

United States Department of the Interior
Bureau of Land Management
Eastern States

BLM
Eastern States

Decision Record
Finding of No Significant Impact
Environmental Assessment

for

Oil and Gas Leasing
within the
Kisatchie National Forest

Southeastern States District
NEPA No. ES-020-2015-01

September 15, 2015

BLM Eastern States
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EASTERN STATES
Bureau of Land Management

Decision Record
Kisatchie National Forest
Parcels ES-001-09/12 to ES-054-09/12
ES-020-2015-01

Introduction

The proposed action is to issue leases for fifty-three (53) parcels for potential oil and gas development within the Kisatchie National Forest, Louisiana. The parcels cover approximately 28,581.86 acres of federal minerals administered by the Bureau of Land Management (BLM). The surface management agency is the United States Forest Service (Forest Service). The BLM offered the parcels for sale at the September 13, 2012, BLM Eastern States Competitive Oil and Gas Lease Sale. The leases were not issued after the sale due to a protest and BLM subsequently prepared an Environmental Assessment (EA) to comply with the National Environmental Policy Act (NEPA) and other consultation requirements. The proposed action is analyzed in the Southeastern States District EA, ES-020-2015-01.

The purpose of the proposed action is to support the essential development of oil and natural gas to meet the nation's future needs for energy. Continued sale and issuance of lease parcels is needed to maintain options for production as oil and gas companies seek new areas for production or attempt to develop previously inaccessible or uneconomical reserves. Private exploration and development of federal oil and gas reserves are integral to the BLM and Forest Service oil and gas leasing programs under the authority of the Mineral Leasing Act (MLA) of 1920, as amended, the MLA for Acquired Lands of 1947, as amended, the Federal Land Policy and Management Act (FLPMA) of 1976 and the Energy Policy Act of 2005. The oil and gas leasing program managed by the BLM and Forest Service encourages the sustainable development of domestic oil and gas reserves and reduction of United States dependence on foreign sources of energy as part of its multiple-use and sustainable yield mandate.

Decision

As a result of the analysis presented in the EA (ES-020-2015-01), it is my decision to select the proposed action as described above. A Finding of No Significant Impact (FONSI) supports this decision and has been prepared separately. The proposed action coupled with lease stipulations, best management practices, and lease notices detailed in the EA and attached to this Decision Record have led to my decision that all practicable means to avoid or minimize environmental harm have been adopted and that unnecessary or undue degradation of public lands and resources would not result from implementation of the proposed action. A no action alternative was considered, in which the leases would not be issued; however, this alternative was not selected because it does not meet the purpose of and need for the proposed action.

Plan Conformance and Consistency

I have determined that the proposed action is in conformance with the approved land use plans and is consistent with the applicable plans and policies of county, state, tribal, and federal agencies. The proposed action area is not covered by a BLM Resource Management Plan;

however, according to the regulations at 43 CFR 1610.8 (b) (1); the leasing EA prepared for this action was used as a basis for the decision. All of the lands encompassing the 53 parcels that were sold are identified as available for lease in the 1999 Kisatchie National Forest Revised Land and Resource Management Plan (LRMP) and as such, are in conformance with that plan and associated Final Environmental Impact Statement (FEIS) and Record of Decision (ROD) (see Chapter 2, Alternatives in the FEIS).

Compliance with Major Laws

The proposed decision complies with all applicable laws, regulations, executive orders, and policies including but not limited to the following:

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

Public Comments

On June 15, 2012, the BLM posted the September 2012 sale notice for public review for 65 parcels located in Louisiana and Mississippi. On July 19, 2012, BLM received a letter from the Natural Resources Defense Council (NRDC) and nine other groups protesting the 65 parcels proposed for lease sale. The BLM offered the parcels for sale at the September 13, 2012, BLM Eastern States Competitive Oil and Gas Lease Sale. The BLM sent a protest decision (Part I) letter to NRDC on August 1, 2013. Substantive issues of concern raised by the NRDC et al protest focused on violations of federal law including NEPA, Federal Onshore Oil and Gas Leasing Reform Act, National Forest Management Act, FLPMA, ESA, and Clean Water Act, as well as concerns that the analysis was not “site-specific” and inadequately analyzed the potential impacts from unconventional oil and gas development (especially with regard to impacts from ground disturbance and impacts on water resources, recreation, human health, wildlife/special-status species, and wilderness).

The BLM Authorized Officer denied or dismissed all but one of the NRDC et al concerns and found that adequate NEPA documentation had not been prepared for 53 of the 65 parcels, either through adoption of the Forest Service NEPA documents or through preparation of its own. Therefore, leases for the 53 protested parcels were not issued (the other 12 leases were issued). BLM subsequently prepared a new leasing EA (ES-020-2015-01) in compliance with NEPA to assess the potential effects of issuing leases for the 53 parcels in response to the protest. A final protest decision (Part II) letter will be issued by the BLM once all requirements under NEPA have been fulfilled, including the issuance of a FONSI and this Decision Record.

Consultation and Coordination

For the new leasing EA, informal consultation with the United States Fish and Wildlife Service (FWS) was initiated on July 25, 2014 in compliance with the ESA, Section 7 Consultation requirements. A concurrence letter from FWS was received on September 17, 2014. A request was submitted to the Louisiana Natural Heritage Program (LNHP) on August 21, 2014 to review their files for records indicating the occurrence of rare plants and animals, outstanding natural communities, natural or scenic rivers, or other elements of special concern within or near the proposed parcels. A response was received on November 10, 2014 that provided information on sensitive resources and the information was incorporated into the EA. Consultation with the State Historic Preservation Office (SHPO) occurred on June 17, 2014 and a concurrence letter was received on July 30. Letters were sent to those Native American tribes who have ancestral interest in the region on June 17, 2014 notifying them of the proposed action and requesting comments or concerns. Responses were received from three tribes on June 24, June 25, and July 11, 2014 with no concerns expressed.

Rationale for the Decision

The decision to approve the preferred alternative, leasing the parcels, is based on the following:

- Conformance with resource management and land use plans – the decision is in conformance with the 1999 Kisatchie National Forest Revised LRMP, associated FEIS and ROD.
- National policy – it is the policy of the BLM as derived from the Mineral Leasing Act of 1920, as amended and the Federal Land Policy Management Act of 1976, to make mineral resources available for disposal and to encourage development of mineral resources to meet national, regional, and local needs. As such, leasing the parcels under the preferred alternative meets the purpose of and need for the action.
- Agency statutory requirements – the decision is consistent with all required federal, state, and county regulations and policies for implementation of the proposed action.
- Relevant resource issues and finding of no significant impact – as described in the EA, there would be no direct impacts associated with leasing. There is the potential for minor adverse impacts to resources as a result of potential future oil and gas development; however, none of the potential direct, indirect, or cumulative impacts were identified as significant and a FONSI was prepared. Additional site-specific NEPA documentation would be completed at the application for permit to drill (APD) stage, should future oil and gas development occur. Therefore, an environmental impact statement is not required. All required consultations for issuing leases including under the ESA and NHPA, have been completed.

- Application of measures to minimize environmental impacts – standard terms and conditions as well as best management practices and tailored stipulations, as identified in the EA would apply.

Appeal Procedures

This decision may be appealed to the Interior Board of Land Appeals, Office of Hearings and Appeals, in accordance with the regulations contained in 43 CFR, Part 4 and Form 1842-1. If an appeal is taken, your notice of appeal must be filed in this office (Attn: Authorized Officer, BLM Eastern States Office, 20 M Street, SE, Washington, DC 20003) within 30 days from your receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must be submitted to each party named in this decision, to the Interior Board of Land Appeals, and to the appropriate Office of the Solicitor (see 43 CFR Section 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted. Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

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



Marc L. Todd
Acting State Director, Eastern States

9/15/15
Date