

100506(c), the boundary of Congaree National Park is modified to include one adjoining tract containing a total of 216.13 acres of land, more or less. This boundary revision is depicted on Map No. 178/171,144, dated September 2020.

54 U.S.C. 100506(c) provides that, after notifying the House Committee on Natural Resources and the Senate Committee on Energy and Natural Resources, the Secretary of the Interior is authorized to make a boundary revision upon publication of notice in the **Federal Register**. The Committees have been notified of this boundary revision. This boundary revision and subsequent acquisition will ensure preservation and protection of the park's scenic and historic resources.

Lance Hatten,

Acting Regional Director, Interior Region 2.

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DEPARTMENT OF THE INTERIOR

Bureau of Ocean Energy Management

[Docket No. BOEM-2021-0001]

Gulf of Mexico, Outer Continental Shelf (OCS), Oil and Gas Lease Sale 257

AGENCY: Bureau of Ocean Energy Management, Interior.

ACTION: Notice of availability of a record of decision.

SUMMARY: The Bureau of Ocean Energy Management (BOEM) is announcing the availability of a Record of Decision for proposed Gulf of Mexico (GOM) nationwide oil and gas Lease Sale 257. This Record of Decision identifies BOEM's selected alternative for proposed Lease Sale 257, which is analyzed in the *Gulf of Mexico OCS Lease Sale: Final Supplemental Environmental Impact Statement 2018* (2018 GOM Supplemental EIS).

ADDRESSES: The Record of Decision is available on BOEM's website at <http://www.boem.gov/nepaprocess/>.

FOR FURTHER INFORMATION CONTACT: For more information on the Record of Decision, you may contact Ms. Helen Rucker, Chief, Environmental Assessment Section, Office of Environment, by telephone at 504-736-2421, or by email at helen.rucker@boem.gov.

SUPPLEMENTARY INFORMATION: In the 2018 GOM Supplemental EIS, BOEM evaluated five alternatives for proposed Lease Sale 257. We have summarized these alternatives below, noting some additional blocks that may be excluded

due to their lease status at the time of this decision:

Alternative A—Regionwide Outer Continental Shelf (OCS) Lease Sale: This is BOEM's preferred alternative. This alternative would allow for a proposed GOM nationwide lease sale encompassing all three planning areas: Western Planning Area (WPA); Central Planning Area (CPA); and a small portion of the Eastern Planning Area (EPA) not under congressional moratorium. Under this alternative, BOEM would offer for lease all available, unleased blocks within the proposed nationwide lease sale area for oil and gas operations with the following exceptions: whole and portions of blocks deferred by the Gulf of Mexico Energy Security Act of 2006; blocks that are adjacent to or beyond the United States Exclusive Economic Zone in the area known as the northern portion of the Eastern Gap; whole and partial blocks within the boundary of the Flower Garden Banks National Marine Sanctuary as of the July 2008 *Memorandum on Withdrawal of Certain Areas of US OCS from Leasing Disposition*; depth-restricted, segregated portions of Block 299, Main Pass Area, South and East Addition (Louisiana Leasing Map LA10A); blocks where the lease status is currently under appeal; and whole or partial blocks that have received bids in previous lease sales, where the bidder has sought reconsideration of BOEM's rejection of their bid, unless the reconsideration request is fully resolved at least 30 days prior to the publication of the Final Notice of Sale. We have listed the unavailable blocks in Section I of the Final Notice of Sale for proposed Lease Sale 257 and at www.boem.gov/Sale-257. The proposed nationwide lease sale area encompasses about 91.93 million acres (ac), with approximately 79.7 million ac available for lease. As described in the 2018 GOM Supplemental EIS, the estimated amounts of resources projected to be leased, discovered, developed, and produced as a result of the proposed nationwide lease sale are between 0.211 and 1.118 billion barrels of oil (BBO) and 0.547 and 4.424 trillion cubic feet (Tcf) of natural gas.

Alternative B—Regionwide OCS Lease Sale Excluding Available, Unleased Blocks in the WPA Portion of the Proposed Lease Sale Area: This alternative would offer for lease all available, unleased blocks within the CPA and EPA portions of the proposed lease sale area for oil and gas operations, with the following exceptions: Whole and portions of blocks deferred by the Gulf of Mexico Energy Security Act of

2006; blocks that are adjacent to or beyond the United States Exclusive Economic Zone in the area known as the northern portion of the Eastern Gap; depth-restricted, segregated portions of Block 299, Main Pass Area, South and East Addition (Louisiana Leasing Map LA10A); blocks where the lease status is currently under appeal; and whole or partial blocks that have received bids in previous lease sales, where the bidder has sought reconsideration of BOEM's rejection of their bid, unless the reconsideration request is fully resolved at least 30 days prior to publication of the Final Notice of Sale. The proposed CPA/EPA lease sale area encompasses about 63.35 million ac, with approximately 53 million ac available for lease. The estimated amounts of resources projected to be leased, discovered, developed, and produced as a result of the proposed lease sale under Alternative B are 0.185–0.970 BBO and 0.441–3.672 Tcf of gas.

Alternative C—Regionwide OCS Lease Sale Excluding Available, Unleased Blocks in the CPA and EPA Portions of the Proposed Lease Sale Area: This alternative would offer for lease all available, unleased blocks within the WPA portion of the proposed lease sale area for oil and gas operations, with the following exceptions: Whole and partial blocks within the boundary of the Flower Garden Banks National Marine Sanctuary as of the July 2008 *Memorandum on Withdrawal of Certain Areas of US OCS from Leasing Disposition*; blocks where the lease status is currently under appeal; and whole or partial blocks that have received bids in previous lease sales, where the bidder has sought reconsideration of BOEM's rejection of their bid, unless the reconsideration request is fully resolved at least 30 days prior to publication of the Final Notice of Sale. The proposed WPA lease sale area encompasses about 28.58 million ac, with approximately 26.9 million ac available for lease. The estimated amounts of resources projected to be leased, discovered, developed, and produced as a result of the proposed lease sale under Alternative C are 0.026–0.148 BBO and 0.106–0.752 Tcf of gas.

Alternative D—Alternative A, B, or C, with the Option to Exclude Available, Unleased Blocks Subject to the Topographic Features, Live Bottom (Pinnacle Trend), and/or Blocks South of Baldwin County, Alabama, Stipulations: This alternative could be combined with any of the action alternatives above (*i.e.*, Alternative A, B, or C) and would allow the flexibility to offer leases under any alternative with

additional exclusions. Under Alternative D, the decisionmaker could exclude from leasing any available, unleased blocks in Alternative A subject to any one or a combination of the following stipulations: Topographic Features Stipulation; Live Bottom Stipulation; and Blocks South of Baldwin County, Alabama, Stipulation (not applicable to Alternative C). This alternative considered blocks subject to these stipulations because these areas have been emphasized in scoping, can be geographically defined, and adequate information exists regarding their ecological importance and sensitivity to OCS oil- and gas-related activities.

A total of 207 blocks within the CPA and 160 blocks in the WPA are affected by the Topographic Features Stipulation. There are currently no identified topographic features protected under this stipulation in the EPA. The Live Bottom Stipulation covers the pinnacle trend area of the CPA, affecting a total of 74 blocks. Under Alternative D, the number of blocks that would become unavailable for lease represents only a small percentage of the total number of blocks to be offered under Alternative A, B, or C (less than 4%, even if blocks subject to all three stipulations were excluded). Therefore, Alternative D could reduce offshore infrastructure and activities in these sensitive areas because Alternative D would most likely simply shift the location of offshore infrastructure and activities farther from these sensitive zones; it would not lead to a reduction in overall impacts. Moreover, the incremental negative impacts of the other alternatives compared with Alternative D would be largely mitigated by the application of the lease stipulations in Alternative A, as discussed below.

Alternative E—No Action: This alternative is not holding proposed regionwide Lease Sale 257 and is identified as the environmentally preferred alternative. Alternative E was not selected because, if it were, the needed domestic energy sources and the subsequent positive economic impacts from exploration and production, including employment, would not be realized. Not holding a single lease sale would also not significantly change the overall activity levels in the GOM (*i.e.*, on blocks leased in previous lease sales) and the associated environmental impacts in the near term; however, it would avoid the incremental contribution of the proposed regionwide lease sale to the cumulative effects of ongoing activity. Avoidance of this incremental contribution, however, is outweighed by the potential negative

economic and socioeconomic impacts of choosing Alternative E.

Lease Stipulations—Eleven lease stipulations have been adopted for Lease Sale 257, including a new stipulation, related to the processing of certain post-lease permits, and described below. The 2018 GOM Supplemental EIS describes 10 of these 11 lease stipulations, which are included in the Final Notice of Sale Package.

In the Record of Decision for the *2017–2022 Outer Continental Shelf Oil and Gas Leasing: Proposed Final Program*, the Secretary of the Interior required the protection of biologically sensitive underwater features in all Gulf of Mexico oil and gas lease sales as programmatic mitigation; therefore, BOEM is adopting the Topographic Features Stipulation and Live Bottom Stipulation and applying them to designated lease blocks in proposed Lease Sale 257. Due to a proposed expansion of the Flower Garden Banks National Marine Sanctuary, this additional language notifies lessees that, should their lease block in the future be included in a national marine sanctuary, their operations may be subject to additional requirements and regulations from the National Oceanic and Atmospheric Administration and that a permit from that agency may be required in certain instances.

The additional nine lease stipulations considered for proposed regionwide Lease Sale 257 are the Military Areas Stipulation; the Evacuation Stipulation; the Coordination Stipulation; the Blocks South of Baldwin County, Alabama, Stipulation; the Protected Species Stipulation; the United Nations Convention on the Law of the Sea Royalty Payment Stipulation; the Below Seabed Operations Stipulation; the Stipulation on the Agreement between the United States of America and the United Mexican States Concerning Transboundary Hydrocarbon Reservoirs in the Gulf of Mexico; and the Timeframe for Decisions on an Application for Permit to Drill and an Application for Permit to Modify Stipulation. The Protected Species Stipulation has been recently updated due to the completion of the Endangered Species Act consultation with the National Marine Fisheries Service and the issuance of a Biological Opinion in March 2020, addressing OCS oil- and gas-related activities in the Gulf of Mexico, including this lease sale. The Timeframe for Decisions on an Application for Permit to Drill and an Application for Permit to Modify Stipulation was first adopted in Lease Sale 256. This stipulation is

administrative in nature and addresses the processing and timing of decisions for Applications for Permit to Drill and Applications for Permit to Modify by the Bureau of Safety and Environmental Enforcement (BSEE). It does not alter any underlying requirements for those applications and therefore would not be expected to change any environmental effects reasonably foreseeable as a result of this lease sale and any related post-lease activities. As noted, BOEM is adopting these nine stipulations as lease terms where applicable and they are enforceable as part of the lease.

Further, Appendix B of the *Gulf of Mexico OCS Oil and Gas Lease Sales: 2017–2022; Gulf of Mexico Lease Sales 249, 250, 251, 252, 253, 254, 256, 257, 259, and 261—Final Multisale Environmental Impact Statement* provides a list and description of standard post-lease conditions of approval that BOEM or BSEE may require as a result of their plan and permit review processes for the Gulf of Mexico OCS region.

After careful consideration, BOEM selected the preferred alternative (Alternative A) from the 2018 GOM Supplemental EIS, with certain additional blocks excluded due to their status, for proposed Lease Sale 257. BOEM is also adopting 11 lease stipulations and all practicable means of mitigation at the lease sale stage. The preferred alternative meets the purpose of and need for the proposed action, as identified in the 2018 GOM Supplemental EIS, and provides for orderly resource development with protection of human, marine, and coastal environments while also ensuring that the public receives a fair market value for these resources and that free-market competition is maintained.

Authority: This Notice of Availability of a Record of Decision is published pursuant to the regulations (40 CFR part 1505) implementing the provisions of the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 *et seq.*).

Michael A. Celata,
Regional Director, New Orleans Office,
Department of the Interior Regions 1, 2, 4,
and 6, Bureau of Ocean Energy Management.
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DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Clean Air Act

On January 14, 2021, the Department of Justice lodged a proposed Consent