CERTIFIED MAIL-RETURN RECEIPT REQUESTED

DECISION (PART TWO)

Natural Resources Defense Council : March 2013 Competitive
1152 15th Street, N.W. Street Suite 300 : Oil & Gas Lease Sale Protest
Washington, D.C. 20005

PROTEST AFFIRMED AND RESOLVED

On January 22, 2013, the Bureau of Land Management (BLM), Eastern States Office (Eastern States), timely received a letter from the Natural Resources Defense Council and nine other environmental-advocacy groups (NRDC et al)\(^1\) protesting 47 oil and gas lease sale parcels described in the Notice of Competitive Oil and Gas Lease Sale for the March 21, 2013 lease sale (March 2013 Sale). In a decision letter dated May 5, 2014 and titled “DECISION (PART ONE),” the BLM Eastern States identified 13 substantive arguments and either denied or dismissed 12 of the 13 arguments. The substantive argument identified as item number “3” from the May 5, 2014 decision letter was deferred. The BLM Eastern States now addresses the sole remaining argument of the protest. For the reasons discussed below, Eastern States affirms the remaining argument and has resolved the protest through preparation of additional National Environmental Policy Act of 1969 (NEPA) analyses.

Background
The 47 parcels protested by NRDC et al. are located in the states of Louisiana and Mississippi. Twenty-five of the parcels (24,470.45 acres) are located in the State of Louisiana within the Kisatchie National Forest. These parcels are unleased Federal mineral estate with their surface estate administered by the Forest Service (acquired lands managed by the Forest Service). The remaining 22 parcels (13,701.55 acres) are located in the State of Mississippi within the boundaries of the Bienville and Homochitto National Forests. These parcels are unleased Federal mineral estate in which the surface estate is administered by the Forest Service.

Subsequent to the issuance of the May 5, 2014 Decision (Part One) letter, the BLM issued oil and gas leases for the 22 parcels within the Bienville and Homochitto National Forests to the winning bidders of the March 21, 2013, oil and gas lease sale. The remaining 25 parcels located within the Kisatchie National Forest are now being addressed in this protest resolution decision letter.

\(^1\) The NRDC submitted a single protest on behalf of NRDC and 10 other environmental-advocacy groups (Atchafalaya Basinkeeper, Center for Biological Diversity, Restoration Network, Louisiana Audubon Council, Louisiana Environmental Action Network, Louisiana Wildlife Federation, Lower Mississippi Riverkeeper, Ouachita Riverkeeper, Rapides Wildlife Association, the Delta Chapter of the Sierra Club, and Wild South). For the purposes of responding in this protest decision, the BLM will address the protestors, collectively, as NRDC et al.
The substantive argument number “3” from the May 5, 2014 decision letter noted that “The Kisatchie National Forest Plan and Environmental Impact Statement do not contain a site-specific analysis of leasing the Louisiana parcels.” (NRDC et al.’s protest letter, page 8). The BLM’s response in the May 5, 2014 decision letter noted that the BLM has not adopted the Forest Service's August 1999 EIS for the Kisatchie National Forest-Forest Plan nor participated as a cooperating agency. As such, the BLM may not use a “Documentation of NEPA Adequacy” (DNA) to comply with its NEPA obligation. In response to this protest argument, the BLM completed an environmental assessment (EA) dated June 22, 2016 which addresses the potential impacts of leasing on the 25 parcels nominated in the Kisatchie National Forest, including potential cumulative impacts and a reasonably foreseeable development scenario for oil and gas activities.

The EA analyzes and discloses the purpose and need, alternatives, the affected environment, and the environmental consequences, to the extent reasonably foreseeable, of potentially issuing 25 leases. The BLM has considered and prescribed highly restrictive environmental protection measures through the use of lease stipulations (such as those referenced in the Appendix B of the EA and in the lease sale notice), additional mitigation measures which are more stringent than US Forest Service requirements, and Best Management Practices described in the Proposed Action. These constraints were developed in consultation with the surface management agency, the U.S. Forest Service, to avoid conflicts with surface uses and resources. These constraints are consistent with the authorities granted to the BLM in 43 CFR §3101.1. The constraints include parcels with a no surface occupancy stipulation for the protection of jurisdictional wetlands, a developed recreation site, and the protection of Longleaf Vista, Bayou Pierre Overlook, and Bayou Cypre Overlook. Controlled Surface Use stipulations #1 and #2 apply to virtually all of the parcels for the protection of streamside zones, streamside habitat protection zones, and riparian zones.

Based on the analyses presented in the reasonably foreseeable development (RFD) scenario (RFD, Appendix D) and the proposed action, the BLM estimates a maximum of 30 wells and a net surface disturbance of 290.8 acres, which is not considered significant across the total acreage of the Kisatchie National Forest. The finding of no significant impact of issuing the 25 leases with “no surface occupancy” (NSO) and “controlled surface use” (CSU) stipulations which considerably restrict potential surface disturbance, is consistent with the context and intensity criteria in 40 CFR §1508.27. The BLM has provided a rational basis for the decision to offer the subject parcels for oil and gas leasing without causing significant adverse environmental impacts, in conformance with NEPA (40 CFR §1501.4).

This EA does not include site-specific analysis of drilling as the context and intensity of those environmental impacts remain unidentifiable until oil and gas exploration activities are proposed. At the leasing stage, a more site-specific and detailed analysis of the impacts of drilling would require the BLM to inappropriately speculate on the density of drilling locations, the number, characteristics, and specifications of related production equipment, and the rate at which the leases would be developed. Any future approved APD will contain Conditions of Approval that reflect necessary mitigation measures. In accordance with 43 CFR § 3101.1-2 BLM may require additional reasonable mitigation measures to ensure that the proposed operations minimize adverse impacts to other resources, uses, and users, consistent with granted lease rights. The BLM will incorporate any mitigation requirements, including Best Management Practices,
identified through the APD review and appropriate NEPA and related analyses, as Conditions of Approval to the APD.

The Application for Permit to Drill (APD) is the first useful point at which a site-specific environmental appraisal can be undertaken (Park County Resource Council, Inc. v. U.S. Department of Agriculture, 10th Cir., April 17, 1987). The BLM retains substantial authority to regulate environmental aspects of Federal oil and gas lease operations through approval (see 43 CFR §3162.3) of APDs or Sundry Notices (SNs) and has authority to disapprove drilling permits if the situation warrants [43 CFR §3162.3-1(b)]. The BLM has the authority to require additional terms, provisions, and stipulations for environmental protection when an Application for Permit to Drill (APD) is filed for review and consideration.

Before a lessee may disturb the surface of a lease parcel, he must submit an APD to the BLM and a surface use plan of operation (SUPO) to the Forest Service for review, modification, disapproval, or approval [43 C.F.R. §3162.3-1(d), (h)]. The Forest Service first must approve the SUPO [30 U.S.C. §226(g); 36 C.F.R. §§228.106-.108; 43 C.F.R. §3162.3-1(h)], before the BLM may approve an APD. Moreover, the agencies must verify that leasing on the applicant’s parcel has been adequately addressed in a NEPA document (36 C.F.R. §228.102(e)) and the Forest Service must initiate formal consultation with the USFWS. Considered together, the stipulations, reservations and remaining procedural steps demonstrate that while a lessee has a legal right to apply for permission to conduct oil and gas operations, his right to develop the lease parcel is far from certain. There remains significant uncertainty as to whether, when, and where a well would be drilled on a lease. Because lease development is speculative at the lease issuance stage, the protest claims are too reliant on contingent future events that may not occur as anticipated, or may not occur at all.

Decision

The sole remaining argument, identified as item number “3” from the May 5, 2014 decision letter and described above, is hereby affirmed and resolved through the completion of an environmental assessment (enclosed) which address the potential environmental impacts of leasing 25 parcels within the Kisatchie National Forest, including potential cumulative impacts and a reasonably foreseeable development scenario for oil and gas activities. The BLM has also completed a “finding of no significant impact” and decision record for the EA (enclosed).

As a result of this protest response decision (Part II), the BLM will take the Federal action to issue the 25 leases to the successful high bidders at the March 21, 2013 oil and gas competitive lease sale.

Appeal

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 (Enclosure 1). If an appeal is taken, your notice of appeal must be filed in this office (at the above address) within 30 days from your receipt of this decision. The protestor 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 § 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.

Karen E. Mouritsen
State Director

Enclosed:

1. Environmental Assessment/FONSI/Decision Record
2. Form 1842-1
cc:

Atchafalaya Basinkeeper
Dean Wilson, Executive Director
162 Croydon Ave.
Baton Rouge, LA 70864
225-692-4114

Louisiana Audubon Council
Barry Kohl, President
1522 Lowerline St.
New Orleans, LA 70118
504-861-8465

Center for Biological Diversity
Mollie Matteson, Conservation Advocate
P.O. Box 188
Richmond, VT 05477
802-434-2388

Louisiana Environmental Action Network
Marylee M. Orr, Executive Director
P.O. Box 66323
Baton Rouge, LA 70896
225-928-1315

Louisiana Wildlife Federation
Rebecca Triche, Executive Director
PO Box 65239
Baton Rouge, LA 70896
225-344-6707

Ouachita Riverkeeper
Cheryl Slavant, Director
2610 Washington Street
Monroe, LA 71201
318-381-0996

Sierra Club, Delta Chapter
Haywood Martin, Chair
P.O. Box 52503
Lafayette, LA 70505
337-232-7953

Lower Mississippi Riverkeeper
Paul Orr, Director
P.O. Box 66323
Baton Rouge, LA 70896
225-928-1315

Rapides Wildlife Association
Richard Bryan, Past President
2405 Evergreen
Pineville, LA 71360
318-640-0198

Wild South
Tracy Davids, Executive Director
16 Eagle Street, Suite 200
Asheville, NC 28801
828-258-2667
DO NOT APPEAL UNLESS

1. This decision is adverse to you,
   AND

2. You believe it is incorrect

IF YOU APPEAL, THE FOLLOWING PROCEDURES MUST BE FOLLOWED

1. NOTICE OF APPEAL

   A person who wishes to appeal to the Interior Board of Land Appeals must file in the office of the officer who made the decision (not the Interior Board of Land Appeals) a notice that he wishes to appeal. A person served with the decision being appealed must transmit the Notice of Appeal in time for it to be filed in the office where it is required to be filed within 30 days after the date of service. If a decision is published in the FEDERAL REGISTER, a person not served with the decision must transmit a Notice of Appeal in time for it to be filed within 30 days after the date of publication (43 CFR 4.411 and 4.413).

2. WHERE TO FILE

   Bureau of Land Management
   Eastern States Office
   20 M Street SE, Suite 950
   Washington D.C. 20003

   Regional Solicitor, Southeast Region
   U.S. Department of the Interior
   75 Spring Street, SW., Suite 304
   Atlanta, Georgia 30303

3. STATEMENT OF REASONS

   Within 30 days after filing the Notice of Appeal, file a complete statement of the reasons why you are appealing. This must be filed with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. If you fully stated your reasons for appealing when filing the Notice of Appeal, no additional statement is necessary (43 CFR 4.412 and 4.413).

4. ADVERSE PARTIES

   Within 15 days after each document is filed, each adverse party named in the decision and the Regional Solicitor or Field Solicitor having jurisdiction over the State in which the appeal arose must be served with a copy of: (a) the Notice of Appeal, (b) the Statement of Reasons, and (c) any other documents filed (43 CFR 4.413).

5. PROOF OF SERVICE

   Within 15 days after any document is served on an adverse party, file proof of that service with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. This may consist of a certified or registered mail "Return Receipt Card" signed by the adverse party (43 CFR 4.401(c)).

6. REQUEST FOR STAY

   Except where program-specific regulations place this decision in full force and effect or provide for an automatic stay, the decision becomes effective upon the expiration of the time allowed for filing an appeal unless a petition for a stay is timely filed together with a Notice of Appeal (43 CFR 4.21). 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 Interior Board of Land Appeals, the petition for a stay must accompany your Notice of Appeal (43 CFR 4.21 or 43 CFR 2801.10 or 43 CFR 2881.10). 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 also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (43 CFR 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.

   Standards for Obtaining a Stay. Except as otherwise provided by law or other pertinent regulations, 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 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.

Unless these procedures are followed, your appeal will be subject to dismissal (43 CFR 4.402). Be certain that all communications are identified by serial number of the case being appealed.

NOTE: A document is not filed until it is actually received in the proper office (43 CFR 4.401(a)). See 43 CFR Part 4, Subpart B for general rules relating to procedures and practice involving appeals.

(Continued on page 2)
43 CFR SUBPART 1821—GENERAL INFORMATION

Sec. 1821.10 Where are BLM offices located? (a) In addition to the Headquarters Office in Washington, D.C. and seven national level support and service centers, BLM operates 12 State Offices each having several subsidiary offices called Field Offices. The addresses of the State Offices can be found in the most recent edition of 43 CFR 1821.10. The State Office geographical areas of jurisdiction are as follows:

STATE OFFICES AND AREAS OF JURISDICTION:

Alaska State Office ----------- Alaska
Arizona State Office ---------- Arizona
California State Office ------- California
Colorado State Office -------- Colorado
Eastern States Office -------- Arkansas, Iowa, Louisiana, Minnesota, Missouri
                           and, all States east of the Mississippi River
Idaho State Office ----------- Idaho
Montana State Office -------- Montana, North Dakota and South Dakota
Nevada State Office --------- Nevada
New Mexico State Office ---- New Mexico, Kansas, Oklahoma and Texas
Oregon State Office -------- Oregon and Washington
Utah State Office ---------- Utah
Wyoming State Office ------- Wyoming and Nebraska

(b) A list of the names, addresses, and geographical areas of jurisdiction of all Field Offices of the Bureau of Land Management can be obtained at the above addresses or any office of the Bureau of Land Management, including the Washington Office, Bureau of Land Management, 1849 C Street, NW, Washington, DC 20240.

(Form 1842-1, September 2006)
DECISION RECORD
FINDING OF NO SIGNIFICANT IMPACT
ENVIRONMENTAL ASSESSMENT

for

OIL AND GAS LEASE PARCELS
SOLD BUT NOT ISSUED AT THE
MARCH 2013 COMPETITIVE LEASE SALES

LAES 057697; LAES 057698; LAES 057699; LAES 057700;
LAES 057701; LAES 057702; LAES 057703; LAES 057704;
LAES 057705; LAES 057706; LAES 057707; LAES 057708;
LAES 057709; LAES 057710; LAES 057711; LAES 057712;
LAES 057713; LAES 057714; LAES 057715; LAES 057716;
LAES 057717; LAES 057718; LAES 057719; LAES 057720;
and LAES 057721

September 19, 2016

BLM Eastern States
20 M Street SE, Suite 950
Washington, DC 20003
Decision:
It is my decision to authorize issuance of 25 oil and gas mineral leases for parcels located within the Kisatchie National Forest, Louisiana and identified as follows: LAES 057697, LAES 057698, LAES 057699, LAES 057700, LAES 057701, LAES 057702, LAES 057703, LAES 057704, LAES 057705, LAES 057706, LAES 057707, LAES 057708, LAES 057709, LAES 057710, LAES 057711, LAES 057712, LAES 057713, LAES 057714, LAES 057715, LAES 057716, LAES 057717, LAES 057718, LAES 057719, LAES 057720, and LAES 057721.

The mitigation measures identified in the environmental assessment (ES-020-2016-13) prepared by the BLM Southeastern States District Office are hereby incorporated by reference into the leases as stipulations. Compliance with these stipulations is a condition of approval to hold a valid lease.

Alternatives Considered:
- Proposed Action: Lease the parcels per the proposed action as described in the EA.
- No Action Alternative: The leases would not be issued.

Public Participation:
On December 21, 2012, the BLM posted the March 2013 competitive oil and gas lease sale notice for public review. On January 22, 2013, the BLM timely received a letter from the Natural Resources Defense Council (NRDC) and nine other groups protesting 47 of the 63 parcels proposed for lease sale. In accordance with 43 CFR 3120.1-3, the BLM sold all 63 parcels at the March 21, 2013 competitive oil and gas lease sale; however, the leases associated with the 47 protested parcels were not issued pending resolution of the protest.

In a letter dated May 5, 2014, the BLM issued Decision (Part One) in which the January 22, 2013 protest was dismissed in part, denied in part and deferred in part. As a result, 22 leases (13,701.55 acres) were issued located in the Bienville and Homochitto National Forests, Mississippi. For the remaining 25 protested parcels (24,470.45), the BLM issued a Decision (Part Two) dated September 19, 2016, in which the BLM affirmed and resolved the NRDC’s protest. The BLM Authorized Officer found that adequate NEPA documentation had not been prepared, either through adoption of the Forest Service NEPA documents or through preparation of a stand-alone NEPA document. The BLM subsequently prepared a new leasing EA (ES-020-2016-13) in compliance with NEPA.

Authority and Compliance with Major Laws:
The authority for this decision is contained in Title 43 of the Code of Federal Regulations (CFR) 3120. The NEPA analyses for this decision was prepared in compliance with all applicable laws, regulations, executive orders, and policies including but not limited to the following:
- National Environmental Policy Act
- Federal Land Policy Management Act
- Mineral Leasing Act
- Clean Water Act
- Clean Air Act
- National Historic Preservation Act (NHPA)
- Endangered Species Act (ESA)
- Migratory Bird Treaty Act
- Resource Conservation and Recovery Act (RCRA)

**Compliance and Monitoring:**
If an application for permit to drilled is filed with the BLM, additional site-specific environmental review shall be conducted in accordance with the National Environmental Policy Act of 1969 (NEPA), the Endangered Species Act of 1973, as amended, and other environmental laws. Environmental monitoring, inspection, and enforcement would be required for any proposed oil and gas development.

**Plan Conformance and Consistency:**
The proposed action is consistent with the 1999 Kisatchie National Forest Revised Land and Resource Management Plan. The proposed action does not conflict with any known local planning, ordinance or zoning. This area is not covered by a BLM approved Resource Management Plan. In accordance with the regulations at 43 CFR 1610.8 (b)(1), the BLM may prepare a stand-alone NEPA document that includes a reasonably foreseeable development scenario and a cumulative impact analysis, to serve as the basis for decision-making.

**Rationale for the Decision:**
The decision to approve the proposed action is based on the following:
- **Consistency with the Surface Management Agency's management plan:** The decision is in consistent with the 1999 Kisatchie National Forest Revised Land and Resource Management Plan.
- **National policy:** The decision is consistent with the Mineral Leasing Act of 1920, as amended and the Federal Land Policy Management Act of 1976, to make mineral resources available for potential development of mineral resources to meet national, regional, and local needs.
- **Agency statutory requirements:** The decision is consistent with all required federal, state, and county authorizing actions required for analyzing and implementing the action.
- **Relevant resource issues and finding of no significant impact:** As described in the EA, there are no direct impacts associated with leasing. Any potential future oil and gas development impacts were addressed and minimized with mitigation measures; as such a finding of no significant impact (FONSI) was prepared. Additional site-specific NEPA documentation will occur at the application for permit to drill (APD) stage, should future development occur. Therefore, an environmental impact statement is not required. All required consultations including under the ESA and NHPA, have been completed.
- **Application of measures to minimize environmental impacts:** Standard terms and conditions as well as 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, Suite 950, 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.

Karen E. Mouritsen  
State Director  

9-19-16  
Date
Finding of No Significant Impact
Environmental Assessment
Kisatchie National Forest
Parcels ES-001-12/12 to ES-057-12/12 and ES-006-03/13 to ES-030-03/13
ES-020-2016-13

INTRODUCTION

The Bureau of Land Management (BLM) has prepared an Environmental Assessment (EA) EA-020-2016-13 to assess the potential impacts associated with the sale of certain lease parcels within the Kisatchie National Forest in Louisiana. The parcels were offered for sale at the December 13, 2012 and March 21, 2013, BLM Eastern States Competitive Oil and Gas Lease Sales. Under the Proposed Action the BLM would issue the 82 leases for the parcels sold. The leases were not issued after the sale due to a protest of the sale. This Environmental Assessment (EA) documents the BLM Southeastern States District Office (SSDO) review of the parcels in compliance with the National Environmental Policy Act (NEPA). Collectively, the parcels contain approximately 45,817.96 acres of Federal minerals administered by the United States Forest Service. Standard terms and conditions as well as parcel-specific stipulations have been attached to the parcels as specified through the EA. Lease stipulations were added to each parcel as identified by the Forest Service to address site specific concerns or new information not identified in the land use planning process. The EA ES-020-2016-13 is attached. In addition to the Proposed Action, a No Action alternative was analyzed in the EA.

EXTERIOR SCOPING

On September 14, 2012 and December 21, 2012, the BLM posted the December 2012 and March 2013 sale notices for public review, respectively. On October 15, 2012 and January 22, 2013, BLM received a letters from the Natural Resources Defense Council (NRDC), on behalf of themselves and 10 other groups, protesting the 82 parcels proposed for the two lease sales. BLM sent a response letter to NRDC on May 05, 2014. All of the arguments put forth by NRDC et al. except one, were dismissed or denied. The BLM Authorized Officer found that adequate NEPA documentation had not been prepared, either through adoption of the Forest Service NEPA documents or through preparation of its own, and therefore the protested leases were not issued. A final protest decision will be issued by BLM once all requirements under NEPA have been fulfilled, including the issuance of this Finding of No Significant Impact (FONSI) and subsequent Decision Record.

Through preparation of the new leasing EA, the BLM initiated informal consultation with the United States Fish and Wildlife Service (FWS) on June 13, 2016 in compliance with the Endangered Species Act (ESA), Section 7 requirements. BLM received a concurrence letter from FWS on July 21, 2016. BLM also sent a request to the Louisiana Natural Heritage Program (LNHP) on July 8, 2015 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 3, 2015. Consultation with the Louisiana State Historic Preservation Office (SHPO) occurred on October 1, 2015 and BLM received a concurrence letter on November 24, 2015. Several Tribes with an ancestral interest in the region were contacted on October 1, 2015. The BLM received responses from two Tribes on October 23, 2015 and November 2, 2015 with no concerns expressed.

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, individually 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 within the Kisatchie National Forest located in Louisiana. The parcels are located within the Winn, Catahoula, Kisatchie and Calcasieu Districts of the Kisatchie National Forest. All of the parcels are located in the South Central Plains Ecoregion. The Proposed Action would occur within Forest Service administered land containing Federal mineral estate that by itself does not have known or identified international, national, regional, or state-wide importance. The 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.
minerals and mineral development, soils, vegetation, invasive species, water resources, wastes, recreation, noise, 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, and lease stipulations have been included for resource protection. None of the direct, indirect, or cumulative environmental effects discussed in detail in the EA are considered significant, nor do the effects exceed those described in the Kisatchie National Forest Plan and Environmental Impact Statement. This area is not covered by a BLM Resource Management Plan, however, in accordance with 43 CFR 1610.8(b)(1), the EA serves as the basis for making a decision on this Proposed Action.

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

The Proposed Action is designed to issue leases for sold parcels and would not directly affect public health or safety. There would also be no anticipated indirect effects to public health or safety as a result of potential future development due to standard operating procedures and best management practices (BMPs). If the leases are issued and 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 waste management would be identified, as needed, above those already discussed in the leasing EA.

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.

All of the parcels are located in the South Central Plains Ecoregion. The South Central Plains Ecoregion is composed of rolling plains that are broken by nearly flat fluvial terraces, bottomlands, sandy hills and low cuestas. Its terrain is unlike the flatter, less dissected Mississippi Alluvial Plain or the Western Gulf Plain. Natural vegetation of uplands was historically dominated by longleaf pine woodlands and savannas in the south and shortleaf pine/hardwood forests in the north. The EA evaluated the area of the Proposed Action and determined that no unique geographic characteristics such as Wild and Scenic Rivers, Prime or Unique Farmlands, Areas of Critical Environmental Concern, Designated Wilderness areas, or Wilderness Study Areas were present. Wetland areas are located on five of the lease parcels, and several surface water features are located throughout the lease area. While the proposed leasing action would not directly affect wetlands or surface waters, there could be indirect impacts from future development. 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 would be further addressed through site-specific NEPA.

With regard to cultural resources, the lease areas do contain recorded cultural resources sites including some acreage within all of the parcels of high and/or moderate probability areas for
cultural resources. There would be no direct impact to cultural resources from leasing. Should future development occur within the lease areas, site-specific surveys would be conducted along with consultation under the National Historic Preservation Act prior to any ground-disturbing activities. No known sites for religious purposes, Sacred Sites or Traditional Cultural Properties were identified through the Tribal consultation process. The BLM received a concurrence letter from the Louisiana SHPO on November 24, 2015.

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. 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. As discussed in the EA, in recent years, there has been some elevated public concern about hydraulic fracturing operations and the potential for effects to drinking water supplies. Site-specific NEPA will be conducted that addresses specific effects on resources at the time of development. Complying with BLM and state regulations regarding casing and cementing, implementing BMPs, testing casings and cement prior to continuing to drill or introducing additional fluids and continual monitoring during drilling and hydraulic fracturing, allow producers and regulators to check the integrity of casing and cement jobs and greatly reduce the chance of aquifer contamination.

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 evaluated the Proposed Action in context of past, present and reasonably foreseeable actions. While some minor cumulative effects are anticipated as a result
of potential future oil and gas development once the leases are issued, 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 lease the subject parcels; however, the lease areas do contain recorded cultural resources sites including some acreage within all of the parcels of high and/or moderate probability areas for cultural resources. There would be no direct impact to cultural resources from leasing. Should future development occur within the lease areas, site-specific surveys and NEPA would be conducted to evaluate the presence of any NRHP resources along with consultation under the National Historic Preservation Act prior to any ground-disturbing activities. The BLM received a concurrence letter from the Louisiana SHPO on November 24, 2015.

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.

There are seven wildlife species in the project area that are federally listed or proposed for listing as threatened or endangered under the ESA. Mitigating measures to reduce impacts to wildlife and fisheries have been incorporated into the design of the Proposed Action. The FWS provided a letter of concurrence to BLM on July 21, 2016 that the Proposed Action may affect, but is not likely to adversely affect five species, and that the Proposed Action would have no effect on two species because surface use restrictions including stipulations will be used. Furthermore, post-lease actions/authorizations (e.g. Applications for Permit to Drill, road/pipeline right-of-way), could be encumbered by additional restrictions such as controlled surface use or timing limitation 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 know 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

Date