

RE: September 2026 Lease Sale Expressions of Interest, Wayne National Forest, Monroe and Washington Counties in Ohio, DOI-BLM-Eastern States-M000-2026-0003-DNA

Issuing a Determination of NEPA Adequacy (DNA) for these proposed parcels is in violation of multiple environmental laws. Neither the 2016 Final Environmental Assessment (FEA) nor the 2025 Final Supplemental Environmental Assessment (FSEA), which BLM purports are “adequate” for the purposes of assessing the Ohio Lease Sale, satisfy its obligations under the National Environmental Policy Act (NEPA) and numerous other environmental laws.

AIR QUALITY IMPACTS

A. BLM failed to analyze impacts to air quality.

BLM’s underlying NEPA analysis fails to analyze the leasing proposal’s reasonably foreseeable impacts to air quality. While the FSEA acknowledges that the Project will increase air pollution in the area, it does not say anything meaningful about the degree to which it could affect air quality in the local area. BLM’s determination that this project would have no significant environmental impacts therefore lacks a rational basis.

B. BLM failed to include Washington County in its air pollution estimates, rendering its air pollution projections too low.

BLM substantially underestimates the amount of air pollution likely to result from its action because it irrationally assumed that no oil and gas well development would occur in Washington County, which represents roughly half of the project area. This proposed lease sale includes parcels located in Washington County.

C. BLM’s air pollution figures demonstrate significant impact.

Even though BLM’s air pollution numbers underestimate foreseeable air pollution amounts, they show that the project will cause significant impacts to air quality. For example:

- The Project could emit 82% of the coarse particulate matter (PM10) emitted by Ohio’s entire oil and gas industry (including refining) annually. *See* FSEA, Table 3-4 at 3-54 (407 tons per year (“tpy”) from the Project’s “High Scenario” compared to 497 tpy from “Ohio Oil and Gas”).
- Percentages for other pollutants are similarly concerning (e.g., 14% for fine particulate matter (PM2.5) and 10% for hazardous air pollutants). *Id.*

- Further, the estimated annual air pollution amounts from BLM's projected 81 Project wells would greatly exceed the annual emissions generated by the 581 existing federal (conventional) wells in the state. *See* FSEA at 3 54.

D. BLM pollution estimates exceed Clean Air Act thresholds of concern.

The Oil and Gas Project's emissions exceed Clean Air Act (CAA) General Conformity *de minimis* thresholds in all development scenarios chosen by BLM, and should have triggered the agency to perform a full conformity determination. Per BLM's pollutant estimates, the Project exceeds the 100 tons per year *de minimis* maintenance area thresholds for both ozone and PM2.5 under all scenario estimates. The quantified emissions presented in the FSEA warrant actual analysis, including conformity review under the CAA.

E. BLM's leasing Project threatens to cancel the Wayne National Forest's carbon sequestration services for several decades.

This proposed action threatens to effectively sideline Ohio's largest public forest in the fight against climate change for a generation or more. The Supplemental EA's own estimates show that BLM's proposed Oil and Gas project has the potential to effectively cancel out the entirety of the WNF's carbon sequestration services over a 30-year period. This is significant environmental impact in the local and regional contexts by any reasonable measure.

F. BLM must evaluate potential Regional Haze Impacts.

Otter Creek and the Dolly Sods Wilderness Area are Class I areas within 300 km of the WNF. Despite estimating that substantial amounts of haze-forming air pollution would result from BLM's leasing project, the FSEA defers meaningful analysis of potential visibility and regional haze impacts of nearby Class I areas to the individual well permitting phase. By doing so, BLM has failed to evaluate the reasonably foreseeable regional haze impacts of the leasing project as a whole, including whether those impacts would be significant.

WATER QUANTITY IMPACTS

A. BLM's quantified water withdrawal estimates are unreliable.

The FSEA made arbitrary and capricious assumptions about well numbers, including the assumption that no well development would occur in Washington County. BLM's overall water withdrawal projections are therefore likely substantial underestimates.

BLM based its consideration of water depletion impacts to the Little Muskingum River on unrepresentative annualized stream flow data. BLM used figures that averaged both stream flow amounts and predicted withdrawal amounts across an entire year to determine that the Project would have "minimal impacts on the Little Muskingum River's streamflow." BLM's use of annualized data to make this "minimal impacts" determination was arbitrary and capricious given the much more representative (daily and weekly) flow and withdrawal information before the agency.

- B. BLM's determination that water withdrawal impacts would be insignificant is unsupported.

The FSEA's discussion of potential water withdrawal mitigation fails to provide sufficient detail to support a finding of no significant impact. For example, BLM fails to define when water withdrawal prohibitions would be applicable. And, BLM fails to address reasonably foreseeable potential consequences of prohibiting water withdrawals from certain streams, such as increased risk of depletion of tributaries of the Little Muskingum River, as well as the related potential for impacts to the flow of the Little Muskingum River itself when tributary flow is reduced.

THREATENED AND ENDANGERED SPECIES IMPACTS

- A. BLM must adequately consider impacts to freshwater mussels and Hellbenders.

BLM and FWS failed to adequately consider the Project's water depletion effects on ten listed aquatic species (together, "listed aquatic species"), including Clubshell mussel (endangered), fanshell mussel (endangered), Northern riffleshell mussel (endangered), pink mucket mussel (endangered), longsolid mussel (threatened), purple cat's paw mussel (endangered), round hickorynut mussel (threatened), sheepnose mussel (endangered), snuffbox mussel (endangered), and rabbitsfoot mussel (threatened).

Likewise, BLM's determination and FWS's concurrence that the Project "is not likely to jeopardize" species proposed for listing ("proposed aquatic species"), including the salamander mussel (proposed endangered) and Eastern hellbender (proposed endangered), is unsupported.

First, BLM's BA relied on flawed data and analysis to estimate the Project's water withdrawal impacts. BLM excluded Washington County from the Reasonably Foreseeable Development Scenario ("RFDS"), resulting in the erroneous assumption that zero wells will be drilled in that area, and thus BLM underestimated the Project's water depletions. Further, BLM analyzed the impacts of fast-paced, high-volume water depletions from fracking based on annual average streamflows, obscuring the Project's real-time depletion effects occurring over the course of several days or several weeks. In addition, BLM misinterpreted exceedance-based streamflow statistics and failed to analyze the timing, duration, and frequency of low-flow conditions, when water withdrawals pose the greatest risk to aquatic species.

Second, BLM relied on, and FWS concurred with, unsupported conclusions about mitigation to justify BLM's "not likely to adversely affect" determination. BLM's purported prohibition on water depletions in the Little Muskingum River lacks specificity, enforceability, and certainty about when or whether it will be implemented, making it inadequate to support a determination of "not likely to adversely effect." BLM also failed to adopt objective, science-based triggers—such as low-flow thresholds or percentage-based flow reduction limits— necessary to ensure that mitigation measures would meaningfully protect listed aquatic species. Complicating matters, even were this prohibition enforced it could have the unintended effect of shifting water depletions to other streams within this watershed (including tributaries to the Little Muskingum River itself), and BLM failed to consider the effects of that shift on the watershed and the listed aquatic species.

BLM and FWS further failed to consider additional aquatic impacts associated with water withdrawals, including the entrainment of mussel larvae or host fish and the physical dislodgement or mortality of mussels caused by intake structures and altered flow dynamics.

Nor does BLM require pre-withdrawal surveys for listed aquatic species, or clearly define how it will identify "Group 2," "Group 4," or "eastern hellbender" streams, further undermining any assurance that mitigation measures will avoid harm.

B. BLM must adequately consider impacts to listed bat species.

BLM's determination and FWS's concurrence that the Project "may affect, is not likely to adversely affect" the Indiana bat (endangered) and Northern long-eared bat (endangered), (together, "listed bats") is also unsupported. That determination failed to fully consider the Project's effects on the listed bats. For the same reasons, BLM's determination and FWS's concurrence that the tri-colored bat, which is proposed for "endangered" listing, is

“not likely to jeopardize the continued existence” of the species is unsupported. Likewise, the U.S. Forest Service unlawfully consented to leasing parcels in the project area without consulting with FWS, and in reliance on BLM’s flawed and unsupported Biological Assessment (“BA”) and FWS’s Letter of Concurrence.

First, BLM underestimated the total forest acreage that would be removed from gathering line development, and from all well development forest-wide by excluding Washington County from its reasonably foreseeable future well development projections.

Second, BLM failed to consider the fragmentation effects of large clearings for well pads, pipelines, and other fracking development on the listed bats.

Third, BLM’s conclusion that impacts on the listed bats would be “discountable” because suitable habitat is not a “limiting factor” for the bat, and enough suitable habitat would remain throughout the forest is arbitrary and capricious, because BLM admits that it does not know where or how much suitable habitat exists in the forest or where that habitat occurs.

Fourth, BLM’s conclusion that private surface forest clearing required for the drilling of federal wells would avoid harms to listed bats is arbitrary and capricious in light of BLM’s recognition that the State of Ohio does not specifically require measures to avoid and reduce potential harms from oil and gas activities on private land.

Sincerely,