

DECISION NOTICE

And

FINDING OF NO SIGNIFICANT IMPACT

OIL AND GAS LEASING EA

PROJECT (2002-2)

Response to Comments

Appendix A

Responses to issues/comments

Four letters from the public on the EA Project #2002-2:

- Letter #1-Monroe County Commissioners
- Letter #2-Ohio Oil and Gas Association
- Letter #3-Buckeye Forest Council
- Letter #4-Carlton Oil Corporation

Comment#1-Select Alternative A to provide the maximum amount of acres to be leased.

Alternative A falls short of providing the necessary protection for threatened and endangered species as recommended by the U.S. Fish and Wildlife Service September 2001 Biological Opinion for the Wayne National Forest (see appendix 5 of the EA).

Comment #2-Acknowledge Executive Order 13212 importance to energy development.

The following has been included in the Decision Notice:

- *Most recently, Executive Order 13212 of May 18, 2001 directs agencies to take appropriate actions to expedite projects that will increase the production, transmission, or conservation of energy. The increased production and transmission of energy in a safe and environmentally sound manner is essential to the well being of the American people.*

Comment #3- There are conflicting Alternative A acreage 4,609 and 4,634 acres How did these additional acres become included?

These parcels are described by township, range and section. Specific tracts are drawn from these parcels and identified for potential interest for leasing. After more accurate depiction of these parcels using better maps and scales, the acreage was revised from 4,609 to 4,634 with no additional tracts offered.

Comment #4- The Forest Service has failed to adequately justify the need or necessity for this project, given other priorities.

The FS and the BLM jointly manages leasable minerals on National Forest System Lands. Prior to making decisions on availability of lands for lease and on the leasing of specific tracts, the Forest Service prepares an analysis(es) to address the environmental impacts of implementing the decisions. The 1991 "Interagency Agreement Between the Forest Service and the Bureau of Land Management for Oil and Gas Leasing" (Interagency Leasing Agreement) guides how the Forest Service and BLM cooperate throughout the environmental analysis and decision-making process. The Interagency Leasing Agreement states that an important objective of the analysis(es) is to provide an adequate environmental basis for all decisions to be made by the Forest Service or the BLM with respect to offering Forest Service lands for lease.

When the BLM receives requests from the industry and the public to consider certain lands for oil and gas leasing, it transmits these requests to the FS for title review, consent to lease and conditional terms.

Comment #5- The revised Environmental Assessment (EA) still does not adequately consider the potential impacts to endangered and threatened species.

Standard Lease Terms require that Threatened and Endangered species and their habitat be protected. Additionally, stipulations have been identified to provide specific protection to Threatened and Endangered species that are present on the Forest. The terms and conditions, of the U.S. Fish and Wildlife Service September 2001 Biological Opinion for the Wayne National Forest (see Appendix 5 of the EA), have been incorporated into lease stipulations, and they will be made apart of the Conditions of Approval for any operations conducted on leases issued as a result of this analysis.

Comment #6- The Forest Service has failed to legally consider the cumulative impacts of the proposed project.

BLM prepared a reasonable future development scenario (EA Appendix 1) that was utilized by the ID Team to project potential effects to forest resources. The ID Team analyzed and documented under each resource and alternative cumulative effects. The intensity and scope of the projected development, as well as the issues, were considered. Past, present, and foreseeable "like" activities were also identified and considered in addressing cumulative effects (Ch. 4 of the EA). The geographic scope or area analyzed when considering these "like" or similar activities was defined by considering both the

magnitude or scope of anticipated effects of the development as well as the issues identified by the public. The ID Team based its assessment on previous documents prepared for oil and gas leasing (1992 EIS, 1995 leasing EA and field compliance and monitoring reports). In most instances, the area considered for cumulative effects was the proposed lease tracts and adjacent sections. Cumulative effects are discussed under each resource area by alternative in Chapter 4 of the EA.

Comment #7- The Forest Service should prepare an Environmental Impact Statement (EIS) for this project.

Based on the ID Team's analysis, no significant effects would result from implementing any of the four alternatives analyzed in environmental assessment (EA Project #2002-2). See Finding of No Significant Impacts (FONSI).

Comment #8- The Forest Service's Environmental Assessment fails to adequately investigate site-specific impacts of this proposed project.

The 1992 Wayne National forest Plan Amendment #8 included an attachment that described a three step leasing process to be used on the Wayne National Forest. The three step process can be summarized as follows:

- Step 1- Determine whether oil and gas leasing and operations are suitable on the forest using the forest planning process.
- Step 2- Determine which specific tracts and areas within the forest can accommodate oil and gas leasing and operations.
- Step 3- Determine what site-specific conditions and surface management provisions are appropriate for oil and gas leasing and operations.

As described above, this step in the oil and gas leasing process is not a site-specific, project-driven, ground-disturbing analysis.

Once the Forest Service completes its determination on whether to lease, or not to lease, the subject lands, the BLM would offer only the specific lands determined suitable for leasing. Lands would be offered through competitive oral auction and leases would be issued to the successful bidder. Issuance of the lease commits the oil and gas resource to development subject to the lease notices/stipulations identified appropriate for the subject lands. Future exploration and development would require filing of a Surface Use Plan of Operations (SUPO) with the Forest Service and an Application for Permit to Drill (APD) with the BLM. The Forest Service/BLM will site-specifically analyze the drilling proposal and complete an environmental analysis and make it available for public review and comment. The environmental analysis process will identify the necessary mitigation measures to eliminate or reduce any environmental effects resulting from the surface disturbing operations. Site-specific conditions necessary to protect sensitive natural resource values and address, other environmental and socio-economic concerns, will be identified and documented through this analysis. The approved SUPO and APD will incorporate these "conditions of approval" as appropriate.

Comment #9- Choose alternative A and move forward with the Lease sale in a timely fashion.

Alternative A falls short of providing the necessary protection for threatened and endangered species as recommended by the U.S. Fish and Wildlife Service September 2001 Biological Opinion for the Wayne National Forest (see appendix 5 of the EA).

Comment #10- Add stipulation notification No. 9 that would allow revision of the stipulations on a case-by-case as need bases.

The following has been included in the Decision Notice:

- *Forest resource specialists will work with BLM and the operator at the field level, to assure any stipulations and conditions to any future permits are reasonable and practical to implement. These site-specific stipulations provide additional assurances of minimizing impacts and risks.*

Comment #11- That executive order No. EO 13212 dated May 18, 2001 be added as addition to appendix 13.

Executive Order 13212 recognized the important role our federal government plays in making energy available to the American people. My decision regarding this project took into consideration Executive Order 13212 and our role in assuring our review and permitting process are timely while maintaining safety, public health, and environmental protections.