

# **Finding of No Significant Impact**

## **Environmental Assessment**

**Oil and Gas Leasing, Wayne National Forest,  
Marietta Unit of the Athens Ranger District,  
Monroe, Noble, and Washington Counties, Ohio  
DOI-BLM-ES-0030-2016-0002-EA**

### **INTRODUCTION**

The Bureau of Land Management (BLM) has prepared an Environmental Assessment (EA), DOI-BLM-ES-0030-2016-0002-EA, to address the anticipated environmental impacts of offering for lease up to approximately 40,000 acres of federal minerals located in Monroe, Noble, and Washington Counties, Ohio, within the proclamation boundary of the Athens Ranger District, Marietta Unit (Marietta Unit) of the Wayne National Forest (WNF). Industry uses the BLM Expression of Interest (EOI) process to nominate federal minerals for leasing. To date, industry has submitted over fifty EOIs for parcels located on the Marietta Unit totaling approximately 18,000 acres. Under the Proposed Action, the BLM would offer for lease, at future BLM Eastern States competitive oil and gas lease sales, parcels reviewed and approved by the BLM and the United States Forest Service (Forest Service). The Proposed Action is consistent with the BLM's mission and requirement to evaluate nominated parcels and hold quarterly competitive lease sales for available oil and gas lease parcels. Standard terms and conditions as well as parcel-specific stipulations have been attached to the parcels as specified within the EA. Lease stipulations are added to each parcel as identified by the Forest Service to address site-specific concerns or new information not identified through the initial land use planning process. In addition to the Proposed Action, a No Action alternative was analyzed in the EA.

The Proposed Action and alternatives are in compliance with the *Final Revised Land and Resource Management Plan, Wayne National Forest* (2006 Forest Plan). The BLM was a cooperating agency in development of the 2006 Forest Plan. The EA for this Proposed Action incorporates, where appropriate, the information from that plan and associated National Environmental Policy Act (NEPA) documentation. The EA also incorporates the information from a related planning effort resulting in a Supplemental Information Report (SIR) on oil and gas (August 2012), prepared by the Forest Service in coordination with the BLM.

### **CONSULTATIONS AND EXTERNAL SCOPING**

The BLM conducted required consultation with the Ohio State Historic Preservation Office (SHPO) and tribes. The BLM initiated consultation with the Ohio SHPO by letter dated November 16, 2015; the SHPO has yet to respond to the letter. On November 6, 2015, the BLM sent certified letters to seven federally recognized tribes who have a known connection to the

area notifying them of the Proposed Action and asking to identify any concerns with respect to the Proposed Action. To date the BLM has received no responses. The following tribes were contacted:

- The Delaware Tribe of Indians
- The Delaware Nation
- The Shawnee Tribe
- The Eastern Shawnee Tribe of Oklahoma
- The Absentee Shawnee Tribe of Indians
- The Wyandotte Nation
- Peoria Tribe of Indians of Oklahoma

The Forest Service, including both the WNF and Region 9, has previously consulted with the U.S. Fish and Wildlife Service (FWS) under Section 7 of the Endangered Species Act (ESA) with respect to federally listed species. Since the BLM was a cooperating agency in the 2006 Forest Plan, the consultation conducted with respect to the 2006 Forest Plan applies to the Proposed Action analyzed in this EA. The FWS's Biological Opinion (BO), dated November 22, 2005, lays out a tiered approach to Section 7 consultation. The programmatic (Tier I) BO covers all the activities described in the 2006 Forest Plan at a programmatic, non-site-specific level. As the Forest Service (and, by extension, the BLM) analyzes particular projects, the Forest Service (and BLM) is responsible to reinitiate consultation at the project level by submitting to the FWS the following:

- description of the Proposed Action and area affected;
- list of the species that may be affected and their locations;
- description of the nature of the potential effects;
- determination of the effects;
- cumulative total of incidental takes to date under the Tier I BO;
- description of additional actions that were not described in the Tier I BO.

In addition to the required agency consultations, the BLM conducted external scoping through a series of public meetings, requesting public comments, and through close coordination and data sharing with the Forest Service. Public notices appeared in local newspapers including the *Marietta Times*, *Athens Messenger*, and the *Ironton Tribune* for two consecutive weeks starting on November 1, 2015. The BLM also issued a press release to various news outlets on November 2, 2015, notifying the public of dates, times, and locations of the public meetings. Public meetings were held on November 17, 2015 in Marietta, November 18, 2015 in Athens, and November 19, 2015 in Ironton. The primary purpose for these public meetings was to provide information and gather public input regarding issues that the BLM should consider in this EA. At each meeting, the BLM and the Forest Service provided information regarding proposed oil and gas leasing activities throughout the WNF; displayed maps showing locations

of potential lease areas and posters detailing the administrative processes associated with EOIs, leasing, and the National Environmental Policy Act (NEPA); and answered inquiries about the project.

The BLM also created a project website for the EA in November 2015 that is accessible through the BLM national NEPA register at [https://eplanning.blm.gov/epl-front-office/eplanning/nepa/nepa\\_register.do](https://eplanning.blm.gov/epl-front-office/eplanning/nepa/nepa_register.do). The website provides links to documents, opportunities for public involvement, including methods for comment submission, maps, EOI information, and links to additional project information.

The BLM received approximately 3,400 responses during its scoping period (November 1, 2015 to January 22, 2016). Many of these comments reflected common themes, which are summarized below:

1. Oil and gas activities will disturb forestlands and degrade the wildlife habitats of the WNF.
2. Oil and gas activities will cause toxic chemicals to be spilled or be discharged into the environment threatening wildlife populations, degrading water quality, and harming human health.
3. Oil and gas activities will create air pollution.
4. Oil and gas activities will degrade recreational opportunities and the visual character of the WNF.
5. Leasing should be delayed until the oil and gas market improves.
6. Enabling oil and gas activities will provide private landowners the opportunity to develop their minerals, and withholding leasing the federal minerals will pose an obstacle to development of private minerals.
7. Restricting development of oil and gas minerals prohibits economic growth for the state of Ohio.

The BLM considered comments received during the scoping period in the development of the EA.

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

#### **Context:**

The Proposed Action would occur in Monroe, Noble, and Washington Counties, Ohio, within the proclamation boundary of the Marietta Unit of the WNF. Oil and gas ownership is highly

fragmented and complicated throughout the WNF. Approximately 59% of the WNF surface ownership is underlain by private minerals. The remaining 41% of surface ownership is underlain by federal minerals. The federal government owns a 100% mineral interest in 10,329 acres and owns a partial mineral interest in 8,165 acres underlying Forest Service lands on the Marietta Unit, totaling 18,494 acres. There are current leases on more than 10,000 additional acres, which are likely federally owned, and more than 13,000 acres of reserved minerals that may soon revert, or may have already reverted to the federal government. The BLM reviews deeds on a parcel-by-parcel basis to verify federal mineral ownership as leasing requests are received.

The proposed leases would provide the lessee(s) exclusive rights to explore and develop oil and gas reserves on the lease but do not authorize surface disturbing activities. The lease owner/operator is required under 43 Code of Federal Regulations (CFR) 3162 to obtain approval of an application for permit to drill (APD) before conducting any surface disturbing activities. Upon receipt of an APD, the BLM conducts an onsite inspection with the applicant in cooperation with the surface owner. The BLM also conducts site-specific NEPA analysis and the appropriate consultations under the ESA and National Historic Preservation Act (NHPA) prior to approving the APD. Although there would be no surface disturbance from the action of leasing, the EA analyzes a reasonably foreseeable development scenario (RFDS) to address the potential environmental effects from potential future oil and gas development. For example, estimates can be made on the most likely number of wells that could be constructed, but the specific locations cannot be determined until APDs are filed at a later date.

### **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 since there would be no ground disturbing activities. The EA identifies potential future impacts from leasing as a result of reasonably foreseeable development of those leases to various resources including air resources, plant and animal habitats and populations, geology/mineral resources, soils, water resources and water quality, hazardous wastes, recreation/land use/noise, cultural resources and Native American religious concerns, visual resources/scenic quality, and socioeconomics and environmental justice.

Potential future Best Management Practices (BMPs), Standard Operating Procedures (SOPs), and mitigations were discussed in the EA as methods to reduce potential impacts associated with foreseeable future oil and gas development. None of the direct, indirect, or cumulative environmental effects discussed in in the EA are considered significant.

The Proposed Action and No Action alternative are in conformance with the existing 2006 Forest 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. Public health or safety would also not be adversely affected as a result of potential future oil and gas development in the Marietta Unit. BMPs, SOPs, and mitigation measures would be implemented to avoid adverse effects to public health and safety from future mineral development. 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, such as controlling the 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 analysis determined that the Marietta Unit contains management areas with unique forests, natural areas, river corridors and wetlands, research natural areas, developed recreation sites and trails, and cultural resources. The Proposed Action would result in no direct impacts to these resources, since there would be no ground disturbing activities at this stage. Impacts associated with potential future oil and gas development would be controlled through the use of BMPs, SOPs, mitigation measures, and lease stipulations to minimize potential adverse impacts to these resources. If the leases enter into a development stage at a later date, the BLM and Forest Service would evaluate the potential impacts to resources site-specific NEPA analysis and consultations under the ESA and NHPA, as appropriate.

**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 effects - not political controversy or expression of

opposition to the action or preference among the alternatives analyzed within the EA. The public has 30 days to review the EA and provide comments.

**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, although lease stipulations do establish sideboards for potential future oil and gas development.

**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. The cumulative impacts may result in a very small increase in greenhouse gas emissions but are not expected to result in climate change impacts because climate change is a global process that is affected by the total of greenhouse gases in the atmosphere. The incremental contribution to global greenhouse gases from the Proposed Action cannot be translated into effects on climate change globally or with the area of the lease parcels. Other minor cumulative effects could occur to natural resources such as water resources and vegetation from potential future development of the parcels in combination with other leasing activities, but significant cumulative effects are not expected. The use of BMPs, SOPs, and lease stipulations, as well as potential conditions of approval at the APD stage, would lessen the potential for cumulative effects.

**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 analysis and consultations under the NHPA, as appropriate.

**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.**

Twelve federally listed threatened or endangered species were identified within the proclamation boundary of the Marietta Unit. Sensitive species managed by the Forest Service include federally listed endangered, threatened, and candidate species under the ESA. The Forest Service, including both the WNF and the Region 9, has previously consulted with FWS under Section 7 of the ESA with respect to federally listed species. Since the BLM was a cooperating agency in the 2006 Forest Plan, the consultation conducted with respect to the 2006 Forest Plan applies to the Proposed Action analyzed in this EA. The FWS's BO, dated November 22, 2005, lays out a tiered approach to Section 7 consultation. The programmatic (Tier I) BO covers all the activities described in the 2006 Forest Plan at a programmatic, non-site-specific level. As the Forest Service (and, by extension, the BLM) analyzes particular projects, the Forest Service (and BLM) would reinitiate consultation at the project level by submitting to the FWS the following:

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The 2012 SIR for oil and gas development notes that the environmental impacts of high-volume, horizontal fracturing technology can be kept within the range of impacts analyzed and disclosed in the 2006 Forest Plan Final Environmental Impact Statement (2006 Forest Plan Final EIS) for two primary reasons. First, the amount of surface disturbance projected on the WNF with the use of high-volume, horizontal fracturing technology is within the amount of surface disturbance analyzed in the 2006 Forest Plan Final EIS. Second, the regulations enforced by the BLM and Ohio Department of Natural Resources (ODNR) and measures prescribed by the 2006 Forest Plan reduce impacts from land clearing and other activities that may impact wildlife habitat and populations. Post-lease actions/authorizations (e.g. APDs, rights 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:

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Dean Gettinger  
District Manager  
Northeastern States District

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Date