of water withdrawals on aquifer levels, streamflow, groundwater-dependent ecosystems, and aquatic resources.[222] BLM ignored this recommendation without explanation.

b. BLM ignores per-well water demand estimates and enhanced oil recovery water use.

In the Center's scoping comments, noted the high water demand for oil and gas operations. The 2025 draft SEIS contains no per-well water demand estimates and does not analyze the water consumption associated with enhanced oil recovery. This is a critical gap, particularly given BLM's acknowledgment that active fields in the Planning Area employ enhanced recovery techniques. Without this information, the public and decisionmakers cannot meaningfully evaluate the water resource impacts of continued and expanded oil and gas development.

c. BLM fails to analyze water impacts under drought scenarios.

In our scoping comment, we documented the extreme drought conditions already afflicting the Planning Area, with particular severity in Fresno and Merced Counties. As climate change intensifies, drought will increasingly stress both surface water and groundwater resources.[223] The 2025 draft SEIS acknowledges that "prolonged droughts in 2012–2016 and 2020–2022 significantly reduced stream flows" and that "emergency drought actions were implemented by the State Water Resources Control Board."[224] Yet BLM fails to analyze how oil and gas water demand will compound drought impacts on local water supplies. This omission is particularly troubling in a region where communities already lack reliable access to safe and affordable drinking water.

[222] 2025 EPA Scoping Comments at 12.
[223] Hanak, Ellen et al., *Managing Water and Farmland Transitions in the San Joaquin Valley*, Public Policy Institute of California (2023) at 11.
[224] 2025 DSEIS at 42.

4. BLM fails to adequately analyze impacts to groundwater quality.

a. BLM does not map underground sources of drinking water relative to areas opened for leasing.

In the Center's scoping comments, we urged BLM to provide maps and analysis identifying: (1) the quality of underlying groundwater and the location of usable drinking water relative to proposed development areas; (2) the locations of exempt and non-exempt aquifers; (3) existing and proposed oil and gas well locations and status; (4) a comparison of target drilling depths with the depths of usable groundwater; and (5) recharge areas for aquifers in the Planning Area. EPA made similar scoping recommendations, urging BLM to describe all aquifers, note which are underground sources of drinking water, provide water quality and yield information, and map sensitive groundwater resources.[225]

BLM provides none of these maps or analyses. BLM cannot claim to have taken a hard look at groundwater quality impacts when it has not even identified the location of the groundwater resources most at risk from oil and gas development.

b. BLM ignores the dangers of waste pit disposal.

In the Center's scoping comment, we documented the dangers of unlined waste pits used for wastewater storage and disposal in California oil and gas operations.[226]

The 2025 draft SEIS does not address waste pits at all, despite new information on this topic since the last EIS in 2019. BLM does not analyze whether operators will use waste pits in the Planning Area, evaluate the risks of contamination from unlined pits, or consider prohibiting the practice. This omission is a significant failure given the well documented threat that waste pits pose to groundwater in California.

c. BLM inadequately addresses underground injection of wastewater into or near USDWs.

In our scoping comment, we urged BLM to take a hard look at where operators intend to dispose of waste fluids, evaluate whether underground injection will endanger usable sources of drinking water and consider prohibiting injection without assurance that usable water will not be impacted. We noted that the Safe Drinking Water Act's 10,000 ppm TDS standard for underground sources of drinking water reflects Congress's intent to protect not only current but also future drinking water sources.[227]

The 2025 draft SEIS mentions the Underground Injection Control program only in passing, noting that CalGEM has primacy for Class II injection wells.[228] But the draft SEIS provides no analysis of whether injection is occurring into or near USDWs in the Planning Area, does not evaluate potential migration pathways, and does not assess the cumulative

[225] 2025 EPA Scoping Comments at 10-11.
[226] 2025 Center Scoping Comments, Section A.4.
[227] H.R. Rep. No. 93-1185 (1974), 1974 U.S.C.C.A.N. 6454, 6484.
[228] 2025 DSEIS at 38-39.

impacts of multiple injection wells on regional aquifer integrity. This cursory treatment falls far short of the hard look NEPA demands.

d. BLM must analyze the risks of shallow hydraulic fracturing

In our scoping comment, we documented that approximately three-quarters of hydraulic fracturing (or "fracking") in California takes place in shallow wells less than 600 meters (2,000 feet) deep.[229] Where drinking water aquifers exist above shallow fracturing operations, hydraulic fractures may intersect with and contaminate aquifers used for drinking, agriculture, and other beneficial uses.[230] Groundwater monitoring alone may not detect contamination from shallow fracturing, and systematic monitoring of aquifers near oil and gas production sites has been minimal.[231]

The 2025 draft SEIS notes that "no hydraulic fracturing stimulation has occurred on federal lands in California" since the 2019 FEIS and that BLM "does not have regulatory authority over hydraulic fracturing in California."[232] But the fact that no recent fracking has occurred on federal lands does not relieve BLM of its obligation to analyze the potential for such activity under its RMP alternatives. BLM's own statement that it "lacks the authority to regulate hydraulic fracturing" does not mean it lacks the authority or obligation to analyze its impacts in the NEPA process and to impose protective measures through lease stipulations, conditions of approval, or No Surface Occupancy designations. NEPA requires disclosure and analysis of reasonably foreseeable impacts regardless of BLM's ultimate regulatory jurisdiction over the particular activity.

5. BLM fails to address produced water management.

The 2025 draft SEIS does not adequately address produced water management. EPA recommended that BLM include estimated volumes of produced water per well, options and potential locations for managing produced water (including UIC wells, evaporation ponds, and treatment and reuse), characteristics of possible target injection formations, and potential impacts of produced water management.[233] EPA also recommended BMPs to encourage operators to recycle produced water, which would reduce both water withdrawal demands and disposal impacts.[234]

The 2025 draft SEIS does not offer this information or recommendations. Without it, the public cannot evaluate the full scope of water resource impacts from oil and gas development in the Planning Area.

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[229] Long, Jane C.S. et al., An Independent Scientific Assessment of Well Stimulation in California, Vol. 2, Cal. Council on Science & Technology (2015) at 404 ("CCST 2015").
[230] *Id.*
[231] *Id.* at 34-35.
[232] 2025 DSEIS at 72-73.
[233] 2025 EPA Scoping Comments at 12.
[234] *Id.*

6. BLM fails to include adequate water resource monitoring.

EPA recommended that BLM discuss how water quality monitoring in the Planning Area would be conducted prior to, during, and after development to ensure detection of impacts, including private well monitoring.[235] EPA further recommended fracture monitoring through tiltmeter or microseismic monitoring to verify that hydraulic fractures do not reach aquifers, and baseline monitoring within one mile of project areas.[236]

The 2025 draft SEIS does not establish any monitoring framework for water resources. BLM vaguely references future monitoring "standards and regulations" and "best management practices" but does not describe what these would entail, how they would be enforced, or how their effectiveness would be evaluated.[237] This is inadequate. The SEIS should establish the framework within which project-level monitoring will occur and not leave the entire question to be decided on a well-by-well basis.

7. BLM must consider water-protective alternatives.

NEPA requires agencies to consider a reasonable range of alternatives.[238] Here, BLM must analyze alternatives that would protect water quality and quantity, including but not limited to: NSO stipulations over areas overlying usable groundwater; alternatives under which parcels would not be leased in areas overlying USDWs; setback distances from surface waters, wetlands, and source water protection areas; prohibition of waste pits; and requirements for produced water recycling. BLM has ample authority to require these additional mitigation measures at the RMP stage and must consider more protective alternatives. It should have done both here to protect water quality and quantity.

F. Seismic impacts

BLM excluded analysis of seismic impacts from further analysis in the 2025 draft SEIS, saying only that there are no new circumstances or information.[239] BLM's statement here ignores the two new studies the Center submitted with its scoping comments (Potential increase in oil and gas well leakage due to earthquakes (2019) and DiGiulio Report (2024)). The Center did more than merely mention these studies—it pointed out why these studies are relevant to BLM's proposed action and must be considered as part of the RMP and NEPA processes.

BLM also ignored that the Center raised concerns about the interaction between carbon capture and storage ("CCS") injection projects and BLM's proposed oil and gas leasing. As we noted, there are planned CCS projects in the planning area, including

[235] 2025 EPA Scoping Comments at 12-13.
[236] *Id.* at 12-13.
[237] 2025 DSEIS at 74.
[238] 42 U.S.C. § 4332(2)(C)(iii).
[239] 2025 DSEIS at 10.

several CO_2 injection hubs planned for San Joaquin County in the Planning Area.[240] On this issue, EPA has identified the following risks from CO_2 injection:

- contamination of shallower groundwater formations, including drinking water sources, through vertical migration of CO_2 in the subsurface;
- movement of salty water (brine) into drinking water sources caused by injection pressure;
- gradual leaks into the air from the injection well components or monitoring wells;
- sudden large accidental releases that could raise CO_2 concentration above safe levels for humans;
- elevated CO_2 concentrations in soils that could affect plant and animals;
- elevated CO_2 concentrations in the subsurface that could affect microbial populations;
- effects on the minerals in the geologic formation; and
- earthquakes induced by injection pressure.[241]

Adding to this list, injected CO_2 can alter pore space pressure and CO_2 can travel through pore space for long distances (e.g., 10+ miles). EPA examines the impacts of injected CO_2 as part of its review of Safe Drinking Water Act Class VI permits for underground injection.[242]

Many CCS projects in California are proposed for existing oil fields, i.e., there could be high overlap or adjacency between CO_2 injection and oil and gas enabled by BLM's RMP. The DiGiulio 2024 report submitted with our scoping comments speaks to this and to the risks and impacts associated with CO_2 injection in oil fields, such as induced seismicity and leakage through improperly plugged or abandoned wells.

Information about proposed CCS projects in the Planning Area is readily available. CCS projects in California must obtain a Class VI permit from EPA Region 9, meaning BLM can, and should, confer with Region 9 about foreseeable impacts. Plus, Region 9 makes information about Class VI injection projects available online, so BLM can access documents about many of the projects underway.[243] BLM must reevaluate impacts of seismicity and geology with Alternative F based on CCS projects.

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[240] *See* Map of CA CCS Projects, https://center.maps.arcgis.com/apps/View/index.html?appid=07a2bc0121e54b4f8893bf53eccf74ea (last visited June 30, 2025).
[241] Congressional Research Service, Injection and Geologic Sequestration of Carbon Dioxide: Federal Role and Issues for Congress (Sept. 22, 2022), https://www.congress.gov/crs-product/R46192.
[242] 73 Fed. Reg. 43492-43541 (July 25, 2008), U.S. EPA, "Federal Requirements Under the Underground Injection Control (UIC) Program for Carbon Dioxide (CO_2) Geologic Sequestration Wells; Proposed Rule."
[243] *See* EPA Region 9, UIC Permits, https://www.epa.gov/uic/r9-uic-permits (listed under Class VI permits).

G. Vegetation

BLM excluded analysis of vegetation from further analysis in the 2025 draft SEIS.[244] BLM does not say specifically why it excluded vegetation, only generally noting issue areas that "do not warrant further analysis because no new circumstances, new information, or potential for unanticipated or unanalyzed environmental effects that warrant new or supplemental analysis were identified through public scoping."[245]

Similar to BLM's FLPMA inventory obligation, BLM arbitrarily chose to not update its vegetation analysis, even though new information is available.

For example, in 2023, the California Native Plant Society—together with BLM—published a study based on updated vegetation field surveys in areas including the Ciervo-Panoche Natural Area.[246] The RMP opens this natural area for oil and gas leasing.[247] The report explains that as a result of the field surveys, *14 new plant communities* and new vegetation types were documented:

> Additional data collection within the southern Ciervo Panoche Natural Area and the surrounding region has allowed the documentation of 14 new plant communities (associations) and has provided revisions to at least 9 other vegetation types within this biodiverse region. The newly described associations included a diversity of herbaceous types within the inner Central Coast of California. New types include associations with plants that have a limited distribution in California including the new Amsinckia (*furcata, vernicosa*) Provisional Association in the Amsinckia (*menziesii, tessellata*) – Phacelia spp. Alliance, the Layia (*platyglossa, munzii*) Provisional Association in the Lasthenia californica – Plantago erecta – Vulpia microstachys Alliance and the Eschscholzia hypecoides – Monolopia lanceolata Association in the Monolopia (*lanceolata*) – Coreopsis (*calliopsidea*) Alliance. These changes will be incorporated in A Manual of California Vegetation, an online resource for tracking statewide vegetation types. Overall, the regional data compilation and analysis within this project identified a stunning diversity of 165 vegetation associations. [248]

BLM—as a partner in this research—has no excuse not to update its NEPA analysis to reflect this new information and to analyze how the vegetation named above could be impacted by oil and gas leasing in the area.

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[244] 2025 DSEIS at 10.
[245] *Id.* at 8.
[246] CA Native Plant Society (CNPS), Vegetation Sampling, Classification, and Mapping Report for the inner Central Coast Ranges of California, including the Ciervo-Panoche Natural Area and the Hubbard Hill Unit (2023), https://www.cnps.org/wp-content/uploads/2024/01/CNPS_CiervoPanoche_HubbardHill_VegClassification_MapReport_2023.pdf (hereinafter, "CNPS 2023 Study").
[247] 2025 DSEIS at 27.
[248] CNPS 2023 Study at 25.

H. Biological Resources

1. Broad analysis flaws within the 2025 Draft SEIS

The 2025 draft SEIS has numerous flaws related to its assessment of new information and changed circumstances concerning biological resources in the Planning Area.

Ignored studies: In the Center's 2025 scoping comments, we provided BLM with new information, research, and studies about Planning Area sensitive species, habitats, and how those species are impacted by oil and gas development.[249] We included information about (1) species listed or proposed to be listed under the federal Endangered Species Act ("ESA") since the publication of the 2019 FEIS; (2) species listed or given candidate species status under CESA since the publication of the 2019 FEIS; (3) post-2019 research providing new insight into the harms of conventional and unconventional oil and gas development on wildlife and ecosystems; and (4) post-2019 research[250] on the impacts of development to San Joaquin kit fox, BNLL, and giant kangaroo rat. BLM, without explanation, did not adequately consider—or failed to consider at all—this new information.

Maps only for FYLF: The 2025 draft SEIS acknowledges that new species occurring within the Planning Area have been "federally listed or proposed for listing since 2019,"[251] and provides limited background information on the Central Coast and South Coast distinct population segments ("DPS") of foothill yellow-legged frog ("FYLF"), the Northern DPS of western spadefoot, northwestern pond turtle, and monarch butterfly.[252] BLM acknowledges in Table 3-9 that "proposed critical habitat [exists] within the Planning Area (on BLM surface, split estate, and non-BLM lands)" and that these species are "known [to] occur[] within the Planning Area (on BLM surface, split estate, and non-BLM lands)."[253] BLM even shows, in 2025 draft SEIS Figures 3.2 and 3.3, how there is extensive crossover between proposed Central Coast FYLF critical habitat and BLM surface land and split estate.[254]

BLM repeats a portion of this exercise for species newly listed or given candidate status under CESA. It acknowledges that the Temblor legless lizard, Crotch's bumble bee, Western bumble bee, and Burrowing owl were all given candidate species status under the California ESA between 2022 and 2024.[255] BLM acknowledges in Table 3-10 that these four species, and three additional special status plant species, occur on BLM surface land and split estate within the Planning Area.[256]

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[249] 2025 Center Scoping Comments at 46-65.
[250] Scoping Commet at 67-69.
[251] 2025 DSEIS at 42.
[252] *Id*. at 42-49.
[253] *Id*. at 42, 50.
[254] *Id*. at 44-45.
[255] *Id*. at 50-51.
[256] *Id*. at 51-52.

However, while the 2019 FEIS at least attempted to provide mapping comparing critical habitat and occurrences of federally listed and other special status species with BLM surface land and mineral estate,[257] the 2025 draft SEIS inexplicably provides maps only for the FYLF critical habitat. BLM fails to disclose where exactly the other newly federal- and state-protected species are known to occur within the Planning Area. Without this basic geographic information, it is impossible to adequately evaluate how Alternative F will affect these imperiled species.

Incomplete data/inventory: Regarding special status species, instead of providing specific occurrence data, BLM urges the public to "[n]ote that some species occurrences may not be adequately documented in the California Natural Diversity Database (CNDDB) and site-specific analysis is required to determine the presence or absence of a particular species during review of proposed projects."[258] This is not a satisfactory explanation for declining to provide and analyze important information. BLM does not specify which species are not "adequately documented." If "some species occurrences" are available, that data needs to be presented and considered. Moreover, it is BLM's obligation under NEPA and FLPMA to fill in such data gaps.

Lack of analysis: BLM makes no more than a cursory attempt – if any at all – to analyze how any of newly-listed imperiled species will be impacted by oil and gas development under Alternative F. According to the 2025 draft SEIS, the "environmental consequences" of Alternative F for new special status species amount to this one sentence: "Potential impacts to special status species in SEIS, Table 3-9 and Table 3-10, and their associated habitats, would be similar to effects on other reptiles, amphibians, and insects discussed in Sections 4.10, 4.11, and 4.12 of the FEIS 2019."[259] Preliminarily, there are two superficial issues with this conclusory statement.

First, Table 3-10 does not only contain "reptiles, amphibians, and insects" – San Benito evening primrose, Panoche Hills navarretia, and Gypsum-loving crownscale are all plant species. Even if the statement above were an adequate analysis of Alternative F's impacts on the species in Table 3-9 and 3-10 (which it is not), BLM plainly failed to analyze the impacts on these three plant species.

Second, "similar" does not mean "same." Describing potential impacts to newly protected species as "similar to" impacts previously discussed for different species is an acknowledgement that there would be additional and different impacts to newly protected species. Even if "similar" and "same" were perfect synonyms, BLM fails to support that conclusion. In its environmental consequences section dedicated to special status species (Section 4.5), the 2025 draft SEIS does not cite to or discuss any studies or

[257] *See* 2019 FEIS, Appendix A at 18-31. Note, though, that the maps of occurrences did not differentiate by species.
[258] 2025 DSEIS at 51.
[259] *Id*. at 74.

research. It simply lists general threats to each new federally proposed-for-listing species.[260]

Despite relying on the supposed similarity to potential impacts to other species discussed in the 2019 FEIS, the 2025 draft SEIS makes no attempt to connect the above threats to the 2019 FEIS discussion. In addition, Section 4.5, despite claiming to consider the special status species in Tables 3-9 and 3-10, makes no mention of any of the species in Table 3-10, including Burrowing owl, Temblor legless lizard, Crotch's bumble bee, and Western bumble bee. BLM ignored the information, studies, and research the Center provided on all four of these species.[261]

Further, BLM does not discuss how oil and gas activity under Alternative F would affect any of these species or cause or worsen any of the listed potential threats. The Center's scoping comment described for BLM how conventional and unconventional oil and gas development results in habitat loss and fragmentation, edge effects, and density effects; declines and extirpations of animal and plant populations; adverse effects on reproduction, survival, and health; exposure to toxic chemicals; noise and light pollution; reduced water quantity and quality; and invasive species.[262] The Center also provided post-2019 FEIS studies that build on this information and needed to be considered.[263] In violation of NEPA, BLM ignored it all.

Ignored Studies and Incomplete NSOs: BLM ignored the post-2019 FEIS studies the Center provided during scoping on the federally endangered San Joaquin kit fox, blunt-nosed leopard lizard, and giant kangaroo rat.[264] The kit fox and BNLL do not appear in the 2025 draft SEIS at all. The giant kangaroo rat is only mentioned in regard to its "core population areas" on which Alternatives C and F assign NSO stipulations.[265] Despite new information on the impacts of oil and gas development on these species, BLM has still failed to explain why, under Alternative F, BLM has imposed NSO stipulations only for a single species, the giant kangaroo rat, in core population areas, and not for other species (and not the giant kangaroo rat more broadly). If BLM concluded that impacts from oil and gas development would be so significant that they needed to close core population areas to surface occupancy, it is arbitrary and capricious not to close all core population areas and critical habitat for federally listed and special status species. BLM has not explained why the giant kangaroo rat is deserving of this protection, while other imperiled species are not.

NEPA's purpose is to ensure that an agency, "in reaching its decision, will have available, and will carefully consider, detailed information concerning significant environmental impacts; it also guarantees that the relevant information will be made

[260] 2025 DSEIS at 75.
[261] *See* 2025 Center Scoping Comments at 63-67.
[262] *Id.* at 58-63.
[263] *Id.* at 57-58.
[264] *Id.* at 67-69.
[265] 2025 DSEIS at 3, 18, 19.

available to the larger audience that may also play a role in both the decision-making process and the implementation of that decision."[266] With this bare-bones and inconsistent DSEIS, BLM fails to consider and disclose important information about newly protected species and how they will be impacted by oil and gas development under Alternative F. Additional information, studies, and research on several species are presented below and must be considered along with what we provided in our scoping comment.

2. 2025 DSEIS flaws re: the foothill yellow-legged frog

The Central Coast DPS and South Coast DPS FYLFs were listed as threatened and endangered, respectively, on September 28, 2023.[267] On January 14, 2025, the USFWS proposed a final rule designating 249,942 acres of critical habitat for the Central Coast DPS and 10,077 acres of critical habitat for the South Coast DPS.[268] BLM acknowledges extensive crossover between proposed Central Coast FYLF critical habitat and BLM surface land and split estate.[269] Still, the 2025 draft SEIS analysis of this species is flawed.

First, BLM must disclose and analyze how Alternative F—not just areas where the decade-old RFDS predicts oil and gas leasing might occur—could impact the FYLF. Right now, BLM shirks this duty by stating broadly, "Additional populations of FYLF and the proposed critical habitat for the Central Coast DPS are not likely to be adversely affected by leasing and development under the range of alternatives because the proposed critical habitat is outside of areas where the RFDS suggests oil and gas development would occur."[270] As noted throughout this comment letter, the SEIS is not meant to be so narrowly constrained as to only analyze likely areas of oil and gas development. BLM's decision, Alternative F, is what must be assessed in the SEIS. BLM must therefore analyze how all areas proposed for leasing in Alternative F could overlap with the FYLF habitat, and how leasing overlapping parcels could impact the species.

Second, to take a hard look at how oil and gas development under Alternative F will impact FYLF, which were listed under the federal ESA after the 2019 Final EIS, BLM must consider the available scientific information—including but not limited to the following studies:

- Cook et al. (2012) made "frequent observations" of FYLF up to 331 meters from a natal stream and found substantial evidence of "road mortality," indicating that FYLF "are susceptible to indirect impacts from urbanization."[271] BLM names "urbanization (including development and roads)" as a threat to FYLF .[272] It also acknowledges – in its section on impacts to "Recreation Resources" – that "increased vehicular [sic.] due to

[266] *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 349 (1989).
[267] 90 Fed. Reg. 22222 (May 27, 2025).
[268] *Id*.
[269] 2025 DSEIS at 44-45.
[270] *Id*. at 75.
[271] Cook, D.G. et al., *Rana boylii* (Foothill Yellow-legged Frog) Upland Movement, 43(2) Herpetological Review 325-236 (2012).
[272] 2025 DSEIS at 75.

exploration" and "new roads" may accompany exploration and development of leases, and "activities to support construction, such as creating roadway infrastructure, may extend from the prospected location."[273] BLM must consider how new roads accompanying RMPA projects will affect FYLF, especially given the proposed critical habitat overlap with BLM surface land and split estate.

- Kerby & Sih (2014) found that FYLF are "more sensitive to insecticide exposure than the more commonly found" Pacific treefrog.[274] Given the high level of pesticide use and exposure within the CCFO Planning Area,[275] BLM must consider the cumulative impacts of pesticides and oil and gas development on FYLF.

- Adams et al. (2017) observed "that Bd [(amphibian chytrid fungus)] loads in *R. boylii* increase at lower stream flows, indicat[ing] that climate change, water extraction for human use, and disease may be acting synergistically to threaten *R. boylii* populations in central California."[276] Beyond naming "altered hydrology," "the effects associated with drought," and "disease" as threats to FYLF,[277] BLM does not address how these threats come together to impact FYLF or how oil and gas development contributes to these threats.

- Kupferberg et al. (2022) "expect that transmission of pathogens would be reduced in years with higher baseflows."[278] The DSEIS expects that oil and gas development under the RMPA may require mitigation like "source-water selection, pumping limits, and metering/monitoring and reporting."[279] BLM must consider whether groundwater extraction for oil and gas activity may lead to lower baseflows, and thus higher chytrid transmission, in FYLF habitat.

3. 2025 DSEIS flaws re: the north- and southwestern pond turtle

The USFWS proposed to list the northwestern pond turtle and the southwestern pond turtle as threatened on October 3, 2023, i.e., after the 2019 FEIS.[280] The 2025 draft SEIS assumes—without evidence, and by relying on the faulty RFDS argument—that Alternative F will have no impacts on the turtle species. BLM writes, "Oil and gas leasing and development of federal minerals is not likely to adversely affect . . . western pond turtle and their associated habitats because they are outside of areas where the RFDS suggests oil and gas development would occur."[281] For the reasons mentioned in the FYLF section

[273] 2025 DSEIS at 76.
[274] Kerby, J.L. & Sih, A., Effects of carbaryl on species interactions of the foothill yellow legged frog (*Rana boylii*) and the Pacific treefrog (*Pseudacris regilla*), 746 Hydrobiologia 255-269 (2015).
[275] See 2025 Center Scoping Comments at 27, 33.
[276] Adams, A.J. et al., Extreme drought, host density, sex, and bullfrogs influence fungal pathogen infection in a declining lotic amphibian, 8(3) Ecosphere (2017) at 11.
[277] 2025 DSEIS at 75.
[278] Kupferberg, S.J. et al., Seasonal drought and its effects on frog population dynamics and amphibian disease in intermittent streams, Ecohydrology (2022) at 12.
[279] 2025 DSEIS at 38.
[280] 88 Fed. Reg. 68370 (Oct. 3, 2023).
[281] 2025 DSEIS at 75.

and elsewhere in this comment, BLM is not tasked with analyzing the impacts of the RFDS high-development scenario; it is tasked with analyzing the impacts of Alternative F. And Alternative F could foreseeably impact the western turtle.[282]

To take a hard look at how oil and gas development under Alternative F will impact western pond turtles, BLM must consider the available scientific information—including but not limited to the following studies:

- Otten et al. (2023) notes previous studies have found that freshwater turtle populations exposed to crude oil experienced "altered diets" and "increased rates of hatchling deformities."[283] In addition, "beyond the direct mortality caused by the spill," freshwater northern map turtles exposed to an oil spill experienced "declines in the estimated population size and shifts in the size distribution," which are "likely indicative of negative demographic impacts" following the spill.[284] BLM acknowledges that oil and gas activity under the RMPA can result in hydrocarbon spills[285] and wastewater spills threatening surface water.[286] Yet, the 2025 draft SEIS does not even name spills as a threat to the pond turtles.[287] BLM must consider and disclose how spills from oil and gas activity under the RMPA could impact the pond turtles.
- Nicholson et al. (2020) noted that "[r]ecent [western pond turtle] population studies revealed that road density and proximity were significantly associated with increasingly male-biased sex ratios, further suggesting female-biased road mortality," and their analyses "indicate that roads…constitute significant threats to the long-term persistence of both species of [western pond turtle]."[288] As noted above, BLM acknowledges that new roads may be built to service oil and gas development under the RMPA. The 2025 draft SEIS does not address how these roads will impact pond turtles. BLM must consider and disclose these impacts.

4. 2025 DSEIS flaws re: the western spadefoot

The USFWS proposed to list the Northern DPS western spadefoot as threatened on December 5, 2023, i.e., after the 2019 FEIS.[289] The 2025 draft SEIS assumes—without evidence, and by relying on the faulty RFDS argument—that Alternative F will have no impacts on this species. BLM writes, "Oil and gas leasing and development of federal minerals is not likely to adversely affect the western spadefoot . . . and their associated habitats because they are outside of areas where the RFDS suggests oil and gas

[282] *See, e.g.*, 2025 DSEIS at 50 (indicating occurrence on BLM surface and split estate).
[283] Otten, J.G. et al., Freshwater turtle populations as bioindicators following an oil spill: Delayed demographic changes reveal long-term impacts, Ecological Indicators (2023) at 7.
[284] *Id*. at 1.
[285] *See, e.g.*, 2019 FEIS at 4.4-2.
[286] *See, e.g.*, 2025 DSEIS at 73.
[287] *Id.*at 75.
[288] Nicholson, E.G. et al., Historical museum collections and contemporary population studies implicate roads and introduced predatory bullfrogs in the decline of western pond turtles, PeerJ (2020) at 1, 17.
[289] 88 Fed. Reg. 84,252 (2023).

development would occur."[290] For the reasons mentioned in the FYLF section and elsewhere in this comment, BLM is not tasked with analyzing the impacts of the RFDS high-development scenario; it is tasked with analyzing the impacts of Alternative F. And Alternative F could foreseeably impact the western spadefoot.[291]

To take a hard look at how oil and gas development under Alternative F will impact Western spadefoot, BLM must consider the available scientific information—including but not limited to the following studies:

- FWS (2005) warned: "Activities that produce low frequency noise and vibration, such as grading for development and seismic exploration for natural gas, in or near habitat for western spadefoot toads, may be detrimental to the species. Dimmitt and Ruibal (1980) determined that spadefoot toads were extremely sensitive to such stimuli and would break dormancy and emerge from their burrows in response to these disturbances. Disturbances that cause spadefoot toads to emerge at inappropriate times could result in detrimental effects such as mortality or reduced fitness."[292] BLM must consider and disclose how oil and gas activity under the RMPA could harm Western spadefoot by causing individuals to emerge at inappropriate times.
- FWS (2005) also noted that "[s]padefoot toad metamorphs attempting to disperse across dirt roads have been killed, possibly because they often try to bury themselves in the road to avoid an approaching vehicle (J. Vance pers. comm. 2005)."[293] As noted above, BLM acknowledges that new roads may be built to service oil and gas development under the RMPA. The DSEIS does not address how these roads will impact Western spadefoot. BLM must consider and disclose these impacts.

5. 2025 DSEIS flaws re: the monarch butterfly

The monarch butterfly and important migratory and overwintering habitat are present in the Planning Area.[294] According to the map overlaying monarch critical habitat and Alternative F (Appendix D), one proposed critical habitat site is within one mile of an area open for leasing, while five proposed critical habitat sites are within five miles of areas open for leasing. In addition, one presumed extant location for monarch butterflies in the CNDB overlaps with an area that is open for leasing.

Yet the 2025 draft SEIS fails to discuss impacts to the monarch butterfly and its habitat from oil and gas development in the Planning Area or discuss mitigation for those impacts. BLM must take a hard look at how oil and gas development under Alternative F will impact the monarch butterfly.

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[290] 2025 DSEIS at 75.
[291] *See, e.g.*, 2025 DSEIS at 50 (indicating occurrence on BLM split estate).
[292] U.S. Fish & Wildlife Service, Recovery Plan for Vernal Pool Ecosystems of California and Southern Oregon (2005) at II-234.
[293] *Id*.
[294] 2025 DSEIS at 50 (indicating occurrence on BLM split estate).

The USFWS proposed to list the monarch butterfly under the ESA and designate 4,395 acres of critical habitat on December 12, 2024 due to its precarious status and numerous threats to its continued existence.[295] Western migratory monarch butterflies, which occur in the Planning Area, are particularly threatened. The western migratory population has declined by more than 95% since the 1980s, putting the western populations at greater than 99% chance of extinction by 2080.[296] In 2025 there were only 12,260 overwintering western migratory monarchs in California, down from 4.5 million in the 1980s.[297] The three lowest counts have all occurred in recent years: 1,901 individual monarchs in 2020, 9,119 in 2024, and 12,260 in 2025.[298]

Research not considered by BLM has recognized that numerous sites along the central to southern California coast are critical for overwintering and migratory western monarchs.[299] In addition, the Central Valley and Coast Range, which fall within the Planning Area, also serve important migratory habitat for western monarchs.[300] McIntyre et al. (2024) found that the "Coast Range and Central Valley… are of major importance for the first spring generation and provide the last habitats that most fall migrating western monarchs cross before arriving at their coastal overwintering areas."

BLM also did not consider information that identifies major threats to monarchs from habitat loss and modification, pesticide and herbicide use, light pollution, road mortality, and climate change, all of which are likely to be worsened by oil and gas development in the Planning Area. The negative effects of pesticides and herbicides on monarchs cannot be overstated. The introduction and widespread use of neonicotinoid insecticides has been identified as the most likely factor behind the sudden decline of

[295] 89 Fed. Reg. 100,662; U.S. Fish and Wildlife Service, Monarch (*Danaus plexippus*) Species Status Assessment Report, version 2.1 (September 2020).
[296] U.S. Fish and Wildlife Service, Fish and Wildlife Service Proposes Endangered Species Act Protection for Monarch Butterfly; Urges Increased Public Engagement to Help Save the Species (December 10, 2024), https://www.fws.gov/press-release/2024-12/monarch-butterfly-proposed-endangered-species-act-protection.
[297] Xerces Society, Western Monarch Numbers Remain at Historic Low (January 29, 2026), https://xerces.org/press/western-monarch-numbers-remain-at-historic-low.
[298] *Id*.
[299] Pelton, Emma M. et al., Western monarch population plummets: status, probable causes, and recommended conservation actions, 7 Front. Ecol. Evol. (2019), https://doi.org/10.3389/fevo.2019.00258; James, D.G., Monarch butterflies in western North America: a holistic review of population trends, ecology, stressors, resilience and adaptation, 15 Insects 40 (2024), https://doi.org/10.3390/insects15010040; 89 Fed. Reg. 100662 (Dec. 12, 2024).
[300] McIntyre, Patrick J. et al., Mapping migration habitat for western monarch butterflies reveals need for public-private approach to conservation, 19 Front. Ecol. Evol. (2024), https://doi.org/10.3389/fevo.2024.1460363.

western monarchs.[301] Monarchs are exposed to herbicides and insecticides not only on use sites but also in areas affected by spray drift.[302]

Road mortality is another major threat to monarchs. Estimates of the percentage of monarchs road-killed during fall migration by collisions with vehicles is as high as 99%.[303] Nighttime light pollution has been shown to disturb diurnal migratory monarch butterflies.[304]

Climate change has been identified as a primary driver of monarch decline,[305] and future climate change threatens to make much of their habitat unsuitable.[306] Rising temperatures are causing phenological mismatches between migration timing and flowering of milkweeds and nectar resources in spring and summer. Rising summer temperatures, and unseasonal severe cold fronts and early heat waves, can lower reproductive success and survival. Drought reduces the availability of milkweeds and nectar plants. Severe winter storm events can kill large proportions of the overwintering population and damage habitat.

6. 2025 DSEIS flaws re: the Temblor legless lizard

BLM must consider new information and changed circumstances on the Temblor legless lizard ("TLL"), a rare species with a restricted range in western Kern County, Kings County, and southern Fresno County.[307]

Since the scoping period, new information and changed circumstances on the TLL have emerged, including critical updated mitigation measures proposed by CDFW. BLM must take all of this into account in its environmental analysis and decisionmaking.

Rose et al. (2024) Study: A 2024 study by herpetologist Jonathan Rose and other experts provides important survey recommendations for Temblor legless lizards to address

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[301] James, D.G., Monarch butterflies in western North America: a holistic review of population trends, ecology, stressors, resilience and adaptation, 15 Insects 40 (2024), https://doi.org/10.3390/insects15010040; Halsh, Christopher A. et al., Pesticide contamination of milkweeds across the agricultural, urban, and open spaces of low elevation Northern California, 8 Front. Ecol. Evol. (2020), https://doi.org/10.3389/fevo.2020.00162.
[302] Forister, M.L. et al., Increasing neonicotinoid use and the declining butterfly fauna of lowland California, 12 Biology Letters 20160475 (2016), http://dx.doi.org/10.1098/rsbl.2016.0475.
[303] Momeni-Dehaghi, I. et al., Roadkill is a crucial factor in the population decline of migratory monarch butterflies, bioRxiv (2024), https://doi.org/10.1101/2024.09.27.615542.
[304] Parlin, Adam F. et al., Oriented migratory flight at night: Consequences of nighttime light pollution for monarch butterflies, 25 iScience 104310 (2022), https://doi.org/10.1016/j.isci.2022.104310.
[305] Zylstra, E.R. et al., Changes in climate drive recent monarch butterfly dynamics, 5 Nature Ecology & Evolution 1441 (2021), https://www.nature.com/articles/s41559-021-01504-1; James, D.G., Monarch butterflies in western North America: a holistic review of population trends, ecology, stressors, resilience and adaptation, 15 Insects 40 (2024), https://doi.org/10.3390/insects15010040.
[306] Sáenz-Romero, C. et al., Establishing monarch butterfly overwintering sites for future climates: *Abies religiosa* upper altitudinal limit expansion by assisted migration, 7 Frontiers in Forests and Global Change 1440517 (2024), https://doi.org/10.3389/ffgc.2024.1440517.
[307] *Id.*

the challenges associated with lizard detection. BLM must take this important study and its insights into the TLL's habitats, behaviors, and occurrences into account.[308]

For example, the study recognizes that the TLL prefers warm, loose and friable soil with low clay content such as loamy sand.[309] They also prefer sites with moderate plant cover and sites near ephemeral streams (e.g., washes and alluvial fans) likely due to these habitats having loose, friable soils suitable for burrowing.[310]

A key recommendation of the study is that multiple surveys of the same site are needed within each survey season from mid-February to mid-April.[311] It additionally recommends conducting site surveys over multiple years.[312]

Notably, the study describes how targeted surveys for TLLs were conducted in Kern and Fresno counties during mid-February to mid-April in 2022 and 2023 when lizard detectability is highest due to mild temperatures and higher soil moisture near the surface.[313] The researchers surveyed a total of 89 sites in 2022 (n=60) and 2023 (n=68) and detected Temblor legless lizards at 12 of 89 sites, including five new localities.[314] The species was detected at 6 of 65 sites surveyed in Kern County and 6 of 24 sites in Fresno County.[315] Several new TLL detection sites were documented in Kern County.[316]

Of the 24 locations where the lizard has been detected, 13 are within oil field boundaries.[317] In total, 31 oil fields overlap the Temblor legless lizard's narrow range (Appendix E).[318] In the CCFO, BLM must note and consider the TLL occurrences in Fresno, as well as in the Coalinga region.

Researchers also found that "a few negative surveys are not sufficient to conclude that this species is absent from a site."[319] At many sites, TLL were not observed until the researchers had conducted three or more surveys. At three of 12 sites where lizards were detected over the 2-year survey period, lizards were observed during surveys in one year

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[308] J. P. Rose et al. (2024), *Digging into detectability: uncovering how temperature influences detection probability of the fossorial Temblor legless lizard.* Journal of Fish and Wildlife Management 15(1):237–250 at 244, 247 (hereinafter, "Rose et al., (2024)").
[309] *Id.* at 244, 247.
[310] *Id.* at 244, 247.
[311] *Id.* at 237, 245, 248.
[312] *Id.* at 245, 248.
[313] *Id.* at 237.
[314] *Id.*
[315] *Id.*
[316] *Id.* at 240.
[317] Based on Center for Biological Diversity analysis of detection site data.
[318] Based on Center for Biological Diversity analysis of detection site data. These 31 oil fields are Antelope Hills, North Antelope Hills, Antelope Plains Gas (ABD), Asphalto, Belgian Anticline, Blackwells Corner, Buena Vista, Cal Canal Gas, Carneros Creek, Chico-Martinez, Coalinga, Coalinga East Extension, Cymric, Elk Hills, Guijarral Hills, Jacalitos, Kettleman North Dome, Kreyenhagen (ABD), McDonald Anticline, McKittrick, Midway-Sunset, Monument Junction, North Belridge, Pleasant Valley, Pyramid Hills, Railroad Gap, Shale Flats Gas (ABD), Shale Point Gas (ABD), South Belridge, Temblor East (ABD), and Temblor Ranch.
[319] Rose 2024 at 245.

but not in the other year. The study further concluded that their "results also show that surveys over multiple years might be needed to document the presence of Temblor legless lizards, particularly during droughts when conditions at the surface are unsuitable."[320]

The study further recommends doing surveys in winter and early spring from mid-February to mid-April when the probability of detecting lizards is highest.[321] For surveys done in summer when the detectability of TLLs is lower, the study concluded that an even larger number of surveys would be required.[322] Specifically, the study estimated the number of sequential negative surveys (n*) required to have high confidence that a site was truly unoccupied by TLLs for surveys done in winter and spring.[323] The number of surveys needed depends on the substrate temperature at the time of the survey, soil texture, and the distance that the site was located from an ephemeral stream.[324] The number of sequential negative surveys needed was found to range up to 16 surveys in habitat areas with low clay soil, lower substrate temperature (~10°C) and close proximity to ephemeral streams.[325]

CDFW (2024) Mitigations: In 2024, CDFW specified mitigation measures for the TLL to reduce threats from oil and gas development.[326] BLM must consider these mitigation measures (detailed further below) and update its own to reflect the best and most updated science and management for protecting the TLL.

For example, CDFW specified that multiple surveys should be conducted at surveys sites during February to April and it recommends site surveys over multiple years to increase the probability of lizard detection.[327] CDFW also recommends consultation if TLL are documented or suspected to be present to discuss project implementation and take avoidance, including an incidental take permit if avoidance is not feasible.[328]

***Recommended Mitigation Measure 1: TLL Habitat Assessment and Survey Plan*.** CDFW recommends that a qualified biologist prepare a TLL habitat assessment and survey plan (Plan) for CDFW review and approval prior to implementation of any Project-related activity (including projects that result in ministerial actions) that may involve ground disturbance, vegetation maintenance, and/or construction or maintenance of facilities.[329] This would include activities such as exploration, production, completion, stimulation,

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[320] *Id.* at 245.
[321] *Id.* at 237.
[322] *Id.* at 245.
[323] *Id.* at 244, Figure 6.
[324] *Id.* at 244.
[325] *Id.* at 244, Figure 6.
[326] California Department of Fish and Wildlife, *Revisions to Title 19 – Kern County Zoning Ordinance (2024) focused on oil and gas local permitting (Project) Second Supplemental Recirculated Environmental Impact Report (SSREIR) SCH: 2013081079* (June 6, 2025) (hereinafter, "CDFW 2025"). Though these mitigations emerged as part of a process related to the Kern County Ordinance, BLM CCFO should incorporate these measures into CCFO areas as well.
[327] *Id.*
[328] *Id.* at 4.
[329] *Id.* at 3.

reworking, injection, and plugging and abandonment.[330] The Plan would detail the habitat assessment and surveys methods that would be incorporated prior to the initiation of the activities outlined above.[331]

> Habitat Assessment

The Plan would require a qualified biologist to conduct a detailed habitat assessment to determine if the Project activity and the immediate surrounding vicinity contain habitat suitable to support TLL.[332] Suitable areas, such as areas with loose or friable soils, in or near a wash, ephemeral streams and swales, and areas that include the presence of native shrubs, should be documented as part of the habitat assessment.[333]

> Surveys

The Plan would also include detailed survey methods that would be implemented prior to the initiation of Project activities within suitable habitat to detect the presence of TLL.[334] Surveys would be designed to optimize TLL detectability, incorporating best available science on appropriate survey approaches, to reasonably ensure that Project activities would not result in the unauthorized take of the species.[335] To optimize detectability, surveys would need to include the use of coverboards and/or raking, and would need to be conducted by a qualified biologist with a valid Memorandum of Understanding (MOU) with CDFW.[336] Surveys should be conducted during appropriate temperatures (e.g., 10 to 30 degrees Celsius) and during the appropriate time of year (e.g., February through April).[337] Additionally, due to the difficulty in detecting TLL, multiple surveys would need to be conducted within a season, and multiple survey seasons would increase the probability of detection.[338]

The Plan would be submitted to CDFW for review and concurrence at least 60 days prior to implementation.[339] This plan would be superseded if or when there is a CDFW-approved TLL protocol available for public use.[340]

***Recommended Mitigation Measure 2: TLL Consultation*.** If TLL are documented or suspected to be present, either during surveys or Project activities, consultation with CDFW is warranted to discuss how to implement the Project and avoid take; or if avoidance is not feasible, to acquire an Incidental Take Permit (ITP) prior to the implementation of any Project activities identified above, pursuant Fish and Game Code section 2081 subdivision

[330] *Id.*
[331] *Id.*
[332] *Id.*
[333] *Id.*
[334] *Id.*
[335] *Id.*
[336] *Id.*
[337] *Id.*
[338] *Id.*
[339] *Id.*
[340] *Id.*

(b).[341]

7. California-Listed Species

The Center's scoping provided information and studies (which BLM ignored, without explanation) on the newly CESA-protected Burrowing owl, Temblor legless lizard, Crotch's bumble bee, and Western bumble bee.[342] Federally listed FYLF and proposed-for-listing Western spadefoot were also listed under CESA after the 2019 FEIS.[343] In addition, the Southern California/Central Coast ESU mountain lion has been a candidate species under the California ESA since 2020.[344]

As the California Departments of Conservation, Fish and Wildlife, and Parks and Recreation and the California Coastal Commission and State Water Resources Control Board noted in their scoping comment, "[t]he state's regulatory and permitting authority and processes [including under the California ESA and California Environmental Quality Act] apply to third party (e.g. non-federal) oilfield operations in California on all land administered by BLM whether that land is owned in total by the federal government or land that is under private ownership with federal mineral estate (split-estate)."[345]

Oil and gas leasing and development under Alternative F is not immune from compliance with California law. BLM must disclose and consider impacts of Alternative F on state-protected species. That includes taking a hard look at potential impacts on the mountain lion and considering the new studies and best science the Center and others submitted in the record.

8. Mountain lion

a. The SEIS failed to take a hard look at significant new information regarding mountain lions in the Central Coast.

As the 2025 draft SEIS recognizes, the Central Coast "is a region of diverse landscapes and extraordinary biodiversity."[346] Yet, while the 2025 draft SEIS acknowledges the unique ecological importance of this landscape, it does little to analyze the effects leasing will have on the region's biodiversity. As one crucial example, the 2025 draft SEIS fails to make *a single mention* of mountain lions, much less consider the impacts oil and gas leasing would have on that species.[347]

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[341] *Id*. at 4.
[342] See 2025 Center Scoping Comments at 63-67.
[343] California Natural Resources Agency, Department of Fish and Wildlife, Biogeographic Data Branch, California Natural Diversity Database, State and Federally Listed Endangered and Threatened Animals of California (February 2026).
[344] *Id*.
[345] CA Departments Scoping Comment at 12.
[346] 2025 DSEIS at 4.
[347] The 2019 FEIS fares no better, merely stating that mountain lions are a "key game indicator species" without analyzing how widespread industrial development in crucial puma habitat would impact these apex predators. 2019 FEIS at 3.11-2.

Because California mountain lions are widespread throughout the Planning Area and as of 2026, are now protected under the California Endangered Species Act ("CESA"), and considering there is new information and recent studies on the species, the draft SEIS must be revised to account for their presence and analyze the impacts that Alternative F could have on the species and their habitat. BLM must also adhere to its FLPMA duties to prevent UUD to this species, and to account for it as part of its resource inventory.

b. Mountain lions were granted protections under the California Endangered Species Act since the 2019 FEIS.

BLM must take a hard look at the impacts of leasing to local mountain lions. The Central Coast Planning Area is almost entirely within the Southern California/Central Coast Distinct Population Segment ("DPS") of mountain lions, which have been granted permanent protections under CESA.[348] CESA is akin to the federal ESA, giving substantial protections to species that are listed as threatened or endangered.[349]

The process to protect the mountain lion under CESA began in 2019 with the Center's petition to list six populations of mountain lions in Southern California and the Central Coast under CESA.[350] In January 2020, CDFW recommended that the state Fish and Game Commission designate pumas as a candidate species under CESA, which gives candidate species the same protections as listed species.[351] Later in 2020, the California Fish and Game Commission agreed, and granted these populations candidacy status.[352] On December 10, 2025, CDFW released their status review regarding the petition and recommended listing the six petitioned mountain lion populations as a threatened Southern California/Central Coast mountain lion DPS under CESA.[353] On February 12, 2026, the California Fish and Game Commission agreed with CDFW's recommendation

[348] See fig. 2.
[349] Cal. Fish and Game Code § 2050, *et. seq*.
[350] Yap, T. A. et al. (2019). *A Petition to List the Southern California/Central Coast Evolutionarily Significant Unit (ESU) of Mountain Lions as Threatened under the California Endangered Species Act (CESA)* at 3 (hereinafter "Yap 2019").
[351] *See generally* CDFW (2020) *Report to the Fish and Game Commission: Evaluation of Petition from the Center for Biological Diversity and the Mountain Lion Foundation to List the Southern California/Central Coast Evolutionarily Significant Unit (ESU) of Mountain Lions as Threatened Under the Endangered Under the California Endangered Species Act* (Issue 7) (hereinafter "CDFW 2020").
[352] *Mountain Lions in California*. (n.d.) California Department of Fish and Wildlife. Retrieved December 9, 2025, from https://wildlife.ca.gov/Conservation/Mammals/Mountain-Lion (hereinafter "*Mountain Lions in California*, n.d."); *See generally* CDFW 2020; Cal. Fish and Game Code § 2085.
[353] CDFW (2025) *A Status Review of the Petitioned Southern California/Central Coast Evolutionarily Significant Unit (ESU) of Mountain Lion (Puma concolor cougar) in California* at 85 (hereinafter "CDFW 2025").

and voted to officially list this DPS as threatened under CESA.[354] The DPS includes six genetically distinct sub-populations of pumas.[355] (See map, Appendix B.)

The protected range of two of these populations, the Central Coast North ("CC-N") and Central Coast Central ("CC-C"), extend through nearly the entire Central Coast Field Office Planning Area. (See map, Appendix B.)

The CC-C population generally inhabits the coastal areas from Monterey Bay to Ventura County, including the southern Diablo Range, the Gabilan Range, and the Santa Lucias, where a great majority of the federal mineral estate within the CCFO occurs. The CC-N population generally inhabits the counties touching the San Francisco Bay, including areas in and around the Santa Cruz mountains and the northern Diablo Range.[356]

Much of the science supporting this listing has also been published after the FEIS was published in 2019. BLM must take these studies into account as new information. These studies illuminate the dire conditions of the DPS's genetic health and viability, the myriad threats they face, and the importance of the areas opened for leasing for their long-term survival.[357] The research cited in CDFW's Status Review and this Comment represent the best available science regarding mountain lions in the region. BLM must consider these myriad recent studies and use them to inform their decisionmaking regarding which areas of mineral estate to open to industrial development.

c. Maintaining wildlife connectivity within the Central Coast is critical to ensuring survival of the region's mountain lions.

The 2019 FEIS's extremely narrow wildlife connectivity analysis states wildlife movement across habitats is "important to long-term genetic variation and demography" and that habitat fragmentation "considerations are especially important for rare, threatened, or endangered species, and wide-ranging species such as large mammals, which exist in low population densities."[358] Both statements are true, especially for mountain lions, which are threatened wide-ranging predators that exist at low population densities.[359] However, neither the 2019 FEIS nor 2025 draft SEIS analyze the impacts that the development authorized by Alternative F would have to mountain lion gene flow and movement.

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[354] *See generally* CDFW, Press Release, California Fish and Game Commission Finds CESA Protections Warranted for Southern California and Central Coast Mountain Lion (Feb. 20, 2026), https://wildlife.ca.gov/News/Archive/california-fish-and-game-commissionfinds-cesa-protections-warranted-forsouthern-californiaandcentral-coastmountain-lion (hereinafter "CDFW, 2026").
[355] CDFW 2025 at vii-viii.
[356] *Id.* at 5.
[357] *See generally* Benson et al. (2023) The ecology of human-caused mortality for a protected large carnivore. *Proceedings of the National Academy of Sciences*, *120*(13), e2220030120; see the CESA status review (CDFW 2025) for more studies and details.
[358] 2019 FEIS at 3.11-3.
[359] Yap 2019 at vii.

CDFW determined that the six mountain lion populations comprising the DPS are small and genetically isolated from one another due to poorly planned roads and development.[360] These include the CC-N, CC-C, Central Coast South ("CC-S"), the Santa Anas, San Gabriel/San Bernardino, and Eastern Peninsular Range populations.[361] The CC-N, CC-C, and CC-S comprise the Central Coast populations, which are relevant to the Central Coast RMPA.[362] All three of these populations have effective population sizes that are far below 100, which has been suggested as necessary to prevent inbreeding depression in the short term.[363] In addition to a low effective population size, physical signs of inbreeding depression have been documented in the CC-S population, and if inbreeding depression occurs, scientists predict the population is likely to become extinct within decades.[364] The CC-N population is trending similarly, with signs of genetic drift and inbreeding depression.[365]

Maintaining and enhancing connectivity throughout the Central Coast is critical to sustaining these three populations as well as statewide connectivity. The CC-C population is an important source population for genetic diversity within the CC-N and CC-S populations. Alternative F therefore threatens the CC-C and CC-N populations as well as the essential connectivity among and between the CC-C, CC-N, and CC-S populations.

Alternative F would severely fragment suitable mountain lion habitat where connectivity is critical to the long-term survival for these populations. Industrialized development of these lands, as Alternative F authorizes, could prompt the kinds of local extinctions identified in these studies.

The lands that would be open for leasing under Alternative F span through the core of the Diablo Range, severing the currently contiguous wildlands into a fragmented patchwork of habitat. Researchers have noted the unique importance of the Diablo Range in sustaining the CC-N population: "It is essential that connectivity is enhanced between the Santa Cruz Mountains, Gabilan Range, and Diablo Range to ensure the persistence of

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[360] CDFW 2025 at 23.
[361] *Id*. at 12.
[362] *Id*. at 11; Gustafson et al. 2022; Gustafson, K. D. et al. (2019) Genetic source–sink dynamics among naturally structured and anthropogenically fragmented puma populations. *Conservation Genetics*, *20*(2), 215–227 at PDF page 5 (hereinafter "Gustafson 2019").
[363] CDFW 2025 at 12; Frankham, R. et al. (2014) Genetics in conservation management: Revised recommendations for the 50/500 rules, Red List criteria and population viability analyses. *Biological Conservation*, *170*, 56–63 at 56 (hereinafter "Frankham 2014"); Traill, L. W., Brook, B. W., Frankham, R. R., & Bradshaw, C. J. A. (2010) Pragmatic population viability targets in a rapidly changing world. *Biological Conservation*, *143*, 28–34 at 28 (hereinafter "Traill 2010").
[364] Benson, J. F., et al. (2019) Extinction vortex dynamics of top predators isolated by urbanization. *Ecological Applications*, *29*(3), e01868–e01868 at 1 (hereinafter "Benson 2019"); Huffmeyer, A. A., et al. (2021) First reproductive signs of inbreeding depression in Southern California male mountain lions (Puma concolor). *Theriogenology*, *177*, 157–164 at 158.
[365] Gustafson 2022 at 3; Becker, R., *California Mountain Lions Gain New Protections Under State Law* (February 12, 2026) CalMatters, https://calmatters.org/environment/2026/02/facing-extinction-vortex-california-grants-new-protections-to-more-mountain-lions.

mountain lion populations along the central coast."[366] Yet Alternative F would have the opposite impact from what is needed: instead of enhancing connectivity between these mountain ranges and suitable habitat to the south, it would cause significant habitat loss and further restrict viable routes for mountain lions to move across the landscape.

Similarly, the CC-C population is one of the only sources of animals that can increase the genetic diversity of the imperiled CC-S population, which has a 99-100% chance of becoming locally extinct within the next 50 years if inbreeding depression occurs.[367]

Conserving and promoting the existing CC-C population with strong wildlife connectivity to the north and the south is essential to preventing local extinction and moving towards the DPS's recovery.[368] Development without consideration for conservation concerns in the Central Coast Region is *precisely* what this RMP decision would authorize. Alternative F would "open all Federal mineral estate unless it is closed"—over 700,000 acres—in the Central Coast while completely failing to evaluate how opening vast areas of public wildlands to industrial development would impact threatened mountain lions and connectivity between populations within the DPS.[369]

BLM must analyze how widespread habitat destruction and degradation for oil and gas development could impact gene flow and connectivity for mountain lions. Consideration of impacts to genetic flow and landscape-level population connectivity of wide-ranging mountain lions cannot effectively be accomplished in a later, narrower stage of environmental review. Any effective analysis must be done on the landscape scale, which is best suited for this RMP-level NEPA review.

d. The SEIS fails to analyze how specific oil and gas activities would impact mountain lions.

Beyond impacts to gene flow and landscape connectivity, the industrialization of mountain lion habitat would have direct and indirect negative impacts on Central Coast and Southern California mountain lion DPS. Again, the 2019 FEIS and 2025 draft SEIS fail to

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[366] Diamond, T. D., at al. (2022) *Enhancing Ecological Connectivity and Safe Passage for Wildlife on Highways between the Southern Santa Cruz Mountains, Gabilan Range, and Diablo Range in California*, Peninsula Open Space Trust at 4.
[367] Benson 2019.
[368] See Dellinger J.A. et al. (2020) Minimum habitat thresholds required for conserving mountain lion genetic diversity. Ecol Evol. 10:10687–10696 at PDF page 7 ("The Central Coast population appears to currently have adequate suitable habitat (Dellinger et al., 2020), but much of it is unprotected, making the mountain lion population along the central coast vulnerable to development and habitat loss. This area is also an important source for small and at-risk neighboring populations (e.g., Santa Cruz and Santa Monica Area), which makes the conservation of this area essential for the viability of multiple mountain lion populations. For example, mountain lions in the Santa Cruz Mountains likely are experiencing restricted gene flow. Thus, development without consideration for conservation concerns in the Central Coast region could have major effects on connectivity and population genetics in adjacent mountain lion populations.")
[369] 2025 SEIS at 19.

take a hard look (or any look) at these impacts. Impacts from increased noise, light, human presence, and traffic are just some of the overlooked impacts.

Human Presence: The construction and operation of oil and gas facilities in the lands open for leasing would increase human presence within the CC-C and CC-N populations. The increased human presence due to new roads and development could have significant negative impacts on puma survival and behavior.

Several studies document the nuanced sensitivities of California mountain lions to human presence, activities, and infrastructure. Nickel et al. (2020) found pumas in the Santa Cruz Mountains were less likely to occur in areas with higher development densities (*i.e.*, areas with greater road and/or building densities).[370] This aligns with other studies that have demonstrated that mountain lion avoidance behavior increases with greater development densities.[371] One study found that mountain lions are so fearful of humans and noise generated by humans that they will abandon the carcass of a deer and forgo the feeding opportunity just to avoid humans.[372] In addition, mountain lions have been found to respond fearfully upon hearing human vocalizations, avoiding the area and moving more cautiously when hearing humans.[373] Other studies have demonstrated that mountain lion behavior is impacted when exposed to other evidence of human presence, such as lighting or vehicles/traffic.[374]

One way California mountain lions adapt to increased human presence and development is to decrease their activity during the daytime and increase their activity during the nighttime.[375] Yet this DSEIS anticipates that well drilling will occur "with a drill rig or generator running 24 hours per day"[376] and that "[p]roduction operations would vary from

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[370] Nickel, B.A., et al. (2020) Human presence and human footprint have non-equivalent effects on wildlife spatiotemporal habitat use, Biological Conservation 241 (2020) 108383 at 1.
[371] Smith, J. A., et al. (2015) Top carnivores increase their kill rates on prey as a response to human-induced fear. *Proceedings of the Royal Society B: Biological Sciences*, *282*(1802) at 50-56 (hereinafter "Smith 2015"); Smith, J. A., et al. (2019) Moving through the matrix: Promoting permeability for large carnivores in a human-dominated landscape. *Landscape and Urban Planning*, *183*, at 1-5; Wang, Y., et al. (2017) Residential development alters behavior, movement, and energetics in a top carnivore. *PlosOne*, *12*(10), e0184687 at 24 (hereinafter "Wang 2017") at 1; Wilmers, C. C. et al. (2013) Scale dependent behavioral responses to human development by a large predator, the puma. *PLoS ONE*, *8*(4) at 1 (hereinafter "Wilmers 2013").
[372] Smith, J. A. et al. (2017) Fear of the human 'super predator' reduces feeding time in large carnivores. *Proceedings of the Royal Society B: Biological Sciences*, *284*(1857), 20170433 (hereinafter "Smith 2017") (The study concluded that even "non-consumptive forms of human disturbance may alter the ecological role of large carnivores by affecting the link between these top predators and their prey." *Id.* at 3).
[373] Smith 2017; Suraci, J. P. et al. (2019) Fear of humans as apex predators has landscape-scale impacts from mountain lions to mice. *Ecology Letters*, *22*(10), 1578–1586 at PDF page 1-2 (hereinafter "Suraci 2019").
[374] Barrientos, R. et al. (2023) Nearby night lighting, rather than sky glow, is associated with habitat selection by a top predator in human-dominated landscapes. *Philosophical Transactions of the Royal Society B: Biological Sciences*, *378*(1892), 20220370 at 1 (hereinafter "Barrientos 2023"); Smith 2015 at 1; Wang 2017 at 2; Wilmers 2013 at 7.
[375] Suraci 2019 at 1, 4-5; Wang (2015). Mesopredator spatial and temporal responses to large predators and human development in the Santa Cruz Mountains of California. *Biological Conservation*, *190*, 23–33, at 29.
[376] 2025 DSEIS at 58.

field to field, but most are 24 hours per day, seven days per week and 365 days per year."[377] These constant operations would deter mountain lions during any hour, reducing their ability to adapt to increased human development in the region.

Constructions and Operations: Even when humans are not present at the oil and gas well sites, the noise caused by production is likely to adversely affect the region's mountain lions. Fracking is associated with constant noise, which can be substantial even hundreds of meters away from the production site.[378] The 2019 FEIS generically recognizes that increasing noise can have various negative effects on wildlife, leading to habitat loss.[379] That generic statement does not provide adequate disclosure or analysis, though.

BLM must consider that increased noise from oil and gas development has been shown to alter predator-prey dynamics, reducing hunting success in predators relying on acoustic cues.[380]

Traffic and Roads: Alternative F will foreseeably increase the number of roads and vehicles throughout the Planning Area. In addition to impacts to mountain lion wildlife connectivity, increasing traffic and roads in the area could lead to an increased chance of vehicle strikes and mortality.

While the RFDS assumes that just a few dozen wells would be constructed and operated, Alternative F in no way limits development to just a few dozen wells. Though the 2019 FEIS states that new access roads would be "short" at a quarter to a half mile long, the cumulative impacts of many "short" roads can substantially fragment a landscape and render it far less habitable for mountain lions.[381]

Negative edge effects of roads and development have been repeatedly documented in wide-ranging predators, such as mountain lions and bobcats.[382] In fact, in its recommendation to list mountain lions, CDFW identified vehicle strikes as one of the

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[377] 2019 FEIS, Appendix B at B-27.
[378] Hays, J., et al. (2017). Public health implications of environmental noise associated with unconventional oil and gas development. *Science of The Total Environment*, *580*, 448–456 at 449; Rutherford, T. et al. (2024) *Effects of Noise from Oil and Gas Development on Ungulates and Small Mammals* (Scientific Investigations Report), United States Geological Survey at 9 (hereinafter "Rutherford 2024").
[379] 2019 FEIS at 4.11-4.
[380] Rutherford 2024 at 20.
[381] 2019 FEIS at 4.18-3.
[382] Crooks, K. R. (2002) Relative sensitivities of mammalian carnivores to habitat fragmentation. *Conservation Biology*, *16*(2), 488–502 at 488 (hereinafter "Crooks 2002"); Delaney, K. S. et al. (2010) A rapid, strong, and convergent genetic response to urban habitat fragmentation in four divergent and widespread vertebrates. *PLoS ONE*, *5*(9), e12767 at e12767 (hereinafter "Delaney 2010"); Delaney, K. S. et al. (2021) Reptile and Amphibian Diversity and Abundance in an Urban Landscape: Impacts of Fragmentation and the Conservation Value of Small Patches. *Ichthyology and Herpetology*, *109*(2), 424–435 at 424; Lee, J. S. et al. (2012) Gene flow and pathogen transmission among bobcats (Lynx rufus) in a fragmented urban landscape. *Molecular Ecology*, *21*(7), 1617–1631 at PDF page 1 (hereinafter "Lee 2012"); Riley, S. P. D. et al. (2006) A southern California freeway is a physical and social barrier to gene flow in carnivores. *Molecular Ecology*, *15*, 1733–1741 at 1733 (hereinafter "Riley 2006"); Smith 2015) at 1-2.

leading threats to mountain lions in the DPS.[383] Vehicle strikes in the DPS have increased the number of mortalities and harmful genetic isolation in mountain lions in Southern California and along the Central Coast.[384]

e. Mountain Lions are a key species in Central Coast ecology.

Mountain lions are a key indicator species of wildlife connectivity and healthy ecosystems. Negative impacts to mountain lions and wildlife connectivity in the region could have severe ecological consequences. As a keystone species and ecosystem engineer, mountain lions support the high level of biodiversity in the CCFO and beyond. Loss of the species in the region could have ripple effects on other plant and animal species, such as a decrease in biodiversity and diminished overall ecosystem function. Many scavengers, including California condors, kit foxes, raptors, and numerous insects, would lose a reliable food source.[385] Fish, birds, amphibians, reptiles, rare native plants, and butterflies could also potentially diminish if this apex predator were lost from the region.[386] A recent literature review found that mountain lions have been documented to have ecological interactions with at least 485 plant and animal species.[387] If BLM does not adequately assess and address impacts to mountain lions, the RMP could lead to the loss of that species and adversely impact other protected species across the region.

9. California condor

The California condor is a protected species under the federal and California Endangered Species Acts. The Planning Area is home to roosting and nesting habitat for the central California flock of California condors, which make up 30% of the species' wild population nationwide, and 52% of California's wild population.[388]

The 2025 draft SEIS fails to even mention California condors, despite new challenges and new science that have emerged since 2019. The RMP decisions will enable development of more oil and gas in the Planning Area, which threatens to further harm the

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[383] CDFW 2025 at 97.
[384] Gustafson 2022 at PDF pages 4-5; Ernest, H. B. et al. (2014). Fractured genetic connectivity threatens a Southern California puma (Puma concolor) population. *PLoS ONE*, *9*(10) at 1; Riley, S. P. D. et al. (2014) Individual behaviors dominate the dynamics of an urban mountain lion population isolated by roads. *Current Biology*, *24*(17), 1989–1994 at 1989; Vickers, T. W. et al. (2015) Survival and mortality of pumas (Puma concolor) in a fragmented, urbanizing landscape. *PLoS ONE*, *10*(7) 1–18 at 1 (hereinafter "Vickers 2015").
[385] Barry, J. M. et al. (2019). Pumas as ecosystem engineers: Ungulate carcasses support beetle assemblages in the Greater Yellowstone Ecosystem. *Oecologia*, (189), 577–586 at 577; Ruth, T. K. et al. (2014) The carcass chronicles: Carnivory, nutrient flow, and biodiversity. *Wild Felid Monitor*, 14–19 at 14).
[386] Ripple, W. J. et al. (2014) Status and ecological effects of the world 's largest carnivores. *Science*, *343*(6167), 1241484 at 1241484-1 ; Ripple, W. J. et al. (2006). Linking a cougar decline, trophic cascade , and catastrophic regime shift in Zion National Park. *Biological Conservation*, *133*, 397–408 at 397; Ripple, W. J. et al. (2008) Trophic cascades involving cougar, mule deer, and black oaks in Yosemite National Park. *Biological Conservation*, *141*, 1249–1256 at 1249.
[387] Labarge, L. R. et al. (2022) Pumas Puma concolor as ecological brokers: A review of their biotic relationships. *Mammal Review*, 1-17 at 1.
[388] US Fish and Wildlife Service, California Condor Recovery Program 2024 Annual Population Status (as of December 31, 2024), https://www.fws.gov/media/2024-california-condor-population-status-report-0.

already vulnerable central California condor flock. BLM must update its environmental analysis to consider the new studies and information about the condor described below, and it must adjust its other decisionmaking accordingly.

a. BLM fails to consider recent condor population stressors

The 2025 draft SEIS includes no mention of the catastrophic population loss from the 2020 Dolan fire from which the central California condor flock is still recovering. Ten free-flying adult condors were burned, killing ten percent of the central California flock and injuring others.[389] The fire burned large swaths of nesting habitat in the Planning Area,[390] essential for the species' reproduction.[391] The fire also burned condor roosting habitat, high-top trees where condors spend most of their time in large groups and often return to the same spot year after year.[392] It was the worst fire-related event in condor history.[393] The fire also burned the Big Sur research and captive breeding facilities used by biologists for the past 20 years.[394]

The central California population went from an all-time high of 101 birds to 94 birds in 2021. It further slipped to 91 birds in 2023 due to lead poisoning.[395] A prominent condor biologist described the Dolan fire as "[adding] a year of mortality in one event."[396]

California condors are a classic K-selected species, meaning they have a long lifespan and low reproduction rates that make achieving sustainable population sizes a "lengthy process."[397] Condors typically won't breed until they're six to eight years old, and

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[389] Klein, Jesse, Severe Wildfires Are Devastating the California Condor (Dec. 11, 2020), https://www.wired.com/story/severe-wildfires-are-devastating-the-california-condor/ (hereinafter "Klein 2020 Wired article").
[390] NWS story map, which includes map of Dolan fire which overlaps with Central Coast planning area, particularly in Santa Lucia mountains. National Weather Service San Francisco/Monterey, CA, Dolan Fire, Southern California Story Map (Jan. 31, 2021), https://storymaps.arcgis.com/stories/d409a75c8c9a4253997a7dca71314860.
[391] Bakker, Victoria J. et al., Practical models to guide the transition of California condors from a conservation-reliant to a self-sustaining species, Biological Conservation 291:110447 (March 2024) at 2, https://doi.org/10.1016/j.biocon.2024.110447 (hereinafter "Bakker 2024").
[392] U.S. Fish and Wildlife Service, California Condor Recovery Program, https://www.fws.gov/program/california-condor-recovery.
[393] According to the Ventana Wildlife Society, a leading conservation group that operates most central California flock management efforts. Ventana Wildlife Society, California Condor Recovery Story, available at https://www.ventanaws.org/condorstory.html (hereinafter "VWS Condor Recovery Story").
[394] Hubbart, Sarah, The California condor: A Lesson in Wildfire Resilience, NEEF (Sept. 7, 2021), https://www.neefusa.org/story/environmental-education/california-condor-lesson-wildfire-resilience; Ventana Wildlife Society, X post showing Condor Sanctuary on fire (August 21, 2020), https://x.com/Ventana_WS/status/1296977902282526721.
[395] VWS Condor Recovery Story; Ventana Wildlife Society, 2024 Annual Report at 2, 4, https://www.ventanaws.org/uploads/6/7/1/3/67132355/2024_annual_report._small.pdf.
[396] Klein 2020 Wired article; National Geographic, California condor, available at https://www.nationalgeographic.com/animals/birds/facts/california-condor.
[397] Bakker 2024 at 2.

females produce one egg every other year.[398] In this context, the loss of ten adults is particularly devastating to the central California flock.[399] Two to three captive bred-juveniles are needed to replaced one free-flying adult.[400] A 2024 study described that the species' "recovery will require robustly growing populations to withstand catastrophic events," like the 2020 Dolan Fire. A 2024 study describes condors as a "conservation-reliant species, needing ongoing management to prevent extinction in the wild."[401]

The 2025 draft SEIS does not consider how the Dolan fire created increased vulnerability for the Planning Area's condor population. Given the population's post-fire heightened fragility, even incidental harms from oil and gas activity pose an outsized risk to the central California flock's long-term recovery.

b. BLM should strengthen measures to protect condors from trash.

The Bakker (2023) analysis confirmed that, over twenty years of condor reproduction, trash ingestion has frequently caused reduced fledgling success.[402] Chicks often ingest micro-trash such as bottle caps, bolts, fabrics, and plastic. All of these can be commonly found at oil production sites.[403] One study specifically cites oil field pads as locations where condors have been observed to ingest trash.[404]

While the 2019 ROD addresses concerns of trash, it does not go far enough, especially considering the recent challenges this flock has faced. The ROD states that all construction debris and micro-trash "shall be covered, kept in closed containers, or otherwise removed from the project site at the end of each day or prior to period when workers are not present at the site."[405] The mitigation measures should be strengthened such that all trash is removed, no matter its container, at the end of every work day.

The 2019 ROD also designates that compliance with California condor protection measures will be overseen by a representative designated by the operator.[406] Additional measures must be added to ensure this representative has the necessary resources, time, and enforcement authority to ensure compliance with mitigation measures.

Under the 2019 ROD, employees and contractors "shall be made aware" of the protected species and how to avoid them "prior to conducting work on-site."[407] This language should be amended to be more specific and robust. Workers should receive comprehensive training to ensure they are aware of all mitigation measures, including

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[398] Klein 2020 Wired article.
[399] *Id.*
[400] Bakker 2024 at 1.
[401] *Id.*
[402] Bakker 2023 at 1.
[403] *Id.* at 2.
[404] Finkelstein, M. E., Lead Exposure Risk from Trash Ingestion by the Endangered California Condor (Gymnogyps californianus), Journal of Wildlife Diseases 51:4 (2015), doi: 10.7589/2014-10-253 at 905.
[405] 2019 ROD at B-12.
[406] *Id.*
[407] *Id.*

those of the condor. And there must always be someone on site who has received this training and who is in frequent contact with the designated condor representative named above.

c. New science shows that scavenger nesting behavior is affected by noise levels as low as 40db

The SEIS needs to analyze new information on the impacts of noise from oil and gas drilling activities on condors. A 2020 study found that an analogous species, the Cinereous vulture[408] (*Aegypius monachus*), does not nest in areas with more than 40db of noise.[409] The study suggests that condors may be limited in where they nest and breed successfully by noise levels this project is very likely to reach.[410] According to a 2023 U.S. Geologic Survey study, oil and gas drilling and production operations produce measured sound levels that typically exceed 40dbA, often reaching up to 82dbA.[411] Per a 2019 study, maximizing reproduction is "especially important" to condors when threats to other survival prove difficult to modify."[412]

The USFWS itself acknowledged the importance of noise sensitivity for breeding and nesting California condors in its 2020 Finding of No Significant Impact ("FONSI") on the reintroduction of the species in northern California.[413] The agency gave this condor population a designation that exempted most incidental take prohibitions, meaning that unavoidable or unintentional take of a condor from activities such as hunting, recreational shooting, or ranching would not be violations of the law.[414] However, the agency made an exception for "take that occurs through habitat alteration or significant visual or noise disturbance . . . within 656 ft (200 meters) of an occupied condor nest."[415]

It is important that BLM take this new information into account and reflect it in the environmental analysis, best management practices, and stipulations for leases. Condor

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[408] The Cinereous vulture is comparable to the California condor in that both are scavengers and serve as "umbrella" species, meaning they are strong indicators of their ecosystem's health. Similar to condors, Cinerous vultures are near threatened in their native range. Ortiz-Urbina, E. et al., Influence of Anthropogenic Noise for Predicting Cinereous Vulture Nest Distribution. Sustainability, 12(2), 503 (2020) at 2. https://doi.org/10.3390/su12020503 (hereinafter "Ortiz-Urbina 2020").
[409] Ortiz-Urbina 2020 at 1.
[410] *Id*.
[411] Rutherford 2024 at Table 3.
[412] Cromie, R., et al., Transitioning to non-toxic ammunition: Making change happen. Ambio 48:1079-1096. (2019) https://doi.org/10.1007/s13280-019-01204-y.
[413] Redwood National Park, Northern California Condor Restoration Program Environmental Assessment, Finding of No Significant Impact (FONSI) (2020), available at https://parkplanning.nps.gov/document.cfm?documentID=111114 (hereinafter "Northern California Condor FONSI").
[414] Northern California Condor FONSI at 2.
[415] Exceptions were made for emergency wildfire or fuel reduction activities. Northern California Condor FONSI at 5.

pairs only produce a chick once every two years.[416] This slow reproduction cycle is one of the reasons the species is especially vulnerable to population declines.[417] Introducing new noise impacts from oil and gas activity to condors during the sensitive breeding period creates unnecessary risk to the population's successful reproduction.

The 2019 ROD never explicitly discusses noise mitigation efforts for condors. Rather, it vaguely states that "drilling and well completion activities may be restricted to certain time period to reduce impacts to condors."[418] This should be amended to more specifically limit any drilling or construction from December to March when condors are most likely to be mating and selecting a nest, particularly for leases near Pinnacles and other areas likely to have breeding pairs.[419]

10. Habitat connectivity

The 2025 draft SEIS lack a meaningful analysis of how Alternative F would impact wildlife movement and habitat connectivity more broadly.

The entire analysis of wildlife connectivity and habitat fragmentation is contained in four paragraphs in the 2019 FEIS, which cite just four studies.[420] The 2025 draft SEIS contains just a few passing comments on habitat fragmentation and wildlife connectivity.[421] A more robust analysis is required for the analysis to serve its function of informing the public of how wildlife connectivity would be impacted by Alternative F.

The barriers to wildlife connectivity and habitat fragmentation caused by the leasing include but are not limited to new roads, fencing, noise and light pollution, direct habitat destruction, and increased human presence and traffic in the region.[422]

In a 2020 report for the International Union for Conservation of Nature (IUCN), world-renowned scientists from around the world recognized the key importance of habitat connectivity.[423] As detailed in a 2021 Center Report,[424] roads and development create barriers that lead to habitat loss and fragmentation, which harms native wildlife, plants, and people. As barriers to wildlife movement, poorly-planned development and roads can affect an animal's behavior, movement patterns, reproductive success, and physiological state, which can lead to significant impacts on individual wildlife, populations,

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[416] Pinnacles National Park, California Condor Facts, https://www.nps.gov/pinn/learn/nature/california-condor-information.htm.
[417] *Id*.
[418] 2019 ROD at B-12.
[419] Pinnacles National Park, California Condor Facts, https://www.nps.gov/pinn/learn/nature/california-condor-information.htm.
[420] 2019 FEIS at 3.11-3, 4.11-4.
[421] 2025 DSEIS at 42-43, 47, 74-75.
[422] See, e.g., 2019 FEIS at 4.11-4 ["New barriers to wildlife movement, such as roads or fences, could interrupt local biological connectivity."].)
[423] Hilty, J. A., et al. (2020). *Guidelines for conserving connectivity through ecological networks and corridors*. International Union for Conservation of Nature at xiii.
[424] Yap et al., 2021 at 1.

communities, landscapes, and ecosystem function.[425] For example, habitat fragmentation from roads and development has been shown to cause increase local extinction risk in amphibians and reptiles,[426] cause high levels of avoidance behavior and mortality in birds and insects,[427] and alter pollinator behavior and degrade habitats.[428]

Edge effects of development in and adjacent to open space, like the proposed oil and gas leasing, will impact key, wide-ranging predators, such as mountain lions and bobcats,[429] as well as smaller species with poor dispersal abilities, such as song birds, small mammals (including bats), and herpetofauna.[430]

11. Nighttime lighting

BLM failed to analyze how nighttime lighting from oil and gas activities may impact wildlife. BLM has not described how much lighting activities would emit and for how many

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[425] *See generally* Brehme, C. S., et al. (2013). Permeability of roads to movement of scrubland lizards and small mammals. *Conservation Biology*, *27*(4), 710–720 (hereinafter "Brehme 2013"); Ceia-Hasse, A., et al. (2018). Population persistence in landscapes fragmented by roads: Disentangling isolation, mortality, and the effect of dispersal. *Ecological Modelling*, *375*, 45 (hereinafter "Ceia-Hasse 2018"); Haddad, N. M. et al. (2015). Habitat fragmentation and its lasting impact on Earth's ecosystems. *Science Advances*, *1*(e1500052) (hereinafter "Haddad 2015"); Marsh, D. M., et al. (2015). Direct effects of roads on small animal populations. In *Roads and ecological infrastructure: Concepts and applications for small animals* (pp. 42–56 Mitsch, W. J., & Wilson, R. F. (1996). Improving the success of wetland creation and restoration with know-how, time, and self-design. *Ecological Applications*, *6*(1), 16–17 (hereinafter "Marsh 2015"); Trombulak, S. C. et al. (2000) Review of ecological effects of roads on terrestrial and aquatic communities. *Conservation Biology*, *14*(1), 18–30 (hereinafter "Trombulak & Frissell 2000"); van der Ree et al. (2011) Effects of roads and traffic on wildlife populations and landscape function: Road ecology is moving toward larger scales. *Ecology and Society*, *16*(1), 48 ("hereinafter van der Ree 2011")

[426] Brehme, C. S., et al (2018). An objective road risk assessment method for multiple species: Ranking 166 reptiles and amphibians in California. *Landscape Ecology*, *33*, 911–935 at PDF page 2; Cushman, S. A. (2006). Effects of habitat loss and fragmentation on amphibians: A review and prospectus. *Biological Conservation*, *128*, 231–240 at 231 (hereinafter "Cushman 2006").

[427] Benítez-López, A. et al. (2010) The impacts of roads and other infrastructure on mammal and bird populations: A meta-analysis. *Biological Conservation*, *143*, 1307–1316 at 1307 (hereinafter "Benítez-López 2010"); Kantola, T. et al. (2019). Spatial risk assessment of eastern monarch butterfly road mortality during autumn migration within the southern corridor. *Biological Conservation*, *231*, 150–160, at 150; Loss, S. R. et al. (2014). Estimation of bird-vehicle collision mortality on U.S. roads. *Journal of Wildlife Management*, at 1.

[428] *See generally* Aguilar, R. et al. (2008). Genetic consequences of habitat fragmentation in plant populations: Susceptible signals in plant traits and methodological approaches. *Molecular Ecology*, *17*, 5177–5188; Goverde, M. et al. (2002). Small-scale habitat fragmentation effects on pollinator behaviour: Experimental evidence from the bumblebee Bombus veteranus on calcareous grasslands. *Biological Conservation*, *104*, 293–; Trombulak & Frissell 2000.

[429] Barrientos et al., 2023; Crooks 2002; Delaney et al., 2010; Lee et al., 2012; Riley et al., 2006; Serieys, L. E. et al. (2021). Road-crossings, vegetative cover, land use and poisons interact to influence corridor effectiveness. *Biological Conservation*, *253*, 108930–108930; Smith 2017 at 201; Suraci 2019; Vickers 2015; Wang 2017.

[430] Benítez-López 2010 at 1307; Cushman, 2006 at 231; Delaney et al., 2010 at 1; Slabbekoorn (2008). Birdsong and anthropogenic noise: Implications and applications for conservation. *Molecular Ecology*, *17*, 72–83 at 72; Mcclure, E. et al. (2015). A phantom road experiment reveals traffic noise is an invisible source of habitat degradation. *Proceedings of the National Academy of Sciences*, *112*(39), 12105 at PDF page 1.

hours a day, which makes it impossible to determine the effects that artificial lighting at night may have on wildlife. Light pollution affects many nocturnal species, including bats, insects, and terrestrial mammals, among others. Impacts of light pollution are varied, and different species respond to artificial light at night in different ways. Individual impacts of light pollution include numerous physiological (e.g. hormone levels) and behavioral changes (e.g. shifts in activity patterns) that can impact an animal's ability to survive and thrive in its environment.[431] These individual impacts can cascade into ecological changes such as phenological mismatches and shifts in predation patterns that can disrupt population and ecosystem-level dynamics, including mortality, fecundity, and community productivity, among others.[432] Mountain lions have been found to generally avoid areas with nearby night lighting.[433] At the very least, BLM should impose an SOP and BMPs to pause oil and gas activities at night to mitigate harms to the mountain lion (and other species).

IX. BLM Failed Its Endangered Species Act Obligations

A. BLM's approach to ESA consultation is contradictory.

The DSEIS's discussion of consultation under the ESA is short, inordinately confusing and contradictory, and reproduced in its entirety here:

> The [BLM] completed formal consultation for the 2019 RMPA/FEIS on August 29, 2019, when the USFWS issued the *Programmatic Biological Opinion on Oil and Gas Leasing and Development on Bureau of Land Management Lands in the Central Coast Field Office (Fresno, Monterey and San Benito Counties) on August 29, 2019 (ref. 08ES1YIF00-2019-F-2048)*.
>
> The Programmatic Biological Opinion (2019 PBO) for oil and gas is not tied to the RMP or lease sales. The 2019 PBO identifies the reasonable and prudent measures and terms and conditions for oil and gas projects. The BLM determined reinitiation of consultation with FWS is premature at this time because it would be speculative and the BLM is unable to anticipate what lands may be leased or where development may occur on federal mineral leases.
>
> Should a development proposal be submitted, the BLM would complete a site-specific ESA review. If the BLM determines the development proposal may affect

[431] Aulsebrook, A. E., et a. (2020). White and Amber Light at Night Disrupt Sleep Physiology in Birds. *Current Biology*, *30*(18), 3657-3663.e5 at 3657; Dominoni, D. M. (2015). The effects of light pollution on biological rhythms of birds: An integrated, mechanistic perspective. *Journal of Ornithology*, *156*(S1), 409–418 at PDF page 4; Gaston, K. J. et al. (2014). Human alteration of natural light cycles: Causes and ecological consequences. *Oecologia*, *176*(4), 917–931at 919; Kempenaers, B. et al. (2010). Artificial Night Lighting Affects Dawn Song, Extra-Pair Siring Success, and Lay Date in Songbirds. *Current Biology*, *20*(19), 1735–1739 at 1735.

[432] Ditmer, M. A., et al (2021). Artificial nightlight alters the predator–prey dynamics of an apex carnivore. *Ecography*, *44*(2), 149–161 at 149; Gaston, K. J. et al. (2013). The ecological impacts of nighttime light pollution: A mechanistic appraisal. *Biological Reviews*, *88*(4), 912–927; Sanders, D. et al. (2020). A meta-analysis of biological impacts of artificial light at night. *Nature Ecology & Evolution*, *5*(1), 74–81 at PDF page 1.

[433] Barrientos 2023.

> listed species, a secondary consultation would be completed before approving the development proposal.
>
> The BLM completed informal consultation for the 2019 RMPA/FEIS on July 18, 2019, with NMFS when BLM received a Letter of Concurrence stating that the selected alternative [Alternative F] is not likely to adversely affect listed anadromous salmonid species.[434]

BLM states that both (1) it "completed formal consultation for the 2019 RMPA/FEIS on August 29, 2019," and (2) the 2019 PBO "is not tied to the RMP or lease sales." Both cannot be true. If the 2019 PBO "is not tied to the RMP or lease sales," then formal consultation for the RMPA and lease sales needs to be initiated and completed. An agency must initiate consultation with FWS whenever it takes an action that "may affect" a listed species or its critical habitat.[435] What constitutes "agency action" is to be broadly interpreted. The amendment of an RMP is an "agency action" to which the obligation to consult applies if the amendment "may affect" listed species.[436] "Section 7(a)(2) consultation is required so long as a federal agency retains 'some discretion' to take action for the benefit of a protected species."[437] The decision that BLM proposes to make upon finalization of this SEIS and approval of a new ROD undoubtedly triggers BLM's duty to consult. It is without doubt that a decision on a land use plan is an "agency action" within the meaning of the ESA, as it is a discretionary decision whereby BLM designates which public lands and mineral estate are available for oil and gas leasing and development, imposes conditions on such uses,[438] and thereby satisfies the legally binding preconditions for leasing mineral estate in the Planning Area for oil and gas development. The decision is an action that "may affect" listed species: it is the required first decision that decides exactly where and how federal mineral estate may be developed.

If, on the other hand, BLM chooses to retract its claim that the 2019 PBO "is not tied to the RMP or lease sales," the 2019 PBO is inadequate given new information. Since issuance of the 2019 FEIS and 2019 PBO, the USFWS proposed the northwestern and southwestern pond turtles,[439] western spadefoot,[440] and monarch butterfly[441] for listing under the federal ESA. Agencies must confer with the USFWS "on any agency action which is likely to jeopardize the continued existence of any species proposed to be listed under

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[434] 2025 DSEIS at 80.
[435] *See* 50 C.F.R. § 402.14(a).
[436] *Id.* § 402.02; *All. for the Wild Rockies v. United States Dep't of Agric.*, 772 F.3d 592, 598-99 (9th Cir. 2014); citing *Lane Cty. Audubon Soc'y v. Jamison*, 958 F.2d 290, 293 (9th Cir. 1992) (BLM land use plans that designate areas for particular uses are agency action to which section 7 applies); *Pac. Rivers Council v. Thomas*, 30 F.3d 1050, 1055 (9th Cir. 1994).
[437] *Nat. Res. Def. Council v. Jewell*, 749 F.3d 776, 784 (9th Cir. 2014) (en banc).
[438] See *Pac. Rivers Council v. Thomas*, 30 F.3d 1050 (9th Cir. 1994); *Cottonwood Envtl. Law Ctr. v. United States Forest Serv.*, 789 F.3d 1075 (9th Cir. 2015); *Alliance for Wild Rockies v. U.S. Dept. of Agric.*, 772 F.3d 592, 598-99 (9th Cir. 2014).
[439] 88 Fed. Reg. 68,370 (Oct. 3, 2023).
[440] 88 Fed. Reg. 84,252 (Dec. 5, 2023).
[441] 89 Fed. Reg. 100,662 (Dec. 12, 2024).

[ESA Section 4] or result in the destruction or adverse modification of critical habitat proposed to be designated for such species."[442] To address this requirement for spadefoot and the pond turtles, BLM states that "[o]il and gas leasing and development of federal minerals is not likely to adversely affect western spadefoot, or western pond turtle and their associated habitats because they are outside of areas where the RFDS suggests oil and gas development would occur."[443] BLM declined to make any statement regarding effects on the monarch butterfly, presumably because it says it "does not manage the mineral estate underlying" "[t]he only proposed critical habitat for monarch butterfly on BLM surface land" within the planning area.[444]

B. BLM does not substantiate its conclusions about species occurrence.

BLM makes no effort to substantiate its conclusions on species occurrence. The only reason BLM gives for finding that Alternative F "is not likely to adversely affect" newly proposed-for-listing species is that "they are outside of areas where the RFDS suggests oil and gas development would occur."[445]

As noted earlier in this comment, BLM did not provide mapping of the ranges or occurrences of western spadefoot, the northwestern and southwestern pond turtles, or the monarch butterfly. Our comment letter herein explains that monarch butterflies rely on large swaths of the planning area. The maps in Appendix C (RFDS;[446] western spadefoot;[447] pond turtles[448]) show that these species may indeed overlap with RFDS areas. It is unclear then, how BLM determined that Alternative F is not likely to affect these species.

Additionally, because "BLM anticipate[d] that oil and gas leasing, exploration, and development will only occur within Fresno, Monterey and San Benito Counties," the 2019 PBO only considered the "San Joaquin, San Benito and Salinas Management Areas."[449] In the 2019 FEIS, BLM stated that both western pond turtle and western spadefoot "are expected to occur area-wide, or their specialized habitat criteria are met within" the Salinas Management Area.[450] In the San Benito Management Area, western pond turtle "occur[s] on BLM-managed lands," and western spadefoot "may occur within the area."[451]

Given the above, BLM must substantiate its ESA conclusions.

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[442] 16 U.S.C. § 1536(a)(4); 50 C.F.R. § 402.10.
[443] 2025 DSEIS at 75.
[444] *Id.* at 49.
[445] *Id.* at 75. According to the RFDS, "[m]ost drilling is expected to occur in areas of land designated as 'high oil and gas occurrence potential' (shown on Figure 4)." 2019 FEIS, Appendix B at B-20. Figure 4, with areas of high oil and gas potential in red, is reproduced in part in Appendix C.
[446] *Id.*, Appendix B, Figure 4.
[447] Thomson, R.C. et al., California amphibian and reptile species of special concern, University of California Press (2016) at 131.
[448] Shaffer, H.B. & Scott, P.A., Summary of *Actinemys* population genetic results provided to the USFWS (2022) at 15.
[449] 2019 PBO at 1.
[450] 2019 FEIS at 3.12-4.
[451] *Id*.

C. BLM cannot evade ESA consultation by focusing only on high-potential oil and gas areas.

In addition, for ESA purposes, the "action area" is "all areas to be affected directly *or indirectly* by the Federal action and *not merely the immediate area involved in the action*."[452] Thus, BLM cannot avoid its ESA obligations by constricting the action area to only "where the RFDS suggests oil and gas development would occur." As an example of indirect impacts BLM must consider, we discuss in this comment that all of these proposed-for-listing species are susceptible to road mortality. The impacts of new roads and increased truck traffic stemming from oil and gas development under Alternative F extend beyond just RFDS areas.

Even if, remarkably, these species do only occur outside high oil and gas potential areas, Alternative F is opening up over 300,000 more acres than BLM thinks has potential. BLM must therefore determine whether oil and gas development under Alternative F would "likely…jeopardize the continued existence"[453] of species in *all* of the acres Alternative F designates for listing. If that determination is made in the affirmative, BLM must confer with the USFWS prior to making a decision.[454]

D. BLM must disclose its consultation actions.

Regarding the newly listed FYLF, BLM acknowledges there are "lands with federal mineral estate that are overlapped by the FWS proposed critical habitat for FYLF."[455] However, despite that acknowledgement, BLM does not disclose whether it has initiated consultation with the USFWS for FYLF.

An agency must "review its actions at the earliest possible time to determine whether any action may affect listed species or critical habitat," and "[i]f such a determination is made, formal consultation is required."[456] Given the overlap of proposed critical habitat with federal mineral estate authorized for leasing under Alternative F, oil and gas development under the RMPA certainly "may affect" FYLF. Thus, BLM must initiate and complete consultation in regard to FYLF prior to making a decision.

In the same paragraph, BLM states that "[a]dditional populations of FYLF and the proposed critical habitat for the Central Coast DPS are not likely to be adversely affected by leasing and development under the range of alternatives because the proposed critical habitat is outside of areas where the RFDS suggests oil and gas development would occur."[457] This statement suggests that BLM "determine[d], with the written concurrence of

[452] 50 C.F.R. § 402.02 (emphasis added).
[453] 16 U.S.C. § 1536(a)(4); 50 C.F.R. § 402.10.
[454] *Id*.
[455] 2025 DSEIS at 75.
[456] 50 C.F.R. § 402.14(a).
[457] 2025 DSEIS at 75.

the Director, that the proposed action is not likely to adversely affect"[458] these "additional populations." The Center reached out on February 9, 2026, to BLM to obtain the USFWS Director's written concurrence for this "not likely to adversely affect" determination, but we did not receive a response.

E. Consultation at the RMP stage is appropriate.

Consultation at the RMP stage is appropriate and possible. BLM's reason for not reinitiating consultation "at this time" is that "it would be speculative," as "BLM is unable to anticipate what lands may be leased or where development may occur on federal mineral leases."[459] BLM's RFDS, though, provides a roadmap for where BLM anticipates development may occur. According to BLM, the RFDS holds, "[e]ven if there are advances in science and technology . . ., these advances are not likely to alter the RFD Scenario for federal minerals in the planning area for the next 15 to 20 years . . . . Therefore, all available scientific, industry, and government information indicates that absent currently unforeseen changes in oilfield technology, future oil and gas development within the CCFO area will continue as it has over the last 10 or 20 years.[460] As BLM explained in 2019, "[r]easonably foreseeable does not include scenarios that are merely speculative or only have a remote possibility of occurring."[461] The RFDS seems to indicate that development in certain areas is reasonably forseeable for the next 15-20 years, making consultation possible.

Given Alternative F proposes to open over 700,000 acres for oil and gas leasing (not just high oil potential areas), BLM must initiate (and reinitiate for species covered by the 2019 PBO) consultation for all listed species that may be affected by oil and gas development on *any and all* areas open for leasing under Alternative F.

X. BLM Must Consider and Address Idle and Orphaned Well Cleanup Obligations and Impacts.

Due to new information and changed circumstances, BLM must revise the SEIS to consider, discuss, and disclose how oil and gas development and leasing under Alternative F will contribute to severe environmental impacts posed by idle and orphaned oil and gas

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[458] 50 C.F.R. § 402.14(b)(1).
[459] 2025 DSEIS at 80.
[460] 2019 FEIS, Appendix B at B-16 (emphasis added).
[461] *Id.*, Appendix B at B-1. Further, in 2018 and 2019, according to the USFWS, BLM "anticipate[d] that oil and gas leasing, exploration, and development will only occur within Fresno, Monterey and San Benito Counties." 2019 PBO at 1. In turn, the USFWS limited the 2019 PBO action area[461] to "surface and subsurface lands administered by the BLM Central Coast Field Office in Fresno, San Benito, and Monterey Counties." *Id.* at 24. In addition, "[w]hile there is habitat for the vernal pool fairy shrimp, vernal pool tadpole shrimp, red-legged frog and tiger salamander within the oil and gas permitting area included in [the 2019 PBO], BLM d[id] not anticipate demand for oil and gas development within these areas." Even within the already narrowed, RFDS-constrained permitting area considered by the 2019 PBO, BLM was able to say definitively that habitat within that area for four federally-listed species was not expected to be disturbed. Why is BLM now "unable to anticipate," when, for the same RMPA in 2019, BLM was able to anticipate where oil and gas activity would and would not occur?

wells in California. BLM must also take action to prevent further UUD from idle and orphan wells in the planning area.

Earlier in this comment, we discuss BLM's obligation to affirmatively address numerous ways fossil fuel development in the planning area could cause UUD in violation of FLPMA. It is reasonably foreseeable that expanded oil and gas development under Alternative F will result in an unnecessary increase in unplugged idle and orphaned wells that will adversely impact public lands. BLM's failure to address and prepare for the undue buildup of idle and orphaned wells in the planning area will, too, result in UUD, and BLM must act to prevent it.

Wells that are not promptly plugged and remediated cause long-lasting and severe environmental harm. They emit dangerous toxic gases, including volatile organic compounds like benzene (a known carcinogen),[462] other harmful gases like hexane[463] and hydrogen sulfide,[464] and methane, a potent GHG.[465] Methane leaks from unplugged idle and orphan wells can create a risk of imminent explosion.[466] Unplugged wells also provide pathways for hydrocarbons and toxic produced water to contaminate beneficial use aquifers.[467] A single well in California emitted more than 30 tons of methane.[468]

As an example of the UUD that unplugged idle and orphaned wells can cause, for months in 2019, near Kingfisher, Oklahoma, thousands of gallons per day of produced water spewed from unplugged orphan wells near high-pressure injection wells.[469] As another example, in 2022, 21 idle wells were "leaking explosive levels of methane gas in

[462] DiGiulio, D.C. et al., Chemical Characterization of Natural Gas Leaking from Abandoned Oil and Gas Wells in Western Pennsylvania, 8 ACS Omega 19443 (2023).
[463] *Id*.
[464] El Hachem, K. & Kang, M., Methane and hydrogen sulfide emissions from abandoned, active, and marginally producing oil and gas wells in Ontario, Canada, 823 Science of the Total Environment 153491 (2022).
[465] *Id*.
[466] Manola Secaira, How idle oil wells leaked explosive levels of methane in Bakersfield, CapRadio (June 21, 2022), https://www.capradio.org/articles/2022/06/21/how-idle-oil-wells-leaked-explosive-levels-of-methane-in-bakersfield/ (last accessed March 9, 2026).
[467] Woda, J. et al., A geospatial analysis of water-quality threats from orphan wells in principal and secondary aquifers of the United States, 976 Science of the Total Environment 179246 (2025).
[468] Mya Frazier, "Gas companies are abandoning their wells, leaving them to leak methane forever," Bloomberg (Sept. 17, 2020), https://www.bloomberg.com/news/features/2020-09-17/abandoned-gas-wells-are-left-to-spew-methane-for-eternity (last accessed March 10, 2026).
[469] Nick Bowlin, Toxic wastewater from oil fields keeps pouring out of the ground. Oklahoma regulators failed to stop it, The Frontier (Oct. 29, 2025), https://www.readfrontier.org/stories/toxic-wastewater-from-oil-fields-keeps-pouring-out-of-the-ground-oklahoma-regulators-failed-to-stop-it/ (last accessed March 9, 2026).

various neighborhoods in Bakersfield."[470] In a 2020 study, roughly two-thirds of surveyed California idle wells were leaking methane.[471]

BLM is aware of the numerous harms caused by unplugged idle and orphaned wells:

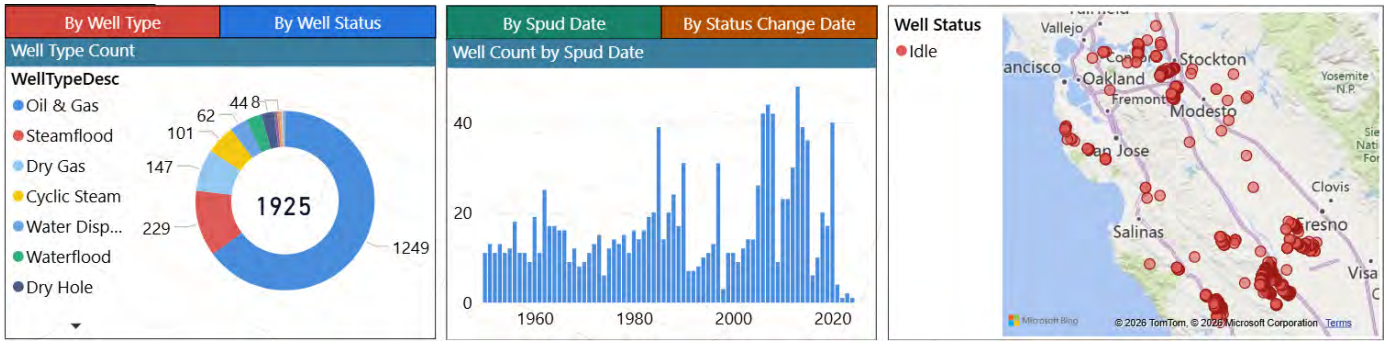
> Without proper maintenance, orphaned wells and other abandoned oil and natural gas infrastructure can lead to significant methane emissions. As unmaintained wellbores, wellheads, pipes, and casings age, corrode, and deteriorate, infrastructure intended to isolate oil, gas, and other substances can allow harmful gases, such as methane, hydrogen sulfide and produced waters to escape into the surrounding environment. These emissions occur when there is a source of methane, such as a geologic formation, and a leaking wellbore acting as a pathway for the gas to travel from the source to the environment…The gas may escape directly into the atmosphere and soils or contaminate groundwater resources that the public may rely on for drinking water.[472]

In 2024, BLM pointed to a "2021 study of abandoned wells [that] found an average methane emission rate of 11 grams per hour per well,"[473] as well as a 2024 study that found "some individual unplugged wells have been measured emitting 76,000 grams of methane per hour."[474] BLM also noted that "[a]s subsurface oil and gas casing and well infrastructure erode over time, deterioration and other factors can lead to increased methane emissions from the well."[475] CalGEM has acknowledged that "[i]dle wells that are not properly tested and maintained for integrity pose a range of threats to life, health, property, and natural resources, including potential contamination of groundwater, dilution of hydrocarbon resources, and emission of methane and other gases to the atmosphere."[476]

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[470] Manola Secaira, How idle oil wells leaked explosive levels of methane in Bakersfield, CapRadio (June 21, 2022), https://www.capradio.org/articles/2022/06/21/how-idle-oil-wells-leaked-explosive-levels-of-methane-in-bakersfield/ (last accessed March 9, 2026).
[471] Lebel, E.D. et al., Methane Emissions from Abandoned Oil and Gas Wells in California, Environmental Science & Technology (2020).
[472] Department of the Interior, Orphaned Wells Program Annual Report to Congress at 42 (November 2024) (citing Gianoutsos, N.J. et al., Geologic sources and well integrity impact methane emissions from orphaned and abandoned oil and gas wells, Science of the Total Environment (2024)).
[473] Department of the Interior, Orphaned Wells Program Annual Report to Congress at 42 (November 2024) (citing Williams, J.P. et al., Methane Emissions from Abandoned Oil and Gas Wells in Canada and the United States, Environmental Science & Technology (2021)).
[474] Department of the Interior, Orphaned Wells Program Annual Report to Congress at 43 (November 2024) (citing Riddick, S.N. et al., Methane emissions from abandoned oil and gas wells in Colorado, Science of the Total Environment (2024)).
[475] Department of the Interior, Orphaned Wells Program Annual Report to Congress at 44 (November 2024) (citing Gianoutsos, N.J. et al., Geologic sources and well integrity impact methane emissions from orphaned and abandoned oil and gas wells, Science of the Total Environment (2024)).
[476] CalGEM, Requirements for Idle Well Testing and Management, Final Statement of Reasons at 1 (2019).

California is at the forefront of a problem that threatens every oil and gas producing state in the nation. Currently, there are over 30,000 idle wells[477] statewide.[478] In the twelve counties within the planning area, there are 1,925 idle wells (see below screenshot of top panels in CalGEM's WellSTAR Data Dashboard after filtering to idle wells within the twelve counties; showing, from left to right, the number of idle wells, how many of these wells were spud in each year, and their location).[479]



According to CalGEM's 2024 Idle Well Management Plan Inventory, which includes wells that were idle on January 1, 2024, there were 1,653 idle wells in these counties, 1,107 of which had been idle for five years or longer.[480] 233 wells had been idle for 45 years or longer, 40 of which had been idle for over 100 years.[481]

The problem is particularly acute in California because oil and gas production is at the end of its lifecycle, as explained in a seminal 2023 report.[482] Despite the drilling of new wells, oil production has been declining in California for four decades.[483] Reservoirs are depleted and more energy and chemicals are needed to extract a decreasing quantity of

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[477] Under California law, an "idle well" is "any well that for a period of 24 consecutive months has not either produced oil or natural gas, produced water to be used in production stimulation, or been used for enhanced oil recovery, reservoir pressure management, or injection." Cal. Pub. Res. Code § 3008(d). "An idle well continues to be an idle well until it has been properly abandoned…or it has been shown to the division's satisfaction that, since the well became an idle well, the well has for a continuous six-month period either maintained production of oil or natural gas, maintained production of water used in production stimulation, or been used for enhanced oil recovery, reservoir pressure management, or injection." *Id*.

[478] California Department of Conservation, Geologic Energy Management Division, WellSTAR Data Dashboard, https://wellstar-dashboard.conservation.ca.gov/ (last accessed March 9, 2026).

[479] *Id*.

[480] California Department of Conservation, Geologic Energy Management Division, 2024 IWMP Inventory, https://www.conservation.ca.gov/calgem/idle_well/Documents/2024_IWMP_Inventory_Public.xlsx.

[481] *Id*.

[482] See Dwayne Purvis, There will be blood: Decommissioning California's Oilfields, CarbonTracker (May 2023).

[483] See U.S. Energy Information Administration, California Field Production of Crude Oil, https://www.eia.gov/dnav/pet/hist/LeafHandler.ashx?n=pet&s=mcrfpca2&f=a (last accessed Mar. 12, 2026).

very heavy, dirty oil.[484] Due to this late stage context, experts note that California's statewide cost of cleanup for all unplugged oil and gas wells is around $21.5 billion.[485] Operators have only submitted less than 1% of that amount in bonds.[486] "[I]t is unlikely that the remaining production of over 100,000 wellbores and nearly 30,000 facilities operating today will suffice to pay for their own decommissioning even if all future profits are applied to the liabilities."[487]

As noted above, BLM is aware of this problem and its growing magnitude, but nonetheless does not adequately analyze it in the 2025 draft SEIS, and does nothing to address it as required by law. BLM must conduct this analysis at the RMP stage, as impacts are reasonably foreseeable.

BLM states, in the 2019 FEIS, that "[d]epleted wells are to be plugged and abandoned in a timely manner . . . including plugging the well bore with cement, removing all materials and equipment, and recontouring/revegetation."[488] BLM's own regulations require operators to "*promptly* plug and abandon . . . each newly completed or recompleted well in which oil or gas is not encountered in paying quantities or which, after being completed as a producing well, is demonstrated . . . to be no longer capable of producing oil or gas in paying quantities . . . ."[489]

However, BLM noted in 2024 that "[i]n many cases, idled wells can be used as a proxy for wells at risk of becoming orphaned."[490] And, according to the 2025 draft SEIS, as of 2024, leases on federal mineral estate in the Planning Area have a backlog of unplugged idle wells – there were "[n]ine (9) actively producing oil and gas service wells (compared to 80 in 2014) and 91 idle wells (compared to 66 in 2014)."[491] This backlog persists despite BLM's regulations requiring prompt plugging and despite the Bipartisan Infrastructure Law requiring the BLM director to "reduce the inventory of idled wells on federal land."[492]

CalGEM notes that plugging expenses in recent years have been $220,000 to $900,000 per well.[493] Prior to BLM's 2024 Fluid Mineral Leases and Leasing Process Rule, "BLM ha[d] not increased its minimum bond amounts, which [were] $10,000 for individual lease bonds, $25,000 for statewide bonds, and $150,000 for nationwide bonds, since 1951

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[484] See generally Fleming, J., Killer Crude: How California Produces Some of the Dirtiest, Most Dangerous Oil in the World, Center for Biological Diversity (June 2021), https://www.biologicaldiversity.org/programs/climate_law_institute/pdfs/June-2021-Killer-Crude-Rpt.pdf
[485] See Dwayne Purvis, There will be blood: Decommissioning California's Oilfields, CarbonTracker at 5 (May 2023).
[486] *Id*.
[487] *Id*. at 41.
[488] See, e.g., 2019 FEIS at 4.8-5.
[489] 43 C.F.R. § 3162.3-4(a) (emphasis added).
[490] Department of the Interior, Orphaned Wells Program Annual Report to Congress at 41 (November 2024).
[491] 2025 DSEIS at 28.
[492] Department of the Interior, Orphaned Wells Program Annual Report to Congress at 41 (November 2024).
[493] California Department of Conservation, Fiscal Year 2025-2026 Budget Change Proposal, 3480-081-BCP-2025-MR (Apr. 15, 2025) at 5.

(statewide and nationwide bonds) and 1960 (individual lease bonds)."[494] BLM recognized that its "minimum bond amounts [were] outdated, expose[d] the Federal Government to significant financial risks in the event of bankruptcies, and delay[ed] 'complete and timely' reclamation and restoration of lease tracts, which can cause or exacerbate a range of environmental issues, including methane leaks, surface and groundwater contamination, interference with agricultural activities, and degraded wildlife habitat."[495]

The 2024 Rule increased the minimum lease bond to $150,000 and the minimum statewide bond to $500,000.[496] These amounts still pale in comparison to the $220,000 to $900,000 required to plug a *single well* in California. In addition, in December 2025, BLM moved to extend the deadline for operators to secure the increased level of bonding while BLM contemplates a separate rulemaking that would "significantly change the timeline for this requirement."[497] Further, of the Bipartisan Infrastructure Law's $241.3 million in direct funding "for well plugging and reclamation of orphaned wells located on federal land," BLM only "received $35 million in total funds to plug 93 wells" nationwide.[498] That equates to an average of about $376,000 per well. Even if operators eventually comply with the 2024 Fluid Mineral Leases and Leasing Process Rule increased bonding requirements ($150,000 minimum lease bond and $500,000 minimum statewide bond), oil and gas wells developed under the RMP will still be dramatically under-bonded. And BLM will not receive any more public plugging funds from implementation of the Bipartisan Infrastructure Law.[499]

Oil and gas corporation bankruptcies are common in California.[500] Due to the severely inadequate bonding situation described above, bankrupt and/or otherwise defunct operators have already left over 5,300 orphan or potentially orphan wells for the state to clean up.[501] Expanding oil and gas development under Alternative F without addressing this reality paves the way for operators to leave behind polluting unplugged wells.

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[494] 88 Fed. Reg. 47562-47565 (July 24, 2023).
[495] *Id*.
[496] 43 C.F.R. § 3104.1(a).
[497] 90 Fed. Reg. 59,069 (Dec. 18, 2025).
[498] Department of the Interior, Orphaned Wells Program Annual Report to Congress at 6-7 (November 2025).
[499] *Id.* at 6.
[500] *See, e.g.*, Janet Wilson & Mark Olalde, California Resources Corp., leading oil and gas producer, files for Chapter 11 bankruptcy, The Desert Sun (July 15, 2020), https://www.desertsun.com/story/news/environment/2020/07/15/crc-californias-largest-oil-and-gas-company-files-bankruptcy-protection/5446329002/ (last accessed March 9, 2026); see also, e.g., Lena Folke, Legal battle looms as Griffin Resources files for bankruptcy, Bakersfield Now (Oct. 10, 2024), https://bakersfieldnow.com/news/local/griffin-resources-files-for-bankruptcy-amid-bakersfield-water-crisis (last accessed March 9, 2026).
[501] California Department of Conservation, Geologic Energy Management Division, Idle Well Program Legislative Report at 26 (Dec. 2025).

Despite operators' legal obligation to clean and remediate their wells, and despite state and federal[502] laws addressing cleanup, the problem is growing more acute. Continued leasing and development without disclosing and addressing this issue will greatly exacerbate the problem. BLM must consider, discuss, and disclose how oil and gas development and leasing under Alternative F will contribute to the idle and orphaned well crisis and its attendant adverse environmental impacts.

Alternative F's enabling of further oil and gas wells could foreseeable contribute to the problems described above. To avoid UUD from idle and orphaned wells, BLM must analyze the issue, consider it in its decisionmaking, and take decisive steps to avoid this degradation. Adding the following measures to the RMP would decrease the environmental risks from idle and orphan wells:

- Requiring operators to provide bonds or other financial assurance that cover the full amount of plugging and remediating all of the operators' wells within the planning area, including a contingency for severe environmental contamination.
- Instituting a firm deadline by which idle wells must be properly plugged and abandoned. For example, Colorado requires idle wells to be plugged within six months.[503]
- Requiring plugging five unplugged wells for every new well drilled.
- Affirming joint and several liability among operators as a condition of each lease.
- Imposing an orphan well fee on lessees to fund orphan well remediation within the RMP area.
- Requiring that leak detection and repair requirements apply even after the well is plugged.
- Increasing the frequency of inspections at idle wells and oil and gas facilities.

XI. BLM Must Conduct a Clean Air Act Conformity Analysis at the RMP Stage.

As raised in the Center's scoping comments,[504] BLM is required to demonstrate conformity with the Clean Air Act's ("CAA") general conformity requirements.[505] The 2025 DSEIS fails to make such a demonstration, and its explanation for avoiding this requirement is unavailing.

[502] For example, the Bipartisan Infrastructure Law of 2021 provided nearly $5 billion of taxpayer money to fund the plugging of orphaned wells across the country, "confront[ing] the potent atmospheric pollution that orphaned oil and gas wells emit, while also accounting for the legacy impact that orphaned wells have on their surrounding environment." Department of the Interior, Orphaned Wells Program Annual Report to Congress at 7 (November 2024).
[503] 2 Col. Code Regs., § 434(c)(1).
[504] *See* Center Scoping Comment at 76-80.
[505] 43 U.S.C. § 7506.

A. BLM must not defer a conformity determination to the APD stage—it must comply with conformity requirements at the RMP stage.

On the topic of the CAA general conformity rule, BLM states in the 2025 draft SEIS that during the leasing stage, there are "no direct or indirect air emissions . . . because, by itself, a lease does not authorize any on the ground oil and gas activities."[506] The agency thus determines that "applicability of the General Conformity Rule is appropriately analyzed at the project-level for APDs on federal mineral leases in the CCFO."[507]

These points were addressed in our earlier comment and represent, at best a mistaken, at worst deceptive, belief that BLM may defer a CAA conformity analysis and determination to the APD stage. Conducting a conformity determination at the drilling stage means BLM is quantifying emissions in a piecemealed fashion, resulting in *de minimis* exemptions. While foreseeable emissions at the RMP and leasing stages typically surpass *de minimis* levels,[508] those assessed for individual APDs later in BLM's analysis do not.[509] This practice, where BLM claims that emissions are not foreseeable at the RMP/leasing stage and subsequently breaks projects up into smaller, *de minimis* pieces, allows BLM to circumvent conformity analysis for oil and gas development entirely, which is counter to the purpose, intent, and plain language of the CAA's general conformity requirement.[510]

Further, BLM's approach to conformity put forth in the 2025 draft SEIS runs counter to BLM's stated positions taken at other points in time. For example, in the Bakersfield 2012 final EIS, BLM stated that it is "[a]t this RMP stage [that] an applicability analysis is required to determine whether current and anticipated emissions are below *de minimis* and

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[506] 2025 DSEIS at 36.
[507] *Id.* at 37.
[508] *See e.g.*, BLM Utah 2025 Fourth Quarter Competitive Oil and Gas Lease Sale Environmental Assessment, DOI-BLM-UT-0000-2025-0003-EA, available at: https://eplanning.blm.gov/Project-Home/?id=f30babe9-a7f2-f011-8406-001dd802fdea (leasing 46 parcels; estimating 428 wells; showing that emissions would foreseeably be above *de minimis* levels); Colorado Quarter 1 2026 Competitive Oil and Gas Lease Sale, DOI-BLM-CO-0000-2025-0007-EA, available at: https://eplanning.blm.gov/Project-Home/?id=78eae1f2-a7f2-f011-8407-001dd80db62a (leasing 103 parcels; estimating over 500 wells; showing that emissions would foreseeably be above *de minimis* levels).
[509] *See e.g.*, CREH - 1 APD in Buena Vista Hills, DOI-BLM-CA-C060-2026-0005-EA, available at: https://eplanning.blm.gov/Project-Home/?id=75ece1f2-a7f2-f011-8407-001dd80db62a (1 APD; below 10 tpy de minimis); CREH - 2 APDs in Buena Vista Hills, DOI-BLM-CA-C060-2026-0006-EA, available at: https://eplanning.blm.gov/Project-Home/?id=79ece1f2-a7f2-f011-8407-001dd80db62a (2 APDs; below 10 tpy de minimis); CREH - 1 APD in Buena Vista Hills, DOI-BLM-CA-C060-2025-0025-EA, available at: https://eplanning.blm.gov/Project-Home/?id=f72546eb-a7f2-f011-8406-001dd80ef717 (1 APD; below 10 tpy de minimis); CRPC - 3 APDs in Mount Poso, DOI-BLM-CA-C060-2024-0103-EA, available at: https://eplanning.blm.gov/Project-Home/?id=94e33ce3-a7f2-f011-8407-001dd803d7d3 (3 APDs; below 10 tpy de minimis).
[510] 43 U.S.C. § 7506 (stating that no agency may "engage in, support in any way or provide financial assistance for, license or permit, or approve, any activity which does not conform to an implementation plan").

whether a formal conformity determination is required."[511] BLM has not explained why it has since changed its position.

BLM must perform a complete conformity analysis and determination that accounts for all direct and indirect emissions in nonattainment areas likely to arise under the RMP. BLM's annual air emissions table must reflect annual (over the lifetime of the project) projections of air emissions, provide the assumptions and calculations relied upon, and amend its erroneous classification of "midstream emissions" (discussed below). Where total, reasonably foreseeable emissions surpass *de minimis* thresholds, BLM must perform a conformity determination.

B. BLM improperly excludes emissions estimates that would inform a conformity analysis.

To perform a proper CAA conformity analysis, BLM must consider reasonably foreseeable direct and indirect emissions from oil and gas activities.[512] The 2025 DSEIS evades conformity analysis by improperly excluding some midstream emissions. It does so by classifying midstream emissions as "indirect" and then disclaiming "program responsibility" for those emissions.[513] This is an error.

According to the CAA conformity regulations, **reasonably foreseeable emissions** are defined as:

> [P]rojected future direct and indirect emissions that are identified at the time the conformity determination is made; the location of such emissions is known and the emissions are quantifiable as described and documented by the Federal agency based on its own information and after reviewing any information presented to the Federal agency.[514]

Direct emissions are those "that are caused or initiated by the Federal action and originate in a nonattainment or maintenance area and occur at the same time and place as the action and are reasonably foreseeable."[515]

Indirect emissions are defined as those:

> (1) That are caused or initiated by the Federal action and originate in the same nonattainment or maintenance area but occur at a different time or place as the

[511] Bakersfield Proposed Resource Management Plan & Final Environmental Impact Statement, August 2012, at 233.
[512] 40 CFR § 93.153(b) ("For Federal actions not covered by paragraph (a) of this section, a conformity determination is required for each criteria pollutant or precursor where the total of *direct and indirect emissions* of the criteria pollutant . . . .") (emphasis added); *see also id.* § 93.152 ("Reasonably foreseeable emissions are projected future *direct and indirect* emissions that are identified at the time the conformity determination is made . . . .") (emphasis added).
[513] 2025 DSEIS at 59.
[514] 40 C.F.R. § 93.152.
[515] *Id.*

> action; (2) That are reasonably foreseeable; (3) That the agency can practically control; and (4) For which the agency has continuing program responsibility.[516]

As relevant to "indirect emissions, the term **"continuing program responsibility"** simply means that:

> [A] Federal agency has responsibility for emissions caused by (1) Actions it takes itself; or (2) Actions of non-Federal entities that the Federal agency, in exercising its normal programs and authorities, approves, funds, licenses or permits, provided the agency can impose conditions *on any portion of the action that could affect the emissions*.[517]

The 2025 DSEIS underestimates reasonably foreseeable emissions from Table 4-1 because BLM improperly characterizes some midstream emissions as "indirect" emissions not within its control.[518] BLM states that its midstream emissions estimates do not include "the average site-specific well operations emissions . . . [which] come largely from facilities that require a permit issued by the SJVAPCD or other California air districts under the [NSR] program and the applicable SIP or from vehicles over which BLM has no authority to impose controls."[519] BLM concludes that it has no "practical control or continuing program responsibility over these emissions."[520] On this, BLM is mistaken.

First, midstream emissions resulting from the operation of oil wells drilled under the CCFO RMP need not be assessed to determine whether BLM can control or has a continuing program responsibility over them, because they are *direct* emissions caused or initiated by the Federal action, occurring at the same time and place as the action, and reasonably foreseeable.[521]

That operational midstream emissions are direct emissions is evident from BLM's description of the proposed action: it considers the "environmental effects of oil and gas leasing and development within the Planning Area,"[522] based on reasonably foreseeable well development over the course of "15 years."[523] Thus the lifetime of the proposed project spans 15 years and the entire CCFO area. All midstream emissions (i.e., those emissions occurring after production but before refining) take place within this geographic and temporal boundary and should be properly categorized as "direct" emissions.

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[516] *Id*.
[517] *Id*. (emphasis added).
[518] 2025 DSEIS at 59.
[519] *Id.*, n.8. Midstream emissions are commonly understood to be those that arise from "gathering, storing, and transporting oil and natural gas via pipelines, rail, tankers, and trucks." EPA, Oil and Gas Sector Information, https://www.epa.gov/smartsectors/oil-and-gas-sector-information (last accessed Feb. 20, 2026); *see also* Standards of Performance for New, Reconstructed, and Modified Sources and Emissions Guidelines for Existing Sources: Oil and Natural Gas Sector Climate Review, 89 Fed. Reg. 16820 (March 8, 2024).
[520] 2025 DSEIS at 59.
[521] 40 C.F.R. § 93.152.
[522] 2025 DSEIS at 4.
[523] 2019 FEIS, Appendix B – Reasonably Foreseeable Development Scenario for Oil and Gas, at B-17.

Second, even assuming, *arguendo*, that site-specific operational emissions are properly characterized as indirect emissions, they nevertheless fall under BLM's continuing program responsibility. BLM must therefore include them in its conformity analysis.

When EPA promulgated the general conformity regulations in 1993, it provided numerous examples for emissions that would fall under an agency's continuing program and practical control.[524] For example, if the Forest Service were to issue a permit to a ski resort and included conditions regarding the construction and operation of the resort, "emissions from the construction *and operation* of the resort are a continuing program responsibility of the Forest Service."[525] As another example, if the FAA was deciding whether to expand an airport located in a nonattainment area, the resulting "increase in emissions of 50 [tpy] of [VOCs] due to vehicle and airport related emissions" would be considered under a conformity determination.[526]

Courts have reinforced these principles. For example, one court assessed whether the Department of Energy ("DOE") was required to assess emissions from Mexican power plants in its approval of a transmission line and compliance with CAA general conformity requirements.[527] The court found that because DOE "can, and did, condition the issuance of the [] permits upon the maintenance of pollution control measures," where "[n]o other federal agency ha[d] the ability to impose such conditions," and where without the permits the transmission lines could not be built, power plant emissions were those that DOE could "practicably control" through issuance of a transmission line permit.[528]

Here, BLM maintains continuing program responsibility and practical control over midstream operational emissions because it will issue a final decision approving certain federal lands for oil and gas leasing, it has discretion to dictate which areas are open or closed for leasing, and its decision will include stipulations and mitigation measures applicable to operation of those wells. Moreover, BLM has continuing program responsibility for federal oil and gas leasing throughout the leasing, APD, and plugging/abandonment stages. As a result, and for the purposes of CAA conformity under EPA's regulations, midstream operations of oil and gas leasing in the CCFO area remain under practical control and continuing program responsibility of BLM, and those emissions must be included in an RMP-level conformity analysis.

XII. BLM Is Required to Reopen the Comment Period for 90 Days per Regulatory Requirements.

On January 23, 2026, the Center and others requested that BLM extend the comment period for this matter from 45 to 90 days in accordance with 43

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[524] 58 Fed. Reg. 63214, Determining Conformity of General Federal Actions to State or Federal Implementation Plans; Final Rule (Nov. 30, 1993).
[525] *Id.* at 63221 (emphasis added).
[526] *Id.* at 63222 – 23.
[527] *Border Power Plant Working Grp. v. DOE*, No. 02cv513-IEG(POR), 2006 LX 19756, at *21 (S.D. Cal. Feb. 8, 2006).
[528] *Id.*

C.F.R. part 1610.2(e). Per that regulation, BLM must provide 90 days for public comment on RMP draft EISs. The 90–day period begins when the Environmental Protection Agency (EPA) publishes a notice of the filing of the draft EIS in the Federal Register. We pointed out that the regulations do not provide that the comment period may be lessened when BLM considers, but then declines, to offer an RMP amendment. Instead, the 90 days is triggered by preparation of a draft EIS in relationship to an RMP.[529]

BLM declined this request without commenting on its merits.[530] BLM must adhere to its regulations and reopen the RMP decision and draft SEIS with the required length of time for comment.

XIII. Conclusion

Thank you for evaluating and responding to our concerns and the information contained herein.

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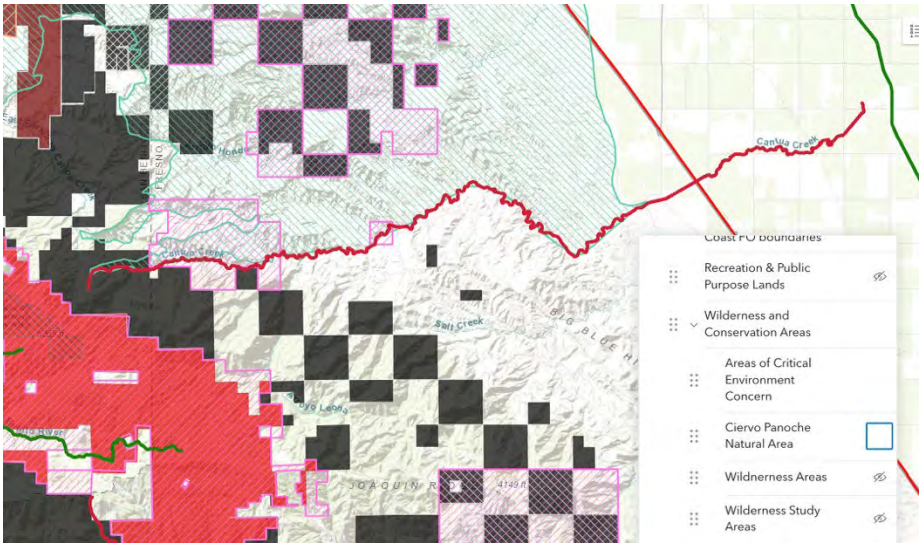
Cooper Kass
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Center for Biological Diversity
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[529] 43 C.F.R. § 1610.2(e) ("Ninety days shall be provided for review of the draft plan and draft environmental impact statement.").
[530] Email from BLM_CA_CCFO_OIL_GAS_SEIS@blm.gov re: [EXTERNAL] Extension request: BKFO and CCFO oil and gas comment periods (Jan. 27, 2026) ("The Bureau of Land Management (BLM) has received your request to extend the comment periods for the Central Coast and Bakersfield NEPA Draft Supplemental Environmental Impact Statements from 45 days to 90 days. The BLM will add 7 additional days to account for access interruptions caused by routine maintenance on our online NEPA register. The comment period will now close on March 13, 2026.").

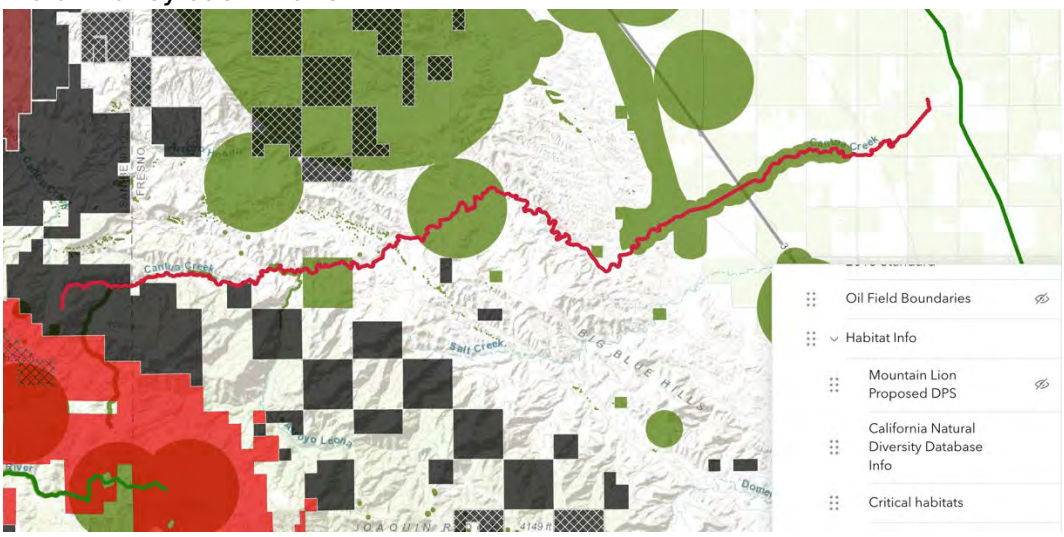
APPENDIX A

Cantua Creek

Cantua Creek runs through the Panoche-Coalinga ACEC, as depicted in this GIS map as the areas outlined in pink.



Cantua Creek overlap with species, shown in green to depict areas of Swainson's hawk, blunt-nosed leopard lizard, northern California legless lizard, San Joaquin kit fox, and the Indian Valley bush-mallow.



APPENDIX B

California Mountain Lion DPS

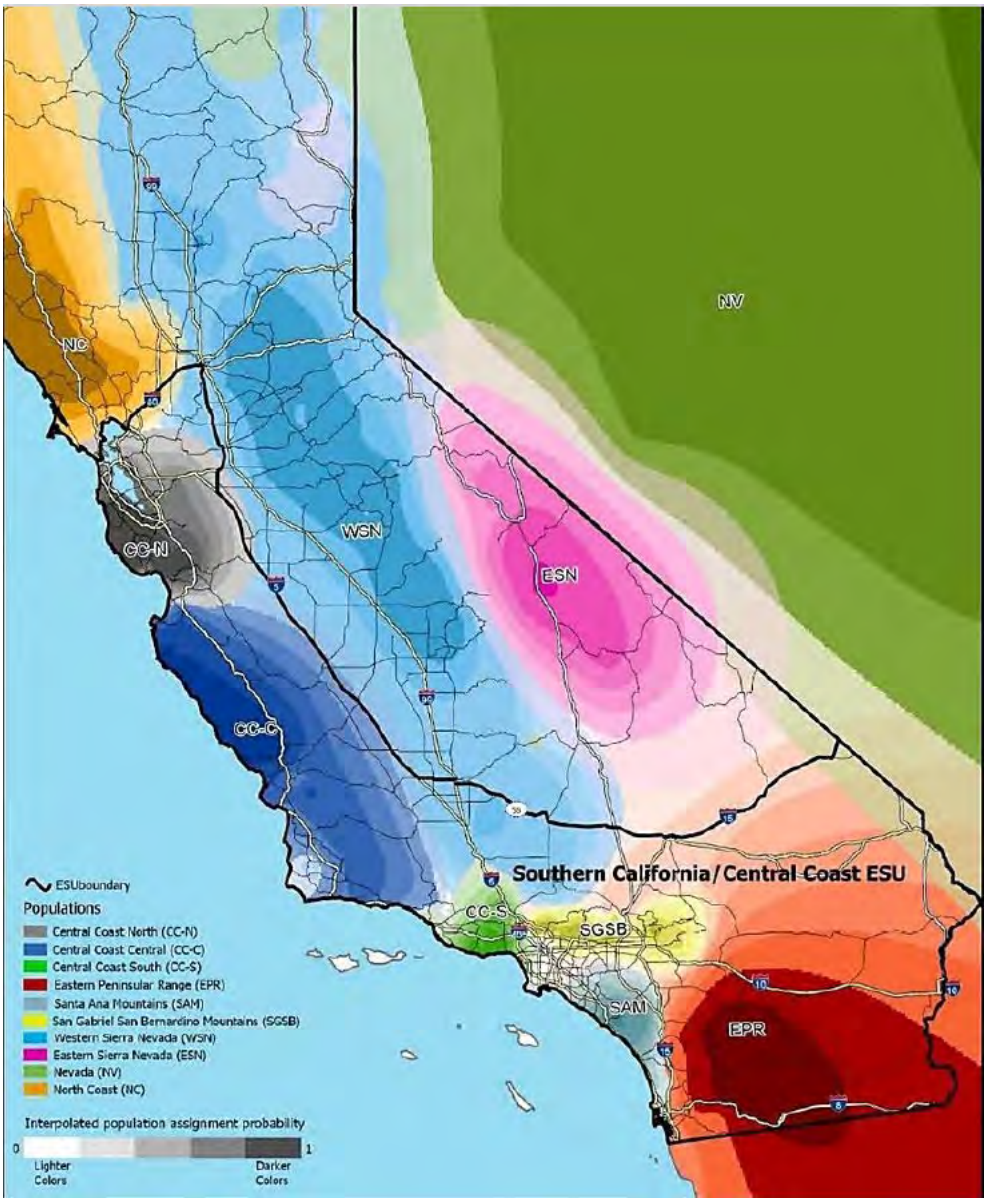


Figure 1: Genetically distinct mountain lion populations in California. The black represents the CC-N population, dark blue the CC-C population, and green the CC-S population. The black outline along the Central Coast and Southern California represents the originally petitioned Evolutionarily Significant Unit ("ESU"). The ultimately protected Central Coast and Southern California Distinct Population Segment is almost the entire area of the petitioned ESU (see Figure 2). Source: Yap et al., 2019.

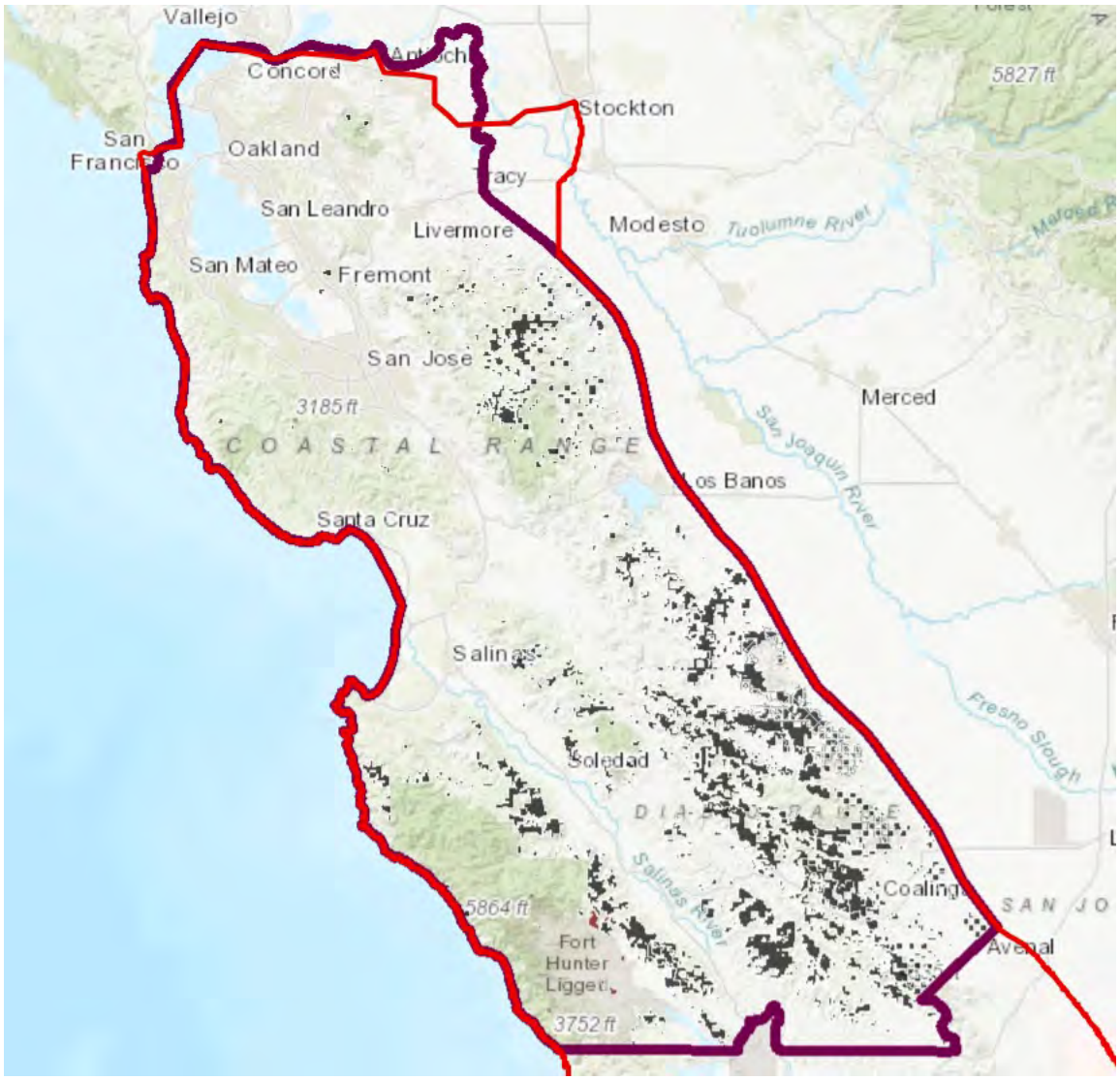
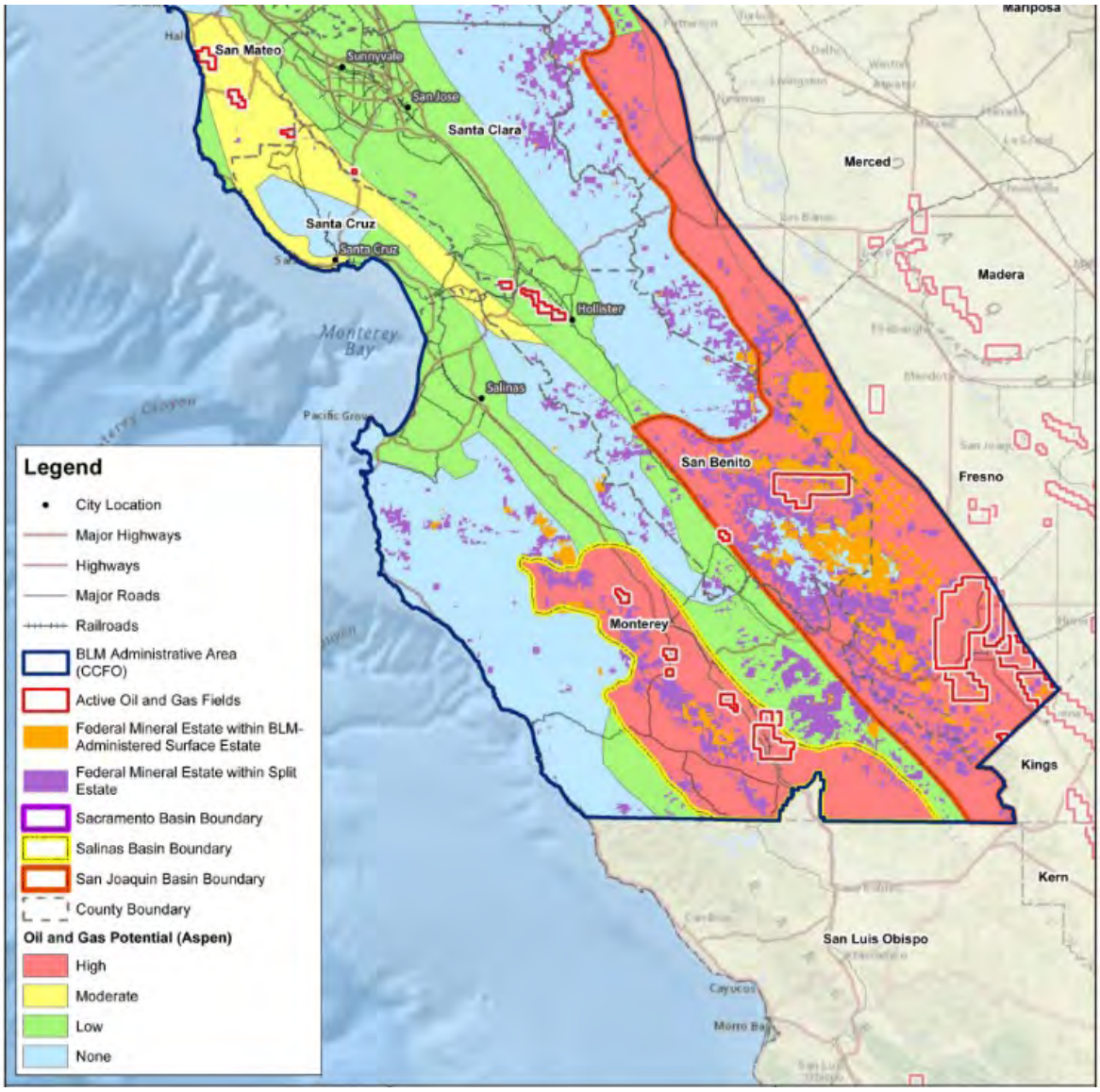


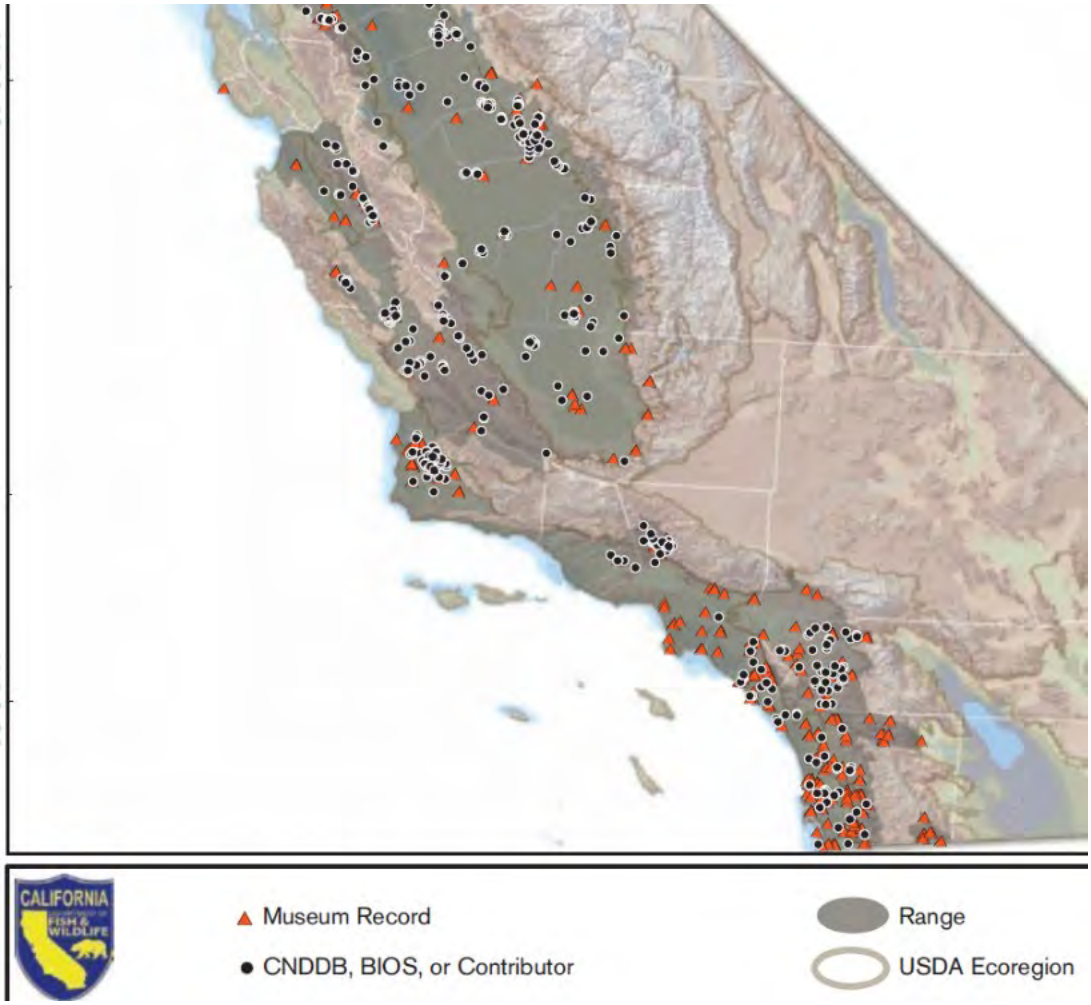
Figure 2: The purple line represents the CCFO region. The black polygons represent lands that would be open for leasing under Alternative F. Red represents the DPS boundary for protected mountain lions.

APPENDIX C

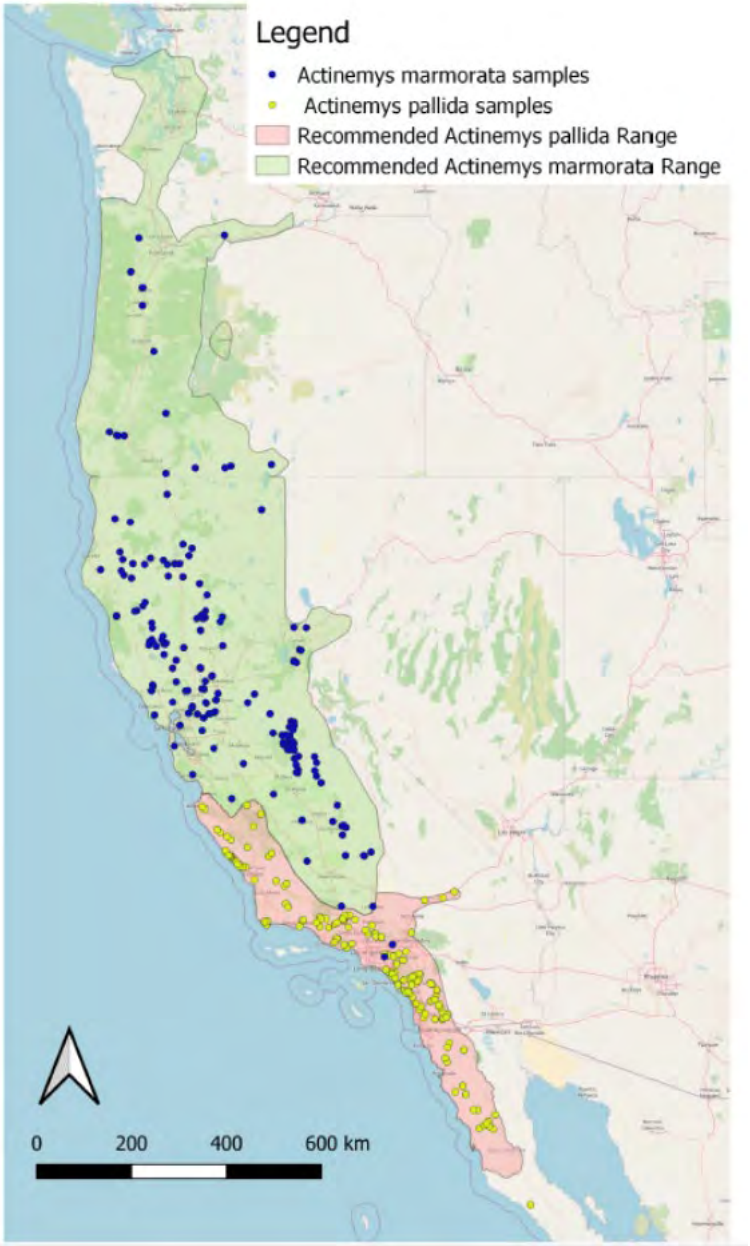
ESA Consultation



2019 FEIS, Appendix B, Figure 4: Oil and Gas Occurrence Potential



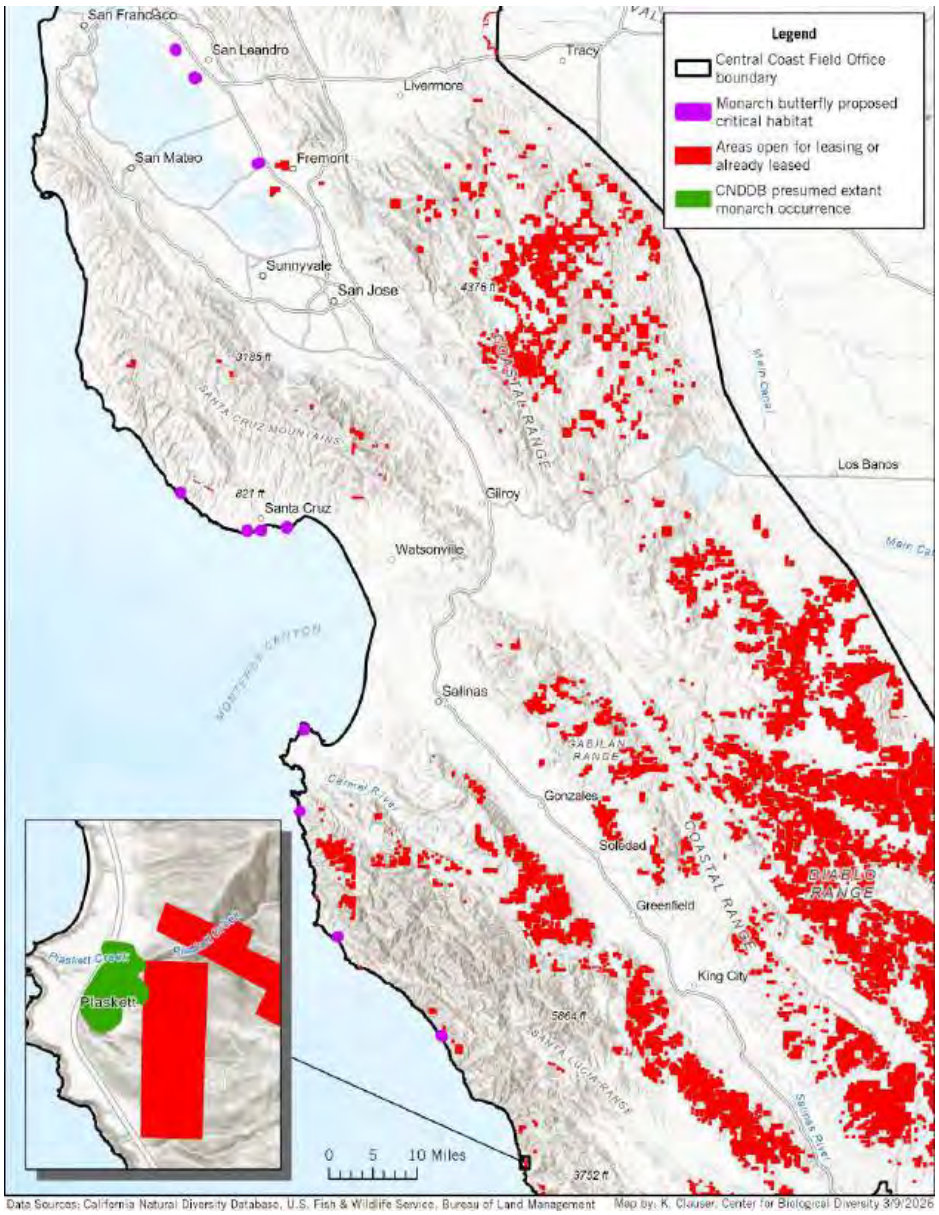
Thomson et al. (2016): Western spadefoot occurrences and range.



Shaffer & Scott (2022) Figure 3: Pond turtle genotyped samples and range boundaries.

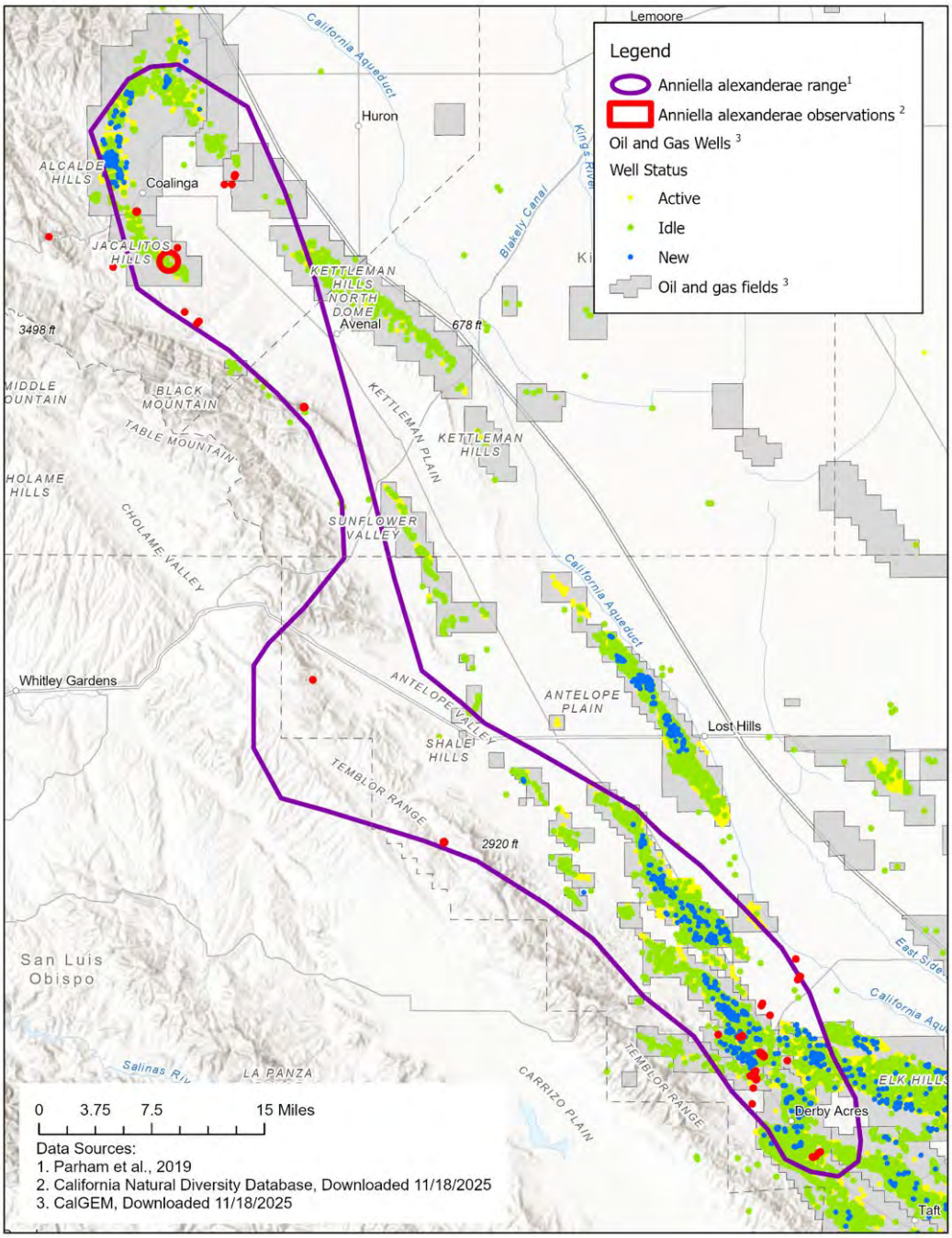
APPENDIX D

Monarch Butterfly



APPENDIX E

Temblor Legless Lizard



Active oil and gas development in the Temblor legless lizard range and overlap with lizard detection sites.

List of Attachments

Below are the list of attachments containing pdfs of the sources cited in this comment. These pdfs can also be accessed via this Box.com link: https://diversity.box.com/s/21ijuyfa16xhuukbrjb711uzgsjyloqy.

CBD Attachments Batch 01 (Adams – BLM 2023)
CBD Attachments Batch 02 (Brooks – CDFW 2026)
CBD Attachments Batch 03 (CDFW 2025 - CRS 2022)
CBD Attachments Batch 04 (Cromie - Diamond)
CBD Attachments Batch 05 (DOI 2024 – Gianostous)
CBD Attachments Batch 06 (Gianostous – Gustafson 2019)
CBD Attachments Batch 07 (Gustafson 2022 – Klein)
CBD Attachments Batch 08 (Keeley – Lee)
CBD Attachments Batch 09 (Milanes – NASA)
CBD Attachments Batch 10A (Nat Geo – Purvis)
CBD Attachments Batch 10B (RCD Santa Cruz – Riley)
CBD Attachments Batch 11 (Ripple 2006 – Shaffer)
CBD Attachments Batch 12 (Smith 2015 – Ventana 2020)
CBD Attachments Batch 13 (Ventana – Wilmers)
CBD Attachments Batch 14 (Yap – Yovovich)
CBD Attachments Batch 15 (GHG)
CBD Attachments Batch 16 (GHG)
CBD Attachments Batch 17 (GHG)
CBD Attachments Batch 18 (habitat connectivity + lighting)
CBD Attachments Batch 19 (habitat connectivity + lighting)
CBD Attachments Batch 20 (habitat connectivity + lighting)
CBD Attachments Batch 21 (habitat connectivity + lighting)
CBD Attachments Batch 22 (habitat connectivity + lighting)
CBD Attachments Batch 23 (Temblor legless lizard)
CBD Attachments Batch 24 (idle wells)

Addendum 7

Annotated Bibliography of Fact-Based Sources Cited or Incorporated into November 2, 2026 Protest Letter to the U.S. Bureau Of Land Management (BLM)

ANNOTATED BIBLIOGRAPHY OF FACT-BASED SOURCES CITED OR INCORPORATED INTO NOVEMBER 2, 2026 PROTEST LETTER TO THE U.S. BUREAU OF LAND MANAGEMENT (BLM)		
BLM's Notice of Competitive Oil and Gas Internet Lease Sale requested a "summary" of all documents attached to the protest letter "explain[ing] why they are important for us to consider." Protesters dispute the premise that such a summary is necessary, especially for materials incorporated by reference into the protest letter that already form a portion of the administrative record in this case. Without waiving this objection, Protesters offer the following chart for BLM's ease of reference, consisting of a list of fact-based sources referenced directly in the Protest Letter or referenced in the CalWild et al. Scoping Comments or CalWild et al. Draft EA Comments and incorporated into the Protest Letter. Protesters deem it unecessary for this chart to include materials created and managed by BLM or the U.S. Department of Interior, which are already within the agency's knowledge, custody, and control. Likewise, this chart omits legal and policy citations, along with comment letters previously submitted to BLM and included in Protesters' addendum to the protest letter.		
Source	**Summary of Relevance and Usage in CalWild et al. Scoping Comments**	**Summary of Relevance and Usage in CalWild et al. Draft EA Comments**
Allen, D.T., Emissions from Oil and Gas Operations in the United States and their Air Quality Implications, 66 J. Air & Waste Mgmt. Assn 549 (June 1, 2016), https://www.tandfonline.com/doi/full/10.1080/10962247.2016.1171263.	•This source is cited on page 55, footnote 278 of the comment letter and supports the argument that the Bureau of Land Management (BLM) must make a general conformity determination under the Clean Air Act (CAA) for the lease sale, especially considering that oil and gas development produces significant emissions.	N/A
Am. Lung Ass'n, State of the Air Report Card: Kern County (2026), https://www.lung.org/research/sota/city-rankings/states/california/kern (last visited July 30, 2026).	•This source is cited on page 6, footnote 13 of the comment letter and supports the argument that BLM's California December 2026 Lease Sale cannot rely on the 2026 Final Supplemental Environmental Impact Statement (FSEIS) for the Bakersfield 2014 Resource Management Plan (Bakersfield 2014 RMP) or the 2026 FSEIS for the 2019 Central Coast Field Office RMP Amendment (2019 RMPA) because those documents are insufficient to address the high level of air pollution in the region.	N/A
Banan, Z. & Gernand J.M., Emissions of Particulate Matter Due to Marcellus Shale Gas Development in Pennsylvania: Mapping the Implications, 148 Energy Policy 1 (Jan. 2021).	•This source is cited on page 37, footnote 200 of the comment letter and supports the argument that BLM must ensure that leasing complies with National Environmental Protection Act (NEPA) and the Administrative Procedure Act (APA) by adequately analyzing the impacts of oil and gas leasing on public health, which include a multitude of harms.	N/A
Benítez-López, A. et al., The impacts of roads and other infrastructure on mammal and bird populations: A meta-analysis, Biological Conservation (2010).	N/A	•This source is cited on page 34, footnote 189 of the comment letter and supports the argument that leasing parcels in undisturbed and/or wildlife corridor areas contradicts the Bakersfield 2014 RMP and other BLM Conservation strategies in violation of the Federal Land Policy and Management Act (FLPMA) by demonstrating that habitat fragmentation and road development cause high levels of avoidance behavior and mortality in mammals and birds.

Source	Summary of Relevance and Usage in CalWild et al. Scoping Comments	Summary of Relevance and Usage in CalWild et al. Draft EA Comments
Black, K.J. et al., Economic, Environmental, and Health Impacts of the Fracking Boom, 13 Ann. Rev. of Res. Econ. 311 (Oct. 2021), https://www.annualreviews.org/content/journals/10.1146/annurev-resource-110320-092648.	•This source is cited on page 37, footnote 200 of the comment letter and supports the argument that BLM must ensure that leasing complies with NEPA and the APA by adequately analyzing the impacts of oil and gas leasing on public health, which include a multitude of harms.	N/A
Brehme, C.S., et al., An objective road risk assessment method for multiple species: Ranking 166 reptiles and amphibians in California, 33 Landscape Ecology (2018).	N/A	•This source is cited on page 34, footnote 188 of the comment letter and supports the argument that leasing parcels in undisturbed and/or wildlife corridor areas contradicts the Bakersfield 2014 RMP and other BLM Conservation strategies in violation of FLPMA by showing that habitat fragmentation and road development have been shown to increase extinction risk in amphibians and reptiles.
Brehme, C.S., et al., Permeability of roads to movement of scrubland lizards and small mammals, 27(4) Conservation Biology (2013).	N/A	•This source is cited on page 34, footnote 187 of the comment letter and supports the argument that leasing parcels in undisturbed and/or wildlife corridor areas contradicts the Bakersfield 2014 RMP and other BLM Conservation strategies in violation of FLPMA by showing that activities related to development can negatively and significantly impact individual wildlife, populations, communities, landscapes, and ecosystem functions.
Cal. Council on Sci. & Tech., An Independent Scientific Assessment of Well Stimulation in California, vol. 2, ch. 3.	•This source is cited on page 53, footnote 264 and page 54, footnote 272 of the comment letter and supports an argument that BLM must make a general conformity determination under the CAA for the lease sale, especially considering the Bakersfield Planning Area is one of the most polluted places in the nation, and because oil and gas development produces significant emissions.	N/A
Cal. Dep't of Conservation, Oil and Gas Environmental Remediation Account at 5, Budget Request Name 3480-081-BCP-2025-MR (Mar. 2025).	•This source is cited on page 61, footnote 321 of the comment letter and supports and argument that BLM's analysis must account for proposed changes to federal oil and gas regulations, especially the effect of decreased bonding amounts given the high costs of remediation.	N/A
Cal. Dep't of Fish & Wildlife, A Status Review of the Petitioned Southern California/Central Coast Evolutionarily Significant Unit (ESU) of Mountain Lion (Puma concolor cougar) in California (2025) [hereinafter CDFW, Mountain Lion Status Review].	N/A	•This source is cited on page 26, footnote 162 and page 29, footnote 169 of the comment letter and supports the argument that BLM has failed to take a hard look at impacts to seven newly listed and proposed species, including California mountain lions.
Cal. Dep't of Fish & Wildlife, Comments on Revisions to Title 19 – Kern County Zoning Ordinance (2024) focused on oil and gas local permitting (Project), Draft Second Supplemental Recirculated Environmental Impact Report (DSSREIR) at 3–4 (May 15, 2025).	N/A	•This source is cited on pages 32-33, footnotes 182-84 of the comment letter and supports the argument that BLM has failed to meaningfully address impacts to sensitive species and ecosystems, and must analyze impacts of the lease sale on the Western burrowing owl and incorporate California Department of Fish and Wildlife (CDFW) mitigation measures.

Source	**Summary of Relevance and Usage in CalWild et al. Scoping Comments**	**Summary of Relevance and Usage in CalWild et al. Draft EA Comments**
Cal. Dep't of Fish & Wildlife, Lokern Ecological Reserve, https://wildlife.ca.gov/Lands/Places-to-Visit/Lokern-ER (last visited July 30, 2026).	•This source is cited on page 17, footnote 71 of the comment letter and supports and argument that BLM should defer parcels that overlap Areas of Critical Environmental Concern (ACECs) due to conservation conflicts, including a parcel overlapping the Lokern Ecological Reserve.	N/A
Cal. Dep't of Fish & Wildlife, Press Release, California Fish and Game Commission Finds CESA Protections Warranted for Southern California and Central Coast Mountain Lion (Feb. 20, 2026), https://wildlife.ca.gov/News/Archive/california-fish-and-game-commissionfinds-cesa-protections-warranted-forsouthern-californiaandcentral-coastmountain-lion.	N/A	•This source is cited on page 26, footnote 161 of the comment letter and supports the argument that BLM has failed to take a hard look at impacts to seven newly listed and proposed species, including California mountain lions.
Cal. Dep't of Fish & Wildlife, Revisions to Title 19 – Kern County Zoning Ordinance (2024) focused on oil and gas local permitting (Project), Second Supplemental Recirculated Environmental Impact Report (SSREIR), SCH: 2013081079 (June 26, 2025).	N/A	•This source is cited on page 31, footnote 173 of the comment letter and supports the argument that BLM has failed to meaningfully address impacts to sensitive species and ecosystems, and must analyze impacts of the lease sale on the Temblor Legless Lizard and incorporate CDFW mitigation measures.
Cal. Dep't of Fish & Wildlife, Staff Report on Burrowing Owl Mitigation, State of California, Natural Resources Agency (Mar. 7, 2012).	N/A	•This source is cited on page 32, footnote 181 of the comment letter and supports the argument that BLM has failed to meaningfully address impacts to sensitive species and ecosystems, and must analyze impacts of the lease sale on the Western burrowing owl and incorporate CDFW mitigation measures.
Cal. Dep't of Just., Comments on the December 2020 Oil and Gas Lease Sale Environmental Assessment of BLM's Bakersfield Field Office 13 (Sept. 25, 2020).	•This source is cited on page 6, footnote 13 of the comment letter and supports the argument that BLM's California December 2026 Lease Sale cannot rely on the 2026 FSEIS for the Bakersfield 2014 RMP or the 2026 FSEIS for the 2019 RMPA because those documents are insufficient to address the high level of air pollution in the region.	N/A
Cal. Nat'l Res. Agency, Special Animals List at 97 (July 2026), https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=109406&inline (listing mountain lion as a CESA threatened species but noting that there are no records in the CNDDB).	N/A	•This source is cited on page 24, footnote 149 of the comment letter and supports the argument that the Draft EA fails to meaningfully address impacts to sensitive species and ecosystems and does not mention the California Endangered Species Act-protected (CESA) California mountain lion despite the overlap of the species' range with potential lease parcels, possibly because the mountain lion does not yet appear in the California Natural Diversity Database (CNDDB).
Cal. Off. of Health Hazard Assessment, CalEnviroScreen 4.0 (Oct. 2021), https://oehha.ca.gov/calenviroscreen/report/calenviroscreen-40.	•This source is cited on page 6, footnote 14 of the comment letter and supports the argument that BLM's California December 2026 Lease Sale cannot rely on the 2026 FSEIS for the Bakersfield 2014 RMP or the 2026 FSEIS for the 2019 RMPA by showing disproportionate impacts of pollution that those documents do not sufficiently address.	N/A

Source	Summary of Relevance and Usage in CalWild et al. Scoping Comments	Summary of Relevance and Usage in CalWild et al. Draft EA Comments
Cal. Oil & Gas Pub. Health Rulemaking Sci. Advisory Panel, Public Health Dimensions of Upstream Oil and Gas Development in California: Scientific Analysis and Synthesis to Inform Science-Policy Decision Making. (June 21, 2024) [hereinafter CalGEM Scientific Advisory Panel Report], https://www.conservation.ca.gov/calgem/Documents/Public%20Health%20Panel%20Final%20Report_20240621.pdf.	•This source is cited on page 22, footnote 108 and supports the argument that BLM must ensure that leasing complies with FLPMA by enforcing binding terms and conditions from the Bakersfield 2014 RMP and Central Coast 2019 RMPA, including by deleting parcels/portions of parcels that are in SB 1137 Health Protection Zones (HPZs) given the relationship between adverse health outcomes and proximity to oil and gas activities. •This source is cited on page 37, footnotes 200 and 202 and page 38 footnote 203 and supports the argument that BLM must ensure that leasing complies with NEPA and the APA by adequately analyzing the impacts of oil and gas leasing on public health, which include a multitude of harms. •This source is cited on page 53, footnote 263 and supports the argument that BLM must make a general conformity determination under the CAA for the lease sale, especially considering that the Bakersfield Planning Area is one of the most polluted places in the nation leading to lasting health harms for those who live there. •This source is cited on page 54, footnote 266 and supports the argument that BLM must make a general conformity determination under the CAA for the lease sale, especially considering that oil and gas development produces significant emissions.	•This source is cited on page 18, footnote 105 and supports the argument that the Draft EA fails to address the lease sale's risks to public health in violation of NEPA and the RMPs' Terms and Conditions by not accounting for public health risks from exposure to oil and gas activities.
CalGEM, 2024 IWMP Inventory (available at https://www.conservation.ca.gov/calgem/idle_well/Pages/idle-well-operators.aspx#inventories).	N/A	•This source is cited on page 42, footnote 232 of the comment letter and supports the argument that BLM has failed to meaningfully consider impacts to air quality, including impacts associated with idle wells.
Cantlay, T. et al., Contamination of Private Water Supplies After a Well Communication Event (Frac-Out) in Southwest Pennsylvania, 15 Nature Portfolio (2025), https://doi.org/10.1038/s41598-025-16976-5.	•This source is cited on page 33, footnote 178 of the comment letter and supports the argument that BLM must ensure that leasing complies with NEPA and the APA by adequately analyzing the environmental impacts of leasing, especially by taking a hard look at the significant impacts to groundwater from well construction practices and fracking.	N/A
Ceia-Hasse, A., et al., Population persistence in landscapes fragmented by roads: Disentangling isolation, mortality, and the effect of dispersal, 375 Ecological Modelling (2018).	N/A	•This source is cited on page 34, footnote 187 of the comment letter and supports the argument that leasing parcels in undisturbed and/or wildlife corridor areas contradicts the Bakersfield 2014 RMP and other BLM conservation strategies, and threatens special-status species, in violation of FLPMA, by showing that activities related to development can negatively and significantly impact individual wildlife, populations, communities, landscapes, and ecosystem functions.

Source	Summary of Relevance and Usage in CalWild et al. Scoping Comments	Summary of Relevance and Usage in CalWild et al. Draft EA Comments
Center for Biological Diversity et al., A Petition to List the Southern California/Central Coast Evolutionarily Significant Unit (ESU) of Mountain Lions as Threatened under the California Endangered Species Act (CESA) (June 25, 2019), https://mountainlion.org/wp-content/uploads/2021/01/CESA-Petition.pdf.	N/A	•This source is cited on page 28, footnotes 167-68 of the comment letter and supports the argument that has failed to meaningfully address impacts to sensitive species and ecosystems, and must analyze impacts of the lease sale on California mountain lions.
Center for Biological Diversity et al., Comments on Applications for Permit to Drill in the Bakersfield Field Office, submitted to BLM (Dec. 18, 2025).	•This source is cited on page 14, footnote 74 of the comment letter and supports the argument that BLM has failed to comply with the CAA, by illustrating discrepancies between the agency's emissions calculations for the Bakersfield region and calculations by other entities.	•This source is cited on page 12, footnote 65 of the comment letter and supports the argument that BLM has failed to comply with the CAA, especially given the agency's pattern of omitting entire categories of emissions.
Center for Biological Diversity, Oil Stain: How Dirty Crude Undercuts California's Climate Progress 1 (2017), https://www.biologicaldiversity.org/programs/climate_law_institute/energy_and_global_warming/pdfs/Oil_Stain.pdf.	•This source is cited on page 6, footnote 13 of the comment letter and supports the argument that BLM's California December 2026 Lease Sale cannot rely on the 2026 FSEIS for the Bakersfield 2014 RMP or the 2026 FSEIS for the 2019 RMPA because those documents are insufficient to address the high level of air pollution in the region.	N/A
Cox, J., State Finds 27 Oil Wells Leaking Methane in Arvin-Lamont Area (June 1, 2023), https://www.bakersfield.com/news/state-finds-37-oil-wells-leaking-methane-in-arvin-lamont-area/article_52120332-00da-11ee-b466-83e7f8b280c5.html.	•This source is cited on page 54, footnote 267 of the comment letter and supports the argument that BLM must make a general conformity determination under the CAA for the lease sale, especially given the fact that oil and gas development produces significant emissions, including via leaks.	N/A
Currie, J. et al., Hydraulic Fracturing and Infant Health: New Evidence from Pennsylvania, 3 Sci. Advances 1, 1–9 (Dec. 13, 2017), https://www.science.org/doi/10.1126/sciadv.1603021?url_ver=Z39.88-2003&rfr_id=ori:rid:crossref.org&rfr_dat=cr_pub%20%200pubmed (finding evidence of significant decline in birth weight where there was in utero exposure to fracking sites within 3 km of a mother's residence).	•This source is cited on pages 37-38, footnote 202 of the comment letter and supports the argument that BLM must ensure that leasing complies with NEPA and the APA by adequately analyzing the impacts of oil and gas leasing on public health, which include a multitude of harms.	N/A
Cushing, L.J. et al., Flaring from Unconventional Oil and Gas Development and Birth Outcomes in the Eagle Ford Shale in South Texas, 128 Env't Health Perspectives 077003-1 (2020), https://pubmed.ncbi.nlm.nih.gov/32673511/.	•This source is cited on page 36, footnote 192 of the comment letter and supports the argument that BLM must ensure that leasing complies with NEPA and the APA by adequately analyze the environmental impacts of leasing, including the impacts of venting, flaring, and leaks that would result from this lease sale.	N/A

Source	Summary of Relevance and Usage in CalWild et al. Scoping Comments	Summary of Relevance and Usage in CalWild et al. Draft EA Comments
Cushman, S.A., Effects of habitat loss and fragmentation on amphibians: A review and prospectus, 128 Biological Conservation (2006).	N/A	•This source is cited on page 34, footnote 188 of the comment letter and supports the argument that leasing parcels in undisturbed and/or wildlife corridor areas contradicts the Bakersfield 2014 RMP and other BLM conservation strategies, and threatens special-status species, in violation of FLPMA, by showing that activities related to development can negatively and significantly impact individual wildlife, populations, communities, landscapes, and ecosystem functions.
Cypher, B. et al., Response of San Joaquin Kit Foxes to Road Construction Sites; prepared for the California Department of Transportation (2023).	N/A	•This source is cited on page 25, footnotes 154-55 of the comment letter and supports the argument that BLM has improperly ignored its incorporated conservation strategy to protect the San Joaquin kit fox by illustrating the threats that construction sites pose to kit foxes and their habitat. •This source is cited on page 38, footnote 206 of the comment letter and supports the argument that BLM has ignored its own leasing preference ratings and arbitrarily inflated proximity to existing development ratings, including in kit fox habitat where construction five miles away from existing oil site could have significant impacts.
DiGiulio, D., PSE Health Energy, Examination of Groundwater Resources in Areas of Montana Proposed for the March 2018 BLM Lease Sale (Jan. 10, 2018).	•This source is cited on page 34, footnotes 181 and 184 of the comment letter and supports the argument that BLM must ensure that leasing complies with NEPA and the APA by adequately analyzing the environmental impacts of leasing, especially by taking a hard look at the significant impacts to groundwater from well construction practices and fracking.	N/A
DiGiulio, D.C. & Jackson, R.A et al., Impact to Underground Sources of Drinking Water and Domestic Wells from Production Well Stimulation and Completion Practices in the Pavillion, Wyoming Field, 50 Env't Sci. & Tech. 4524 (2016).	•This source is cited on page 33, footnote 178 and page 34, footnote 182 of the comment letter and supports the argument that BLM must ensure that leasing complies with NEPA and the APA by adequately analyzing the environmental impacts of leasing, especially by taking a hard look at the significant impacts to groundwater from well construction practices and fracking.	N/A
DiGiulio, D.C. et al., Chemical Characterization of Natural Gas Leaking from Abandoned Oil and Gas Wells in Western Pennsylvania, 8 ACS Omega no. 22, 19448 (2023), https://doi.org/10.1021/acsomega.3c00676.	•This source is cited on page 54, footnote 274 of the comment letter and supports the argument that BLM must make a general conformity determination under the CAA for the lease sale, especially given the fact that oil and gas development produces significant emissions.	N/A
Earthjustice, Petition to the EPA: EPA Must List Oil and Gas Wells and Associated Equipment as an Area Source Category and Set National Air Toxics Standards to Protect Public Health (May 13, 2014).	•This source is cited on page 54, footnote 276 of the comment letter and supports the argument that BLM must make a general conformity determination under the CAA for the lease sale, especially given the fact that oil and gas development produces significant emissions.	N/A

Source	Summary of Relevance and Usage in CalWild et al. Scoping Comments	Summary of Relevance and Usage in CalWild et al. Draft EA Comments
Emails between Thomas Plenys, EPA Region 9, Environmental Review Branch, and Matthew Thomas and Franklin Giles, BLM Bakersfield Field Office (Nov. 16, 2022 through Feb. 21, 2023), where Mr. Plenys repeatedly requested Draft EAs for APDs from Mr. Thomas and Mr. Giles but did not receive this information.	N/A	•This source is cited on page 12, footnote 65 and page 14, footnote 75 of the comment letter and supports the argument that BLM has failed to comply with the CAA, especially given the U.S. Environmental Protection Agency's concerns with BLM's emissions analysis for the Bakersfield region.
English, P.B. et al., Association Between Long-Term Exposure to Particulate Air Pollution with SARS-CoV-2 Infections and COVID-19 Deaths in California, U.S.A., 9 Env't Advances 100270 (Oct. 2022), https://doi.org/10.1016/j.envadv.2022.100270.	•This source is cited on page 53, footnote 262 of the comment letter and supports the argument that BLM must make a general conformity determination under the CAA for the lease sale, especially considering the Bakersfield Planning Area is one of the most polluted places in the nation.	N/A
Env't Def. Fund, Filling the Void: The Value of New Technology to Reduce Air Pollution and Improve Information at Oil and Gas Sites in California 13 (2017).	•This source is cited on page 54, footnote 265 of the comment letter and supports the argument that BLM must make a general conformity determination under the CAA for the lease sale, especially given the fact that oil and gas development produces significant emissions.	N/A
Env't Def. Fund, MethaneSAT Reveals High Emissions Intensity in California's San Joaquin Basin (June 25, 2026), https://www.methanesat.org/project-updates/methanesat-reveals-high-emissions-intensity-californias-san-joaquin-basin.	•This source is cited on page 62, footnote 328 of the comment letter and supports the argument that BLM's analysis must account for proposed changes to federal oil and gas regulations, including the effect of eliminating certain leak detection and repair requirements.	N/A
Env't Def. Fund, PermianMAP Final Report 9 (2021).	•This source is cited on page 35, footnote 189 of the comment letter and supports the argument that BLM must ensure that leasing complies with NEPA and the APA by properly analyzing the impacts of venting, flaring, and leaks that would result from this lease sale.	N/A
Env't Def. Fund, Project Update: First Look at a System Wide View, MethaneSAT (Feb. 2, 2026), https://www.methanesat.org/project-updates/first-look-system-wide-view (last visited July 29, 2026) ("Gas-normalized methane intensity" chart).	•This source is cited on page 62, footnote 330 of the comment letter and supports the argument that BLM's analysis must account for proposed changes to federal oil and gas regulations, including the effect of allowing royalty-free flaring.	N/A
Germano, D.J. et al., Effects of Oil Fields on Home Range, Movements, and Rates of Predation of Blunt-nosed Leopard Lizards (Gambelia Sila), 58(2) Journal of Herpetology 135–47 (2024).	N/A	•This source is cited on page 38, footnote 207 of the comment letter and supports the argument that leasing parcels in undeveloped and/or wildlife corridor lands contradicts BLM strategies and could threaten special-status species.
Griot, O. et al., Synapse Energy Economics Inc., Onshore Natural Gas Operations on Federal and Tribal Lands in the United States: Analysis of Emissions and Lost Revenue 3 (Jan. 20, 2023), https://blogs.edf.org/energyexchange/files/2023/01/EMBARGOED_EDF-TCS_Public_Lands_Analysis.pdf.	•This source is cited on page 35, footnote 188 and 191 of the comment letter and supports the argument that BLM must ensure that leasing complies with NEPA and the APA by properly analyzing the impacts of venting, flaring, and leaks that would result from this lease sale.	N/A

Source	Summary of Relevance and Usage in CalWild et al. Scoping Comments	Summary of Relevance and Usage in CalWild et al. Draft EA Comments
Gross, L., Abandoned Oil and Gas Wells Emit Carcinogens and Other Harmful Pollutants, Groundbreaking Study Shows, Inside Climate News (June 6, 2023), https://insideclimatenews.org/news/06062023/abandoned-oil-gas-wells-health/.	N/A	N/A
Haddad, N.M. et al., Habitat fragmentation and its lasting impact on Earth's ecosystems, Science Advances 1–9 (2015).	N/A	•This source is cited on page 34, footnote 187 of the comment letter and supports the argument that leasing parcels in undisturbed and/or wildlife corridor areas contradicts the Bakersfield 2014 RMP and other BLM conservation strategies, and threatens special-status species, in violation of FLPMA, by showing that activities related to development can negatively and significantly impact individual wildlife, populations, communities, landscapes, and ecosystem functions.
Hilty, J. A., et al., Guidelines for conserving connectivity through ecological networks and corridors, International Union for Conservation of Nature at xii (2020).	N/A	•This source is cited on page 33, footnote 185 of the comment letter and supports the argument that leasing parcels in undisturbed and/or wildlife corridor areas contradicts the Bakersfield 2014 RMP and other BLM conservation strategies, and threatens special-status species, in violation of FLPMA, by illustrating the importance of ecological networks and corridors.
Howard, P. et al., Institute for Policy Integrity, Zero Rationality: What OIRA's New Memorandum Gets Wrong on Monetizing Climate Impacts 1–3 (May 2025) (noting that "[f]ederal agencies have used SC-GHG estimates for more than 15 years," first using the estimates developed in 2010 by the Interagency Working Group on the Social Cost of Greenhouse Gases, and then using EPA's 2023 estimates).	•This source is cited on page 30, footnote 155, page 31, footnote 162, and page 32, footnote 173 of the comment letter and supports the argument that BLM must ensure compliance with NEPA and the APA by adequately analyzing greenhouse gas (GHG) emissions and climate effects, and must factor GHG emissions and climate effects into its leasing decisions--in particular, that BLM must quantify climate impacts with a tool such as the social cost of greenhouse gases.	N/A
Identifying Violations Affecting Neighborhoods (IVAN), List of Reports for Kern County, https://kernreport.org/report/list (multiple reports on April 3 to 5, 2024) (last visited July 30, 2026)	•This source is cited on page 54, footnote 268 of the comment letter and supports the argument that BLM must make a general conformity determination under the CAA for the lease sale, especially given the fact that oil and gas development produces significant emissions.	N/A
Interagency Working Grp. on Soc. Cost of Carbon, Technical Support Document: Social Cost of Carbon for Regulatory Impact Analysis 1-7 (Feb. 2010).	•This source is cited on page 30, footnote 153 of the comment letter and supports the argument that BLM must ensure compliance with NEPA and the APA by adequately analyzing GHG emissions and climate effects, and must factor GHG emissions and climate effects into its leasing decisions by quantifying climate impacts with a tool such as the social cost of greenhouse gases.	N/A

Source	**Summary of Relevance and Usage in CalWild et al. Scoping Comments**	**Summary of Relevance and Usage in CalWild et al. Draft EA Comments**
Kantola, T. et al., Spatial risk assessment of eastern monarch butterfly road mortality during autumn migration within the southern corridor, 231 Biological Conservation (2019).	N/A	•This source is cited on page 34, footnote 189 of the comment letter and supports the argument that leasing parcels in undisturbed and/or wildlife corridor areas contradicts the Bakersfield 2014 RMP and other BLM conservation strategies, and threatens special-status species, in violation of FLPMA by showing that activities related to development can negatively and significantly impact individual wildlife, populations, communities, landscapes, and ecosystem functions.
Karras, G., Decommissioning California Refineries: Climate and Health Paths in an Oil State 22-25 (July 2020), https://www.cbecal.org/wp-content/uploads/2020/07/Decomm-CA-Refineries-July2020.pdf (compiling deaths attributable to chronic exposure to PM2.5, and excluding deaths related to other pollutants and indirect emissions such as wildfires).	•This source is cited on page 55, footnote 277 of the comment letter and supports the argument that BLM must make a general conformity determination under the CAA for the lease sale, especially given that oil and gas development produces significant emissions.	N/A
Kern Econ. Development Found., The Economic Contribution of the Oil and Gas Industry in Kern County 1 (2021), https://kernedc.com/wp-content/uploads/2021/04/KEDF-Economic-Contribution-of-the-Oil-and-Gas-Industry-in-Kern-County_-2021.pdf.	•This source is cited on page 6, footnote 11 of the comment letter and supports the argument that BLM's California December 2026 Lease Sale cannot rely on the 2026 FSEIS for the Bakersfield 2014 RMP or the 2026 FSEIS for the 2019 RMPA because those documents are deficient, especially with regard to addressing impacts within Kern County.	N/A
Lazo, A., California's Pursuit of Clean Air Just Got Much Harder: New Soot Standards Set (Feb. 7, 2024), https://calmatters.org/environment/2024/02/california-new-soot-standards ("Emissions from agriculture, energy production and goods transport are among the major sources.").	•This source is cited on page 51, footnote 242 of the comment letter and supports the argument that BLM must make a general conformity determination under the CAA for the lease sale.	N/A
Lebel, E., Methane Emissions from Abandoned Oil and Gas Wells in California, Env't Sci. & Tech., Vol. 54, 14619 (2020).	•This source is cited on page 61, footnote 323 of the comment letter and supports and argument that BLM's analysis must account for proposed changes to federal oil and gas regulations, especially the connection between decreased bonding amounts and methane emissions from idle wells.	N/A
Letter from Cal. Oil & Gas Public Health Rulemaking Scientific Advisory Panel, Response to CalGEM Questions (Oct. 1, 2021), https://www.conservation.ca.gov/calgem/Documents/public-health/Public%20Health%20Panel%20Responses_FINAL%20ADA.pdf;	•This source is cited on page 22, footnote 107 of the comment letter and supports the argument that BLM must ensure that leasing complies with the FLPMA by enforcing binding terms and conditions from the Bakersfield 2014 RMP and Central Coast 2019 RMPA, including by deleting parcels/portions of parcels that are in SB 1137 HPZs.	•This source is cited on page 18, footnote 105 of the comment letter and supports the argument that BLM has failed to address the lease sale's serious risks to public health, in violation of NEPA and the RMPs' terms and conditions, by detailing the evidence of health harms associated with proximity to oil and gas activities.
Letter from Earthjustice et al. to Doug Burgum, Secretary of the Interior on Department of the Interior Emergency NEPA Procedures (May 16, 2025).	•This source is cited on page 56, footnote 282 of the comment letter and supports the argument that BLM may not rely on the so-called energy emergency in its oil and gas leasing.	N/A

Source	Summary of Relevance and Usage in CalWild et al. Scoping Comments	Summary of Relevance and Usage in CalWild et al. Draft EA Comments
Letter from Matthew J. Lakin, Acting Director, Air and Radiation Division, EPA Region 9 to Michelle Ghafar (Oct. 20, 2022).	N/A	•This source is cited on page 12, footnote 65 of the comment letter and supports the argument that BLM has failed to comply with the CAA, especially given the U.S. Environmental Protection Agency's concerns with BLM's emissions analysis for the Bakersfield region.
Letter from Tom Kelly, EPA Region 9, Geographic Strategies and Modeling Section, Air and Radiation Division, to Matthew Thomas at BLM's Bakersfield Field Office (cc Franklin Giles) (Apr. 3, 2023), requesting again "an example of the calculations supporting a general conformity applicability analysis, i.e., the comparison of estimated project emissions with the general conformity de minimis thresholds" and noting EPA had "not yet received this information and remain interested in viewing calculations" for a Bakersfield Field Office APD.	N/A	•This source is cited on page 12, footnote 65 and page 14, footnote 75 of the comment letter and supports the argument that BLM has failed to comply with the CAA, especially given the U.S. Environmental Protection Agency's concerns with BLM's emissions analysis for the Bakersfield region.
Li, L. et al., Exposure to Unconventional Oil and Gas Development and All-Cause Mortality in Medicare Beneficiaries, 7 Nature Energy 177 (Jan. 27, 2022), https://pmc.ncbi.nlm.nih.gov/articles/PMC9004666/.	•This source is cited on page 37, footnote 200 of the comment letter and supports the argument that BLM must ensure that leasing complies with NEPA and the APA by adequately analyzing the impacts of oil and gas leasing on public health, which include a multitude of harms.	N/A
Loss, S.R. et al., Estimation of bird-vehicle collision mortality on U.S. roads, J. of Wildlife Mgmt. (2014).	N/A	•This source is cited on page 34, footnote 189 of the comment letter and supports the argument that leasing parcels in undisturbed and/or wildlife corridor areas contradicts the Bakersfield 2014 RMP and other BLM conservation strategies, and threatens special-status species, in violation of FLPMA, by showing that activities related to development can negatively and significantly impact individual wildlife, populations, communities, landscapes, and ecosystem functions.
Malin, S.A., Depressed Democracy, Environmental Injustice: Exploring the Negative Mental Health Implications of Unconventional Oil & Gas Production in the United States, 70 Energy Rsch. & Social Sci. 1 (Sept. 11, 2020), https://pmc.ncbi.nlm.nih.gov/articles/PMC7486049/.	•This source is cited on page 38, footnote 204 of the comment letter and supports the argument that BLM must ensure that leasing complies with NEPA and the APA by adequately analyzing the impacts of oil and gas leasing on public health, which include a multitude of harms, including negative mental health implications.	N/A
Marsh, D.M. et al., Direct effects of roads on small animal populations, Roads and Ecological Infrastructure: Concepts and Applications for Small Animals 42–56 (2015).	N/A	•This source is cited on page 34, footnote 187 of the comment letter and supports the argument that leasing parcels in undisturbed and/or wildlife corridor areas contradicts the Bakersfield 2014 RMP and other BLM conservation strategies, and threatens special-status species, in violation of FLPMA, by showing that activities related to development can negatively and significantly impact individual wildlife, populations, communities, landscapes, and ecosystem functions.

Source	Summary of Relevance and Usage in CalWild et al. Scoping Comments	Summary of Relevance and Usage in CalWild et al. Draft EA Comments
McKenzie, L.M. et al., Birth Outcomes and Maternal Resident Proximity to Natural Gas Development in Rural Colorado, 122 Env't Health Perspectives 412 (2014), https://pmc.ncbi.nlm.nih.gov/articles/PMC3984231/ (finding that babies whose mothers lived within 10 miles of multiple oil and gas wells with more than 125 wells/mile were 30% more likely to be born with heart defects than babies born to mothers who did not live close to oil and gas wells).	•This source is cited on page 37, footnote 202 of the comment letter and supports the argument that BLM must ensure that leasing complies with NEPA and the APA by adequately analyzing the impacts of oil and gas leasing on public health, which include a multitude of harms.	N/A
Mernit, J.L., The Health Hazards of California's Neighborhood Drilling, High Country News (Apr. 13, 2021), https://www.hcn.org/articles/climate-desk-oil-the-health-hazards-of-californias-neighborhood-drilling/.	•This source is cited on page 53, footnote 263 of the comment letter and supports the argument that BLM must make a general conformity determination under the CAA for the lease sale, especially considering the Bakersfield Planning Area is one of the most polluted places in the nation.	N/A
Physicians, Scientists, and Engineers for Healthy Energy, Repository for Oil and Gas Energy Research (ROGER), https://www.zotero.org/groups/248773/repository_for_oil_and_gas_energy_research_roger_-_pse_healthy_energy/collections/SASKSKDG (last visited July 30, 2026).	•This source is cited on page 37, footnote 201 of the comment letter and supports the argument that BLM must ensure that leasing complies with NEPA and the APA by adequately analyzing the impacts of oil and gas leasing on public health, which include a multitude of harms.	N/A
Proville, J. et al., The Demographic Characteristics of Populations Living Near Oil and Gas Wells in the USA, 44 Population & Env't 1 (June 17, 2022), https://doi.org/10.1007/s11111-022-00403-2.	•This source is cited on page 36, footnote 194 of the comment letter and supports the argument that BLM must ensure that leasing complies with NEPA and the APA by adequately analyze the environmental impacts of leasing, including the impacts of venting, flaring, and leaks that would result from this lease sale. •This source is cited on page 39, footnote 208 of the comment letter and supports the argument that BLM must ensure that leasing complies with NEPA and the APA by adequately analyze the environmental impacts of leasing, including by thoroughly analyzing the impacts of oil and gas leasing on environmental justice.	N/A
San Joaquin Valley Air Pollution Control Dist., 2022 Plan for the 2015 8-Hour Ozone Standard 2-16 (Dec. 15, 2022), https://ww2.valleyair.org/media/q55posm0/0000-2022-plan-for-the-2015-8-hour-ozone-standard.pdf (Figure 2-11: Basin Maximum 8-Hour Average Ozone Concentrations).	•This source is cited on page 52, footnote 258 of the comment letter and supports the argument that BLM must make a general conformity determination under the CAA for the lease sale, especially considering the Bakersfield Planning Area is one of the most polluted places in the nation.	N/A
San Joaquin Valley Air Pollution Control Dist., 2024 Plan for the 2012 Annual PM2.5 Standard 4-23 (June 20, 2024), https://ww2.valleyair.org/media/gw5bacvj/2024-pm25-plan.pdf.	•This source is cited on page 53, footnote 264 of the comment letter and supports an argument that BLM must make a general conformity determination under the CAA for the lease sale, especially considering the Bakersfield Planning Area is one of the most polluted places in the nation.	N/A

Source	Summary of Relevance and Usage in CalWild et al. Scoping Comments	Summary of Relevance and Usage in CalWild et al. Draft EA Comments
San Joaquin Valley Air Pollution Control Dist., Ambient Air Quality Standards & Attainment Status, https://ww2.valleyair.org/air-quality-information/ambient-air-quality-standards-valley-attainmnet-status/ (last visited Mar. 11, 2026).	•This source is cited on page 52, footnote 257 of the comment letter and supports the argument that BLM must make a general conformity determination under the CAA for the lease sale, especially considering the Bakersfield Planning Area is one of the most polluted places in the nation.	N/A
San Joaquin Valley Air Pollution Control Dist., Guidance for Assessing and Mitigating Air Quality Impacts (GAMAQI) 29 (Mar. 19, 2015), https://ww2.valleyair.org/media/g4nl3p0g/gamaqi.pdf.	•This source is cited on page 52, footnote 259 of the comment letter and supports the argument that BLM must make a general conformity determination under the CAA for the lease sale, especially considering the Bakersfield Planning Area is one of the most polluted places in the nation.	N/A
Sierra Club, The $23 Billion Question: What Created California's Orphan and Idle Well Crisis 10-11 (2023), https://www.sierraclub.org/sites/default/files/2023-12/Idle%20Wells%20Report.pdf.	•This source is cited on page 6, footnote 14 of the comment letter and supports the argument that BLM's California December 2026 Lease Sale cannot rely on the 2026 FSEIS for the Bakersfield 2014 RMP or the 2026 FSEIS for the 2019 RMPA by showing disproportionate impacts of oil and gas pollution that those documents do not sufficiently address.	N/A
State Water Res. Control Board, Report to the Legislature: Communities that Rely on a Contaminated Groundwater Source for Drinking Water (2013), https://www.waterboards.ca.gov/gama/ab2222/docs/ab2222.pdf.	•This source is cited on page 6, footnote 13 of the comment letter and supports the argument that BLM's California December 2026 Lease Sale cannot rely on the 2026 FSEIS for the Bakersfield 2014 RMP or the 2026 FSEIS for the 2019 RMPA by showing disproportionate impacts of oil and gas pollution in Kern County that those documents do not sufficiently address.	N/A
The Wilderness Society, Open for Drilling: The Outsized Influence of Oil & Gas on Public Lands 2 (2025), https://www.wilderness.org/sites/default/files/media/file/Open%20for%20Drilling_TWS%20Report.pdf.	•This source is cited on page 14, footnote 58 of the comment letter and supports the argument that BLM must address the impact of the 2025 Budget Reconciliation Act, also known as the One Big Beautiful Bill Act (OBBBA), on the proposed lease sale, including any changes to BLM's deferral authority, given the vast majority of public land is open to oil and gas leasing.	N/A
Tisherman, R. et al., PSE Health Energy, Examination of Groundwater Resources in Areas of Wyoming Proposed for the June 2022 BLM Lease Sale 4-5 (May 11, 2022).	•This source is cited on page 34, footnotes 181 and 184 of the comment letter and supports the argument that BLM must ensure that leasing complies with NEPA and the APA by adequately analyzing the environmental impacts of leasing, especially by taking a hard look at the significant impacts to groundwater from well construction practices and fracking.	N/A
Tran, H. et al., Air Quality and Health Impacts of Onshore Oil and Gas Flaring and Venting Activities Estimated Using Refined Satellite-Based Emissions, 8 GeoHealth 1 (Mar. 6, 2024), https://agupubs.onlinelibrary.wiley.com/doi/10.1029/2023GH000938.	•This source is cited on page 36, footnotes 193 and 195 and supports the argument that BLM must ensure that leasing complies with NEPA and the APA by adequately analyze the environmental impacts of leasing, including the impacts of venting, flaring, and leaks that would result from this lease sale.	N/A

Source	Summary of Relevance and Usage in CalWild et al. Scoping Comments	Summary of Relevance and Usage in CalWild et al. Draft EA Comments
Trombulak, S.C. et al., Review of ecological effects of roads on terrestrial and aquatic communities, 14(1) Conservation Biology 18–30 (2000).	N/A	•This source is cited on page 34, footnote 187 of the comment letter and supports the argument that leasing parcels in undisturbed and/or wildlife corridor areas contradicts the Bakersfield 2014 RMP and other BLM conservation strategies, nd threatens special-status species, in violation of FLPMA, by showing that activities related to development can negatively and significantly impact individual wildlife, populations, communities, landscapes, and ecosystem functions.
U.S. Dep't of the Interior, Informational Memorandum: DOI Comparison of Available Estimates of Social Cost of Greenhouse Gases (SC-GHG) 1 (Oct. 16, 2024) (directing the BLM to "adopt the EPA's 2023 estimates of the Social Cost of Greenhouse Gases (SC-GHG) as the best available science (as of September 30, 2024)").	•This source is cited on page 30, footnote 154 of the comment letter and supports the argument that BLM must ensure compliance with NEPA and the APA by adequately analyzing GHG emissions and climate effects, and must factor GHG emissions and climate effects into its leasing decisions--in particular, that BLM must quantify climate impacts with a tool such as the social cost of greenhouse gases.	N/A
U.S. Env't Prot. Agency, California Nonattainment/Maintenance Status for Each County by Year for All Criteria Pollutants (June 30, 2026), https://www3.epa.gov/airquality/greenbook/anayo_ca.html.	•This source is cited on page 6, footnote 13 of the comment letter and supports the argument that BLM's California December 2026 Lease Sale cannot rely on the 2026 FSEIS for the Bakersfield 2014 RMP or the 2026 FSEIS for the 2019 RMPA because those documents are insufficient to address the high level of air pollution in the region.	N/A
U.S. Env't Prot. Agency, Comments on Bakersfield Field Office Hydraulic Fracturing Draft Supplemental Environmental Impact Statement at 1–2 (Dec. 2, 2019).	N/A	•This source is cited on page 12, footnote 65 of the comment letter and supports the argument that BLM has failed to comply with the CAA, especially given the U.S. Environmental Protection Agency's concerns with BLM's emissions analysis for the Bakersfield region.
U.S. Env't Prot. Agency, Comments on Bakersfield Field Office Hydraulic Fracturing Draft Supplemental Environmental Impact Statement at 2 (June 10, 2019).	N/A	•This source is cited on page 12, footnote 63 of the comment letter and supports the argument that BLM has failed to comply with the CAA, especially given the U.S. Environmental Protection Agency's concerns with BLM's emissions analysis for the Bakersfield region.
U.S. Env't Prot. Agency, Controlling Air Pollution from the Oil and Natural Gas Industry (Sep. 10, 2025), https://www.epa.gov/controlling-air-pollution-oil-and-natural-gas-industry/basic-information-about-oil-and-natural-gas (last visited July 29, 2026).	•This source is cited on page 54, footnote 273 of the comment letter and supports the argument that BLM must make a general conformity determination under the CAA for the lease sale, especially given the fact that oil and gas development produces significant emissions.	N/A
U.S. Env't Prot. Agency, Details of External Peer Review Panel Process for the Review of EPA's "Report on the Social Cost of Greenhouse Gases: Estimates Incorporating Recent Scientific Advances" 2–4 (2023).	•This source is cited on page 31, footnote 163 of the comment letter and supports the argument that BLM must ensure compliance with NEPA and the APA by adequately analyzing GHG emissions and climate effects, and must factor GHG emissions and climate effects into its leasing decisions by quantifying climate impacts with a tool such as the social cost of greenhouse gases.	N/A

Source	**Summary of Relevance and Usage in CalWild et al. Scoping Comments**	**Summary of Relevance and Usage in CalWild et al. Draft EA Comments**
U.S. Env't Prot. Agency, Environments and Contaminants – Criteria Pollutants (2025), https://www.epa.gov/americaschildrenenvironment/environments-and-contaminants-criteria-air-pollutants#About%20the%20Criteria%20Air%20Pollutants%20Indicators.	•This source is cited on page 51, footnote 247 of the comment letter and supports the argument that BLM must make a general conformity determination under the CAA by providing information about criteria pollutants regulated via National Ambient Air Quality Standards (NAAQS).	N/A
U.S. Env't Prot. Agency, EPA Finalizes Stronger Standards for Harmful Soot Pollution, Significantly Increasing Health and Clean Air Protections for Families, Workers, and Communities (Feb. 7, 2024), https://www.epa.gov/newsreleases/epa-finalizes-stronger-standards-harmful-soot-pollution-significantly-increasing.	•This source is cited on page 50, footnote 240 of the comment letter and supports the argument that BLM must make a general conformity determination under the CAA by providing information about the NAAQS for PM2.5.	N/A
U.S. Env't Prot. Agency, EPA Projects More than 99% of Counties Would Meet the Revised Fine Particle Pollution Standard (2024), https://www.epa.gov/system/files/documents/2024-02/2024-pm-naaqs-final-2032-projections-map.pdf.	•This source is cited on page 51, footnote 241 of the comment letter and supports the argument that BLM must make a general conformity determination under the CAA by showing that the San Joaquin Valley is expected to remain in nonattainment for fine particulate.	N/A
U.S. Env't Prot. Agency, General Conformity Training Module 3, 12 (2010), https://www.epa.gov/general-conformity/general-conformity-regulations-training-modules-printable-version.	•This source is cited on page 52, footnote 252 of the comment letter and supports the argument that BLM must make a general conformity determination under the CAA by illustrating the triggers compliance with this requirement.	•This source is cited on page 13, footnote 70 of the comment letter and supports the argument that BLM has failed to comply with the CAA by demonstrating the applicability of the prohibition against segmentation.
U.S. Env't Prot. Agency, Greenbook: Current Nonattainment Counties for All Criteria Pollutants (Feb. 28, 2026), https://www3.epa.gov/airquality/greenbook/ancl.html#Top (last visited July 30, 2026).	•This source is cited on page 53, footnote 261 of the comment letter and supports the argument that BLM must make a general conformity determination under the CAA, especially given the fact that the Bakersfield Planning Area is one of the most polluted places in the nation.	N/A
U.S. Env't Prot. Agency, Methane Emissions Event Report (Mar. 31, 2025).	•This source is cited on page 54, footnote 271 of the comment letter and supports the argument that BLM must make a general conformity determination under the CAA, especially given the fact that the Bakersfield Planning Area is one of the most polluted places in the nation, including due to methane leaks from oil and gas activities.	N/A
U.S. Env't Prot. Agency, Methane Super Emitter Program (2025), https://www.epa.gov/compliance/methane-super-emitter-program (last visited July 30, 2026).	•This source is cited on page 54, footnote 269 of the comment letter and supports the argument that BLM must make a general conformity determination under the CAA, especially given the fact that the Bakersfield Planning Area is one of the most polluted places in the nation, including due to methane leaks from oil and gas activities.	N/A
U.S. Env't Prot. Agency, NAAQS Table (Nov. 4, 2025), https://www.epa.gov/criteria-air-pollutants/naaqs-table.	•This source is cited on page 51, footnote 246 of the comment letter and supports the argument that BLM must make a general conformity determination under the CAA by providing information about the NAAQS.	N/A

Source	Summary of Relevance and Usage in CalWild et al. Scoping Comments	Summary of Relevance and Usage in CalWild et al. Draft EA Comments
U.S. Env't Prot. Agency, Reconsideration of the National Ambient Air Quality Standards for Particulate Matter (prepublication version, signed Feb. 5, 2024); 89 Fed. Reg. 16202 (Mar. 6, 2024) (to be codified at 40 C.F.R. pts 50, 53, 58).	•This source is cited on page 50, footnote 240 of the comment letter and supports the argument that BLM must make a general conformity determination under the CAA by providing information about the NAAQS for PM2.5.	N/A
U.S. Env't Prot. Agency, Report on the Social Cost of Greenhouse Gases: Estimates Incorporating Recent Scientific Advances 2, 45-61 (2023).	•This source is cited on page 29, footnote 150, page 31, footnote 164, and page 32, footnote 170 and supports the argument that BLM must ensure compliance with NEPA and the APA by adequately analyzing GHG emissions and climate effects, and must factor GHG emissions and climate effects into its leasing decisions by quantifying climate impacts with a tool such as the social cost of greenhouse gases.	N/A
U.S. Env't Prot. Agency, Scoping Comments for Bakersfield Draft 2025 SEIS at 3–4.	N/A	•This source is cited on page 15, footnote 77 of the comment letter and supports the argument that BLM has failed to comply with the CAA, especially given the U.S. Environmental Protection Agency's concerns regarding BLM's emissions analysis for the Bakersfield region.
U.S. Env't Prot. Agency, Water Resources in the United States, EPA/600/R-16/236F ES-28–ES-33 (Dec. 2016), https://cfpub.epa.gov/ncea/hfstudy/recordisplay.cfm?deid=332990 (last visited July 30, 2026).	•This source is cited on page 33, footnote 177-78 of the comment letter and supports the argument that BLM must ensure that leasing complies with NEPA and the APA by adequately analyzing the environmental impacts of leasing, especially by taking a hard look at the significant impacts to groundwater from well construction practices and fracking.	N/A
U.S. Fish and Wildlife Service, Programmatic Biological Opinion and Conference Report on the Bakersfield Resource Management Plan, No. OSESMF00-2012-F-0682 5-7 (Oct. 23, 2014).	•This source is cited on page 41, footnote 216 of the comment letter and supports the argument that BLM's NEPA analysis for this lease sale must reflect the impacts of OBBBA, including its affect on the role of fluid mineral leasing stipulations in the Programmatic Biological Opinion. •This source is cited on page 43, footnotes 237-38 of the comment letter and supports the argument that BLM must must comply with its obligations under the Endangered Species Act by insuring that its leasing decisions do not jeopardize protected species or adversely modify critical habitat.	N/A
U.S. Fish and Wildlife Service, Programmatic Biological Opinion on Oil and Gas Leasing and Development on Bureau of Land Management Lands in the Central Coast Field Office (Fresno, Monterey and San Benito Counties) 32 (2019).	•This source is cited on page 41, footnote 217 of the comment letter and supports the argument that BLM's NEPA analysis for this lease sale must reflect the impacts of OBBBA, including its affect on the annual RMP review contemplated under the Programmatic Biological Opinion.	N/A
U.S. Fish and Wildlife Service, Species Status Assessment Report for the San Joaquin kit fox at 32 (2020).	N/A	•This source is cited on page 25, footnote 152 of the comment letter and supports the argument that BLM has improperly ignored its incorporated conservation strategy to protect the San Joaquin kit fox by illustrating the threats that land conversion plays to kit foxes and their habitat.

Source	Summary of Relevance and Usage in CalWild et al. Scoping Comments	Summary of Relevance and Usage in CalWild et al. Draft EA Comments
U.S. Gov't Accountability Off., GAO-22-103968, Oil and Gas Leasing: BLM Should Update its Guidance and Review its Fees 3 (Nov. 2021) (finding that between 2009 and 2019, the BLM nominated 87 million acres for leasing but only offered 18 million acres—or 21% of nominated land—at auction).	•This source is cited on page 14, footnote 59 of the comment letter and supports the argument that BLM must address the impact of the 2025 Budget Reconciliation Act, also known as the OBBBA, on the proposed lease sale, including any changes that OBBBA makes with respect to BLM's deferral authority, considering BLM has only elected to lease a small portion of potentially available lands.	N/A
U.S. Off. of Mgmt. & Budget, Report to Congress on the Benefits and Costs of Federal Regulations and Agency Compliance with the Unfunded Mandates Reform Act: Fiscal Year 2023 21–22 (2024), https://bidenwhitehouse.archives.gov/wp-content/uploads/2025/01/FY23-Benefit-Cost-Report.pdf.	•This source is cited on page 32, footnote 166 of the comment letter and supports the argument that BLM must ensure compliance with NEPA and the APA by adequately analyzing GHG emissions and climate effects, and must factor GHG emissions and climate effects into its leasing decisions by quantifying climate impacts with a tool such as the social cost of greenhouse gases.	N/A
Vaidyanathan, G., Fracking Can Contaminate Drinking Water, Sci. Am. (Apr. 4, 2016), https://www.scientificamerican.com/article/fracking-can-contaminate-drinking-water/.	•This source is cited on page 33, footnote 178 and page 34, footnote 178 of the comment letter and supports the argument that BLM must ensure that leasing complies with NEPA and the APA by adequately analyzing the environmental impacts of leasing, especially by taking a hard look at impacts to groundwater from well construction practices and fracking.	N/A
van der Ree, R. et al., Effects of Roads and Traffic on Wildlife Populations and Landscape Function: Road Ecology is Moving Toward Larger Scales, 16(1) Ecology and Society 48 (2011).	N/A	•This source is cited on page 34, footnote 187 of the comment letter and supports the argument that leasing parcels in undisturbed and/or wildlife corridor areas contradicts the Bakersfield 2014 RMP and other BLM conservation strategies, and threatens special-status species, in violation of FLPMA by showing that activities related to development can negatively and significantly impact individual wildlife, populations, communities, landscapes, and ecosystem functions.
Western Energy Alliance and Independent Petroleum Association of America, Comment on Oil and Gas; Hydraulic Fracturing on Federal and Indian Lands; Rescission of a 2015 Rule, 82 Fed. Reg. 34464, 59 (Sept. 25, 2017), https://www.regulations.gov/document?D=BLM-2017-0001-0412.	•This source is cited on page 34, footnotes 180 of the comment letter and supports the argument that BLM must ensure that leasing complies with NEPA and the APA by adequately analyzing the environmental impacts of leasing, especially by taking a hard look at the significant impacts to groundwater from well construction practices and fracking.	N/A
Western States Petroleum Association (WSPA), San Joaquin Valley: The Oil and Gas Industry's Production Workhorse (2019), https://www.wspa.org/wp-content/uploads/LAEDC_regional_factsheet_SanJoaquin_v2.pdf.	•This source is cited on page 51, footnote 243 of the comment letter and supports the argument that BLM must make a general conformity determination under the CAA for the lease sale, especially considering the high volume of production within the Bakersfield Field Office relative to the rest of the state.	N/A

Source	Summary of Relevance and Usage in CalWild et al. Scoping Comments	Summary of Relevance and Usage in CalWild et al. Draft EA Comments
Wilson, J., Are California Oil Companies Complying with the Law? Even Regulators Often Don't Know, ProPublica (Mar. 22, 2021), https://www.propublica.org/article/are-california-oil-companies-complying-with-the-law-even-regulators-often-dont-know.	•This source is cited on page 55, footnote 279 of the comment letter and supports the argument that BLM must make a general conformity determination under the CAA for the lease sale, especially given the fact that oil and gas development produces significant emissions.	N/A
Witter, R.Z. et al., Occupational Exposures in the Oil and Gas Extraction Industry: State of the Science and Research Recommendations, 57 Am. J. of Indus. Med. 847 (Mar. 14, 2014).	•This source is cited on page 37, footnote 200 of the comment letter and supports the argument that BLM must ensure that leasing complies with NEPA and the APA by adequately analyzing the impacts of oil and gas leasing on public health, which include a multitude of harms.	N/A
Yap, T.A., et al., California Connections: How Wildlife Connectivity Can Fight Extinction and Protect Public Safety 1-2 (2021).	N/A	•This source is cited on page 27, footnote 163 of the comment letter and supports the argument that BLM has failed to meaningfully address impacts to sensitive species and ecosystems and must analyze impacts of the lease sale on California mountain lions, especially given the importance of habitat connectivity. •This source is cited on page 33, footnote 186 of the comment letter and supports the argument that leasing parcels in undistrubed and/or wildlife corridor areas contradicts the Bakersfield 2014 RMP and other BLM conservation strategies, and threatens special-status species, in violation of FLPMA, by illustrating the importance of habitat connectivity.