

## **CHAPTER 5: CONSULTATION AND COORDINATION**

The intent of the National Environmental Policy Act (NEPA) is to encourage the participation of federal and state-involved agencies and affected citizens in the assessment procedure, as appropriate. This section describes the consultation that occurred during development of this draft Oil and Gas Management Plan / Environmental Impact Statement, including consultation with scientific experts and other agencies. This chapter also includes a description of the public involvement process and a list of the recipients of the draft document.

### **HISTORY OF PUBLIC INVOLVEMENT**

The public involvement activities for this draft Oil and Gas Management Plan / Environmental Impact Statement fulfill the requirements of the NEPA and National Park Service (NPS) Director's Order 12 (NPS 2001).

### **THE SCOPING PROCESS**

The NPS divides the scoping process into two parts: internal scoping and external or public scoping. Internal scoping involved discussions among NPS personnel regarding the purpose of and need for management actions, issues, management alternatives, mitigation measures, the analysis boundary, appropriate level of documentation, available references and guidance, and other related topics.

Public scoping is the early involvement of the interested and affected public in the environmental analysis process. The public scoping process helps ensure that people have an opportunity to comment and contribute early in the decision-making process. For this planning document and impact statement, project information was distributed to individuals, agencies, and organizations early in the scoping process, and people were given opportunities to express concerns or views and to identify important issues or even other alternatives.

Taken together, internal and public scoping are essential elements of the NEPA planning process. The following sections describe the various ways scoping was conducted for this impact statement.

### **INTERNAL SCOPING**

An internal scoping meeting was held from March 7–11, 2005, to discuss the management of nonfederal oil and gas operations at Big South Fork National River and Recreation Area and Obed Wild and Scenic River (see figure 1 for a location map) and to identify the purpose, need, objectives, and preliminary alternatives for these NPS units. During the 5-day meeting, NPS employees identified the purpose of and need for action, management objectives, issues, and impact topics. Various roles and responsibilities for developing the oil and gas management plan were also clarified. The results of the meetings were captured in an "Internal Scoping Report," now on file as part of the administrative record.

### **PUBLIC SCOPING**

#### **Public Notification**

The notice of intent to prepare an environmental impact statement (EIS) was published in the *Federal Register* on May 31, 2006.

A Public Scoping Brochure was mailed in July 2006 to the project's preliminary mailing list of government agencies, organizations, businesses, and individuals. The brochure announced the public scoping meetings in August, and summarized the overview and background of the area, the purpose of and need for action, management objectives, an overview of "9B" regulations, and preliminary strategies.

### **Public Meetings and Comments**

Public scoping efforts for this planning process focused on the means or processes to be used to include the public, the major interest groups, and local public entities. Based on past experience, park staff place a high priority on meeting the intent of public involvement in the NEPA process and giving the public an opportunity to comment on proposed actions.

On July 13, 2006, Big South Fork National River and Recreation Area and Obed Wild and Scenic River released the Public Scoping Brochure for the Oil and Gas Management Plan/EIS for public review and comment. The public was invited to submit comments on the scope of the planning process and potential alternatives through September 26, 2006. During the public scoping period, four public scoping workshops were held. The first meeting was held in Jamestown, Tennessee on August 7, the second was held in Huntsville, Tennessee on August 8, the third was held in Oak Ridge, Tennessee on August 9, and the fourth was held at the South Fork Inn in Whitely City, Kentucky on August 10. All four workshops presented information about the planning process. Park staff and other NPS specialists were on hand to answer questions and provide additional information to workshop participants. During the public scoping period, 57 pieces of correspondence were entered into the Planning, Environment, and Public Comment database either from direct entry by the commenter, or uploading of emails, faxes, and hard copy letters by NPS staff. The primary comments from the public included those expressing support for Special Management Areas and concern over the establishment of more access roads in the park. Many commenters called for better detection for oil spills and overall improvements to oversight of production activities.

## **AGENCY SCOPING AND CONSULTATION**

### **The Kentucky Division of Oil and Gas Conservation**

On October 17, 2006, a conference call was initiated to gather input from the Director of the Kentucky Division of Oil and Gas Conservation, Rick Bender. During this call, it was noted that the KY Division of Oil and Gas Conservation has a plugging fund, but lacks a reclamation fund. It was further noted that in Kentucky, if a surface is severed from a mineral site, the operator must submit an operation/reclamation plan, and it must be signed by the surface estate owner. If the surface owner is the federal government, a federal plan of operations can be used in lieu on the operation/reclamation plan. Additionally, gathering lines and flowlines require a permit, a plan of operations on where the line is, and a map of the site.

### **Tennessee Department of Environment and Conservation: Division of Water Pollution Control**

A representative for the Tennessee Department of Environment and Conservation: Division of Water Pollution Control was also involved in the October 17, 2006 conference call. The representative gave some background regarding the cost of Tennessee State bonding requirements: Reclamation Bonds cost \$1,500; Plugging Bonds cost \$2,000 per well, or \$10,000 per a maximum of ten wells.

## **United States Fish and Wildlife Service**

On October 18, 2006, a conference call was initiated to gather input from the U.S. Fish and Wildlife Service (USFWS). The USFWS recognized items which they believe should be included in the Oil and Gas Management Plan, most notably the following: equip open pits with nets to protect wildlife from falling in; working with the U.S. Environmental Protection Agency to enhance water quality standards; input on procedures to manage existing operations, specifically containment/brine pits and contaminants. A copy of this draft EIS is being provided for comment. Formal consultation is not completed for this programmatic plan, since no on-the-ground actions are authorized by approval of this plan. All plans of operation that are done pursuant to this plan for proposed oil and gas projects will need to have a biological survey completed if directed by the NPS, and the NPS will consult with the USFWS on a project-by-project basis per *Endangered Species Act* requirements for each project.

## **State Historic Preservation Offices**

Copies of this plan/EIS will be sent to the Tennessee and Kentucky Historic Preservation Offices for comment, and tribal consultations have been completed (see Tribal Consultation, below). Since no on-the-ground actions are authorized by approval of this plan, the NPS will consult with State Historic Preservation Office on a project-by-project basis pursuant to section 106 of the *National Historic Preservation Act* to evaluate the adequacy of cultural resources information and to assess and mitigate effects of oil and gas projects on cultural resources.

## **TRIBAL CONSULTATION**

On December 29, 2006 the Superintendent of Big South Fork National River and Recreation Area, Reed E. Detring, sent a letter to various American Indian tribes, as required by Section 106 of the National Historic Preservation Act of 1966, as amended, which requires consultation with federally recognized American Indian tribes on a government-to-government basis. This letter, which was written to the Cherokee Nation, the Chickasaw Nation, the Eastern Band of Cherokee Indians, the Eastern Shawnee Tribe of Oklahoma, the United Keetoowah Band of Cherokee Indians in Oklahoma, the Shawnee Tribe, and the Absentee-Shawnee Tribe of Oklahoma, invited each of these tribes to consult with the NPS regarding the proposed Oil and Gas Management Plan/EIS covering oil and gas operations in the BISO and Obed. Two responses were received. The United Keetowah Band of Cherokee Indians in Oklahoma merely requested continued consultation on the project. The Eastern Band of Cherokee Indians responded that the project area may have cultural, archeological, or religious significance to the Eastern Band of Cherokee. These letters and responses can be found in appendix N. A copy of this draft plan is also being provided to the seven tribes, with a letter updating the various alternatives, explaining the status of the Plan/EIS, and soliciting comment.

## **LIST OF RECIPIENTS OF THE DRAFT PLAN / ENVIRONMENTAL IMPACT STATEMENT**

This *Draft Oil and Gas Management Plan / Environmental Impact Statement* will be sent to the following agencies, organizations, and businesses, as well as to other entities and individuals who requested a copy.

## **ELECTED OFFICIALS**

- Bob Corker, U.S. Senate
- Mitch McConnell, U.S. Senate
- Lamar Alexander, U.S. Senate
- Rand Paul, U.S. Senate
- Scott DesJarlais, U.S. House of Representatives
- Harold Rogers, U.S. House of Representatives
- David L. Williams, Kentucky Senate
- Ken Upchurch, Kentucky House of Representatives
- Sara Beth Gregory, Kentucky House of Representatives
- Ken Yager, Tennessee Senate
- Charlotte Burks, Tennessee Senate
- John Mark Windle, Tennessee House of Representatives
- Kelly Keisling, Tennessee House of Representatives
- Cameron Sexton, Tennessee House of Representatives

## **FEDERAL DEPARTMENTS AND AGENCIES**

- Department of the Interior
  - National Park Service
  - Bureau of Land Management
- United States Environmental Protection Agency
- United States Army Corps of Engineers
- United States Fish and Wildlife Service
- United States Forest Service
- United States Geological Survey

## **STATE AND LOCAL GOVERNMENTAL AGENCIES**

- Kentucky Department of Natural Resources
- Kentucky Department of Agriculture
- Kentucky Department of Fish and Wildlife Resources
- Kentucky Department of Parks
- Kentucky Division of Forestry
- Kentucky Environmental Quality Commission
- Kentucky Farm Bureau
- Kentucky Heritage Council
- Kentucky Nature Preserves Commission
- Kentucky Resources
- Council McCreary County

- McCreary County Agricultural Extension Service
- Wayne County
- Wayne County Agricultural Extension Service
- Wayne County Farm Bureau
- City of Knoxville
- Division of Air Pollution Control
- East Tennessee Development District
- Ellington Agricultural Center
- Fall Creek Falls State Resort Park
- Fentress County
- Fentress County Agricultural Extension Service
- Fentress County Farm Bureau
- Morgan County
- Morgan County Agricultural Extension Service
- Morgan County Farm Bureau
- Pickett County
- Pickett County Agricultural Extension Service
- Pickett County Farm Bureau
- Pickett State Forest
- Pickett State Park
- Tennessee Department of Agriculture
- Tennessee Department of Conservation
- Tennessee Department of Economic and Community Development
- Tennessee Department of Environment and Conservation
- Tennessee Department of Transportation
- Tennessee Farm
- Bureau Tennessee State Parks
- Tennessee Wildlife Resources Agency
- Tennessee Advisory Council on Historic Preservation
- Town of Winfield
- Scott County
- Scott County Agricultural Extension Service
- Scott County Farm Bureau
- Scott State Forest
- Virginia Department of Game and Inland Fisheries

**ORGANIZATIONS/OTHERS**

- ABC Petroleum
- Ace Petroleum Company, Inc.

- B&B Roofing
- Bandy Creek Stables
- Bar BEE Ranch
- Big South Fork Bicycle Club
- Biglane Operating Company
- BioTest Inc.
- Blue Ridge Trail Riders
- Bluegrass Wildwater Association
- Bowater, Inc.
- Buckhorn Hunting and Fishing
- Camac Oil & Gas Company
- Cambridge Resources, Inc.
- Charit Creek Lodge
- Chattanooga Arabian Horse Club
- Clear Creek Bed & Breakfast
- Clowes & Ray Oil Producers
- Cone Oil Company, Inc.
- Cumberland Resources Corp.
- Double Arches
- Dunlap Freedom Riders
- East Tennessee Consultants, Inc.
- East Tennessee Development District
- East Tennessee Whitewater Association
- Eastern Kentucky University
- Eastern National
- Eastern Natural Gas Corporation
- Eastern Professional River Outfitters
- Elizabethton Trail Riders
- Environmental Operating, Inc.
- Fentress Co. Chamber of Commerce
- Fentress Courier
- First Radio
- Friends of the Big South Fork NRRRA, Inc.
- GASPRO Inc.
- Gray Gables B&B
- Great Smoky Mountain Chapter of Trout Unlimited
- Green River Gas Company
- Highland Drilling & Exploration
- Historic Rugby

- International Mountain Bicycling Association
- Interstate Energy Corp. of Ten
- Jarvis Drilling, Inc.
- Jim Barna Log Systems
- Johnson Energy Inc.
- Kentucky Horse Council
- Kentucky Oil and Gas Association
- Kentucky Nature Conservancy
- Kingston Oil Corporation
- KnoxNews Sentinel
- Knoxville Arabian Horse Club
- KY-Tenn Oil, Inc.
- Lake Cumberland Area Development District
- Lakeview Hills Saddle Club
- Laurel County Hiking Club
- Leah Petroleum Corporation
- Lock 4 Trailblazers
- McCreary Co. Chamber of Commerce
- McCreary County Heritage Foundation
- McCreary County Public Library
- Mid South Oil & Gas, Inc.
- Miller & B'Jewco Drilling Co.
- Monticello Chamber of Commerce
- Morgan County Chamber of Commerce
- Mountain Agricultural Supply, Inc.
- National Parks & Conservation Association
- Norman Drilling Company
- Off-Road and Performance General Store
- Pickett County Chamber of Commerce
- Plateau Properties, Inc.
- Pleasure Walking Horse Association of Tennessee
- Rebel Oil Corporation
- Red Feather Gas & Oil, Inc.
- Roark's Pharmacy
- Saint Joseph Petroleum, Inc.
- Save Our Cumberland Mountains
- Scott County Chamber of Commerce
- Sheltoewe Trace Outfitters
- Sierra Club

- Slickrock Expeditions
- Smoky Mountain Trail Riders
- Smoky Mountains Hiking Club
- Society for Species Management and Survival
- South & Eastern Kentucky Tourism Development Association
- Southeast Pack Trips Inc.
- Station Camp Horse Camp
- Stearns Museum
- Stout Development, Inc.
- Tartan Oil Company
- TENEXCO Company
- Tennessee Citizens for Wilderness Planning
- Tennessee Clean Water Network
- Tennessee Conservation League
- Tennessee Gas & Oil, Inc.
- Tennessee Oil & Gas Association
- Tennessee Parks and Greenway Foundation
- Tennessee Scenic Rivers Association
- Tennessee Trail Blazers
- Tennessee Trails Association
- Tennessee Wildlife Resources Agency
- The Access Fund
- The Nature Conservancy of Tennessee
- Timber Ridge Horse Campground
- Tennessee Valley Authority
- Union College
- United Mountain Defense
- University of Kentucky
- University of Tennessee, Southern App. Field Lab
- Upper Cumberland Development District
- Van Stockum Law Office
- Volunteer Drilling Company, Inc.
- W.W. Keeler & Sons
- Western Reserves Oil Company
- Windsor Resources (U.S.) Ltd.
- Woodford County Saddle Club

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