



United States Department of the Interior



BUREAU OF LAND MANAGEMENT
Eastern States Office
20 M Street SE, Suite 950
Washington D.C. 20003

DECISION RECORD FOR Determination of NEPA Adequacy DNA-020-2016-12

INTRODUCTION

The Bureau of Land Management (BLM) proposes to offer for lease 40.3 acres of federal mineral estate to support potential future oil and gas development in Scott County, Mississippi, within the Bienville National Forest, as part of the December 2016 Competitive Oil and Gas Lease Sale. Interested parties, such as private individuals or companies, may file Expressions of Interest (EOIs) to nominate parcels for competitive bid and leasing by the BLM. A member of the public filed an EOI to nominate this parcel, on September 2, 2011. This parcel has been assigned EOI 1536B.

A federal oil and gas lease is a legal contract that grants exclusive rights to the lessee to develop federally-owned oil and gas resources, but does not authorize surface-disturbing activities or obligate the lessee to drill a well on a parcel in the future. If the parcel is leased and the lessee identifies a detailed plan for oil and gas development on the parcel in the future, the BLM and U.S. Forest Service would conduct future site-specific environmental analysis and any required consultations, prior to authorizing any ground disturbing activities. The site-specific analysis and additional consultations would occur when the lessee submits an Application for Permit to Drill (APD).

The Proposed Action to offer this parcel for lease is part of an action previously analyzed in the 2014 Revised Land and Resource Management Plan and Final Environmental Impact Statement for National Forests in Mississippi (2014 MS Forest Plan/EIS/Record of Decision [ROD]) that would allow approximately 1.2 million acres of U.S. Forest Service lands in Mississippi to be administratively available for oil and gas leasing (with the exception of congressionally designated wilderness areas). The 2014 MS Forest Plan/EIS incorporated the analysis from a separate U.S. Forest Service Environmental Assessment (EA) that specifically discusses the anticipated impacts of oil and gas development on the National Forests of Mississippi. Lease stipulations and notices provided by the U.S. Forest Service, as identified within the Determination of NEPA Adequacy (DNA), will be included in the lease for this parcel. These stipulations and notices are designed to reduce adverse effects caused by potential surface-disturbing activities associated with potential future oil and gas operations on EOI 1536B.

DECISION

As a result of the findings presented in the DNA (DNA-020-2016-12), it is my decision to authorize the Proposed Action as described above and in the DNA. A Finding of No Significant Impact (FONSI) supports this decision and has been prepared separately and incorporated into

2014 MS Forest Plan/EIS/ROD. The Proposed Action, coupled with lease stipulations, best management practices, and lease notices identified in the DNA, have led to my decision that all practicable means to avoid or minimize environmental harm have been adopted and that unnecessary or undue degradation of public lands and resources would not result from implementation of the Proposed Action.

The BLM will issue a competitive lease for this parcel if it is sold at the lease sale, and a non-competitive lease may be issued for applications filed for two years after the sale if the parcel is not sold.

AUTHORITIES

The authority for this decision is contained in the Mineral Leasing Act of 1920, as amended; the Mineral Leasing Act for Acquired Lands of 1947, as amended; the Federal Land Policy and Management Act (FLPMA) of 1976; and the Energy Policy Act of 2005.

TERMS/CONDITIONS/STIPULATIONS

Standard terms and conditions, as well as the lease notices and stipulations, identified within the DNA, will apply and be attached to the lease for EO 1536B.

Additionally, any purchaser of a Federal oil and gas lease is required to comply with all applicable Federal, State, and local laws and regulations including obtaining all necessary permits required prior to the commencement of project activities, including but not limited to the following:

- National Environmental Policy Act (1969) and the associated Council on Environmental Quality regulations at 43 CFR Parts 1500-1508
- FLPMA (1976) as amended and the associated regulations at 43 CFR Part 1600
- Mineral Leasing Act (1920) as amended and the associated regulations at 43 CFR Part 3100
- Clean Water Act (1977)
- Clean Air Act (1970) as amended
- National Historic Preservation Act (NHPA) (1966) as amended and the associated regulations at 36 CFR Part 800
- Endangered Species Act (ESA) (1973) as amended
- Migratory Bird Treaty Act (1918)
- Resource Conservation and Recovery Act (RCRA) (1976) as amended
- Executive Order 11988- Floodplain Management
- Executive Order 119900 – Protection of Wetlands
- Executive Order 12898 – Environmental Justice in Minority Populations and Low-Income Populations
- Oil and Gas Leasing Reform – Land Use Planning and Lease Parcel Reviews (BLM WO IM 2010-117)
- State and Local Laws and regulations

PLAN CONFORMANCE AND CONSISTENCY

The Proposed Action is in conformance with the 2014 MS Forest Plan/EIS and ROD. The BLM served as a cooperating agency for the 2014 MS Forest Plan/EIS and formally adopted the

documents by issuing its own ROD on March 23, 2016 in accordance with the requirements in 40 CFR 1506.3(a).

PUBLIC INVOLVEMENT

Public Comment on the Draft DNA

The BLM created a project website for the DNA that is accessible through the BLM national NEPA register at https://eplanning.blm.gov/epl-front-office/eplanning/nepa/nepa_register.do. The website provides links to documents and opportunities for public involvement.

In conformance with BLM policy, the Draft DNA was posted online for a 30-day public comment period from July 22 – August 22, 2016. The BLM received one comment letter identifying concerns about the NEPA process, impacts to red-cockaded woodpecker and Section 7 consultation, and impacts of hydraulic fracturing on wildlife, seismic risks, public health, greenhouse gas emissions, and climate change. The comment also expressed concern about potential cumulative effects. The BLM considered the comment letter in its decision and determined that potential effects to resources associated with reasonable foreseeable oil and gas development, including those identified in the comment letter, have been sufficiently addressed in the 2014 MS Forest Plan/EIS, ROD and associated 2010 National Forests in Mississippi, Lands Available for Oil and Gas Leasing EA to meet NEPA compliance requirements. The comment letter is located on the project website, accessible through the BLM national NEPA register identified above.

Protests

The notice of competitive lease sale was posted on October 13, 2016 on the BLM website http://www.blm.gov/es/st/en/prog/minerals/current_sales_and.html. This lease sale notice initiated a 30-day protest period of the parcels proposed for the lease sale. BLM received one timely letter of protest that raised unique substantive protest issues. After careful consideration, the BLM issued a response denying the protest. The protest letters and decision letters may be found at <https://eplanning.blm.gov/epl-front-office/eplanning/planAndProjectSite.do?methodName=dispatchToPatternPage¤tPageId=103258>. As a result, none of the parcels offered for oil and gas leasing at the lease sale are subject to an unresolved protest.

CONSULTATIONS

All required agency consultations and coordination have been completed for compliance with the ESA and NHPA, among other regulatory requirements. A summary of this information is documented in the 2014 MS Forest Plan/EIS. During the preparation of this DNA, the BLM also sent informal agency and tribal consultation letters to ensure there were no new concerns under ESA or NHPA, or any tribal concerns. In a letter dated April 8, 2016, the Mississippi Department of Archives and History responded that a cultural resources survey would likely be needed at the APD stage. Two tribes responded (April 4 and April 13, 2016), indicating that if any inadvertent discoveries occurred to contact their office and expressed interest in receiving a copy of any future cultural resources studies conducted on the parcel. On April 6, 2016 the Mississippi Fish

and Wildlife Service confirmed to BLM that Section 7 consultation was not needed for the DNA, since the Forest Service previously consulted with the Mississippi Fish and Wildlife Service when they developed the 2010 Oil and Gas EA (Lands Available for Oil and Gas Leasing). The EA includes the Biological Evaluation (BE) that was submitted by the Forest Service to the Mississippi Fish and Wildlife Service for informal consultation, along with Mississippi Fish and Wildlife Service concurrence. Therefore, all ESA requirements for the Proposed Action have been fulfilled. The BLM would conduct further consultation, as required, at the APD stage.

RATIONALE FOR DECISION

The decision to authorize the recommended alternative is based on the following:

- Consistency with the resource management plan and the land use plan - the decision is consistent with, and in conformance with, the 2014 MS Forest Plan/EIS and ROD.
- National Policy & Purpose and Need – The Proposed Action meets the BLM’s purpose and need for action, which is to support the development of oil and natural gas resources that are essential to meeting the nation’s future needs for energy while minimizing adverse effects to natural and cultural resources. The BLM minimizes adverse effects to resources by identifying appropriate lease stipulations and notices, best management practices, and mitigations. It is the policy of the BLM as mandated by various laws, including the Mineral Leasing Act of 1920, as amended (30 United States Code [USC] 181 et seq.), the Federal Land Policy and Management Act of 1976 (FLPMA), and the Energy Policy Act of 2005 to make mineral resources available for development to meet national, regional, and local needs. The oil and gas leasing program managed by the BLM encourages the sustainable development of domestic oil and gas reserves which reduces the dependence of the United States on foreign sources of energy as part of its multiple-use and sustainable yield mandate.
- Agency statutory requirements - the decision is consistent with all required federal, state, tribal, and county regulations and policies required for the implementation of the Proposed Action.
- Relevant resource issues and finding of no significant impact - as described in the DNA, the Proposed Action was sufficiently analyzed within the 2014 MS Forest Plan/EIS and ROD and associated 2010 National Forests in Mississippi, Lands Available for Oil and Gas Leasing EA. There is no new pertinent information or circumstances that have arisen that would render the previous analysis inadequate. As described in the DNA, there would be no direct impacts associated with leasing. There is the potential for minor adverse indirect impacts to resources as a result of potential future oil and gas development; however, none of the impacts were identified as significant and the conclusions reached in the 2014 MS Forest Plan/EIS and ROD are still valid. Therefore, a separate environmental impact analysis is not required. Additional site-specific NEPA documentation would be completed at the Application for Permit to Drill (APD) stage, should future development occur. All required consultations under the ESA and NHPA, have been completed for the Proposed Action.
- Application of measures to minimize environmental impacts - standard terms and conditions, as well as stipulations identified in the DNA would apply and be attached to the lease parcel, as required by 43 CFR 3131.3.

APPEALS PROCEDURES

In accordance with 43 CFR 4.411 and 4.413, any person whose interest is adversely affected by a final decision of the authorized officer may appeal the decision to the Interior Board of Land Appeals (IBLA). The appeal must be filed within 30 days after the date the proposed decision becomes final or 30 days after receipt of the final decision. In accordance with 43 CFR 4.411 and 4.412, the appeal shall state clearly and concisely the reason(s) why the appellant thinks the final decision of the authorized officer is wrong.

Pursuant to 43 CFR 4.21(b) and 4.413(a), an appellant also may petition for a stay of the final decision pending appeal by filing a petition for stay along with the appeal within 30 days after the date the proposed decision becomes final or 30 days after receipt of the final decision. At this time, the BLM will not accept protests or appeals sent by electronic mail. Within 15 days of filing the appeal and any petition for stay, the appellant also must serve a copy of the appeal, and any petition for stay, on any person named in the decision and listed at the end of the decision, and on to the appropriate Office of the Solicitor.

STANDARDS FOR OBTAINING A STAY

Pursuant to 43 CFR 4.21(b) (1), a petition for stay, if filed, must show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied;
- (2) The likelihood of the appellant's success on the merits;
- (3) The likelihood of immediate and irreparable harm if the stay is not granted; and,
- (4) Whether the public interest favors granting the stay.

Authorized Officer:


Karen E. Mouritsen

State Director, BLM Eastern States

12-12-16
Date