



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 Environmental Assessment ES-020-2012-14

INTRODUCTION

The Bureau of Land Management (BLM) proposes to re-offer for lease 39.57 acres of federal mineral estate to support potential future oil and gas development in White County, Arkansas. The surface acreage is owned by the Arkansas Game and Fish Commission. 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 February 3, 2010, and this parcel has been assigned EOI 961. The parcel was originally offered for sale at the March 19, 2015 Competitive Oil and Gas Lease Sale but BLM had to reject the bid due to a disagreement between two interested parties on a joinder agreement. The BLM therefore proposes to re-offer the parcel at the December 2016 Competitive Oil and Gas Lease Sale. The BLM has recently been in contact with the surface owner, the Arkansas Game and Fish Commission, to inform them that the parcel was being re-offered for lease.

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 re-offer this parcel for lease was analyzed in an Environmental Assessment (EA for ES-020-2012-14) completed in 2015. The BLM signed a finding of no significant impact (FONSI) and Decision Record on September 26, 2014 and March 12, 2015, respectively. A site visit conducted by the BLM in the fall of 2016 confirmed that conditions on the ground had not changed.

DECISION

As a result of the findings presented in the EA (EA for ES-020-2012-14) and site visit, it is my decision to authorize the Proposed Action as described above and in the EA. A Finding of No Significant Impact (FONSI) supports this decision and was prepared separately. The Proposed Action coupled with lease stipulations, best management practices, and lease notices identified in the EA 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. A no action alternative was considered in which the leases would not be issued; however, this alternative was not selected because it does not meet the purpose of and need for 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 EA, would apply and be attached to the lease parcel.

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 not covered by a BLM Resource Management Plan; however, according to the regulations at 43 CFR 1610.8(b)(1), this EA may be used as basis for making a decision on the proposal.

PUBLIC INVOLVEMENT

In conformance with BLM policy, the Draft EA was posted online for a 30-day public comment period from February 28, 2014 to March 31, 2014. 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 parcel proposed for the lease sale. The BLM did not receive any public comments on or protests of this parcel.

CONSULTATIONS

The BLM initiated informal consultation with U.S. Fish and Wildlife Service (FWS), Louisiana Ecological Services on November 22, 2013 in compliance with the Endangered Species Act (ESA), Section 7 Consultation requirements. The BLM received a concurrence letter on January 21, 2014. Consultation with the State Historic Preservation Officer (SHPO) occurred on January 6, 2012 and a concurrence letter was received from SHPO on May 16, 2012. Letters were sent to various tribes on December 16, 2011 notifying them of the proposed action and requesting comments or concerns. Several tribes responded on different dates and the responses were addressed in the EA.

RATIONALE FOR DECISION

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

- 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 EA, 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 a finding of no significant impact (FONSI) was completed. Therefore, an environmental impact statement was 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, 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