BUREAU OF LAND MANAGEMENT
SOUTHEASTERN STATES FIELD OFFICE
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2012 MAY -4 P
BUREAU OF LAND MANA
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DETERMINATION OF NEPA ADEQUACY (DNA) FORM

ES-020-2011-59 **Case/Project No.: EOI #1516**

PROJECT NAME: Alabama Lease DNA (EOI #1516)

TECHNICAL REVIEW:

X	Program	Reviewer	Signature	Date
X	Air Quality	Alison McCartney Natural Resource Specialist	Alison McCartney	3/30/12
X	ACEC	Alison McCartney Natural Resource Specialist	ASM	3/30/12
X	Botanical including T&E Spp.	Alison McCartney Natural Resource Specialist	ASM	3/30/12
	Communications (Dispatch)			
X	Cultural/Paleontology	John Sullivan Archeologist		4-2-12
X	Energy Policy	Alison McCartney Natural Resource Specialist	ASM	3/30/12
X	Environmental Justice	Alison McCartney Natural Resource Specialist	ASM	3/30/12
	Farmlands (Prime & Unique)			
	Fire Management			
X	Floodplain	Alison McCartney Natural Resource Specialist	ASM	3/30/12
X	Hazardous Material	Brian Kennedy Physical Scientist	Brian Kennedy	4/3/12
X	Invasive & Non-Native Spp.	Alison McCartney Natural Resource Specialist	ASM	3/30/12
	Lands/Realty			
	Land Law Examiner			
	Law Enforcement			
X	Minerals	Alison McCartney Natural Resource Specialist	ASM	3/30/12
X	Native American Religious Concerns	John Sullivan Archeologist		4-2-12
	Operations			
	Range Management			
X	Recreation	Alison McCartney Natural Resource Specialist	ASM	3/30/12
X	Soils	Alison McCartney	ASM	3/30/12

		Natural Resource Specialist		
	Surface Protection			
	Visual Resources			
	Water Rights			
X	Water Quality (Surface & Ground)	Alison McCartney Natural Resource Specialist	ASM	3/30/12
X	Wetlands/Riparian Zones	Alison McCartney Natural Resource Specialist	ASM	3/30/12
X	Wild & Scenic Rivers	Alison McCartney Natural Resource Specialist	ASM	3/30/12
X	Wilderness	Alison McCartney Natural Resource Specialist	ASM	3/30/12
	Wild Horse & Burro			
X	Wildlife including T&E Spp.	Alison McCartney Natural Resource Specialist	ASM	3/30/12

Prepared by: Alison McCartney Date: 3/30/12
Alison McCartney
Natural Resource Specialist

Reviewed by: Date: 4/2/12
Gary Taylor
NEPA Coordinator

Reviewed by: Duane Winters Date: 4/3/2012
Duane Winters
Resource Supervisor

Reviewed by: (Acting) Date: 4/3/12
John Dykes
Minerals Supervisor

Worksheet

Interim Documentation of Land Use Plan Conformance and NEPA Adequacy (DNA)
U.S. Department of the Interior Bureau of Land Management

Note: This Worksheet is consistent with the policies stated in the Instruction Memorandum entitled, *Documentation of Land Use Plan Conformance and National Environmental Policy Act (NEPA) Adequacy*. Transmitting this Worksheet and the guidelines for using the DNA Worksheet are located in Appendix 8 - 161 H-1790-1 of *The National Environmental Policy Act Handbook* (http://www.blm.gov/wy/st/en/info/NEPA.html).

A. Describe the Proposed Action

The proposed action is for the Bureau of Land Management Eastern States Office (BLM ES) to lease 161.42 acres at the following location:

T3N, R14E, Sec. 6, SESW, Sec. 7, E2NW, SWNE, St. Stephens Meridian, Covington County, AL

The lease parcel would be subject to additional BLM-ES conditions which would include lease stipulations and lease notices (Attachment 1). BLM-ES would offer the parcels at the December 2012 oil and gas lease sale.

B. Land Use Plan (LUP) Conformance

LUP Name: Record of Decision for the Approved Resource Management Plan/ Final Environmental Impact Statement for Public Lands and Minerals Administered in Mississippi by the Bureau of Land Management Eastern States Jackson Field Office

Date Approved: 1/26/09

The proposed action, including the attachment of appropriate stipulations, is in conformance with the applicable LUP because it is specifically provided for in the following LUP decisions:

The Record of Decision for the Approved Resource Management Plan/Final Environmental Impact Statement for Public Lands and Minerals Administered in Alabama by the Bureau of Land Management Southeastern States Field Office (AL ROD) states that 305,640 acres of BLM-administered, non-USFS Federal Mineral Ownership (FMO) will be open to oil and gas leasing.

Lease stipulations regarding the following topics are applicable to the proposed action:

- Cultural Resources and Tribal Consultation
- Endangered Species
- Sensitive Plant Species
- Aquatic Habitats

Lease notices/Best Management Practices (BMPs) including the followings topics also apply to the proposed action:

- Disposal of Produced Water
- Migratory Birds and Federally Listed Wildlife
- Perching and Nesting Birds and Bats
- Invasive and Non-native Species
- Pesticide Application

These BMPS are outlined in the AL ROD and *Surface Operating Standards and Guidelines for Oil and Gas Exploration and Development, Gold Book* (BLM 2006).

C. Identify applicable NEPA documents and other related documents that cover the proposed action.

List by name and date all applicable NEPA documents that cover the proposed action.

LUP Name: Alabama and Mississippi Final Environmental Impact Statement for Public Lands and Minerals Administered by the Bureau of Land Management Eastern States Jackson Field Office

Date Approved: 8/08

D. NEPA Adequacy Criteria

1. Is the current proposed action substantially the same action (or is a part of that action) as previously analyzed? Is the current proposed action located at a site specifically analyzed in an existing document?

The proposed action is part of an action previously analyzed in the AL ROD which states that 305,640 acres of BLM-administered, non-USFS Federal Mineral Ownership (FMO) will be open to oil and gas leasing. Lease stipulations and notices will be used to reduce adverse effects caused by surface-disturbing or disruptive activities associated with oil and gas operations on BLM-administered, non-USFS FMO.

2. Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the current proposed action, given current environmental concerns, interests, and resource values?

The range of alternatives analyzed in the AL ROD is appropriate with respect to the current proposed action. A wide range of environmental concerns and resource values surrounding leasing and the potential development of federal minerals was extensively addressed in the AL ROD.

3. Is the existing analysis valid in light of any new information or circumstances?

The existing analysis contained in the AL ROD is current and there is no new information or circumstances that has arisen that would render the previous analyses inadequate.

4. Do the methodology and analytical approach used in the existing NEPA document(s) continue to be appropriate for the current proposed action?

The AL ROD was signed on January 2009. Therefore the methodology and analytical approach used is up to date and appropriate to use for leasing the proposed parcel.

5. Are the direct and indirect impacts of the current proposed action substantially unchanged from those identified in the existing NEPA document(s)? Does the existing NEPA document analyze site-specific impacts related to the current proposed action?

The direct and indirect impacts of the proposed action have not changed substantially from those analyzed in the NEPA documents cited above. The previous NEPA analyses address the same site-specific impacts for the proposed action.

6. Are the cumulative impacts that would result from implementation of the current proposed action substantially unchanged from those analyzed in the existing NEPA document(s)?
Documentation of answer and explanation:

No new cumulative impacts would result beyond those previously addressed in the NEPA documents cited above.

7. Are the public involvement and interagency review associated with existing NEPA document(s) adequate for the current proposed action?

The public involvement and review process for the NEPA documents cited above is adequate for the proposed action.

E. Interdisciplinary Analysis: Identify those team members conducting or participating in the NEPA analysis and preparation of this worksheet.

Name: Alison McCartney Title: Natural Resource Specialist

Conclusion

Based on the review documented above along with attached lease stipulations, I conclude that this proposal conforms to the applicable land use plan and that the National Environmental Policy Act (NEPA) documentation fully covers the proposed action and constitute the Bureau of Land Management (BLM) compliance with the requirements of NEPA.

Note: The signed Conclusion on this Worksheet is part of an interim step in the BLM's internal decision process and does not constitute an appealable decision. However, the lease, permit, or other authorization based on this DNA is subject to protest or appeal under 43 CFR Part 4 and the program-specific regulations.

Reviewed by: Bruce Dawson Date: 4/4/2012

Bruce Dawson
Southeastern States Field Office Manager

Approved by: _____ Date: _____

Acting Deputy State Director for Natural Resources

Attachment 1
Stipulations

Cultural Resources and Tribal Consultation

Stipulation: This lease may be found to contain historic properties and/or resources protected under the National Historic Preservation Act (NHPA), American Indian Religious Freedom Act, Native American Graves Protection and Repatriation Act, E.O. 13007, or other statutes and executive orders. The BLM will not approve any ground disturbing activities that may affect any such properties or resources until it completes its obligations under applicable requirements of the NHPA and other authorities. These obligations may include a requirement that you provide a cultural resources survey conducted by a professional archaeologist approved by the State Historic Preservation Office (SHPO). If currently unknown burial sites are discovered during development activities associated with this lease, these activites must cease immediately, applicable law on unknown burials will be followed and, if necessary, consultation with the appropriate tribe/group of federally recognized Native Americans will take place. The BLM may require modification to exploration or development proposals to protect such properties, or disapprove any activity that is likely to result in adverse effects that cannot be successfully avoided, minimized or mitigated.

Endangered Species

Stipulation: The lease area may now or hereafter contain plants, animals, or their habitats determined to be threatened, endangered, or other special status species. BLM may recommend modifications to exploration and development proposals to further its conservation and management objective to avoid BLM-approved activity that will contribute to a need to list such a species or their habitat. BLM may require modifications to or disapprove proposed activity that is likely to result in jeopardy to the continued existence of a proposed or listed threatened or endangered species or result in the destruction or adverse modification of a designated or proposed critical habitat. BLM will not approve any ground-disturbing activity that may affect any such species or critical habitat until it completes its obligations under applicable requirements of the Endangered Species Act as amended, 16 U.S.C. ' 1531 et seq., including completion of any required procedure for conference or consultation.

Exception: None

Modification: None

Waiver: None

Sensitive Plant Species

Stipulation (CSU): All suitable special status plant species habitat will be identified during environmental review of any proposed surface use activity. If field examination indicates that habitat of one or more of these species is present, BLM will require a survey by a qualified botanist for special status plants during time periods appropriate to each species. Operations will not be allowed in areas where sensitive plants would be affected.

Objective: To protect threatened, endangered, candidate, proposed, and BLM Sensitive Plant Species.

Exception: An exception may be granted if the operator agrees to implement measures developed in consultation with USFWS and coordination with state agencies.

Modification: The stipulation may be modified if it is determined that a portion of the lease area does not support sensitive plant species.

Waiver: The stipulation may be waived if it is determined that the lease area does not support sensitive plant species.

Freshwater Aquatic Habitat

Stipulation (NSO): No surface occupancy or disturbance, including discharges, are permitted within 250 feet of a river, stream, wetland spring, headwater, wet meadow, wet pine savanna, pond, tributary, lake, coastal slough, sand bar, vernal pools, calcareous seepage marsh, or small, marshy calcareous stream. If the slope exceeds 10 percent, the buffer may be extended to 600 feet to provide adequate protection for aquatic habitats and associated species.

Objective: To protect the water quality of watersheds and natural stream substrate and morphology and to avoid potential impacts to aquatic species and their habitat.

Exception: An exception may be granted if the operator agrees to 1) span creeks, rivers, wetlands, and floodplains by attaching pipelines to bridges; 2) directionally drill wells and pipelines from upland sites under creeks, rivers, other waters, and wetlands or3) implement other measures developed in consultation with USFWS and in coordination with State agencies.

Modification: The buffer may be reduced if the adjacent waterway has been surveyed for 100 yards upstream and 300 yards downstream of the site, and the results document the lack of suitable/occupied/critical habitat for listed species which may be affected by the project, as determined by the BLM and USFWS.

Waiver: None

Lease Notices

Disposal of Produced Water

Objective: To protect aquatic habitats for and to avoid potential impacts to special status fish, mussels, turtles, snails, plants, and migratory birds.

The preferred method for disposal of produced water will be through reinjection to a permeable formation with total dissolved solids (TDS) content higher than 10,000 milligrams per liter (mg/L) where the aquifer is not hydrologically connected to caves, wetlands, or surface water. In Alabama, the injection of produced water is regulated by the Alabama State Oil and Gas Board. In Mississippi, the injection of produced water is regulated by the Mississippi Department of Environmental Quality (MDEQ) and the Mississippi Oil and Gas Board.

If reinjection is not practicable, closed-containment treatment systems should be used to contain and treat produced water for those contaminants and sediments exceeding State standards or EPA criteria. Salt content of any surface ponds for produced water, pigging pits, or other fluids must be less than 7,500 microsiemens per centimeter (μS/cm). If surface pond salt content is greater than 7,500 μS/cm, if other bird toxicity is present, or if the surface exhibits sheen, then the ponds must be netted or covered with floating balls, or other methods must be used to exclude migratory birds.

Produced waters may be released into an impounded reservoir if there is documentation that the discharge site and affected waters do not support special status species, are not designated critical habitat, and State and Federal water quality standards/criteria are met.
Produced waters may be released into a stream/river if the discharge site and affected waters have been recently surveyed and lack special status species, or if the applicant conducts approved surveys documenting the absence of special status species, State and Federal water quality standards/criteria are met, and a National Pollution Discharge Elimination System (NPDES) permit is obtained. The applicant should be aware that some species can be surveyed only during certain times of the year.

Produced waters may be released into a stream/river if the applicant can document that the produced waters would not adversely affect special status species. Water quality tests would be conducted on stream segment(s) or other locations proposed as discharge points, volumes to be released, and any settling ponds or other treatments proposed to improve wastewater quality. The water quality test data, any monitoring proposed, and other available information about general coalbed methane effluent characteristics (from published or unpublished literature) shall be reviewed by USFWS. Information about timing of the releases in relation to low water and other planned BMPs would also be required. Testing would include analysis of the discharge site and affected waters for chemical oxygen demand (COD), conductivity, total suspended solids (TSS), As, Hg, Se, and polycyclic aromatic hydrocarbons (PAH). Dissolved oxygen and ammonia standards/criteria must be met in bottom waters if they support listed benthic or epibenthic species. If a special status species has been documented to be more sensitive than State/Federal standards/criteria, site-specific standards for that species may be imposed. Calculations would be based on State standards (or Federal CCC criteria for protection of freshwater aquatic life when the State has not determined a standard for these parameters).

Migratory Birds and Federally Listed Wildlife

Objective: To protect perch and roosting sites and terrestrial habitats for and to avoid potential impacts to migratory birds and federally listed wildlife.

Any reserve pit that is not closed within 10 days after a well is completed and that contains water must be netted or covered with floating balls, or another method must be used to exclude migratory birds.

Maximum design speed on all operator-constructed and maintained (non-public) roads shall not exceed 25 miles per hour to minimize the chance of a collision with migratory birds or other listed wildlife species.

All powerlines must be built to protect raptors and other migratory birds, including bald eagles, from accidental electrocution, using methods detailed by the Avian Power Line Interaction Committee (APLIC 2006)

Perching and Nesting Birds and Bats

Objective: To prevent birds and bats from entering or nesting in or on open vent stack equipment.

Open vent stack equipment, such as heater-treaters, separators, and dehydrator units, will be designed and constructed to prevent birds and bats from entering or nesting in or on such units and, to the extent practical, to discourage birds from perching on the stacks. Installing cone-shaped mesh covers on all open vents is one suggested method. Flat mesh covers are not expected to discourage perching and will not be acceptable.

Invasive and Non-Native Species

Objective: To discourage the spread of invasive, non-native plants.

Use of native or non-invasive plants in seeding mixtures will be encouraged to stabilize disturbed areas and during restoration activities. Construction sites will be surveyed for invasive species prior to ground disturbance. If invasive species are found, the proper control measures will be used to either eradicate the species from the area or minimize its spread to other areas. If cogongrass is found on site, equipment will be washed before exiting the site to prevent the spread of this highly invasive species to other locations. Post-construction monitoring for cogongrass and other invasive plant species should be conducted to ensure early detection control. In the case of split-estate lands, final seed mixtures will be formulated in consultation with the private landowner.

Pesticide Application

Objective: To protect the water quality of watersheds and natural stream substrate and morphology supporting special status species and their host species.

Any ground application of herbicides or other pesticides, sterilants, or adjuvants within 150 feet

of listed species or habitat will require site-specific control measures developed in coordination or formal consultation with USFWS. No aerial application of herbicides or pesticides will be permitted.