

U.S. Department of the Interior Bureau of Land Management

**Decision Record
Finding of No Significant Impact
Environmental Assessment
DOI-BLM-NM-2012-081-EA
October 17, 2012**

October 2012 Competitive Oil and Gas Lease Sale

Trinity County, Texas

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**DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
OKLAHOMA FIELD OFFICE**

**Project: October 2012 Competitive Oil and Gas Lease Sale
EA Log Number: DOI-BLM-NM-040-2012-081-EA
Location: Trinity County, Texas**

Finding of No Significant Impact

Based on the analysis of potential environmental impacts contained in the attached environmental assessment, I have determined the Proposed Action is not expected to have significant impacts on the environment. The impacts of leasing the fluid minerals estate in the areas described with this EA have been previously analyzed in the Texas Resource Management Plan (1996), as amended and the lease stipulations that accompany the tracts proposed for leasing would mitigate the impacts of future development on these tracts. Therefore, preparation of an Environmental Impact Statement is not warranted.

Prepared by:

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Date:_____

Approved by:

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Date:_____

**BUREAU OF LAND MANAGEMENT
OKLAHOMA FIELD OFFICE**

**ENVIRONMENTAL ASSESSMENT FOR
October 2012 OIL AND GAS LEASE SALE
DOI-BLM-NM-040-2012-081-EA**

1.0 INTRODUCTION

It is the policy of the Bureau of Land Management (BLM) as derived from various laws, including the Mineral Leasing Act of 1920 (MLA), as amended [30 U.S.C. 181 *et seq.*], and the Federal Land Policy and Management Act of 1976 (FLPMA), as amended, to make mineral resources available for disposal and to manage for multiple resources which include the development of fluid mineral resources to meet national, regional, and local needs.

The BLM New Mexico State Office (NMSO) conducts a quarterly competitive lease sale for available oil and gas lease parcels in New Mexico, Oklahoma, Texas, and Kansas. A Notice of Competitive Lease Sale (NCLS), which lists lease parcels to be offered at the auction, is published by the NMSO at least 90 days before the auction is held. Lease stipulations applicable to each parcel are specified in the Sale Notice. The decision as to which public lands and minerals are open for leasing and what leasing stipulations may be necessary, based on information available at the time, is made during the land use planning process. Surface management of non-BLM administered land overlaying federal minerals is determined by the BLM in consultation with the appropriate surface management agency or the private surface owner.

In the process of preparing a lease sale the NMSO sends a draft parcel list to each Field Office (FO) where the parcels are located. FO staff then review the legal descriptions of the parcels to determine if they are in areas open to leasing; if appropriate stipulations have been included; if new information has become available which might change any analysis conducted during the planning process; if appropriate consultations have been conducted, and if there are special resource conditions of which potential bidders should be made aware. The parcels nominated for the lease sale, along with the appropriate stipulations from the TXRMP 1996, as amended, are posted online for a two week public scoping period. Comments received are reviewed and incorporated into the Environmental Assessment (EA).

Once the draft parcel review is completed and returned to the NMSO, a list of available lease parcels and stipulations is made available to the public through a NCLS. On rare occasions, additional information obtained after the publication of

the NCLS may result in deferral of certain parcels prior to the lease sale.

The following EA documents the Oklahoma Field Office (OFO) review of the seven nominated parcels for the October 2012 Competitive Oil and Gas Lease Sale that are under the administration of the OFO. It serves to verify conformance with the approved land use plan, provides the rationale for deferring or dropping any parcels from the lease sale, as well as providing rationale for attaching any additional lease stipulations to specific parcels.

The parcels and applicable stipulations were posted online for a two week public scoping period starting on April 23, 2012. No comments were received. In addition, this EA is made available for public review and comment for 30 days beginning on May 23, 2012. Comments provided prior to the lease sale will be considered and incorporated in the EA as appropriate.

1.1 Purpose and Need

The purpose is to consider opportunities for private individuals or companies to explore for and develop oil and gas resources on public lands through a competitive leasing process.

The need of the action is established by the BLM's responsibility under the MLA, as amended, to promote the exploration and development of oil and gas on the public domain. The MLA also establishes that deposits of oil and gas owned by the United States subject to disposition in the form and manner provided by the MLA under the rules and regulations prescribed by the Secretary of the Interior, where consistent with the FLPMA, the National Environmental Policy Act (NEPA) of 1969, as amended (Public Law 91-90, 42 USC 4321 et seq.), and other applicable laws, regulations, and policies.

The BLM will decide whether or not to lease the nominated parcels and, if so, under what terms and conditions.

1.2 Conformance with Applicable Land Use Plan and Other Environmental Assessments

The applicable land use plan for this action is the TXRMP 1996, as amended, and Final Environmental Impact Statement (FEIS). The TXRMP 1996, as amended, designated approximately 1.5 million acres of federal minerals open for continued oil and gas development and leasing under Standard Terms and Conditions. The TXRMP 1996, as amended, also describes specific stipulations that would be attached to new leases offered in certain areas. Therefore, it is determined that the alternatives considered conform to fluid mineral leasing decisions in the TXRMP 1996, as amended, and are consistent with the goals and objectives for natural and cultural resources.

Pursuant to 40 Code of Federal Regulations (CFR) 1508.28 and 1502.21, this EA is tiered to and incorporates by reference the information and analysis contained in the RMP. While it is unknown precisely when, where, or to what extent well sites or roads would be proposed, the analysis of projected surface disturbance impacts, should a lease be developed, is based on potential well densities listed in the Reasonable Foreseeable Development (RFD) Scenario included in the TXRMP 1996, as amended,. While an appropriate level of site-specific analysis of individual wells or roads would occur when a lease holder submits an Application for Permit to Drill (APD), assumptions based on the RFD scenario may be used in the analysis of impacts in this EA.

FLPMA established guidelines to provide for the management, protection, development, and enhancement of public lands (Public Law 94-579). Section 103(e) of FLPMA defines public lands as any lands and interest in lands owned by the United States (U.S.). The mineral estate is an interest owned by the U.S., while the BLM has no authority over use of the surface by the surface owner, the BLM is required to declare how the federal mineral estate will be managed in the RMP, including identification of all appropriate lease stipulations (43CFR 3101.1 and 43 CFR 1601.0-7(b); BLM Manual Handbook 1601.09 and 1624-1).

1.3 Federal, State or Local Permits, Licenses or Other Consultation Requirements

Purchasers of oil and gas leases are required to obey all applicable federal, state, and local laws and regulations including obtaining all necessary permits required should lease development occur.

OFO biologists reviewed the Proposed Action and determined it would be in compliance with threatened and endangered species management and consultation guidelines. No further consultation with the U.S. Fish and Wildlife Service (USFWS) is required at this stage for any of the proposed parcels.

Compliance with Section 106 responsibilities of the National Historic Preservation Act (NHPA) are adhered to by following the BLM Manual 8100, 36 CFR Part 800, 43 CFR Part 7, and the Cultural Resources Handbook H-8100-1 (for New Mexico, Oklahoma, Kansas, and Texas). When draft parcel locations are received, OFO cultural resource staff reviews the location for any known cultural resources on BLM records.

Tribal Consultations would be completed when specific locations for proposed projects are received, reviewed by the State Historical Preservation Office (SHPO), the Bureau of Indian Affairs (BIA), and specific Tribes. When particular Tribes respond during consultation, that tribe would be directly involved in negotiations with the BLM to determine if the project should be moved, or other mitigation be required.

In Section 1835 of the Energy Policy Act of 2005 (43 U.S.C. 15801), Congress directed the Secretary of the Interior to review current policies and practices with respect to management of federal subsurface oil and gas development activities and their effects on the privately owned surface. The Split Estate Report, submitted in December 2006, documents the findings from consultation on the split estate issue with affected private surface owners, the oil and gas industry, and other interested parties.

NMSO contacts the surface owners and notifies them of the expression of interest and the date the oil and gas rights would be offered for competitive bidding. The BLM would provide the surface owners with its website address so they may obtain additional information related to the oil and gas leasing process, the imposition of any stipulations on that lease parcel, federal and state regulations, and best management practices (BMPs). The surface owners may elect to protest the leasing of the minerals underlying their surface.

If the BLM receives a protest, the parcel would remain on the lease sale; however, the BLM would resolve any protest prior to issuing an oil and gas lease for that parcel. If the protest is upheld, the BLM would return the payments received from the successful bidder for that parcel. After the lease sale has occurred, the BLM would post the results on its website and the surface owner may access the website to learn the results of the lease sale.

1.4 Identification of Issues

An internal review of the Proposed Action was conducted by an interdisciplinary team of OFO resource specialists on March 19, 2012, to further identify and consider potentially affected resources and associated issues. During the meeting, the interdisciplinary team also identified and subsequently addressed any unresolved issues or conflicts related to the Proposed Action.

The parcels included in the Proposed Action, along with the appropriate stipulations from the RMP, were posted online at http://www.blm.gov/nm/st/en/prog/energy/oil_and_gas/oil_and_gas_lease.html for a two week public scoping period beginning April 23, 2012. No comments were received.

Based on these efforts, the following issues have been determined relevant to the analysis of this action:

Air Quality

- *What effect will the proposed action have on atmospheric pollutants and contaminants?*

Climate

- *What effect will the proposed action have on climate change?*

Cultural Resources

- *What effect will the proposed action have on known and newly discovered artifacts of cultural and archeological significance?*

Floodplains

- *What effect will the proposed action have on floodplains and the integrity of the floodplains?*

Invasive Species

- *What effect will the proposed action have on the spread of non-native species?*

Threatened and Endangered Species

- *What effect will the proposed action have on federally listed and state-listed species that have the potential to be located on the proposed lease tracts?*

Hazard Waste

- *What effect will the proposed action have on the management of fluid mineral drilling and the hazardous wastes produced?*

Water Quality

- *What effect will the proposed action have on water quality in stream systems?*

Wetland and Riparian Areas

- *What effect will the proposed action have on wetland and riparian areas?*

Mineral Resources

- *What effect will the proposed action have on locatable minerals management?*

Watersheds

- *What effect will the proposed action have on watershed?*

Vegetation

- *What effect will the proposed action have on vegetation?*

Special Status Species

- *What effect will the proposed action have on special status species?*

Wildlife

- *What effect will the proposed action have on wildlife and their habitat in general?*

Several issues were considered during project scoping but dismissed from detailed analysis because there would be no potentially significant effects related to the issues resulting from any of the alternatives presented below. The following elements are determined by an interdisciplinary team of resource specialists, following their onsite visit and review of the TXRMP 1996 as amended, and other data sources, to not be present or relevant:

- Areas of Critical Environmental Concern-None identified.

- Caves and Karsts- None identified.
- Environmental Justice- Not relevant at leasing stage.
- Livestock grazing- USFS SMA, no BLM surface oversight.
- Native American Religious Concerns- Not relevant at leasing stage.
- Prime or Unique Farmlands- None identified.
- Rights of Way- USFS SMA, no BLM surface oversight.
- Recreation- USFS SMA, no BLM surface oversight.
- Public Health- Not relevant at leasing stage.
- Visual Resources- USFS SMA, no BLM surface oversight.
- Wild and Scenic Rivers- None identified.
- Wilderness or Wilderness Study Areas- None identified.
- Wild Horses and Burros- None present.

2.0 ALTERNATIVES INCLUDING THE PROPOSED ACTION

2.1 Alternative A - No Action

The BLM NEPA Handbook (H-1790-1) states that for EAs on externally initiated proposed actions, the no action alternative generally means that the proposed action would not take place. In the case of a lease sale, this would mean that an expression of interest to lease (parcel nomination) would be denied or rejected, and the lease parcels would not be offered for lease during the October 2012 Competitive Oil and Gas Lease Sale. Surface management and any ongoing oil and gas development on surrounding federal, private, and state leases would continue under current guidelines and practices. The no action alternative would not preclude these parcels from being nominated and considered in a future lease sale.

2.2 Alternative B - Proposed Action

The Proposed Action would be to lease seven (7) split-estate parcels of federal minerals covering 7,600.60 acres administered by the OFO (Appendix 2). The seven (7) proposed lease parcels are located on private surface, and the US Forest Service (USFS) administered lands (surface) in the Davy Crockett National Forest in Trinity County, Texas. Standard terms and conditions as well as stipulations listed in the TXRMP 1996, as amended, would apply. A complete description of these parcels, including any stipulations, is provided in Appendix 1.

Once sold, the lease purchaser has the exclusive right to use so much of the leased lands as is necessary to explore and drill for all of the oil and gas within the lease boundaries, subject to the stipulations attached to the lease (Title 43 Code of Federal Registration 3101.1-2).

Oil and gas leases are issued for a 10-year period and continue for as long thereafter as oil or gas is produced in paying quantities. If a lessee fails to

produce oil and gas, does not make annual rental payments, does not comply with the terms and conditions of the lease, or relinquishes the lease; exclusive right to develop the leasehold reverts back to the federal government and the lease can be reoffered in another lease sale.

Drilling of wells on a lease is not permitted until the lease owner or operator secures approval of a drilling permit and a surface use plan specified under Onshore Oil and Gas Orders listed in Title 43 Code of Federal Regulation 3162. A permit to drill would not be authorized until site-specific NEPA analysis is conducted.

Standard terms and conditions and stipulations listed in the TXRMP 1996, as amended, would apply as appropriate to each lease. In addition, site specific mitigation measures and BMPs would be attached as Conditions of Approval (COAs) for each proposed exploration and development activity authorized and permitted on a lease.

Parcel numbers, locations, acreages, and stipulations for the proposed lease parcels are listed in Table 2-1.

Table 2-1: Parcels offered under the Proposed Action Alternative:

Parcel	Comments	Acre
<u>NM-201210-053</u>	Private Surface:	8.860
TX TRACT K-23 SEE EXH K FOR M&B W/MAP; Trinity County, TX	<u>Lease with the following Stipulations:</u> WO-ESA-7: Threatened and Endangered Species Consultation WO-NPHA: Tribal and Cultural Consultation	

<p><u>NM-201210-054</u></p> <p>TX TRACT K-50B; SEE EXH M FOR M&B W/MAP; Trinity County, TX</p>	<p>Private Surface:</p> <p><u>Lease with the following Stipulations:</u></p> <p>WO-ESA-7: Threatened and Endangered Species Consultation WO-NPHA: Tribal and Cultural Consultation</p> <p>44.440</p>
<p><u>NM-201210-049</u></p> <p>TX TR K-2-I Parcel #1 SEE EXH M FOR M&B W/MAP; Trinity County, TX</p>	<p>Other Surface Management Agency (SMA): U.S. Forest Service (USFS), Davy Crockett National Forest</p> <p><u>Lease with the following Stipulations:</u> FS1(Lufkin): Secretary of Agriculture Rules and Regulations Compliance FS8(TX)CSU1A: Protect Streamside Management Zones FS8(TX)CSU1J-2: Red-cockaded Woodpecker Protection</p> <p>2066.990</p>
<p><u>NM-201210-050</u></p> <p>TX TR 2K-2-I; SEE EXH I FOR M&B W/MAP; Fannin Counties, TX</p>	<p>Other Surface Management Agency (SMA): U.S. Forest Service (USFS), Davy Crockett National Forest</p> <p><u>Lease with the following Stipulations:</u> FS1(Lufkin): Secretary of Agriculture Rules and Regulations Compliance FS8(TX)CSU1A: Protect Streamside Management Zones FS8(TX)CSU1J-2: Red-cockaded Woodpecker Protection</p> <p>2283.650</p>

<p><u>NM-201210-051</u></p> <p>TX TRACT K-2-I Parcel #3 SEE EXH J FOR M&B W/MAP; Trinity County, TX</p>	<p>Other Surface Management Agency (SMA): U.S. Forest Service (USFS), Davy Crockett National Forest</p> <p><u>Lease with the following Stipulations:</u></p> <p>FS1(Lufkin): Secretary of Agriculture Rules and Regulations Compliance FS8(TX)CSU1A: Protect Streamside Management Zones FS8(TX)CSU1J-2: Red-cockaded Woodpecker Protection</p>	<p>2266.58</p>
<p><u>NM-201207-052</u></p> <p>TX TRACT K-2-I Parcel #4 SEE EXH L FOR M&B W/MAP; Trinity County, TX</p>	<p>Other Surface Management Agency (SMA): U.S. Forest Service (USFS), Davy Crockett National Forest</p> <p><u>Lease with the following Stipulations:</u></p> <p>FS1(Lufkin): Secretary of Agriculture Rules and Regulations Compliance FS8(TX)CSU1A: Protect Streamside Management Zones FS8(TX)CSU1J-2: Red-cockaded Woodpecker Protection</p>	<p>820.090</p>
<p><u>NM-201207-055</u></p> <p>TX TRACT K-5A; SEE EXH N FOR M&B W/MAP; Trinity County, TX</p>	<p>Other Surface Management Agency (SMA): U.S. Forest Service (USFS), Davy Crockett National Forest</p> <p><u>Lease with the following Stipulations:</u></p> <p>FS1(Lufkin): Secretary of Agriculture Rules and Regulations Compliance FS8(TX)CSU1A: Protect Streamside Management Zones FS8(TX)CSU1J-2: Red-cockaded Woodpecker Protection</p>	<p>22.000</p>

3.0 DESCRIPTION OF THE AFFECTED ENVIRONMENT

This section describes the environment that would be affected by implementation of the alternatives described in Section 2. Aspects of the affected environment described in this section focus on the relevant resources and issues. Only those elements of the affected environment that have potential to be significantly impacted are described in detail. The individual parcels for the selected alternative are listed in Table 2-1.

All of the nominated parcels for this Texas lease sale, are located in Trinity County, Texas, which are in the East Texas Pineywoods ecoregion. This ecoregion is comprised of rolling hills of pine and oak and rich hardwood bottomlands renewed frequently by long-term flooding. The Pineywoods receives approximately 35 to 60 inches of rain per year supporting not only the pines – loblolly, shortleaf and longleaf mainly – but also a myriad of woodland specialties like sphagnum mosses, ferns, pitcher plants, sundews, pipeworts, and orchids. Streamside stands of beech, oaks, elm, and magnolia also benefit from the heavy rainfall.

Generalized descriptions of the Texas environment are contained in the TXRMP 1996, as amended, beginning on page 1.

3.1 Air Quality

The Environmental Protection Agency (EPA) has the primary responsibility for regulating air quality, including six nationally regulated ambient air pollutants. These criteria pollutants include carbon monoxide (CO), nitrogen dioxide (NO₂), ozone (O₃), particulate matter (PM₁₀ & PM_{2.5}), sulfur dioxide (SO₂) and lead (Pb). Regulation of air quality is delegated to the states and some tribes. Air quality is determined by atmospheric pollutants and chemistry, dispersion meteorology and terrain.

The nominated lease parcels are all located in rural areas of Texas. Air quality in these areas is generally good. None of the nominated lease parcels are presently located in an area designated by the EPA as “non-attainment” for any listed pollutants regulated by the Clean Air Act.

3.2 Climate

Texas’s climate varies widely, from arid in the west to humid in the east. Due to its large size, Texas is home to several different climates. There are several distinct regions within the state which have varying climates: Northern Plains, Big Bend Country, Texas Hill Country, Piney Woods, and South Texas. Generally speaking, the eastern half of Texas is humid subtropical, while the western half is semi-arid (with some arid regions). While snowfall is more common across

northern Texas than southern sections, large snowfall totals have occurred near and along the middle and upper Texas coasts.

Texas is located in a temperate region and experiences occasional extremes of temperature and precipitation typical in a continental climate (University of Oklahoma, 2008). Most of the state lies in an area known as Tornado Alley characterized by frequent interaction between cold and warm air masses producing severe weather. An average 126 tornadoes strike the state per year, one of the highest rates in the world. Because of its position between zones of differing prevailing temperature and winds, weather patterns within the state can vary widely between relatively short distances.

Table 3.3 summarizes components of climate that could affect air quality in the region.

Climate Component	Temperature
Mean maximum summer temperatures	90.0°F
Mean minimum winter temperatures	32.0°F
Mean annual temperature	62.0°F
Mean annual precipitation	46.0 inches
Mean annual snowfall	8.0 inches
Mean annual wind speed	15.2 mile per hour (mph)
Prevailing wind direction	South

In addition to the air quality information in the RMPs cited above, new information about GHGs and their effects on national and global climate conditions has emerged since the RMPs were prepared.

Global mean surface temperatures have increased nearly 1.0°C (1.8°F) from 1890 to 2006 (Goddard Institute for Space Studies, 2007); however, observations and predictive models indicate that average temperature changes are likely to be greater in the Northern Hemisphere. Without additional meteorological monitoring and modeling systems, it is difficult to determine the spatial and temporal variability and change of climatic conditions; what is known is that increasing concentrations of GHGs are likely to accelerate the rate of climate change.

GHGs that are included in the U.S. GHG Inventory are: carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF₆). CO₂ and methane (CH₄) are typically emitted from combustion activities or are directly emitted into the atmosphere. On-going scientific research has identified the potential impacts of greenhouse gas emissions (including CO₂; CH₄; nitrous oxide (N₂O), and several trace gasses) on global climate. Through complex interactions on regional and global scales, these greenhouse gas emissions cause a net warming effect of the atmosphere (which makes surface temperatures suitable for life on Earth), primarily by decreasing the amount of heat energy radiated by the Earth back

into space. Although GHG levels have varied for millennia (along with corresponding variations in climatic conditions), recent industrialization and burning of fossil carbon sources have caused CO₂ concentrations to increase dramatically, and are likely to contribute to overall climatic changes. Increasing CO₂ concentrations may also lead to preferential fertilization and growth of specific plant species.

In 2007, the Intergovernmental Panel on Climate Change (IPCC) predicted that by the year 2100, global average surface temperatures would increase 1.4 to 5.8°C (2.5 to 10.4°F) above 1990 levels. The National Academy of Sciences (2006) supports these predictions, but has acknowledged that there are uncertainties regarding how climate change may affect different regions. Computer model predictions indicate that increases in temperature will not be equally distributed, but are likely to be accentuated at higher latitudes. Warming during the winter months is expected to be greater than during the summer, and increases in daily minimum temperatures are more likely than increases in daily maximum temperatures. It is not, however, possible at this time to predict with any certainty the causal connection of site specific emissions from sources to impacts on the global/regional climate relative to the proposed lease parcels and subsequent actions of oil and gas development.

A 2007 US Government Accountability Office (GAO) Report on Climate Change found that, "federal land and water resources are vulnerable to a wide range of effects from climate change, some of which are already occurring. These effects include, among others: 1) physical effects such as droughts, floods, glacial melting, and sea level rise; 2) biological effects, such as increases in insect and disease infestations, shifts in species distribution, and changes in the timing of natural events; and 3) economic and social effects, such as adverse impacts on tourism, infrastructure, fishing, and other resource uses."

A number of activities contribute to the phenomenon of climate change, including emissions of GHGs (especially carbon dioxide and methane) from fossil fuel development, large wildfires, activities using combustion engines, changes to the natural carbon cycle, and changes to radiative forces and reflectivity (albedo). It is important to note that GHGs will have a sustained climatic impact over different temporal scales due to their differences in global warming potential (described above) and lifespans in the atmosphere.

3.3 Soils

The State's varied climate and topography have combined to produce broad differences in state soils. In the eastern part of the state, soils have been developed where leaching is intense and conditions are humid. Western soils developed in an area of lesser rainfall. All of the parcels are located in the East Texas Pineywoods ecoregion, comprised of rolling hills of pine and oak and rich hardwood bottomlands renewed frequently by long-term flooding.

Further discussion of soil resources in Texas may be found on pages 1-12 in the TXRMP 1996, as amended.

3.4 Watershed -Hydrology

The nominated lease parcels fall within the East Texas Pineywoods ecoregion, comprised of rolling hills of pine and oak and rich hardwood bottomlands renewed frequently by long-term flooding. the Sabine River basins.

Information on watershed-hydrology units can be found on pages 1-12 of the TXRMP 1996, as amended.

3.5 Floodplains

Some or portions of the all of nominated lease parcels are located within floodplains. Additional information on and discussion of floodplain zones appear on pages 1-12 of the TXRMP 1996, as amended.

3.6 Water Quality – Surface/Ground

The nominated lease parcels are located near the Alabama and North Creek(s). Information on water quality conditions in Texas can be found on pages 1-12 of the TXRMP 1996, as amended.

3.7 Cultural Resources

Approximately 25,000 archeological sites are recorded in Texas and over 3,000 historic properties in the state are listed on the National Register of Historic Places.

Blanket cultural resource surveys have not been conducted on the proposed lease parcels. Site-specific cultural resource surveys and appropriate mitigation measures are required as part of the APD process after the parcels are leased.

3.8 Paleontology

All cultural resource surveys for projects in the OFO area of responsibility are required to include statements on any new paleontological material discovered during inventory. These reports are reviewed and new fossil material is reported to paleontologists. Protection and preservation of significant fossil materials in specific locations would be required for any BLM permitted project.

3.9 Invasive, Non-native Species

Invasive species are well adapted plants and animals that have been introduced into an area where they don't naturally occur. These new environments don't

have the natural constraints needed to keep the invader species in check and the invader species can out-compete the native plants and damage existing ecosystems. Invasive plants like sericea lespedeza (*Lespedeza cuneata*) and eastern red cedar (*Juniperus virginiana*) severely impact open rangelands and forests, while stream banks and sandy floodplains are being invaded by salt cedar (*Tamarix* spp.). These three plant species are damaging more wildlife habitat and productive landscapes than any other species.

3.10 Vegetation

The nominated lease parcels fall within the East Texas Pineywoods ecoregion. Pages 1-12 of the TXRMP 1996, as amended, provide further details on vegetation resources in the leasing area.

3.11 Threatened or Endangered Species

OFO biologists also reviewed the locations of the sale parcels and compared them to the best T/E species information currently available and determined that all of the proposed lease parcels contain potential habitat for a listed species (Appendix 3).

Under Section 7 of ESA, the BLM is required to consult with the USFWS on any proposed action which may affect federally listed T/E species or species proposed for listing. A detailed listing of T/E species within Texas may be found on pages 1-12 of the TXRMP 1996, as amended.

3.12 Special Status Species

In accordance with BLM Manual 6840, BLM manages certain sensitive species not federally listed as threatened or endangered. Included in this category are state listed endangered species and federal candidate species which receive no special protections under the ESA.

Texas state-listed endangered, threatened, proposed, and candidate species for the above listed counties are: Bachman's sparrow *Aimophila aestivalis*, bald eagle *Haliaeetus leucocephalus*, peregrine falcon *Falco peregrinus*, white-faced ibis *Plegadis chihi*, white-tailed hawk *Buteo albicaudatus*, sooty tern *S. fuscata*, reddish egret *Egretta rufescens*, wood stork *Mycteria americana*, blue sucker *Cycleptus elongatus*, creek chubsucker *Erimyzon oblongus*, paddlefish *Polyodon spathula*, blackside darter *Percina maculata*, shovelnose sturgeon *Scaphirhynchus platyrhynchus*, Texas fawnsfoot *Truncilla macrodon*, smooth pimpleback *Quadrula houstonensis*, false spike mussel *Q. mitchelli*, Louisiana pigtoe *Pleurobema riddellii*, sandbank pocketbook *Lampsilis satura*, southern hickorynut *Obovaria jacksoniana*, Texas heelsplitter *Potamilus amphichaenus*, Texas pigtoe *Fusconaia askewi*, black bear *U. americanus*, Rafinesque's big-eared bat *Corynorhinus rafinesquii*, alligator snapping turtle *Macrochelys temminckii*, Brazos watersnake *Nerodia harteri*, northern scarlet snake

Cemophora coccinea copei, timber/canebrake rattlesnake *Crotalus horridus*, and Texas horned lizard *Phrynosoma cornutum*.

The federal candidate species in Texas is the Louisiana pine snake (*Pituophis ruthven*).

3.13 Wildlife

Counties in Texas where the proposed lease tracts occur contain diverse wildlife populations as well as habitats. Generally speaking the eastern one-third of Texas receives ample rainfall and supports much of the oak, pine and hickory forests. The bulk of the central portion of Texas is within the cross timbers area where the transition begins from eastern deciduous forests to the more arid portions of western Texas. The faunal diversity follows this same transition from cypress swamps and alligators in the southeast tip of the state to piñon-juniper and mule deer in the furthest western portion of the Texas panhandle. Regional information on wildlife and their habitats in Texas is contained on pages 1-12 of the TXRMP 1996, as amended.

3.14 Wetlands /Riparian Zones

Nominated lease parcels contain, or potentially contain, wetlands and/or riparian zones. Additional information on, and discussion of, wetlands and riparian zones appears on pages 1-12 of the TXRMP 1996, as amended.

3.15 Wastes, Hazardous or Solid

The Resource Conservation and Recovery Act (RCRA) of 1976 established a comprehensive program for managing hazardous wastes from the time they are produced until their disposal. The EPA regulations define solid wastes as any “discarded materials” subject to a number of exclusions. On October 6, 1988, EPA determined that oil and gas exploration, development and production wastes would not be regulated as hazardous wastes under RCRA. The Comprehensive Environmental Response Compensation and Liability Act (CERCLA) of 1980, deals with the release (spillage, leaking, dumping, accumulation, etc.), or threat of a release of hazardous substances into the environment. Despite many oil and gas constituent wastes being exempt from hazardous waste regulations, certain RCRA exempt contaminants could be subject to regulations as hazardous substances under CERCLA.

No hazardous or solid waste materials are known to be present on the proposed lease parcels.

3.16 Mineral Resources

Oil and gas development began in Texas more than 100 years ago and virtually all of the area with high potential for oil and gas production is under prior existing

leases held by production.

Mineral resources of the OFO are described on pages 1-12 of the TXRMP 1996, as amended.

4.0 ENVIRONMENTAL CONSEQUENCES AND POTENTIAL MITIGATION MEASURES

4.1 Assumptions for Analysis

The act of leasing parcels would, by itself, have no impact on any resources in the OFO. The environmental consequences of oil and gas leasing in Texas are analyzed in the TXRMP 1996, as amended. That analysis, which assumes that the impacts from an average well, pipeline and access road would total 5.25 acres of surface disturbance in Texas is incorporated by reference into this document. All impacts would be linked to as yet undetermined future levels of lease development.

If lease parcels were developed, short-term impacts would be stabilized or mitigated within five years and long-term impacts are those that would substantially remain for more than five years. Potential impacts and mitigation measures are described below.

Cumulative impacts include the combined effect of past projects, specific planned projects and other reasonably foreseeable future actions such as other infield wells being located within these leases. Potential cumulative effects may occur should an oil and gas field be discovered if these parcels are drilled and other infield wells are drilled within these leases or if these leases become part of a new unit. All actions, not just oil and gas development may occur in the area, including foreseeable non-federal actions.

4.2 Effects from the No Action Alternative

Under the No Action Alternative, the proposed parcels would not be leased. There would be no subsequent impacts from oil and/or gas construction, drilling, and production activities. The No Action Alternative would result in the continuation of the current land and resource uses in the proposed lease areas. The No Action Alternative is also used as the baseline for comparison of alternatives.

It is an assumption that the No Action Alternative (no lease option) may result in a slight reduction in domestic production of oil and gas. This would likely result in reduced Federal and state royalty income, and the potential for Federal lands to be drained by wells on adjacent private or state lands. Consumption is driven by a variety of complex interacting factors including energy costs, energy efficiency, availability of other energy sources, economics, demography, and weather or

climate. If the BLM were to forego leasing and potential development of those minerals, the assumption is the public's demand for the resource would not be expected to change. Instead, the undeveloped resource would be replaced in the short- and long-term by other sources that may include a combination of imports, using alternative energy sources (e.g. wind, solar), and other domestic production. This displacement of supply would offset any reductions in emissions achieved by not leasing the subject tracts in the short-term.

4.3 Analysis of the Action Alternatives

4.3.1 Air Quality Impacts from the Proposed Action Alternative

Leasing the subject tracts would have no direct impacts to air quality. Any potential effects to air quality from sale of lease parcels would occur at such time that the leases were developed. Potential impacts of development could include increased air borne soil particles blown from new well pads or roads, exhaust emissions from drilling equipment, compressors, vehicles, and dehydration and separation facilities and volatile organic compounds during drilling or potential activities.

The reasonable and foreseeable development (RFD) scenario developed for the TXRMP 1996, as amended, assumed 30 wells would be drilled annually; however, it is unknown whether the petroleum resources specific to these leases in the Proposed Action are gas or oil or a combination thereof, as well as the actual potential for those resources. In addition, oil wells are on a tighter spacing than gas wells, therefore the specific number of wells that would be drilled as a result of issuing the leases is unknown. Current APD permitting trends within the field office confirm that these assumptions are still accurate.

Therefore, in order to reasonably quantify emissions associated with well exploration and production activities, certain types of information are needed. Such information includes a combination of activity data such as the types of equipment needed if a well were to be completed successfully (e.g. compressor, separator, dehydrator), the technologies which may be employed by a given company for drilling any new wells, area of disturbance for each type of activity (e.g. roads, pads, electric lines, compressor station), number of days to complete each kind of construction, number of days for each phase of drilling process, type(s), size, number of heavy equipment used for each type of construction (backhoe, dozer, etc.), number of wells of all types (shallow, deep, exploratory, etc.), compression per well (sales, field booster), or average horsepower for each type of compressor. The degree of impact will also vary according to the characteristics of the geologic formations from which production occurs. Since this type of data is unavailable at this time, including scenarios for oil and gas development, it is unreasonable to quantify emissions. What can be said is that exploration and production would contribute to incremental increases in overall air quality emissions associated with oil and gas exploration and production into

the atmosphere.

Mitigation

The BLM encourages industry to incorporate and implement BMPs, which are designed to reduce impacts to air quality by reducing emissions, surface disturbances, and dust from field production and operations. Typical measures include: adherence to BLM's Notice to Lessees' 4(a) concerning the venting and flaring of gas on Federal leases for natural gas emissions that cannot be economically recovered, flare hydrocarbon gases at high temperatures in order to reduce emissions of incomplete combustion; water dirt roads during periods of high use in order to reduce fugitive dust emissions; collocate wells and production facilities to reduce new surface disturbance; implementation of directional drilling and horizontal completion technologies whereby one well provides access to petroleum resources that would normally require the drilling of several vertical wellbores; require that vapor recovery systems be maintained and functional in areas where petroleum liquids are stored; and perform interim reclamation to re-vegetate areas of the pad not required for production facilities and to reduce the amount of dust from the pads.

4.3.2 Climate

The assessment of GHG emissions, their relationship to global climatic patterns, and the resulting impacts is an ongoing scientific process. It is currently not feasible to know with certainty the net impacts from the proposed action on climate, that is, while BLM actions may contribute to the climate change phenomenon, the specific effects of those actions on global climate are speculative given the current state of the science. The BLM does not have the ability to associate a BLM action's contribution to climate change with impacts in any particular area. The science to be able to do so is not yet available. The inconsistency in results of scientific models used to predict climate change at the global scale coupled with the lack of scientific models designed to predict climate change on regional or local scales, limits the ability to quantify potential future impacts of decisions made at this level and determining the significance of any discrete amount of GHG emissions is beyond the limits of existing science. When further information on the impacts to climate change is known, such information would be incorporated into the BLM's planning and NEPA documents as appropriate.

Leasing the subject tracts would have no direct impacts on climate as a result of GHG emissions. There is an assumption, however, that leasing the parcels would lead to some type of development that would have indirect effects on global climate through GHG emissions; however, those effects on global climate change cannot be determined (Refer to the cumulative effects section, Chapter 4 for additional information). It is unknown whether the petroleum resources specific to these leases in the Proposed Action are gas or oil or a combination

thereof.

Potential impacts of development could include increased air borne soil particles blown from new well pads or roads, exhaust emissions from drilling equipment, compressors, vehicles, and dehydration and separation facilities, as well as potential releases of GHG and volatile organic compounds during drilling or potential activities. The amount of increased emissions cannot be quantified at this time since it is unknown how many wells might be drilled, the types of equipment needed in the case a well were to be completed successfully (compressor, separator, dehydrator, etc.), or what technologies may be employed by the companies drilling any new wells. The degree of impact will also vary according to the characteristics of the geologic formations from which production occurs.

Environmental impacts of GHG emissions from oil and gas consumption are not effects of the proposed action as defined by the Council on Environmental Quality (CEQ), and thus are not required to be analyzed under NEPA. GHG emissions from consumption of oil and gas are not direct effects under NEPA because they do not occur at the same time and place as the action. They are also not indirect effects because oil and gas leasing and production would not be a proximate cause of GHG emissions resulting from consumption.

Mitigation

The EPA's inventory data describes "Natural Gas Systems" and "Petroleum Systems" as the two major categories of total U.S. sources of GHG gas emissions. The inventory identifies the contributions of natural gas and petroleum systems to total CO₂ and CH₄ emissions (natural gas and petroleum systems do not produce noteworthy amounts of any of the other greenhouse gases). Within the larger category of "Natural Gas Systems", the EPA identifies emissions occurring during distinct stages of operation, including field production, processing, transmission and storage, and distribution. "Petroleum Systems" sub-activities include production field operations, crude oil transportation and crude oil refining. Within the two categories, the BLM has authority to regulate only those field production operations that are related to oil and gas measurement, and prevention of waste (via leaks, spills and unauthorized flaring and venting).

The EPA data shows that improved practices and technology, and changing economics have reduced emissions from oil and gas exploration and development (Inventory of U.S. Greenhouse Gas Emissions and Sinks: 1990-2006). One of the factors in this improvement is the adoption, by industry of the BMPs proposed by the EPA's Natural Gas Energy Star program. The OFO staff will work with industry to facilitate the use of the relevant BMP's for operations proposed on federal mineral leases where such mitigation is consistent with agency policy.

4.3.3 Soils

While the act of leasing a tract would produce no impacts, subsequent development of the lease would physically disturb the topsoil and would expose the substratum soil on subsequent project areas. Direct impacts resulting from the oil and gas construction of well pads, access roads, and reserve pits include removal of vegetation, exposure of the soil, mixing of horizons, compaction, loss of top soil productivity and susceptibility to wind and water erosion. Wind erosion would be expected to be a minor contributor to soil erosion with the possible exception of dust from vehicle traffic. These impacts could result in increased indirect impacts such as runoff, erosion and off-site sedimentation. Activities that could cause these types of indirect impacts include construction and operation of well sites, access roads, gas pipelines and facilities.

Contamination of soil from drilling and production wastes mixed into soil or spilled on the soil surfaces could cause a long-term reduction in site productivity. Some of these direct impacts can be reduced or avoided through proper design, construction and maintenance and implementation of BMPs.

Additional soil impacts associated with lease development would occur when heavy precipitation causes water erosion damage. When water saturated segment(s) on the access road become impassable, vehicles may still be driven over the road. Consequently, deep tire ruts would develop. Where impassable segments are created from deep rutting, unauthorized driving may occur outside the designated route of access roads.

Mitigation

The operator would stockpile the topsoil from the surface of well pads which would be used for surface reclamation of the well pads. The impact to the soil would be remedied upon reclamation of well pads when the stockpiled soil that was specifically conserved to establish a seed bed is spread over well pads and vegetation re-establishes.

Reserve pits would be re-contoured and reseeded as described in COAs attached to the APD. Upon abandonment of wells and/or when access roads are no longer in service the Authorized Officer (AO) would issue instructions and/or orders for surface reclamation/restoration of the disturbed areas as described in attached COAs.

Road construction requirements and regular maintenance would alleviate potential impacts to access roads from water erosion damage.

4.3.4 Watershed Protection

As with soils, the amount and location of direct and indirect effects cannot be

predicted until the site-specific APD stage of development. If wells are drilled as a result of the proposed leases, site construction (pad, pipeline and road) would remove vegetation and compact approximately 5.25 acres in Texas. This would increase the potential for sheet erosion and could decrease the permeability of compacted areas.

Mitigation

BMPs would be incorporated into Special COAs attached to a permit to drill. These typically include: Six inches of top soil from the proposed location shall be stock piled and be available for reshaping during the restoration process. No cut and/or fill shall take place outside of the staked surveyed area. Stockpiled soil shall be protected from wind and water erosion through prompt establishment and maintenance of an effective, quick growing vegetative cover.

4.3.5 Floodplains

The act of leasing federal minerals produces no impacts to floodplains. However, the subsequent development may produce impacts in the form of surface disturbance. Surface disturbance from the development of well pads, access roads, pipelines, and power lines can result in impairment of the floodplain values from removal of vegetation, removal of wildlife habitat, impairment of water quality, decreased flood water retention and decreased groundwater recharge.

Protective stipulation ORA-1 would be attached to any lease of a tract which falls within a floodplain. ORA-1 states that, "All or portions of the lands under this lease lie in and or adjacent to a major watercourse and are subject to periodic flooding. Surface occupancy of these areas will not be allowed without the specific approval, in writing, of the Bureau of Land Management." Protective stipulations are also provided by the specific surface management agency. This stipulation would be attached to portions of parcels listed in Table 2-1 for the purpose of protecting streams, rivers and floodplains, and specify that surface disturbance would not be allowed within up to 200 meters of the outer edge of 100-year floodplains to protect the integrity of those floodplains.

Mitigation

Potential mitigation is deferred to site-specific development at APD stage.

4.3.6 Water Quality: Surface and Groundwater

While the act of leasing a parcel would produce no impacts, subsequent development of the lease would lead to surface disturbance from the construction of well pads, access roads, pipelines, and powerlines which can result in degradation of surface water quality and groundwater quality from non-point source pollution, increased soil losses, and increased gully erosion.

Potential direct impacts that would occur due to construction of well pads, access roads, pipelines, and powerlines include increased surface water runoff and off-site sedimentation brought about by soil disturbance; increased salt loading and water quality impairment of surface waters; channel morphology changes due to road and pipeline crossings; and possible contamination of surface waters by produced water. The magnitude of these impacts to water resources would depend on the proximity of the disturbance to the drainage channel, slope aspect and gradient, degree and area of soil disturbance, soil character, duration and time within which construction activity would occur, and the timely implementation and success or failure of mitigation measures.

Direct impacts would likely be greatest shortly after the start of construction activities and would likely decrease in time due to natural stabilization, and reclamation efforts. Construction activities would occur over a relatively short period; therefore, the majority of the disturbance would be intense but short lived. Direct impacts to surface water quality would be minor, short-term impacts which may occur during storm flow events. Indirect impacts to water-quality related resources, such as fisheries, would not occur.

Petroleum products and other chemicals, accidentally spilled, could result in surface and groundwater contamination. Similarly, possible leaks from reserve and evaporation pits could degrade surface and ground water quality. Authorization of the proposed projects would require full compliance with BLM directives and stipulations that relate to surface and groundwater protection.

Mitigation

The use of a plastic-lined reserve pits would reduce or eliminate seepage of drilling fluid into the soil and eventually reaching groundwater. Spills or produced fluids (e.g., saltwater, oil, and/or condensate in the event of a breach, overflow, or spill from storage tanks) could result in contamination of the soils onsite, or offsite, and may potentially impact surface and groundwater resources in the long term. The casing and cementing requirements imposed on proposed wells would reduce or eliminate the potential for groundwater contamination from drilling muds and other surface sources.

4.3.7 Cultural Resources

While the act of leasing federal minerals would produce no direct impacts to cultural resources, subsequent development of a lease may produce impacts. Direct and indirect effects cannot be predicted without analysis of site-specific development proposals. These proposals would occur at the APD stage of development. Potential impacts at that stage could include increased human activity and possibility of removal of, or damage to, heritage artifacts. The increase in human activity in the area increases the possibility of irretrievable

loss of information pertaining to the heritage of the project region. Conversely, the benefits to heritage resources derived from the future development are the heritage and historic survey that adds to literature, information, and knowledge of cultural resources.

Mitigation

Specific mitigation measures, including, but not limited to, possible site avoidance or excavation and data recording would have to be determined when site-specific development proposals are received.

4.3.8 Paleontology

Direct and indirect effects cannot be predicted without analysis of site-specific development proposals. These proposals would occur at the APD stage of development. Potential impacts at that stage could include increased human activity and possibility of removal of, or damage to, paleontology resources. The increase in human activity in the area increases the possibility of irretrievable loss of information pertaining to the paleontology of the project region. Conversely, a benefit to paleontology resources could occur if potential future development results in a paleontology survey that adds to literature, information, and knowledge of paleontology resources.

Mitigation

Specific mitigation measures, including, but not limited to, possible site avoidance or excavation and data recording would have to be determined when site-specific development proposals are received.

4.3.9 Invasive, Non-native Species

While the act of leasing Federal minerals would produce no direct impacts to invasive or non-native species, subsequent development of a lease may produce impacts. Any surface disturbance can increase the possibility of establishment of new populations of invasive non-native species. The likelihood of this happening cannot be predicted with existing information. At the APD stage, BLM requirements for use of weed control strategies would minimize the potential for spread of these species.

Mitigation

Mitigation is deferred to site-specific development at APD stage. BMPs require that all actions on public lands that involve surface disturbance or rehabilitation, reasonable steps are required to prevent the introduction or spread of noxious weeds, including requirements for using weed seed-free hay, mulch and straw.

4.3.10 Vegetation

Leasing would have no direct affect on vegetation or forestry. If oil and/or gas development occurs as a result of leasing, site clearing would remove vegetation from approximately 5.25 acres used as drill pad, access road and pipeline construction for each well drilled.

Mitigation

If potential wells are productive disturbed areas not needed for the production facility would be reclaimed resulting in approximately 2.63 acres impacted for the life of each well. In the case of non-productive wells, all disturbed areas should be reseeded and vegetative cover reestablished. Vegetation would be established on all areas of the location to be reclaimed. This phase of the reclamation process should be accomplished by using seed or sod. Current policy recommends that these areas be restored with native vegetation in regards to both species and structure. This recommended reclamation is contingent upon the wishes of the surface owner.

4.3.11 Threatened or Endangered Species

Leasing the tracts would have no direct impacts to T/E species. If the lease results in development, approximately 5.25 acres of existing vegetation would be removed by drill pad, pipeline, and access road construction. There would be a long-term change in plant and animal species composition and altered utilization of the site and surrounding area by wildlife. Site-specific biological resource surveys would be required at the project stage and, depending on location and nature of the proposed development and the results of surveys, additional Section 7 consultation could be required.

Furthermore, the lease notice (WO-ESA-7) would be attached to any leases in counties containing suitable habitat for T/E species. If any surface disturbing actions are proposed as a result of this proposed lease a biological evaluation shall be conducted and site-specific mitigating measures would be developed.

Mitigation

Mitigation is deferred to site-specific development at APD stage. BMPs would be required if any T/E species are found.

4.3.12 Special Status Species

No direct or indirect effects are expected based on existing information. Further site-specific inventories would be conducted, if necessary, at the project APD stage to determine if additional analysis would be required.

Mitigation

Potential mitigation is deferred to the site-specific APD stage of development.

4.3.13 Wildlife

Leasing the tracts would have no direct impacts to wildlife. If the lease results in development, approximately 5.25 acres in Texas of existing vegetation would be removed by drill pad, pipeline, and access road construction. The proposed action would result in long-term change in plant and animal species composition and altered utilization of the site and surrounding area by wildlife.

Mitigation

Wildlife impacts are deferred to the site-specific APD stage of development.

4.3.14 Wetlands/Riparian Zones

Some or portions of all of the proposed lease tracts may contain wetlands or potential wetlands. Leasing the proposed tracts would result in no direct impacts to wetlands. Potential indirect impacts or effects may occur if wells are drilled into these federal minerals as a result of leasing.

Protective stipulations would be attached to the leases and APD to protect wetlands and or riparian zones. Surface occupancy of these areas would not be allowed without the specific approval, in writing, of the Bureau of Land Management and approval or concurrence from the Surface Management Agency. Impacts or disturbance to wetlands and riparian habitats which occur on the lease must be avoided or mitigated. "Mitigation would be developed and applied during the application to drill process."

Mitigation

Potential mitigation is deferred to site-specific development at APD stage.

4.3.15 Wastes, Hazardous or Solid

Leasing the subject tracts would have no direct effect on hazardous or solid wastes. The proposed lease could result in a project that has the potential for either short or long-term impacts to all resources to some manner or degree, by pollution from un-managed hazardous and non-hazardous waste streams.

Mitigation

None required at the lease stage. If development results site specific measures are developed and attached to the permit to drill. Special conditions typically include:

- 1) All identified fresh water zones will be isolated by using casing and cementing procedures (USGS base of treatable fresh water isopach maps).
- 2) All wastes from all waste streams on site must be removed to an approved disposal site. No land disposal of any wastes on site will be permitted.

4.3.16 Mineral Resources

If the proposed leases result in wells those wells have the potential to affect production horizons and reservoir pressures. If the wells are producers the resources allotted to these wells will eventually be depleted. The amount and location of direct and indirect effects cannot be predicted until the site-specific APD stage of development. None of the lease parcels appear to present any conflict with the development of other mineral resources such as coal or sand and gravel.

Mitigation

Potential mitigation is deferred to the site-specific APD stage of development. Spacing orders and allowable production orders are designed to conserve the oil and/or gas resource and provide maximum recovery.

4.4 Cumulative Effects

The NMSO manages approximately 41 million acres of Federal mineral estate. Of the 41 million acres, 35 million acres are available for oil and gas leasing. Approximately 17% of the 35 million acres is currently leased (73% of the leases are in production and 63% of the lease acres are in production). The NMSO received 55 parcel nominations (24,409.18 acres) for consideration in the October 2012 Oil & Gas Lease Sale, and is proposing to lease 40 (18,166.61 acres) of the 55 parcels. If these 40 parcels were leased, the percentage of Federal minerals leased would not change. The Carlsbad, Farmington, Roswell and Oklahoma Field Office (Oklahoma) parcels are analyzed under separate EAs.

Table 5A. Actual - Acres of Federal Minerals/Acres Available/Acres Leased:

State	Federal O&G Mineral Ownership	Acres Available	Acres Leased	Percent Leased
KS	744,000	596,147	129,378	22%
NM	34,774,457	30,699,038	5,140,073	17%
OK	1,998,932	1,810,000	329,765	18%
TX	3,404,298	1,774,545	450,425	25%
Totals/Average	40,921,687	34,879,730	6,049,641	17%

Table 5B. Parcels Nominated & Offered in the July 2012 Oil & Gas Lease Sale:

Field Office	No. of Nominated Parcels	Acres of Nominated Parcels	No. of Parcels to be Offered	Acres of Parcels to be Offered
Carlsbad	24	8,847.02	17	4,653.43
Roswell	3	1,145.76	3	1,145.76
Farmington	19	6,118.48	11	4,069.5
Texas	7	7,600.60	7	7,600.60
Oklahoma	2	697.32	2	697.32
Totals	55	24,409.18	40	18,166.61

Table 5C. Foreseeable - Acres of Federal Minerals/Acres Available/Acres Leased:

State	Federal O&G Mineral Ownership	Acres Available	Acres Leased	Percent Leased
KS	744,000	596,147	129,378	22%
NM	34,774,457	30,699,038	5,149,942	17%
OK	1,998,932	1,810,000	330,804	18%
TX	3,404,298	1,774,545	458,026	26%
Totals/Average	40,921,687	34,879,730	6,068,150	17%

Analysis of cumulative impacts for reasonably foreseeable development of oil and gas wells on public lands in Texas was presented in the TXRMP 1996, as amended. Potential development of all available federal minerals in Texas including those in the nominated lease parcels was included as part of the analysis. Total surface disturbance projected by the plans was based on an estimated 30 federal wells being drilled annually in Texas. The estimated 30 federal wells in Texas were projected to disturb approximately 157.50 acres. Over the last 10 years there have been no changes to the basic assumptions or projections described in the TXRMP 1996, as amended, analysis.

More than 100 years of oil and gas development in Texas have resulted in an extensive infrastructure of existing roads and pipelines. Impacts from this development will remain on the landscape until final abandonment and reclamation of facilities occurs as wells are plugged when they are no longer economically viable.

4.4.1 Climate Change

This section incorporates an analysis of the contributions of the proposed action to GHG emissions and a general discussion of potential impacts to climate.

The EPA's Inventory of US Greenhouse Gas Emissions and Sinks found that in 2009, total U.S. GHG emissions were almost 7 billion (6,639.7 million) metric

tons and that total U.S. GHG emissions have increased by 7.4% from 1990 to 2009 (EPA, 2011). Emissions declined from 2008 to 2009 by 6.0% (422.2 million metric tons CO₂^e). The primary causes of this decrease were the reduced energy consumption during the economic downturn and increased use of natural gas relative to coal for electricity generation (EPA, 2011).

On-going scientific research has identified the potential effects of anthropogenic GHG emissions such as carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O) and several trace gasses; changes in biological carbon sequestration; and other changes due to land management activities on global climate. Through complex interactions on a global scale, GHG emissions cause a net warming effect of the atmosphere, primarily by decreasing the amount of heat energy radiated by the earth back into space. Although natural GHG atmospheric concentration levels have varied for millennia (along with corresponding variations in climatic conditions), industrialization and burning of fossil carbon sources have caused GHG concentrations to increase.

Analysis of cumulative impacts for RFD of oil and gas wells on lands administered by the OFO was presented in the TXRMP 1996, as amended. Potential development of all available federal minerals in the field office, including those in the proposed lease parcels, was included as part of the analysis.

This incremental contribution to global GHG gases cannot be translated into effects on climate change globally or in the area of this site-specific action. As oil and gas production technology continues to improve, and because of the potential development of future regulation or legislation, one assumption is that reductions in the rate or total quantity of GHG emissions associated with oil and gas production are likely. As stated in the direct/indirect effects section under climate change, the assessment of GHG emissions and the resulting impacts on climate is an ongoing scientific process. It is currently not feasible to know with certainty the net impacts from the proposed action on global or regional climate, that is, while BLM actions may contribute to the climate change phenomenon, the specific effects of those actions on global climate are speculative given the current state of the science. Therefore, the BLM does not have the ability to associate an action's contribution in a localized area to impacts on global climate change. Further, an Intergovernmental Panel on Climate Change (IPCC) assessment states that difficulties remain in attributing observed temperature changes at smaller than continental scales. It is currently beyond the scope of existing science to predict climate change on regional or local scales resulting from specific sources of GHG emissions.

Currently, global climate models are inadequate to forecast local or regional effects on resources (IPCC, 2007; CCSP, 2008). However, there are general projections regarding potential impacts to natural resources and plant and animal species that may be attributed to climate change from GHG emissions over time; however these effects are likely to be varied, including those in the southwestern United States (Karl et al., 2009). For example, if global climate change results in

a warmer and drier climate, increased particulate matter impacts could occur due to increased windblown dust from drier and less stable soils. Cool season plant species' spatial ranges are predicted to move north and to higher elevations, and extinction of endemic threatened/endangered plants may be accelerated. Due to loss of habitat or competition from other species whose ranges may shift northward, the population of some animal species may be reduced or increased. Less snow at lower elevations would likely impact the timing and quantity of snowmelt, which, in turn, could impact water resources and species dependent on historic water conditions (Karl et al., 2009).

The absence of a regulatory requirement to measure GHG emissions and the variability of oil and gas activities on federal minerals in Texas prevent accurate quantification of GHG emissions that might occur as a result of making the proposed tracts available for leasing. We can however make some generalizations: leasing the proposed tracts may contribute to ongoing drilling of an average of 30 wells a year on federal leases in the state of Texas. A total of 4,427 wells were drilled in Texas in 2006. This total, when compared to the estimates used for the cumulative analysis previously referenced, shows that wells drilled on federal leases may be expected to produce approximately 0.007 % of the GHG emissions produced from wells drilled in Texas. The amount of GHG emissions are small, incremental contributions to the total emissions from the three state area, and are also insignificant when compared to global GHG emission levels. These small incremental contributions to global GHG gases cannot be translated into incremental effects on climate change globally or in the area of this site-specific action (43 CFR 1508.27a). The total amount of GHG emissions from oil and gas activities is expected to continue decreasing as improved technology and changing economics result in more complete control of GHG emissions at all stages of oil and natural gas systems.

5.0 CONSULTATION/COORDINATION

This section includes the resource specialists located within the Oklahoma Field office that specifically participated and provided input into the lease parcel review process and the development of this EA document.

Table 5.1 Summary of Contacts Made During Preparation of Document and Interdisciplinary Team

ID Team Member	Title	Organization
Ryan Howell	Archaeologist	BLM
George Thomas	Wildlife Biologist	BLM
Rick Wymer	Geologist	BLM
Doug Cook	Petroleum Geologist	BLM
Kurt Preston	Geologist	BLM
Jackie Badley	Environmental Protection Specialist	BLM
Pam Wheeler	Land Law Examiner	BLM
Galen Schwertfeger	Environmental Protection Specialist	BLM
Larry Levesque	Planning & Environmental Coordinator	BLM

On April 16, 2012 a briefing for the BLM NM State Director was held at the New Mexico State Office to review Field Office recommendations for nominated parcels.

6.0 Public Involvement

The parcels nominated for this sale, along with the appropriate stipulations from the TXRMP 1996, as amended, were posted online for a two week review period beginning on April 23, 2012. No comments were received. This EA is available for public review and comment for a 30 day period beginning May 30, 2012. Comments received will be evaluated and incorporated into the EA as appropriate.

6.0 REFERENCES

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7. AUTHORITIES

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43 CFR, All Parts and Sections inclusive - Public Lands: Interior. Revised as of October 1, 2000.

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Appendix 1: Parcels

TEXAS

NM-201210-049 2154.980 Acres

T.455, R.000, TX PM, TX

Sec. 000 TRACT K-2-I PARCEL #1;

000 SEE EXH A FOR M&B W/MAP;

Trinity County

Tulsa FO

DAVY CROCKETT NATIONAL FOREST

TXNM 60895

QUAD NO. 3195114, 3194223

Formerly Lease No.

Stipulations:

FS1(Lufkin): Sec. of Ag. Rules & Regulation Compliance

FS8 (TX) CSU #1-A: Protect Streamside Management Zones (floodplains, wetlands)

FS8 (TX) CSU #1J-2: Red-Cockaded Woodpecker Protection

NM-201210-050 2283.650 Acres

T.455, R.000, TX PM, TX

Sec. 000 TRACT K-2-I PARCEL #2;

000 SEE EXH B FOR M&B W/MAP;

Trinity County

Tulsa FO

DAVY CROCKETT NATIONAL FOREST

TXNM 60895

QUAD NO. 3195114, 3194223

Formerly Lease No.

Stipulations:

FS1(Lufkin): Sec. of Ag. Rules & Regulation Compliance

FS8 (TX) CSU #1-A: Protect Streamside Management Zones (floodplains, wetlands)

FS8 (TX) CSU #1J-2: Red-Cockaded Woodpecker Protection

NM-201210-051 2266.580 Acres

T.455, R.000, TX PM, TX

Sec. 000 TRACT K-2-I PARCEL #3;

000 SEE EXH C FOR M&B W/MAP;

Trinity County

Tulsa FO

DAVY CROCKETT NATIONAL FOREST

TXNM 60895

QUAD NO. 3195114, 3194223

3195111, 3194222

Formerly Lease No.

Stipulations:

FS1(Lufkin): Sec. of Ag. Rules & Regulation Compliance

FS8 (TX) CSU #1-A: Protect Streamside Management Zones (floodplains, wetlands)

FS8 (TX) CSU #1J-2: Red-Cockaded Woodpecker Protection

NM-201210-052 820.090 Acres
T.455, R.000, TX PM, TX
Sec. 000 TRACT K-2-I PARCEL #4;
000 SEE EXH D FOR M&B W/MAP;
Trinity County
Tulsa FO
DAVY CROCKETT NATIONAL FOREST
TXNM 60895
QUAD NO. 3195114
Formerly Lease No.
Stipulations:
FS1(Lufkin): Sec. of Ag. Rules & Regulation Compliance
FS8 (TX) CSU #1-A: Protect Streamside Management Zones (floodplains, wetlands)
FS8 (TX) CSU #1J-2: Red-Cockaded Woodpecker Protection

NM-201210-053 8.860 Acres
T.455, R.000, TX PM, TX
Sec. 000 TRACT K-23;
000 SEE EXH E FOR M&B W/MAP;
Trinity County
Tulsa FO
DAVY CROCKETT NATIONAL FOREST
TXNM 60895
QUAD NO.3195114
Formerly Lease No.
Private Surface – Need Stips
Stipulations:
WO-ESA-7: Threatened & Endangered Species Protection
WO-NHPA: Tribal and Cultural Consultation

NM-201210-054 44.440 Acres
T.455, R.000, TX PM, TX
Sec. 000 TRACT K-50B;
000 SEE EXH F FOR M&B W/MAP;
Trinity County
Tulsa FO
DAVY CROCKETT NATIONAL FOREST
TXNM 60895
QUAD NO. 3195114
Formerly Lease No.
Stipulations:
WO-ESA-7: Threatened & Endangered Species Protection
WO-NHPA: Tribal and Cultural Consultation

NM-201210-055 22.000 Acres

T.455, R.000, TX PM, TX

Sec. 000 TRACT K-5A;

000 SEE EXH G FOR M&B W/MAP;

Trinity County

Tulsa FO

DAVY CROCKETT NATIONAL FOREST

QUAD NO.3194232

Formerly Lease No.

Stipulations:

FS1(Lufkin): Sec. of Ag. Rules & Regulation Compliance

FS8 (TX) CSU #1-A: Protect Streamside Management Zones (floodplains, wetlands)

FS8 (TX) CSU #1J-2: Red-Cockaded Woodpecker Protection

Appendix 2: Lease Sale Maps

Appendix 3: Biological Evaluation



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

OKLAHOMA FIELD OFFICE

7906 E. 33rd St., Suite 101

TULSA, OK 74145-1352

<http://www.blm.gov>



RE: Biological Evaluation for October, 2012 Federal Oil & Gas Lease Sale (DOI-BLM-NM-040-2012-081). NM-201207-036 - Karnes County, TX.; NM-201207-038 – Sabine, TX.

The Bureau of Land Management's (BLM) environmental assessment (EA) for this project contains all pertinent information regarding the specific characteristics of the proposed leasing of federal oil & gas minerals. The purpose of this report is to document BLM's "No Effect" for threatened & endangered species based on the administrative action on making the proposed parcels available for leasing.

Threatened and Endangered Species

The purpose of the Endangered Species Act (ESA) is to ensure that federal agencies and departments use their authorities to protect and conserve endangered and threatened species. Section 7 of the Act requires that federal agencies prevent or modify any projects authorized, funded, or carried out by the agencies that are "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."

The table below provides a list of the species, state and federally listed as endangered, threatened, or as rare species of special concern, which occur or have potential for occurrence within the lease sale parcels.

Federally and State Listed Threatened and Endangered Species and Species of Concern, Karnes and Sabine Counties, TX			
Scientific Name	Common Name	State/Federal Status	County
Birds			
<i>Charadrius melodus</i>	Piping plover	State Threatened	Sabine
<i>Aimophila aestivalis</i>	Bachman's sparrow	State Threatened	Sabine
<i>Elanoides forficatus</i>	Swallow-tailed kite	State Threatened	Sabine
<i>Grus americana</i>	Whooping crane	Federal/State Endangered	Karnes
<i>Sterna antillarum</i>	Interior least tern	State Endangered	Karnes
<i>Picooides borealis</i>	Red-cockaded woodpecker	Federal/State Endangered	Sabine
<i>Falco peregrinus anatum</i>	American peregrine falcon	State Threatened	Karnes
			Sabine
<i>Haliaeetus</i>	Bald eagle	State Threatened	Sabine

Federally and State Listed Threatened and Endangered Species and Species of Concern, Karnes and Sabine Counties, TX			
Scientific Name	Common Name	State/Federal Status	County
<i>leucocephalus</i>			
<i>Falco peregrinus</i>	Peregrine falcon	State Threatened	Karnes
			Sabine
<i>Plegadis chihi</i>	White-faced ibis	State Threatened	Karnes
<i>Mycteria Americana</i>	Wood stork	State Threatened	Karnes
			Sabine
Fish			
<i>Cycleptus elongates</i>	Blue sucker	State Threatened	Sabine
<i>Erimyzon oblongus</i>	Creek chubsucker	State Threatened	Sabine
<i>Polyodon spathula</i>	Paddlefish	State Threatened	Sabine
Mammals			
<i>Ursus americanus</i>	Black bear	State Threatened	Sabine
<i>Ursus americanus luteous</i>	Louisiana black bear	State Threatened	Sabine
<i>Canis rufus</i>	Red Wolf	State Endangered	Karnes
			Sabine
<i>Corynorhinus rafinesquii</i>	Rafinesque's big-eared bat	State Threatened	Sabine
<i>Herpailurus (=Felis) yagouaroundi cacomitli</i>	Gulf coast jaguarondi	Federal Endangered	Karnes
<i>Leopardus (=Felis) pardalis</i>	Ocelot	Federal Endangered	Karnes
Mollusks			
<i>Quadrula mitchelli</i>	False spike mussel	State Threatened	Karnes
<i>Quadrula aurea</i>	Golden orb	State Threatened	Karnes
<i>Quadrula petrina</i>	Texas pimpleback	State Threatened	Karnes
<i>Pleurobema riddellii</i>	Louisiana pigtoe	State Threatened	Sabine
<i>Lampsilis satura</i>	Sandbank pocketbook	State Threatened	Sabine
<i>Obovaria jacksoniana</i>	Southern hickorynut	State Threatened	Sabine
<i>Potamilus amphichaenus</i>	Texas heelsplitter	State Threatened	Sabine
<i>Fusconaia askewi</i>	Texas pigtoe	State Threatened	Sabine
Reptiles			
<i>Pituophis ruthveni</i>	Louisiana pine snake	Federal Candidate State Threatened	Sabine
<i>Phrynosoma cornutum</i>	Texas horned lizard	State Threatened	Karnes
<i>Crotalus horridus</i>	Timber/canebreak rattlesnake	State Threatened	Sabine
<i>Cemophora coccinea copei</i>	Northern Scarlet snake	State Threatened	Sabine
<i>Gopherus berlandieri</i>	Texas tortoise	State Threatened	Karnes
<i>Drymarchon melanurus erebennus</i>	Texas indigo snake	State Threatened	Karnes

Federally and State Listed Threatened and Endangered Species and Species of Concern, Karnes and Sabine Counties, TX			
Scientific Name	Common Name	State/Federal Status	County
<i>Macrochelys temminckii</i>	Alligator snapping turtle	State Threatened	Sabine
Plants			
<i>Leavenworthia texana</i>	Texas golden gladeceess	Federal Candidate	Sabine
Amphibians			
<i>Hypopachus variolosus</i>	Sheep frog	State Threatened	Karnes

Whooping Crane

Habitat: Breeds in freshwater marshes and prairies. Uses grain fields, shallow lakes and lagoons, and saltwater marshes on migration and in winter. Ground nester.

Red-cockaded Woodpecker

Habitat: Open pine forest maintained by frequent fires, especially longleaf pine forests. Tree nester.

Gulf coast jaguarondi

Habitat: Regions of dense, thorny scrub, especially near water, coastal grasslands.

Ocelot

Habitat: Mangrove forests, coastal marshes, savannah grasslands, pastures, thorn scrub and tropical forests.

According to above information all or portions of these leases could contain Federal and/or state listed threatened or endangered species or/and their habitats. Any proposed surface disturbing activity may require an inventory and consultation with the FWS and/or the state wildlife agency. The consultation could take up to 180 days to complete. Surface occupancy could be restricted or not allowed as a result of the consultation. Appropriate modifications to the imposed restrictions will be made for the maintenance and operations of producing oil and gas wells.

Ecoregion

Sabin County, TX falls within the EPA Ecoregion 35 and is composed of rolling plains that are broken by nearly flat fluvial terraces, bottomlands, sandy low hills, and low cuestas. Its terrain is unlike the flatter, less dissected Mississippi Alluvial Plain (73) or the Western Gulf Coastal Plain (34). Uplands are underlain mainly by poorly-consolidated Tertiary coastal plain deposits, and soils are mostly acidic sandy loams, silt loams, sands, and sandy clay loams. Bottomlands and terraces are veneered with Quaternary alluvium, terrace deposits, or loess. The lithologic mosaic is complex and distinct from the strictly Quaternary deposits of Ecoregions 34 and 73. Natural vegetation of uplands was historically dominated by longleaf pine woodlands and savannas in the south (35e and 35f), and shortleaf pine/hardwood forests in the north

(35a). Southern floodplain forest of hardwoods and bald cypress typified bottomlands. Covering parts of Louisiana, Arkansas, east Texas, and Oklahoma, Ecoregion 35 is mostly in forests or woodland, with less than 20% in cropland. Commercial pine plantations are extensive. Timber production, livestock grazing, and oil and gas production are major land uses. Cropland dominates the leveed bottomlands of the Red River.

Karnes County, TX falls within the Post Oak Savanna or the Claypan Area, this region of irregular plains was originally covered by post oak savanna vegetation, in contrast to the more open prairie-type regions to the north, south, and west, and the pine forests to the east. The boundary with Ecoregion 35 is a subtle transition of soils and vegetation. Soils are variable among the parallel ridges and valleys, but tend to be acidic, with sands and sandy loams on the uplands and clay to clay loams in low-lying areas. Many areas have a dense, underlying clay pan affecting water movement and available moisture for plant growth. The bulk of this region is now used for pasture and range.

Wetland and Riparian Habitat

Wetland habitats provide important wintering and migrational habitat for Central Flyway Birds. Wetlands also provide a link between land and water and are some of the most productive ecosystems in the world. Two executive orders, both issued in 1977 under the Carter Administration, pertain to consultation and avoidance of wetland impacts.

Executive Order (EO) 11990 on the Protection of Wetlands provides opportunity for early review of Federal agency plans regarding new construction in wetland areas. It also urges all Federal agencies to avoid supporting, assisting, or financing new construction in wetlands unless there is "no practicable alternative." EO 11988: Floodplain Management - an order given by President Carter in 1977 to avoid the adverse impacts associated with the occupancy and modification of floodplains.

NM-201207-038 Sabine County, TX

The Service National Wetlands Inventory Mapper for Negreet SW Quad map list the following wetland and riparian habitat make up the southern portion of this lease sale parcel: Lacustrine, Littoral, Unconsolidated Bottom, Semipermanently Flooded, Permanently Flooded (12UBFH). No FEMA FIRM available for parcel site.

NM-201207-036 Karnes County, TX

U.S. Fish and Wildlife Service (Service) National Wetlands Inventory Garfield Quad map showed no wetlands or riparian habitats within the lease sale parcel. However, Ecletto Creek transects the parcel. FEMA FIRM 48255C0150C 10/19/2010, shows Zone A - Area of 100-year flood; base flood elevations and flood hazard factors not determined transecting the parcel.

Migratory Birds

Executive Order (EO) 13186, 66 Fed. Reg. 3853, (January 17, 2001) identifies the responsibility of federal agencies to protect migratory birds and their habitats, and directs executive departments and agencies to undertake actions that will further implement the Migratory Bird Treaty Act (MBTA). Under the MBTA, incidental, unintentional, and

accidental take, killing, or possession of a migratory bird or its parts, nests, eggs or products, manufactured or not, without a permit is unlawful. EO 13186 includes a directive for federal agencies to develop a memorandum of understanding (MOU) with the Service to promote the conservation of migratory bird populations, including their habitats, when their actions have, or are likely to have, a measurable negative effect on migratory bird populations. Whereas the MBTA only protects migratory birds, EO 13186 provides for the protection of both migratory birds and migratory bird habitat.

The NM-201207-038 in Sabin County is located within the Bird Conservation Region 25, West Gulf Coastal Plain/Ouachitas. Twenty-eight birds of conservation concern have been identified in this region.

The NM-201207-036 in Karnes County is located within the Bird Conservation Region 21, Oaks and Prairies. Nineteen birds of conservation concern have been identified in this region.

Breeding Bird Survey's Hobson and Burr Ferry Located near the lease sale parcels		
Wetland Associated	Grasslands	Woodland or Scrub
Little blue heron	Loggerhead shrike	Orchard oriole
	Scissor-tailed flycatcher	Red-headed woodpecker
		Chuck-will's-widow
		Prairie warbler
		Prothonotary warbler
		Louisiana waterthrush
		Painted bunting

The Memorandum of Understanding (MOU) between BLM and the Service, entitled "To Promote the Conservation of Migratory Birds," requires BLM to continually work towards protection of migratory birds and their habitat. The following temporal and spatial conservation measures must be implemented as part of the Conditions of Approval with a permit to drill:

- 1) Avoid any take of migratory birds and/or minimize the loss, destruction, or degradation of migratory bird habitat while completing the proposed project or action.
- 2) Determine if the proposed project or action will involve below and/or above ground construction activities since recommended practices and timing of surveys and clearances could differ accordingly.
- 3) If the proposed project or action includes a reasonable likelihood that take of migratory birds will occur, then complete actions that could take migratory birds outside of their nesting season. This includes clearing or cutting of vegetation, grubbing, etc. The primary nesting season for migratory birds varies greatly between species and geographic location,

but generally extends from early April to mid-October. However, the maximum time period for the migratory bird nesting season can extend from early February through late August. Also, eagles may initiate nesting as early as late December or January depending on the geographic area. Due to this variability, operators should consult with the appropriate Regional Migratory Bird Program (Service) for specific nesting seasons. Strive to complete all disruptive activities outside the peak of migratory bird nesting season to the greatest extent possible. Always avoid any habitat alteration, removal, or destruction during the primary nesting season for migratory birds. Additionally, clearing of vegetation in the year prior to construction (but not within the nesting season) may discourage birds from attempting to nest in the proposed construction area, thereby decreasing chance of take during construction activities.

- 4) If a proposed project or action includes the potential for take of migratory birds and/or the loss or degradation of migratory bird habitat and work cannot occur outside the migratory bird nesting season (either the primary or maximum nesting season), operators will need to provide the BLM with an explanation for why work has to occur during the migratory bird nesting season. Further, in these cases, operators also need to demonstrate that all efforts to complete work outside the migratory bird nesting season were attempted, and that the reasons work needs to be completed during the nesting season were beyond the operator's control.

Also, where project work cannot occur outside the migratory bird nesting season, operators must have a biologist survey those portions of the project area during the nesting season prior to construction occurring to determine if migratory birds are present and nesting in those areas. In addition to conducting surveys during the nesting season/construction phase, operators may also benefit from a survey done the prior nesting season. Such surveys will assist the operator in any decisions about the likely presence of nesting migratory birds or sensitive species in the proposed project or work area. While individual migratory birds will not necessarily return to nest at the exact site as in previous years, a survey in the nesting season in the year before construction allows the operator to become familiar with species and numbers present in the project area well before the nesting season in the year of construction. Bird surveys should be completed during the nesting season in the best biological time frame for detecting the presence of nesting migratory birds, using accepted bird survey protocols. Service offices can be contacted for recommendations on appropriate survey guidance. Project operators should also be aware that results of migratory bird surveys are subject to spatial and temporal variability. Finally, operators will need to have a biologist conduct migratory bird surveys during the actual year of construction, if they cannot avoid work during the primary nesting season (see above) and if construction will impact habitats suitable for supporting nesting birds.

- 5) If no migratory birds are found nesting in proposed project or action areas immediately prior to the time when construction and associated activities are to occur, then the project activity may proceed as planned.
- 6) If migratory birds are present and nesting in the proposed project or action area, the biologist must contact the nearest Service Ecological Services Field Office and/or Service Region Migratory Birds Program for guidance as to appropriate next steps to take to minimize impacts to migratory birds associated with the proposed project or action.
- 7) The project operators must submit to the OFO a migratory bird Habitat Mitigation Plan (HMP). The HMP must incorporate a no-net-loss of migratory bird habitat with either onsite or offsite mitigation. The HMP must be approved by the OFO prior to the APD being issued.

Additionally, the proposed lease sale parcels and all subsequent activities resulting from it are subject to all state and federal regulations and proposed lease stipulations designed to reduce environmental risks. Lease stipulations are legally binding restrictions and operating requirements that become part of lease contracts. Following are stipulations that are required of the six individual parcels.

The NM-201207-036 Karnes County, TX parcel will have stipulation WO-ESA-7: Threatened and Endangered Species protection, and ORA-3: Season of Use.

The NM-201207-038 Sabine County, TX parcel will have stipulation WO-ESA-7: Threatened and Endangered Species protection, ORA-1: Floodplain Protection, ORA-2: Wetland/Riparian Protection and ORA-3: Season of Use.

This lease sale, in and of itself, has no threatened or endangered species, wetland or migratory bird impacts to analyze or consult on. Additionally, site-specific analysis and mitigation will occur once the parcels are leased and an Application for Permit to Drill is submitted.

Based on all the information discussed above, and implementation of the required stipulations so entered, the biological determination of effect for federally listed species regarding leasing of these parcels is “**NO EFFECT**”.

/s/ Becky Peters ;
Becky Peters Wildlife Biologist

01/30/2012 .
Date