

# **Finding of No Significant Impact**

**Environmental Assessment  
Expressions of Interest #2183-#2190  
DOI-BLM-ES-0030-2015-0007-EA**

## **INTRODUCTION**

The Bureau of Land Management (BLM) has prepared an Environmental Assessment (EA), DOI-BLM-ES-0030-2015-0007-EA, to address the offering of certain oil and gas lease parcels in Allegan County, Michigan at the March 17, 2016 BLM Eastern States Competitive Oil and Gas Lease Sale (the parcels were initially scheduled for the December 10, 2015 sale but the sale was postponed). Under the proposed action the BLM would offer for sale seven (7) lease parcels. Collectively, the parcels recommended to be offered at the March 2016 Lease Sale contain approximately 440 acres of Federal minerals administered by BLM. The parcel under EOI-2190 was removed from nomination pending a determination of Federal mineral ownership. Standard terms and conditions as well as parcel-specific timing limitation, no surface occupancy, and controlled surface use stipulations have been attached to the parcels as specified through the EA to be issued. In addition to the proposed action, a No Action alternative was analyzed in the EA.

## **EXTERNAL SCOPING**

The BLM conducted external scoping with the Michigan Department of Natural Resources and the Allegan State Game Area for leasing in the same vicinity within the last five years. Issues of concern were related to potential impacts to wildlife habitat by spreading of invasive weeds and potential impacts on trout streams and designated Natural Rivers.

The BLM submitted a biological assessment to the United States Fish and Wildlife Service (FWS) in compliance with the Endangered Species Act, Section 7 Consultation requirements on January 23, 2015. The FWS responded to BLM on May 13, 2015 regarding Best Management Practices (BMPs) for the proposed action to avoid impacts to endangered species that may potentially occur in the Decision Area. BLM completed Section 106 consultation with the Michigan State Historic Preservation Office (SHPO). Additionally, letters were sent to five Federally recognized tribes on February 2, 2015, who have a known connection to the Decision Area. The BLM received one response, from the Bay Mills Indian Community, stating that while they know of potential cultural resources within the general area of the proposed action, they require additional time to complete an in-house records and literature search. A 30-day review period was provided for public review and comment on the EA prior to the proposed lease sale. One comment letter was received from the surface owner of the parcel nominated under EOI-2186 indicating oil and gas operations on the surface of his land would disrupt his blueberry farming operations. To address this concern, a No Surface Occupancy (NSO) stipulation was added to the lease sale notice for EOI-2186.

## **FINDING OF NO SIGNIFICANT IMPACT**

Based upon a review of the EA and supporting documents, I have determined that the Proposed Action is not a major Federal action, and will not significantly affect the quality of the human environment, individual or cumulatively, with other actions in the general area. No environmental effects meet the definition of significance in context or intensity as defined in 40 CFR 1508.27.

This finding is based on the context and intensity of the project as described:

### **Context:**

The proposed action would occur in Casco and Lee Townships in Allegan County, Michigan within the Southern Michigan/Northern Indiana Drift Plains Level-III Ecoregion. Parcels under EOI numbers 2183, 2184, 2185, 2186, 2187, 2188, and 2189 contain 50 percent Federally-owned mineral interest. The remaining 50 percent of the mineral rights on these parcels would require a separate lease with the private surface owner. The proposed leases would give the lessee exclusive rights to explore and develop oil and gas reserves on the lease, but does not in itself authorize surface disturbing activities. Although there is no surface disturbance at this stage, the EA analyzes a reasonably foreseeable development scenario (RFD) to assess potential indirect effects from drilling that may occur later at the application for permit to drill (APD) stage. Additional site-specific National Environmental Policy Act (NEPA) analysis will be conducted at that time.

### **Intensity:**

The following discussion is organized around the Ten Significance Criteria described in 40 CFR 1508.27 and incorporated into resources and issues considered (includes supplemental authorities Appendix 1 H-1790-1) and supplemental Instruction Memorandum, Acts, regulations and Executive Orders. The following have been considered in evaluating intensity for this proposal:

#### **1. Impacts that may be both beneficial and adverse.**

The proposed action would affect resources as described in the EA. There are no direct impacts to resources from the act of leasing. The EA identifies indirect impacts from leasing as a result of potential future impacts from development of those leases to air resources, fish and wildlife, geology/mineral resources/energy production, soils, vegetation, invasive species, water resources, wastes, recreation, and cultural resources, visual resources, socioeconomics and environmental justice. Mitigating measures to reduce impacts to the various resources were incorporated in the design of the proposed action. None of the direct, indirect, or cumulative environmental effects discussed in detail in the EA are considered significant. The proposed

action and No Action alternative are in conformance with the existing BLM Michigan Resource Management Plan.

**2. The degree to which the proposed action affects public health or safety.**

The proposed action is designed to offer lease parcels for sale and would not directly affect public health or safety. There would also be no indirect effects to public health or safety as a result of potential future development due to standard operating procedures and BMPs. If the parcels are subsequently sold and the leases enter into a development stage, public health or safety would be further addressed through site-specific NEPA analysis where specific mitigation measures to control potential for spills or wastes would be identified as deemed necessary and appropriate.

**3. Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.**

The EA evaluated the area of the proposed action and determined that no unique geographic characteristics including Wild and Scenic Rivers, Prime or Unique Farmlands, Areas of Critical Environmental Concern, Designated Wilderness areas, Wilderness Study Areas, or cultural resources were present. Although wetlands are present on all of the parcels with the exception of one, the proposed action would result in no direct impacts to this resource. Indirect impacts from potential future development would be controlled through the use of BMPs and stipulations to minimize potential adverse impacts from sedimentation or vegetation disturbance. If the leases enter into a development stage at a later date, aquatic habitats such as wetlands would be further addressed through site-specific NEPA.

**4. The degree to which the effects on the quality of the human environment are likely to be controversial.**

Effects on the quality of the human environment are not expected to be significant or highly controversial. Site-specific NEPA will be conducted that addresses specific effects on resources at the time of development. Controversy in this context is considered to be in terms of disagreement about the nature of the effect- not political controversy or expression of opposition to the action or preference among the alternatives analyzed within the EA. The public had 30 days to review the EA and provide comments. One comment was received during this period and was addressed by adding a No Surface Occupancy stipulation to the parcel.

**5. The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.**

The project is not unique or unusual. The BLM has experience implementing similar actions in similar areas. The environmental effects to the human environment are fully analyzed in the EA.

There are no predicted effects on the human environment that are considered to be highly uncertain or involve unique or unknown risks.

**6. The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.**

This project neither establishes a precedent nor represents a decision in principle about future actions. This leasing of Federal minerals and more specifically fluid minerals has been occurring since the creation of the Mineral Leasing Act of 1920. A decision to lease would not limit later resource management decisions for areas open to development proposals.

**7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.**

The interdisciplinary teams involved in preparing the EA evaluated the proposed action in the context of past, present and reasonably foreseeable actions. Significant cumulative effects are not expected.

**8. The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the NRHP or may cause loss or destruction of significant scientific, cultural, or historical resources.**

There are no features within the project area listed or eligible for listing in the National Register of Historic Places (NRHP) that would be adversely affected by a decision to offer for sale the subject parcels, or from potential future development. If leases enter into a development stage, NRHP resources would be further addressed through site-specific NEPA.

**9. The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the ESA of 1973.**

Four Federally listed endangered species were identified for the Decision Area. Mitigating measures to reduce impacts to wildlife and fisheries have been incorporated into the design of the proposed action. Although Federally listed species may occupy habitat within project boundaries, BLM prepared a biological assessment concluding that the species may be affected but are not likely to be adversely affected. The FWS responded to BLM on May 13, 2015 regarding Best Management Practices (BMPs) for the proposed action to avoid impacts to endangered species that may potentially occur in the Decision Area. Furthermore, post-lease actions/authorizations (e.g. Applications for Permit to Drill, road/pipeline right-of-way), could be encumbered by further restrictions on a case-by-case basis, as required through project-specific NEPA analysis or other environmental review.

**10. Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.**

The project does not violate any known Federal, State, local or tribal law or requirement imposed for the protection of the environment. In addition, the project is consistent with applicable land management plans, policies and programs.

Authorized Officer:



Randall C. Anderson  
Associate District Manager  
Northeastern States District

7 JAN 2016  
Date