



United States Department of the Interior



BUREAU OF LAND MANAGEMENT
Eastern States
20 M Street SE, Suite 950
Washington D.C. 20003
<http://www.es.blm.gov>

DECISION RECORD

Environmental Assessment
DOI-BLM-ES-0030-2013-0027-EA
Expressions of Interest #351 and #1006

Decision: It is my decision to allow the Proposed Action to be implemented as described in the EA, subject to the BLM lease notices and stipulations found in Appendix B of the EA and the no surface occupancy stipulation in the March 19, 2015 Lease Sale Notice, for Expressions of Interest #351 and #1006, located within the boundaries of State Game Lands 219, Warren Township, Bradford County, Pennsylvania, for a total of 5,194 acres.

This decision is based on the comments received on the EA, the importance of these lands for hunting and recreation, the lack of other public lands in the area, current and potential well drainage, and the ability of a lessee to access the minerals from private lands adjacent to the game lands. The EA and FONSI analyzed the selected alternative and found no significant impacts. Implementation of this decision will grant exclusive rights to the lessee to develop Federally-owned oil and gas resources, but does not authorize any drilling and associated activities or obligate the company to drill any wells on the lease.

The Pennsylvania Game Commission (PGC) is the surface managing agency for the Commonwealth of Pennsylvania. Pennsylvania owns 25% of the minerals on State Game Lands 219.

Authorities: The authority for this decision is contained in the Mineral Leasing Act of 1920, as amended; the Mineral Leasing Act for Acquired Lands of 1947, as amended; the Federal Land Policy and Management Act (FLPMA) of 1976; and the Energy Policy Act of 2005.

Compliance and Monitoring: This decision does not authorize any ground-disturbing activities. A BLM-approved Application for Permit to Drill (APD), Surface Plan for Operations (SUPO), and a site-specific environmental assessment are required to authorize ground-disturbing actions.

Terms / Conditions / Stipulations: Lease notices and stipulations are contained in Appendix B of the Expressions of Interest #351 and #1006 and on the March 19, 2015 Lease Sale Notice. Additionally, any purchaser of a Federal oil and gas lease is required to comply with all applicable Federal, State, and local laws and regulations including obtaining all necessary permits required prior to the commencement of project activities.

Plan Conformance and Consistency:

Currently there is no Resource Management Plan (RMP) or Land Use Plan (LUP) to address nominations of parcels for leasing split-estate Federal oil and gas resources in the Commonwealth of Pennsylvania. The Federal planning regulation 43 CFR 1610.8 (b)(1) allows the Authorized Officer to make decisions on leasing actions:

If an action is proposed where public lands are not covered by a management framework plan or a resource management plan, an environmental assessment and an environmental impact statement, if necessary, plus any other data and analysis necessary to make an informed decision, shall be used to assess the impacts of the proposal and to provide a basis for a decision on the proposal.

The *Comprehensive Management Plan for Pennsylvania State Game Lands 219* (2012), while focusing mostly on managing habitat and species, mentions oil and gas development on Page 7: "The intent is to possibly lease this game lands for natural gas development at some point in the future."

Northeastern States Field Office (NSFO) staff performed a site visit and met with PGC staff on June 11, 2013 to discuss issues. The following were issues identified by PGC during the June 2013 meeting:

- SGL-219 contains various intensive-management areas whose management goals are inconsistent with oil and gas surface development;
- SGL-219 is used extensively for hunting, with various times of intensive hunting activity; and
- SGL-219 and the surrounding region contain invasive species that could be spread by vehicle traffic and land clearing.

The NSFO has been engaged in external scoping with the PGC throughout the process of developing the EA, lease notices and stipulations through e-mail correspondence, telephone, conference calls and data sharing.

Public Involvement: Notice of initiation of the EA was posted to the Planning page (2013 NSFO NEPA Log as NEPA #: DOI-BLM-ES-0030-2013-0027-EA) on the Eastern States public website on September 11, 2013. The current lease sale process incorporates a mandatory 30-day public review and comment period on the EA and unsigned Finding of No Significant Impact (FONSI) prior to the signing of the FONSI and a Decision Record. An EA and unsigned FONSI were initially posted to the Eastern States public website in September 2013 for potential inclusion on the March 2014 lease sale but the parcels were removed for lack of response from the U.S. Fish and Wildlife Service (FWS) on Section 7 consultation. A Section 7 consultation letter was received from FWS on March 19, 2014. Public notices were then posted from April 7-14, 2014 in the *Towanda Daily News* and *Williamsport Sun-Gazette* soliciting comments on the EA. The posting of the EA and unsigned FONSI to the BLM-ES Lease Sale website commenced on April 7, 2014 and ended on May 8, 2014.

Twelve comments were received from the public, environmental organizations, and the Pennsylvania Game Commission. Comments received concerned the following issues:

- Most were against allowing leasing due to effects on wildlife, water quality, increased traffic and noise.
- One commenter, while not advocating leasing, was okay with leasing as long as the entire Game Lands was considered “no surface occupancy” as he felt that there are plenty of existing wells on private lands surrounding the decision area from which a company could directionally drill.
- NRDC felt that BLM did not take a “hard look” in seven different areas, including
 - water withdrawals
 - climate change
 - air impacts
 - human health impacts
 - flowback water impacts
 - agricultural impacts
 - community character impacts

All comments were taken into consideration and changes were incorporated into the EA based on these comments.

Alternatives Considered: The EA considered two alternatives: the no action alternative and the proposed action, which is the alternative recommended.

Rationale for Decision: The BLM is responsible making the Federal minerals available for economically feasible development in an environmentally sound manner. The proposed action alternative was selected because the leasing action can be implemented in compliance with Federal laws and regulations and with the concurrence of the State of Pennsylvania State Games Lands 219. With the addition of the no surface occupancy stipulation, any potential adverse environmental impacts of any future mineral development can be minimized. No further environmental analysis is required for this leasing action as documented in the attached FONSI and in compliance with the National Environmental Policy Act of 1969.

Authorized Officer:



Elena Fink
Deputy State Director, Natural Resources



Date

FINDING OF NO SIGNIFICANT IMPACT
Environmental Assessment
Expressions of Interest 351 and 1006
DOI-BLM-ES-030-2013-0027-EA

The proposed action is for the BLM to offer the federally owned oil and gas resources in State Game Lands 219, Warren Township, Bradford County, Pennsylvania, containing 5,194 acres, on the next available Eastern States competitive oil and gas lease sale.

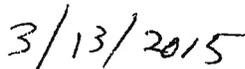
There are no surface disturbing activities proposed at the leasing stage. However, it is reasonable to expect the development of one or more wells in the future. When an Application for Permit to Drill (APD) is proposed for these lands, a site specific NEPA document will analyze the effects of the development.

Based on the analysis of potential environmental impacts contained in the Environmental Assessment (DOI-BLM-ES-030-2013-0027-EA), and considering the significance criteria in 40 CFR 1508.27, I have determined that the proposed action will not have significant impacts on the human environment. Therefore, preparation of an environmental impact statement is not required prior to approving and implementing the proposed action.

Authorized Officer:



Dean Gettner, Field Manager
Northeastern States Field Office



Date

Appeal Procedures: In accordance with 43 CFR 4.411 and 4.413, any person whose interest is adversely affected by a final decision of the authorized officer may appeal the decision to the Interior Board of Land Appeals. The appeal must be filed within 30 days after the date the proposed decision becomes final or 30 days after receipt of the final decision. In accordance with 43 CFR 4.411 and 4.412, the appeal shall state clearly and concisely the reason(s) why the appellant thinks the final decision of the authorized officer is wrong.

Pursuant to 43 CFR 4.21(b) and 4.413(a), an appellant also may petition for a stay of the final decision pending appeal by filing a petition for stay along with the appeal within 30 days after the date the proposed decision becomes final or 30 days after receipt of the final decision.

The appeal and any petition for stay must be filed at the office of the authorized officer: Authorized Officer, BLM Eastern States Office, 7450 Boston Blvd., Springfield, VA 22153. At this time, the BLM will not accept protests or appeals sent by electronic mail. Within 15 days of filing the appeal and any petition for stay, the appellant also must serve a copy of the appeal, and any petition for stay, on any person named in the decision and listed at the end of the decision, and on the: Regional Solicitor, Northeast Region, U.S. Department of the Interior, One Gateway Center, Suite 612, Newton, MA 02458.

Pursuant to 43 CFR 4.21(b)(1), a petition for stay, if filed, must show sufficient justification based on the following standards:

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

43 CFR 4.21(b)(2) provides that the appellant requesting a stay bears the burden of proof to demonstrate that a stay should be granted.