



**Big South Fork National River and Recreation Area
and
Obed Wild and Scenic River**

**Draft Non-federal Oil and Gas Management Plan /
Environmental Impact Statement**

Public Comment Analysis

January 2012

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Introduction and Guide

INTRODUCTION

Pursuant to the National Environmental Policy Act (NEPA), its implementing regulations, and NPS guidance on meeting NEPA obligations, Big South Fork National River and Recreation Area (NRRA) and Obed Wild and Scenic River (WSR) must assess and consider comments submitted on the Draft Non-federal Oil and Gas Management Plan/Environmental Impact Statement (plan/DEIS), and the preferred alternative, and provide responses to those considered substantive. This report describes how the NPS considered public comments and provides responses to those comments.

Following the release of the plan/DEIS, a 60-day public comment period was open between June 17, 2011 and August 16, 2011. This public comment period was announced in the *Federal Register*, on the parks' websites (www.nps.gov/biso, and www.nps.gov/obed); through mailings sent to interested parties, elected officials, and appropriate local and state agencies; and by press releases and newspapers. Press releases that specifically addressed the public meetings described below were also issued. The plan/DEIS was made available through several outlets, including the NPS Planning, Environment, and Public Comment (PEPC) website at http://parkplanning.nps.gov/biso_obri_deis, and available on CD or hardcopy by contacting the park Superintendent. After reviewing the plan/DEIS, the public was encouraged to submit comments regarding the plan/DEIS through the NPS PEPC website, at the public meetings, or by postal mail sent directly to the park.

PUBLIC COMMENT MEETINGS

Five public meetings were held in July 2011 to present the plan, provide an opportunity to ask questions, and facilitate public involvement and community feedback on the plan/DEIS for oil and gas management at Big South Fork NRRA and Obed Wild WSR.

All five of the public meetings were held during the public comment period for the plan/DEIS, as follows:

- July 18, 2011, from 6:00 p.m. to 8:00 p.m. at the McCreary County Park Community Center in Whitley City, Kentucky
- July 19, 2011, from 6:00 p.m. to 8:00 p.m. at the Scott County Office Building in Huntsville, Tennessee
- July 20, 2011, from 6:00 p.m. to 8:00 p.m. at the Oak Ridge High School in Oak Ridge, Tennessee
- July 21, 2011, from 6:00 p.m. to 8:00 p.m. at the Fentress County Courthouse in Jamestown, Tennessee
- July 22, 2011, from 6:00 p.m. to 8:00 p.m. at the Morgan County Board of Education in Wartburg, Tennessee

A total of 18 meeting attendees signed in during the five meetings (see appendix 1). The meetings were a combination of an open house format with formal presentation, and provided attendees the opportunity to ask questions and observe informational displays illustrating the study area; the

purpose, need, and objectives of the plan; and summaries of the three proposed alternatives. Comments made to park staff were recorded on flip charts. If the commenter did not want to make comments at the meetings, comment sheets were available at the sign-in table. Attendees could fill out the forms and submit them at the meeting or mail them to the park at any time during the public comment period. Those attending the meeting were also given a public meeting informational handout, which provided additional information about the NEPA process, commonly asked questions regarding the project, and additional opportunities for comment on the project, including directing comments to the NPS PEPC website at <http://parkplanning.nps.gov/>. Public comments received are detailed in the following sections of this report.

METHODOLOGY

Plan/DEIS Public Comment Period

During the comment period for the plan/DEIS, 24 pieces of correspondence were received. Correspondences were received by one of the following methods: email, hard copy letter via mail, comment sheet submitted at the public meetings, recorded on flipcharts during the public meetings, or entered directly into the internet-based PEPC system. Letters received by email or through the postal mail, as well as the comments received from the public meetings, were entered into the PEPC system for analysis. Each of these letters or submissions is referred to as a correspondence.

Once all the correspondences were entered into PEPC, each was read, and specific comments within each correspondence were identified. A total of 95 comments were derived from the correspondences received.

In order to categorize and address comments, each comment was given a code to identify the general content of a comment and to group similar comments together. A total of 23 codes were used to categorize all of the comments received on the plan/DEIS. An example of a code developed for this project is *AL7100: Alternatives: Support Alternative C*. In some cases, the same comment may be categorized under more than one code, reflecting the fact that the comment may contain more than one issue or idea.

During coding, comments were also classified as substantive or non-substantive. A substantive comment is defined in the NPS Director's Order 12 (DO-12) Handbook as one that does one or more of the following (Director's Order 12, Section 4.6A):

- Question, with a reasonable basis, the accuracy of information presented in the EIS;
- Question, with reasonable basis, the adequacy of the environmental analysis;
- Present reasonable alternatives other than those presented in the EIS; and/or
- Cause changes or revisions in the proposal.

As further stated in Director's Order 12, substantive comments "raise, debate, or question a point of fact or policy. Comments in favor of or against the proposed action or alternatives, or comments that only agree or disagree with NPS policy, are not considered substantive." While all comments were read and considered and will be used to help create the Final plan/EIS, only those determined to be substantive are typically analyzed for creation of concern statements for response from the NPS, described below.

Under each code, all substantive comments were grouped by similar themes, and those groups were summarized with a concern statement. For example under the code *AL8000 - Alternatives:*

Special Management Areas, one concern statement identified was, “Commenters suggested that the list of eligible SMAs be expanded to include springs, streams, other water bodies, rare habitats and nesting areas, and access roads.” This one concern statement captured several comments. Following each concern statement are one or more “representative quotes” which are comments taken from the correspondence to illustrate the issue, concern, or idea expressed by the comments grouped under that concern statement.

Approximately 26% of the comments received related to 1 of the 23 codes – *AL7100: Alternatives: Support Alternative C (non-substantive)*. Comments coded under *AL8000: Alternatives: Special Management Areas* were the second most common comment, representing 20% of the total comments submitted. Of the 24 correspondences, 18 (75%) came from commenters in the state of Tennessee, while the remaining correspondences came from five other states. The majority of comments (58.33%) came from unaffiliated individuals, with 16.67% of the comments coming from conservation/preservation organizations.

GUIDE TO THIS DOCUMENT

This report is organized as follows:

Content Analysis Report: This is the basic report produced from PEPC that provides information on the numbers and types of comments received, organized by code and by various demographics. The first section is a summary of the number of comments that fall under each code or topic, and what percentage of comments falls under each code.

Data are then presented on the correspondence by type (i.e., amount of faxes, emails, letters, etc.); amount received by organization type (i.e., organizations, governments, individuals, etc.); and amount received by state.

Concern Response Report: This report summarizes the substantive comments received during the DEIS public review comment process. These comments are organized by codes and further organized into concern statements. Representative quotes are then provided for each concern statement. An agency response will be provided for each concern statement.

Appendix 1: Meeting Sign-in—All public scoping meeting attendees were asked to sign in. The name, address, and email of the attendees are provided.

Appendix 2: Correspondence List—This appendix provides a cross-reference list of the unique tracking number assigned to each piece of correspondence and the corresponding commenter name.

Appendix 3: Index by Organization Type Report—This appendix provides a listing of all groups that submitted comments, arranged and grouped by the following organization types (and in this order): conservation/preservation groups; federal government; recreational groups; state government; tribal government; and unaffiliated individuals. The commenters or authors are listed alphabetically, along with their correspondence number and the codes that their comments fell under, organized under the various organization types. Correspondence identified as N/A represents unaffiliated individuals.

Appendix 4: Index by Code Report—This appendix lists which commenters or authors (identified by organization type) commented on which topics, as identified by the codes used in this analysis. The report is listed by code, and under each code is a list of the authors who

submitted comments that fell under that code, and their correspondence numbers. Correspondence identified as N/A represents unaffiliated individuals.

Appendix 5: Copies of Correspondences Received from Agencies—This appendix contains copies of all correspondences received from all entities (government, organizations, businesses, etc.) excluding those received from unaffiliated individuals. These copies have been printed directly from PEPC.

Content Analysis Report

Comment Distribution by Code

(Note: Each comment may have multiple codes. As a result, the total number of comments may be different than the actual comment totals)

Code	Description	# of Comments	% of Comments
AL3000	Support Overall Project	9	8.74%
AL4000	Alternatives: New Alternatives Or Elements	10	9.71%
AL4500	Alternatives: New Alternatives Or Elements (Non-substantive)	1	0.97%
AL5000	Oppose Oil and Gas Operations in Park	2	1.94%
AL5200	Alternatives: Oppose Alternative A	2	1.94%
AL6200	Alternatives: Oppose Alternative B	3	2.91%
AL7000	Alternatives: Alternative C	5	4.85%
AL7100	Alternatives: Support Alternative C	28	27.18%
AL8000	Alternatives: Special Management Areas	19	18.45%
AL8500	Alternatives: Special Management Areas (Non-Substantive)	4	3.88%
AL9000	Alternatives: New Management Framework	1	0.97%
CC1000	Consultation and Coordination: General Comments	1	0.97%
GA1000	Impact Analysis: Impact Analyses	8	7.77%
MT1000	Miscellaneous Topics: General Comments	1	0.97%
ON1000	Other NEPA Issues: General Comments	1	0.97%
ON2000	Other NEPA Issues: General Comments (Non-substantive)	1	0.97%
PN3000	Purpose And Need: Scope Of The Analysis	1	0.97%
PO4000	Park Operations: Impact Of Proposal And Alternatives	1	0.97%
SS1000	Species of Special Concern: Guiding Policies, Regs And Laws	1	0.97%
VR4000	Vegetation And Riparian Areas: Impact Of Proposal And Alternatives	1	0.97%
WH4000	Wildlife And Wildlife Habitat: Impact Of Proposal And Alternatives	1	0.97%
WQ1000	Water Resources: Guiding Policies, Regs And Laws	1	0.97%
WQ4000	Water Resources: Impact Of Proposal And Alternatives	1	0.97%
Total		103	100.00%

Distribution by Correspondence Type

Type	# of Correspondences	% of Correspondences
Web Form	15	62.50%
Other	1	4.17%
Letter	8	33.33%
Total	24	100.00%

Correspondence Signature Count by Organization Type

Organization Type	# of Correspondences	% of Correspondences
Federal Government	1	4.17%
Tribal Government	1	4.17%
Conservation/Preservation	4	16.67%
State Government	3	12.50%
Recreational Groups	1	4.17%
Unaffiliated Individual	14	58.33%
Total	24	100.00%

Correspondence Distribution by State

State	# of Correspondences	% of Correspondences
GA	1	4%
KY	2	8%
NC	1	4%
TN	18	75%
TX	1	4%
UN	1	4%
Total	24	100%

***Big South Fork NRRRA and Obed WSR
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Concern Response Report

AL4000 - Alternatives: New Alternatives Or Elements

Concern ID: 31426

CONCERN STATEMENT: One commenter suggested prohibiting the new construction of roads or access points in either park for access to oil and gas facilities, and not allowing access to any park trails or roads that are not open to the public under the new general management plan.

Representative Quote(s): **Corr. ID:** 15 **Organization:** Smoky Mountains Hiking Club

Comment ID: 219912 **Organization Type:** Recreational Groups

Representative Quote: The club remains concerned about the possibility of new road construction and the potential for further damage to park trails by unauthorized vehicles. No new roads or accesses should be constructed in either park for access to oil and gas facilities, nor should operators be allowed access to any park trails or roads that are not open to the public under the new General Management Plan. The BSF in particular has seen continued degradation of its road and trail network by illegal users, primarily horse riders and A TVs. The opening of new roads on a permanent or temporary basis of travel ways would enable illegal horse and ATV use to continue to spread.

Concern ID: 34254

CONCERN STATEMENT: One commenter suggested placing a moratorium on any approvals for hydraulic fracture exploration or drilling in either park until strong safeguards can be incorporated into the Oil and Gas Management Plan and adequately enforced and staffed.

Representative Quote(s): **Corr. ID:** 17 **Organization:** *Not Specified*

Comment ID: 224320 **Organization Type:** Unaffiliated Individual

Representative Quote: The hydraulic fracture process of oil and gas extraction pressure-injects various fluids into rock formations below ground, thereby shattering the strata and forcing gas and oil contained within the formation into collection systems that bring them to the surface. The fluids commonly used by the oil and gas industry for injection into formations include diesel fuel, water containing proprietary compounds not revealed to the public or regulatory authorities, liquid nitrogen, industrial detergents (surfactants), and many others. Regulatory authorities in states where hydraulic fracture development is taking place, such as Pennsylvania, Texas and Arkansas, are already reporting water quality problems and blowouts

associated with hydraulic fracture development. Propagation of fractures into water-bearing strata as well as methane, drilling fluids, drilling muds and brines generated by the hydraulic fracture process are all implicated in pollution of groundwaters and surface waters in those states. A further serious problem is the fact that the target shale beds in Tennessee, including the famous Chattanooga Shale, are RADIOACTIVE, and drilling wastes and muds containing this shale are also RADIOACTIVE. The Chattanooga Shale has actually been considered by the U.S. Department of Energy as a commercial source of uranium.

For all these reasons, the USEPA has initiated a comprehensive investigation of the water pollution potential of the hydraulic fracture technique and application. This study is underway and a final report is scheduled for completion in 2014.

Given all these concerns regarding the adverse effects of hydraulic fracture methods on underground and surface waters, it is reasonable to recommend that the NPS place a moratorium on any approvals for hydraulic fracture exploration or drilling in the NRRA and WSR until such time as strong safeguards including those I have outlined above can be incorporated into the Management Plan and adequately enforced and staffed. To do otherwise is to place the waters of the NRRA and WSR at risk of irreparable harm.

Concern ID:

34256

**CONCERN
STATEMENT:**

One commenter suggested that the Superintendent lead a follow-up process to the EIS of advance mitigation planning, including guidance from non-federal experts; and purchasing and retiring non-federal mineral rights from willing sellers.

Representative Quote(s): Corr. ID: 21

Organization: The Nature Conservancy

Comment ID: 224393 **Organization Type:** Conservation/Preservation

Representative Quote: The 9B Regulations and Application of Regulations also outline several areas of the Park Superintendent's discretion regarding oversight of operations on park lands and implementation of planning requirements. Another approach to achieving more certainty regarding mitigation decisions would be for the Superintendent to lead a follow-up process to the EIS of advance mitigation planning, including guidance from non-federal experts, which clearly outlines how all resources throughout NPS jurisdiction will be addressed under the "Avoid, Minimize, then Compensate" framework.

Concern ID:

34266

**CONCERN
STATEMENT:**

The Plan/DEIS should address the specific procedures NPS will follow for executing mitigation decisions for all park resources outlined in the DEIS.

Representative Quote(s): Corr. ID: 21

Organization: The Nature Conservancy

Comment ID: 224389 **Organization Type:** Conservation/Preservation

Representative Quote: The 9B Regulations and Application of Regulations (Appendix A) describe Plans of Operations as a "prospective operator's blueprint for conducting activities including impact mitigation and site

reclamation." Ideally, the EIS would address the specific procedures NPS will follow for executing mitigation decisions for all park resources outlined in the EIS. This would provide the NPS and the public with a blueprint to guide decision-making on the adequacy of any mitigation proposals within an individual plan of operation as well as the cumulative impacts of multiple mitigation proposals from all individual plans of operation taken collectively.

Concern ID: 34267

CONCERN STATEMENT: The NPS should consult the "Lands Unsuitable for Mining" under Section 552 of the Surface Mine Control and Reclamation Act of 1977 as guidance for establishing a "Lands Unsuitable" program for oil and gas management, and should also consider an Applicant Violator System to identify owners/operators that do not comply with their responsibilities.

Representative Quote(s): Corr. ID: 17 **Organization:** Not Specified

Comment ID: 224275 **Organization Type:** Unaffiliated Individual

Representative Quote: Please be aware that there is a large body of experience, guidance and Department of Interior decision authority residing within the record of determination and action regarding designation of Lands Unsuitable for Mining under Section 522 of the Surface Mine Control and Reclamation Act of 1977 (SMCRA). It would be well for the National Park Service to draw upon the SMCRA record and experience in establishing their own "Lands Unsuitable" program for oil and gas management on the Big South Fork NRR and the Obed WSR.

Another useful feature of SMCRA implementation has been the development of an Applicant Violator System as a means of maintaining and retrieving records of rogue operators and mineral developers who cause harm and/or do not meet/comply with their responsibilities. Use of the (surface coal mining) Applicant Violator System has prevented many unscrupulous operations from causing further harm to the land and people. Oil and gas development in the NRR and WSR area (two states) would lend itself well to creation of a similar tracking system to provide resource and citizen protection.

Concern ID: 34276

CONCERN STATEMENT: It was suggested that the NPS consult and collaborate with state agencies to define a buffer zone; perform inventory assessments of areas surrounding the park units; and implement management similar to alternative C in these areas.

Representative Quote(s): Corr. ID: 6 **Organization:** Not Specified

Comment ID: 219198 **Organization Type:** Unaffiliated Individual

Representative Quote: In sum, it is critical for the NPS to continue collaborating with other agencies and the State of Tennessee to improve oversight, management and compliance of oil and gas operations both within the park units (following Alternative C) and outside the park units - expanding Alternative C to address neighboring high-risk areas. The NPS can assist the State of Tennessee to identify and prioritize compliance actions for oil and gas operations that lie outside legislative park boundaries but have

high potential for impact on sensitive areas within the park units.

Corr. ID: 6

Organization: *Not Specified*

Comment ID: 219197 **Organization Type:** Unaffiliated Individual

Representative Quote: The NPS and State Agencies should collaborate to define a buffer zone and perform an inventory and assessment of the oil and gas operations surrounding the park units (initially considering the area within a mile of current legislative boundaries). Criteria similar to those developed to identify SMAs should be applied to prioritize which sites in the buffer zone create highest risk for park resources and values. These oil and gas activities should receive similar focused oversight and remediation measures (where necessary) as those outlined in Alternative C.

AL7000 - Alternatives: Alternative C

Concern ID: 31427

***CONCERN
STATEMENT:***

Several suggestions were made for modifying Alternative C, such as providing additional safeguards to mitigate adverse impacts; designing and implementing management plans that require protection of the site from potential risks of explosion, fire, and toxic material hazards; establishing assessment criteria to designated areas as "lands unsuitable" for oil and gas drilling; developing specific "bad actor" plans to not allow drilling permits by companies with a history of known violations; developing management systems that support sustainability and business performance throughout the full life cycle of oil and gas permits; and requiring risk analysis in a prioritized manner, and then communicating the risk judgments effectively to local, state, and federal officials to help them design an overall risk management system or conduct a specific analysis.

Representative Quote(s): **Corr. ID:** 13

Organization: *Not Specified*

Comment ID: 219221 **Organization Type:** Unaffiliated Individual

Representative Quote: The Preferred Alternative C management plan should require risk analysis in a prioritized manner, then communicate risk judgments effectively to local, state, and federal officials. Officials, the public and the industry need to help design an overall risk management system or conduct a specific analysis. Known technical solutions management should require the full range of the risk spectrum in the Preferred Alternative C management plan.

- Hazard Identification and Evaluation
- Quantitative Risk Analysis (Man-Made and Natural Hazards)
- Security Threat Management
- Pipeline Hazard and Risk Analysis
- Fire, Blast and Dispersion Modeling
- Permit Site Evaluation
- Blast Resistant Design and Construction Management
- Catastrophe Evacuation Modeling and Planning
- Stream buffer zones

Corr. ID: 13

Organization: *Not Specified*

Comment ID: 219229 **Organization Type:** Unaffiliated Individual

Representative Quote: The Preferred Alternative C should include designing, constructing and installing management plans that requires protection of the oil or gas permit site from potential risks of explosion, fire and toxic material hazards.

- Accident scenario development
- Explosion, toxic and fire hazard prediction
- Risk and consequence evaluation
- Remedial action development
- Hazard management near portable buildings
- Permit site study updates
- Occupancy, explosion consequence and risk screening analysis
- Structural assessments of existing buildings for blast loads and modeling
- Permit site guidelines and corporate risk criteria development
- Explosion testing to evaluate structural response to blast, including structural retrofits training

Corr. ID: 13 **Organization:** *Not Specified*

Comment ID: 219225 **Organization Type:** Unaffiliated Individual

Representative Quote: Safety management toward helping develop the Preferred Alternative C management systems that support safety sustainability and business performance throughout the full life cycle of oil and gas permits.

- Integrated Management Systems Design and Development
- Incident Investigation
- Management of Change System Design and Consulting
- Mechanical Integrity Program Development and Improvement
- Regulatory Compliance Audits
- Metrics Development and Consulting
- Safety Culture Evaluation, Training and Organizational Change
- Conduct of Operations and Operating Discipline Consulting
- Training Programs and Competence Assurance
- OSHA Inspection Preparation
- Expert Witness Consulting

Corr. ID: 13 **Organization:** *Not Specified*

Comment ID: 219220 **Organization Type:** Unaffiliated Individual

Representative Quote: The Preferred Alternative C needs additional safeguards steps in addressing concerns with (1) the plan missing criteria assessment to address surface and underground water quality from unanticipated events associated with the Cumberland Plateau, (2) plan needs management not to allow permits with direct and indirect adverse impacts to wildlife and their habitats in the Big South Fork and Obed River, (3) specific plans in addressing protection to underground water quality outside of the drilling boundary permit, (4) plans needs assessment criteria to designated areas as "lands unsuitable" for oil and gas drilling in the Big Fork South, (5) the plan needs specific "bad actor" plans to not allow drilling permits by companies with a history of known violations, (6) the plan needs specific enforcement criteria towards patterns of known violations, (7) the plan needs specific

outline of buffer zones criteria, and (8) the plan needs "peer review" from experts in the field of environment, historic sites, and social impacts to communities.

AL8000 - Alternatives: Special Management Areas

Concern ID: 31430

CONCERN STATEMENT: Commenters raised concerns and requested clarification of how mitigation measures could be developed, implemented, and monitored such that future operations could be approved within an SMA.

Representative Quote(s): Corr. ID: 14

Organization: Tennessee Citizens for Wilderness Planning

Comment ID: 219899 **Organization Type:** Conservation/Preservation

Representative Quote: We applaud the condition of No Surface Use in all of the enumerated SMAs, but we are concerned that the statement "unless mitigations are approved in a plan of operations" might open a major loophole. What mitigation could possibly make it acceptable to permit the sights, sounds, and odors of O&G operations near a natural bridge, for example, or an overlook? Who would make the decision of what mitigations to approve, and under how much pressure might they be from industry or politicians?

Corr. ID: 21

Organization: The Nature Conservancy

Comment ID: 224388 **Organization Type:** Conservation/Preservation

Representative Quote: The DEIS asserts that the SMA identification process will help achieve resource protection goals, but in most SMAs the proposed operational constraints may be revised pending an approved individual plan of operation which may include mitigation measures. TNC requests additional information on the following questions related to the application of "mitigation" procedures to achieve Project Objectives in the DEIS:

- What will tools will NPS utilize for guiding mitigation decision, including all steps of the mitigation sequence (avoid, minimize, compensate) for the resources captured in SMA designations?
- What role does a SMA designation play in the establishment of "avoidance" criteria for resource values within SMAs?
- What data or evidence will NPS utilize to ascertain the appropriateness of a proposed mitigation strategy for resource values in SMAs?
- Would mitigation of impacts to Species of Special Concern, wildlife and aquatic species, and their habitats be required if they do not fall within a designated SMA? What procedures would be followed to make such determinations?
- Decisions regarding the necessity for mitigation are associated with the case-by-case submission of individual operating plans. What procedures will be utilized to determine cumulative impacts of all proposals that will then help inform mitigation decisions?

Concern ID: 31431

**CONCERN
STATEMENT:**

It was suggested that the 2006 NPS Management Policies, and specifically the requirements for managing species of special concern, should set the standard for the establishment of Special Management Areas for state and local species of concern, and for the execution of the mitigation hierarchy when evaluating proposed impacts to species of special concern.

Representative Quote(s): Corr. ID: 21

Organization: The Nature Conservancy

Comment ID: 224387 **Organization Type:** Conservation/Preservation

Representative Quote: Appendix F provides information on 2006 NPS Policies and Performance Standards regarding oil and gas operations. These performance standards include the following requirements for Species of Special Concern management (page F-4):

"Avoid adverse impacts on state and federally listed threatened, endangered, rare, declining, sensitive, and candidate plant and animal species and their habitats.

Ensure the continued existence of state and federally listed threatened, endangered, rare, declining, sensitive, and candidate plant and animal species and their habitats.

Ensure that permitted operations aid in the recovery of state and federally listed threatened, endangered, rare, declining, sensitive, and candidate plant and animal species and their habitats."

TNC believes that these performance standards should serve as a guidepost both for the establishment of SMAs as well as execution of the mitigation hierarchy when evaluating proposed impacts to Species of Special Concern.

Corr. ID: 21

Organization: The Nature Conservancy

Comment ID: 224374 **Organization Type:** Conservation/Preservation

Representative Quote: The resources projected to receive additional management considerations under several of the proposed SMA types do include a variety of species and habitat values. Under these criteria, however, only those species and habitats that co-occur with the other criteria utilized for the SMA designation (e.g. Sensitive Geomorphic Feature) would receive the benefits of SMA operational restrictions and/or oversight. The DEIS does not establish criteria for the designation of SMAs solely for the protection of wildlife and aquatic species, Federally listed Endangered and Threatened species, and Species of Special Concern. The lack of a separate SMA category with these criteria may negatively affect park leadership's ability to adequately manage for all species and habitats, particularly those Species of Special Concern which have no official Federal Listing status.

Corr. ID: 21

Organization: The Nature Conservancy

Comment ID: 224385 **Organization Type:** Conservation/Preservation

Representative Quote: The DEIS concludes that Alternative C fully meets the objective of protecting "species of management concern and critical habitat from adverse effects of oil and gas operations" (Table 9, page 106.) Compliance with ESA, including avoidance of critical habitat zones, may meet the objective with respect to Federally Listed species and Federally

Designated Critical Habitats. However, without specific provisions of the inclusion of all Species of Special Concern and their habitats requirements wherever they are known to occur under SMA consideration, the NPS may be omitting an important tool for managing impacts to State and Local Species of Special Concern. Providing SMA designations for these species and their habitats could also be a method for complying with the NPS policy which requires state-listed species and species of special concern to be managed in a fashion similar to Federally Listed species.

Concern ID: 31432

CONCERN STATEMENT: It was suggested that the proposed setbacks identified in the plan/DEIS are too small, and should be increased to adequately protect the Special Management Areas.

Representative Quote(s): **Corr. ID:** 12 **Organization:** *Not Specified*

Comment ID: 219235 **Organization Type:** Unaffiliated Individual

Representative Quote: 100 foot cliff edge setback not enough for visual protection for the gorge

Corr. ID: 17 **Organization:** *Not Specified*

Comment ID: 224318 **Organization Type:** Unaffiliated Individual

Representative Quote: In general, it is my considered opinion that the setbacks identified in the Draft EIS are too small, will be insufficient to provide adequate protection for the individual SMAs under consideration, and should be increased at least 3-fold. For instance, a 500-ft setback for protection of Sensitive Geomorphic Features such as arches, natural bridges and chimneys is much too small to provide sufficient protection from the vibrational impacts and concussion associated with exploration, drilling and production in certain strata. Further, and for all SMAs, the same setbacks should be in effect for both exploration AND drilling/production; if a site is sufficiently sensitive to qualify as a SMA, it should be fully protected from the effects of exploration, which posts a smaller bond, is performed under less supervision than drilling/production and has been known to cause significant environmental damage.

I also strongly recommend that any setbacks characterized in the final EIS be identified as "NO LESS THAN" distances that can be extended as site-specific information and need become known.

Corr. ID: 17 **Organization:** *Not Specified*

Comment ID: 227307 **Organization Type:** Unaffiliated Individual

Representative Quote: The Tennessee "Responsible Mining Act of 2009" governing extraction of coal, and amended by House Bill 2300 (approved by the Tennessee House and Senate on April 30, 2009), established setbacks for waters of the state such that there is prohibition against issuance of any permit that would allow:

- 1) "the removal of coal by surface mining or surface access points to underground mining within 100 feet of the ordinary high water mark of any stream; or
- 2) the disposal of overburden or waste materials from the removal of coal by surface mining within 100 feet of the ordinary high water mark of any

stream."

The above bill language text is provided for the convenience of the EIS Comment reviewers. In the case of oil and gas development for the NRRA and WSR, the permitting language would of course require editing to include specific language addressing oil and gas extraction, including access to underground reserves by means of drilling outside NRRA and/or WSR boundaries. Additional details on the Tennessee "Responsible Mining Act of 2009" may be obtained by accessing the following archival information: HB2300 by *Turner M, McCord, Hawk, Ferguson, Litz, Lollar, Fraley, Niceley, Borchert, Coley, Faulkner (SB 2300 by *Kyle, Southerland, Black, Ketron, Overbey, Faulk, Tracy, Yager, Watson, Marrero B, Bunch, Ford,?). Mining and Quarrying-As enacted, enacts the "Responsible Mining Act of 2009" and amends TCA Title 69, Chapter 3, part 1.

Concern ID: 31433

CONCERN STATEMENT: Commenters suggested expanding the list of eligible Special Management Areas to include springs, streams, other water bodies, rare habitats and nesting areas.

Representative Quote(s): **Corr. ID:** 14 **Organization:** Tennessee Citizens for Wilderness Planning

Comment ID: 219902 **Organization Type:** Conservation/Preservation

Representative Quote: Provision should be made for future additions to features that are to be protected as SMAs. It is possible that not all sensitive areas have yet been identified and enumerated.

Corr. ID: 14 **Organization:** Tennessee Citizens for Wilderness Planning

Comment ID: 219903 **Organization Type:** Conservation/Preservation

Representative Quote: An alternative that should not be eliminated from further consideration.

The closing of wells within 500 ft of watercourses was one of the alternatives eliminated from further consideration because the superintendent has the authority to suspend operations found to be impacting, or threatening to impact, park resources beyond the operations area. We believe that this authority does not provide adequate protection for the Park's water resources, since the decisions would have to be made on a case-by-case basis, which is practically impossible in view of the large number of wells and the relatively high potential of water-quality impacts, particularly in the case of fracking operations where drill water is brought back to the surface. Instead, we urge that watercourses be included in the list of Special Management Areas.

Corr. ID: 15 **Organization:** Smoky Mountains Hiking Club

Comment ID: 219911 **Organization Type:** Recreational Groups

Representative Quote: We would ask that any rare habitats or important nesting areas also be designated as SMA's.

Corr. ID: 17 **Organization:** *Not Specified*

Comment ID: 224300 **Organization Type:** Unaffiliated Individual

Representative Quote: In addition to the excellent list of SMA types identified in the draft EIS (pp. 85-86 and Figs 8-10), streams (and their sources, such as springs) and water bodies within the NRRRA and WSR areas are also worthy of designation as SMAs and protection in the form of setbacks; such setbacks should be added to the list of SMAs identified in the subject EIS. The State of Tennessee has previously provided leadership for protection of streams and water bodies from the effects of coal mining by establishing setbacks, and it is strongly recommended that the National Park Service place no less stringent requirements on disturbance associated with oil and gas development in the WSR and NRRRA, which encompasses lands in the States of both Tennessee and Kentucky. Applicable streams in the WSR and NRRRA should include permanent-flowing streams as well as ephemeral streams and other classifications of wet-weather conveyances.

Corr. ID: 17

Organization: *Not Specified*

Comment ID: 224302 **Organization Type:** Unaffiliated Individual

Representative Quote: I concur with the list of eligible SMAs provided in the Draft EIS (e.g., Sensitive Geomorphic Feature SMA, Cliff Edge SMA, ?Obed WSR SMA) and recommend that the list be expanded to include springs, streams, and other water bodies as characterized above. I further recommend that latitude be incorporated into the final EIS so as to allow future inclusion of other features not yet listed but that may become known as the NRRRA and WSR become more fully characterized and inventoried (as critical habitat for a species of concern).

I concur with the determination of No Surface Use in Sensitive Geomorphic Feature SMAs as well as all other SMAs where No Surface Use is designated; I further recommend that surface and ground waters in these same SMAs also be protected from damage, diminution or loss, including protection from impacts within the SMA from adjacent development such as pressure fraction of underlying strata, wastewaters and brines.

Concern ID:

31434

**CONCERN
STATEMENT:**

Commenters asked for clarification and provided suggestions regarding where exactly the Special Management Area setback should be measured from, and noted that these setbacks should apply not only to the wellpads, but also to oil and gas access roads.

Representative Quote(s): **Corr. ID:** 12

Organization: *Not Specified*

Comment ID: 219234 **Organization Type:** Unaffiliated Individual

Representative Quote: Clarify setback: is it from actual drill point or from edge of pad area?

Corr. ID: 14

Organization: Tennessee Citizens for Wilderness Planning

Comment ID: 219900 **Organization Type:** Conservation/Preservation

Representative Quote: b. From where would a setback distance be measured? Would it be from the wellhead, or from the perimeter of the "footprint" of the operation? Depending on the technology used, these footprints could be quite large, especially in the case of fracking operations, which on average double the impacted surface area of a conventional

operation.

c. If the setbacks are measured from the wellhead, then many of the set-back distances proposed in the Plan/EIS are much too small, since the "footprint" is likely to encompass the feature to be protected. This is particularly true of the 100 ft setbacks proposed for Cliff Edge, Man-aged Fields, and Cemetery SMAs, and even of the 300 ft setback pro-posed for Trail SMAs.

Corr. ID: 14 **Organization:** Tennessee Citizens for Wilderness Planning

Comment ID: 219901 **Organization Type:** Conservation/Preservation

Representative Quote: The SMA restrictions should be made to include all access roads to the well under consideration.

Corr. ID: 17 **Organization:** *Not Specified*

Comment ID: 224284 **Organization Type:** Unaffiliated Individual

Representative Quote: Some estimates indicate that, for certain forms of gas development such as hydraulic fracture, each well involves clearing an area of approximately 2 Acres for infrastructure placement. For this and related reasons, I strongly recommend that any setbacks established to safeguard Special Management Areas (SMAs) be measured from the boundary or margin of the surface disturbance associated with an individual oil and/or gas well, and NOT the center of the wellhead.

AL9000 - Alternatives: New Management Framework

Concern ID: 34282

***CONCERN
STATEMENT:***

There is concern that some plugging and reclamation activities may be expedited without complete project assessment and public comment under the new management framework, and that this framework would also be applied to new drilling activities.

Representative Quote(s): **Corr. ID:** 19 **Organization:** Cumberland (Kentucky) Chapter Sierra Club

Comment ID: 224324 **Organization Type:** Conservation/Preservation

Representative Quote: However, within the new "framework", there is concern that some activities may be expedited without complete project assessment and comment, as evidenced in the following statement. "During internal scoping, the interdisciplinary team for the plan/EIS considered establishing a new management framework that would provide an efficient process to expedite the plugging and reclamation of abandoned or inactive wells, while providing for protection of resources and values and review of potential impacts. The intent was to describe and analyze the components of plugging/reclamation activities, analyze the impacts in this plan/EIS, and enable subsequent environmental compliance for these wells by using the analysis in the EIS in a streamlined process. This approach would avoid repetitive planning, analysis, and discussion of the same issues each time a well is to be plugged and the site reclaimed, and would expedite the removal of the threats described above." (Ch. 2, Pg. 65-66)

Our concern is that this indicates an effort to 'pre-qualify' projects by

reference to this EIS, and hope this is not meant to bypass environmental regulation in an effort to speed up closing wells and reclamation of the site. And whereas the draft appears to apply this to plugging and capping efforts, we would hope that this will not also be applied to new drilling, or the reworking of existing well sites, as those activities have the most potential for impact, now and in the future, and need to be addressed on a project-by-project basis.

GA1000 - Impact Analysis: Impact Analyses

Concern ID: 31437

CONCERN STATEMENT: There were concerns that access roads would increase human activity, such as ATV use, which would have negative environmental impacts.

Representative Quote(s): Corr. ID: 5 **Organization:** *Not Specified*

Comment ID: 219175 **Organization Type:** Unaffiliated Individual

Representative Quote: Of greatest importance is the impact that oil and gas operations that may well extend beyond the primary operations area. I am particularly concerned about the many new access roads that will appear which will attract human activities. For example the increase of ATV activity in these areas will greatly effect the Big South Fork, Obed and surrounding area. The negative effects of ATVs on the enviroment are well documented and is of growing concern.

Concern ID: 34263

CONCERN STATEMENT: Because of uncertainty regarding specific locations of new operations, the cumulative impact analysis should consider different scenarios for the distribution of surface disturbances.

Representative Quote(s): Corr. ID: 21 **Organization:** The Nature Conservancy

Comment ID: 224390 **Organization Type:** Conservation/Preservation

Representative Quote: Because of the uncertainty regarding specific locations to be proposed by operators for roads and new operations under RFD, NPS should consider how different scenarios for the distribution of surface disturbances (pre and post road reclamation; alternative sitings of new wells and pads) may impact understandings of cumulative resource impacts (all values).

Concern ID: 34264

CONCERN STATEMENT: The plan/EIS should consider cumulative impacts in terms of specific resources and human communities being affected.

Representative Quote(s): Corr. ID: 22 **Organization:** US EPA

Comment ID: 224776 **Organization Type:** Federal Government

Representative Quote: EPA recommends the NPS considers and addresses the following issues related to the drilling of new wells in the management

plan as well as implementing regulations.

Cumulative impacts need to be analyzed in terms of the specific resource, ecosystem, ground and surface water and the human community being affected.

Concern ID: 34265

CONCERN STATEMENT: It was suggested that a more thorough analysis be conducted for issues related to Environmental Justice.

Representative Quote(s): Corr. ID: 22 **Organization:** US EPA

Comment ID: 224778 **Organization Type:** Federal Government

Representative Quote: The environmental justice section indicates that there is no need to evaluate EJ issues since the study area is within a National Park; however the cumulative impacts of this project may have potential to impact communities outside of the National Park.

EPA recommends that an EJ evaluation be conducted for all communities within a reasonable radius of the study area outside of the National Park. The EJ study should include more than just demographics and should include interviews with the potentially affected communities.

Concern ID: 35563

CONCERN STATEMENT: The plan/EIS should consider and address the impacts of hydraulic fracturing.

Representative Quote(s): Corr. ID: 20 **Organization:** TN Chapter Sierra Club

Comment ID: 224337 **Organization Type:** Conservation/Preservation

Representative Quote: The draft Plan makes reference (p. 58) to the potential for increased drilling activity in the Chattanooga Shale underlying both the BSF and Obed. The Chattanooga Shale is the primary target in TN of the oil & gas industry for the exploitation of natural gas resources. The industry has stated that essentially all wells drilled into the Chattanooga Shale are and will be hydraulically fractured, or "fracked". The Club is currently engaged with the oil & gas industry and the TN Department of Environment and Conservation in drafting regulations to govern the practice of hydraulic fracturing, as current TN regulations do not address this technology. Fracking of natural gas wells has the potential for significant environmental impacts, including the contamination of ground water resources through methane migration and fracking chemicals leakage, contamination of surface water resources, and toxic air emissions.

Although current economic conditions have slowed natural gas exploration and production in TN, nationally this is a boom industry and it is reasonable to expect significantly increased levels of industry activity in the near future. Because TN's oil & gas regulatory program and regulations are, in our opinion, grossly inadequate, as substantiated by the 2007 STRONGER Report (1), we believe the Plan and EIS should address the fracking technology and the risks of its associated environmental impacts much more

thoroughly.

Corr. ID: 22

Organization: US EPA

Comment ID: 253565 **Organization Type:** Federal Government

Representative Quote: EPA recommends the NPS considers and addresses the following issues related to the drilling of new wells in the management plan as well as implementing regulations.

Hydraulic Fracturing which include but are not limited to the following:
Water Acquisition, Chemical Mixing, Well Injection, Flowback and Produced Water, and Wastewater Treatment and Waste Disposal.

Concern ID: 35564

**CONCERN
STATEMENT:**

The plan/EIS should consider and address the impacts of reclamation.

Representative Quote(s): **Corr. ID:** 22

Organization: US EPA

Comment ID: 253566 **Organization Type:** Federal Government

Representative Quote: EPA recommends the NPS considers and addresses the following issues related to the drilling of new wells in the management plan as well as implementing regulations.

Reclamation - Including but not limited to impacts on surface and groundwater and loss of habitat.

ON1000 - Other NEPA Issues: General Comments

Concern ID: 31440

**CONCERN
STATEMENT:**

The NPS should require, at a minimum, an environmental assessment be prepared pursuant to NEPA for all future plans of operations, including a 60-day public comment period.

Representative Quote(s): **Corr. ID:** 21

Organization: The Nature Conservancy

Comment ID: 224411 **Organization Type:** Conservation/Preservation

Representative Quote: Appendix A, Table A-1, outlines the procedures and timeline NPS will follow in working with operators on their proposals (pages A-19 and A-20). Meeting Project Objectives under this EIS are heavily upon the individual plan review process. TNC would like to emphasize the critical nature of the NEPA document preparation and suggest that at a minimum NPS produce or require an operator to provide a thorough Environmental Assessment for every proposal. Also, in order for the general public to be advised of potential impacts and NPS-approved mitigation proposals, the public review of EA (or EIS) documentation is critical. NPS may want to consider expanding the public review of EAs or EIS documents from 30 to 60 days. TNC also recommends that NPS convene a standing panel of federal and non-federal technical experts to assist NPS in the review of draft NEPA documents for completeness and the efficacy of any mitigation

proposals for achieving resource management objectives.

PN3000 - Purpose And Need: Scope Of The Analysis

Concern ID: 31442

CONCERN STATEMENT: The Final EIS should include a general outline of potential changes that may trigger the NPS to revisit and supplement the EIS.

Representative Quote(s): Corr. ID: 21 **Organization:** The Nature Conservancy

Comment ID: 224402 **Organization Type:** Conservation/Preservation

Representative Quote: The DEIS indicates that a number of circumstances, currently unforeseen given the general nature of the DEIS and uncertainties in future operating proposals, may require that the EIS be revisited and supplemental information developed. TNC is particularly interested in the types of changes that may trigger NPS to revisit the EIS in the future. These changes may include, but are not limited to, the following:

- More individual applications for new operating plans than identified in the RFD scenario
- Operating plans which require more road and/or well pad surface disturbances than anticipated
- Changes in resource conditions outside park jurisdictions which may affect assumptions of resource value and/or cumulative impacts including oil and gas activities within park jurisdictions

TNC believes that a general outline of NPS actions to revise or supplement the EIS given certain conditions would be helpful in the final EIS.

PO4000 - Park Operations: Impact Of Proposal And Alternatives

Concern ID: 31444

CONCERN STATEMENT: Concerns were raised over how each alternative would be funded, if new staff would be hired, and if outside contractors would be used to implement the plan.

Representative Quote(s): Corr. ID: 21 **Organization:** The Nature Conservancy

Comment ID: 224413 **Organization Type:** Conservation/Preservation

Representative Quote: The DEIS discusses how past work on monitoring and reclamation projects have been funded with various grant resources and similar types of funding. Each alternative also has an accompanying level of staff effort and resource demands. How will the NPS fund the increase in inspections and additional monitoring of sites to bring them into compliance, plugging & reclaiming old wells, and permitting new operations? Will new staff be hired, or existing staff FTEs reassigned from other duties they currently perform for NPS at Big South Fork and Obed Wild and Scenic River? Will outside contractors be utilized, and if so, how will they be managed by NPS staff?

SS1000 - Species of Special Concern: Guiding Policies, Regs And Laws

Concern ID: 34270

**CONCERN
STATEMENT:**

Critical habitat designations for federally listed species should be identified as protected areas under the current legal and policy requirements (CLPRs). Additionally, the commenter recommends that "Protected areas per CLPRs" include specific references to known occurrences and habitat preferences of those federally listed species.

Representative Quote(s): Corr. ID: 21

Organization: The Nature Conservancy

Comment ID: 224384 **Organization Type:** Conservation/Preservation

Representative Quote: In Table ES.1 (and later, Table 8 page 98), the DEIS outlines a category of "Protected Areas Per CLPRs," the specifics of which are outlined under the "No Action" alternative (A) and repeated for B and C. In the information summary tables and companion text, Critical Habitat designations for Federally listed species are not identified as protected areas as CLPRs. TNC believes that NPS should consider, at minimum, the inclusion of these habitats under the "Protected Areas Per CLPRs." We acknowledge that any impacts to Federally Listed species would require consultation with the U.S. Fish and Wildlife Service. Regardless, for the purposes of the EIS, we recommend that this category be added as outlined above, with a notation similar to the one underneath "Big South Fork NRRRA Long-term monitoring plots: Avoid impacts; address in plans of operations."

Not all Federally Listed plants and animals located within the park have companion, Federally Designated Critical Habitat. Therefore, we also recommend that "Protected areas per CLPRs" include specific references to those federally listed species known occurrences and habitat preferences. The same notation, "Avoid impacts; address in plans of operations" should also apply. In both cases - documented Federal Critical Habitat zones and known locations/preferred habitats of Federally Listed species - the CLPRs should be identified in general terms and communicated to the public to provide clarity in the application of operational permits, avoidance decisions, and the public's ability to adequately review any NEPA documentation associated with operational plan/permit applications.

VR4000 - Vegetation And Riparian Areas: Impact Of Proposal And Alternatives

Concern ID: 31447

**CONCERN
STATEMENT:**

The oil and gas management plan should include rigorous prevention and aggressive treatment of invasive species establishment.

Representative Quote(s): Corr. ID: 17

Organization: Not Specified

Comment ID: 224319 **Organization Type:** Unaffiliated Individual

Representative Quote: While the Draft EIS does address management of existing invasive plant species and their management where presently found, the Draft EIS does not pay sufficient attention to (new and further)

introduction and movement of invasives along access routes to oil and gas exploration, drilling and production sites, as well as the corridors of disturbance created during the construction and placement of any pipeline and power line infrastructure.

WH4000 - Wildlife And Wildlife Habitat: Impact Of Proposal And Alternatives

Concern ID: 31448

CONCERN STATEMENT: Disturbance of surface areas associated with oil and gas drilling destroys habitat, such as removing tree canopy and constructing drilling pads, and these impacts should be analyzed.

Representative Quote(s): **Corr. ID:** 17 **Organization:** *Not Specified*

Comment ID: 224285 **Organization Type:** Unaffiliated Individual

Representative Quote: In addition, disturbance of surface areas associated with oil and gas drilling destroys habitat for many species of concern, such as neotropical migratory species (e.g., golden-winged and cerulean warblers, others) that breed in the area. Removing the canopy to construct drilling pads and infrastructure areas destroys warbler nest trees and creates openings exploited by cowbirds that parasitize nests of warblers and other bird species of concern. This very real "collateral damage" of oil and gas site development needs consideration and treatment in the final EIS.

WQ4000 - Water Resources: Impact Of Proposal And Alternatives

Concern ID: 31450

CONCERN STATEMENT: One commenter stated that specific impacts to water resources as a result of oil and gas operations, specifically formation acidization, and hydraulic fracturing within the parks need to be analyzed.

Representative Quote(s): **Corr. ID:** 19 **Organization:** Cumberland (Kentucky) Chapter Sierra Club

Comment ID: 224325 **Organization Type:** Conservation/Preservation

Representative Quote: Although the plan considers plugging and capping operations to benefit water resources in the long-term, we can only assume that economics will play a part in reworking old wells or drilling new ones. The practices of formation acidization and hydraulic fracturing may be used to enhance or stimulate production from some of these otherwise low- or non-producing well sites. By their very nature, these processes alter sub-surface geology and present a great potential for impacting water resources, especially groundwater. The lack of a groundwater inventory, as well as other related data, will make it more difficult to accurately assess production drilling impacts on water resources. Already conflicts are arising over the use of these methods in other parts of the country and can be expected to occur at the Big South Fork NRRRA if proposed on future projects.

Appendix 1: Meeting Sign-In

Big South Fork NRR and Obed WSR Public Meeting Attendees
Draft Non-Federal Oil and Gas Management Plan/EIS

Last Name	First name	Address	Email	Mailing List?	Notify via Mail	Notify via Email
Huntsville, TN -- 7/19/11						
Reneau	Chris	[REDACTED]	[REDACTED]	Yes		X
Wright	David	[REDACTED]	[REDACTED]	Yes		X
Oak Ridge, TN -- 7/20/11						
Burger	Marion	[REDACTED]		No		
Rogers	Hiram	[REDACTED]	[REDACTED]	Yes		X
Gryder	Reid	[REDACTED]	[REDACTED]	Yes		X
Goss	Sandra	[REDACTED]	[REDACTED]	Yes		
Campbell	Philip	[REDACTED]	[REDACTED]	Yes		X
Groton	Jimmy	[REDACTED]	[REDACTED]	Yes		X
Lackey	Eugene	[REDACTED]	[REDACTED]	Yes		X
Watson	Annetta	[REDACTED]	[REDACTED]	Yes		X
Russell	Lee	[REDACTED]	[REDACTED]	Yes	X	X
N/A	David	N/A	N/A	Yes		

Big South Fork NRRRA and Obed WSR Public Meeting Attendees
Draft Non-Federal Oil and Gas Management Plan/EIS

Last Name	First name	Address	Email	Mailing List?	Notify via Mail	Notify via Email
Nicholsa	Chuck	[REDACTED]	[REDACTED]	Yes		X
Jamestown, TN -- 7/21/11						
Rosenbaum	Jacob	[REDACTED]	[REDACTED]	Yes		
Richardson	Rodney	[REDACTED]	[REDACTED]	Yes		X
Bowling	Caleb	[REDACTED]	[REDACTED]	Yes		X
Potter	Tom	[REDACTED]	[REDACTED]	Yes		X
Conaster	Sonja	[REDACTED]	[REDACTED]	Yes		X

Note: There were zero attendees at the public meetings in Whitley City, KY (7/18/11) and Wartburg, TN (7/22/11)

Appendix 2: Correspondence List

Correspondence ID	Organization	Name
1	Sierra Club	Reister, David B
2		Kept Private
3	Tenn. citizens for wilderness planning	Kept Private
4	TCWP	Kept Private
5		Compton, Robert N
6		Kept Private
7		Rogers, Hiram
8		Kept Private
9	Eastern Band of Cherokee Indians - THPO	Howe, Tyler B
10	Tennessee Historical Commission - SHPO	McIntyre, Jr. , E P
11		Russell, Liane B
12	N/A	Meeting Flipchart Notes
13		Medley, Landon
14	Tennessee Citizens for Wilderness Planning	Russell, Liane B
15	Smoky Mountains Hiking Club	Flemming, Ed
16		Kept Private
17		Watson, Annetta P
18	Kentucky State Nature Preserves Commission	White, Deborah L
19	Cumberland (Kentucky) Chapter Sierra Club	Howell, Alice
20	TN Chapter Sierra Club	Ringe, Axel C
21	The Nature Conservancy	Palmer, Sally R
23	Upper Cumberland Development District	Williams, Randal D
24		Bigbee, Wallace

Appendix 3: Index by Organization Type

Conservation/Preservation

Cumberland (Kentucky) Chapter Sierra Club - 19; AL7100 - Alternatives: Support Alternative C. AL9000 - Alternatives: New Management Framework. WQ4000 - Water Resources: Impact Of Proposal And Alternatives.

TN Chapter Sierra Club - 20; AL7100 - Alternatives: Support Alternative C. GA1000 - Impact Analysis: Impact Analyses.

Tennessee Citizens for Wilderness Planning - 14; AL3000 - Support Overall Project. AL5200 - Alternatives: Oppose Alternative A. AL6200 - Alternatives: Oppose Alternative B. AL8000 - Alternatives: Special Management Areas.

The Nature Conservancy - 21; AL3000 - Support Overall Project. AL4000 - Alternatives: New Alternatives Or Elements. AL4500 - Alternatives: New Alternatives Or Elements (Non-substantive). AL7100 - Alternatives: Support Alternative C. AL8000 - Alternatives: Special Management Areas. GA1000 - Impact Analysis: Impact Analyses. ON1000 - Other NEPA Issues: General Comments. PN3000 - Purpose And Need: Scope Of The Analysis. PO4000 - Park Operations: Impact Of Proposal And Alternatives. SS1000 - Species of Special Concern: Guiding Policies, Regs And Laws .

Federal Government

US EPA - 22; AL7100 - Alternatives: Support Alternative C. AL8500 - Alternatives: Special Management Areas (Non-Substantive). GA1000 - Impact Analysis: Impact Analyses. WQ1000 - Water Resources: Guiding Policies, Regs And Laws.

Recreational Groups

Smoky Mountains Hiking Club - 15; AL4000 - Alternatives: New Alternatives Or Elements. AL7100 - Alternatives: Support Alternative C. AL8000 - Alternatives: Special Management Areas. AL8500 - Alternatives: Special Management Areas (Non-Substantive).

State Government

Kentucky State Nature Preserves Commission - 18; AL3000 - Support Overall Project. AL7100 - Alternatives: Support Alternative C.

Tennessee Historical Commission - SHPO - 10; CC1000 - Consultation and Coordination: General Comments. ON2000 - Other NEPA Issues: General Comments (Non-substantive).

Upper Cumberland Development District - 23; AL7100 - Alternatives: Support Alternative C.

Tribal Government

Eastern Band of Cherokee Indians - THPO - 9; AL7100 - Alternatives: Support Alternative C.

Unaffiliated Individual

Sierra Club - 1; AL3000 - Support Overall Project. AL7100 - Alternatives: Support Alternative C.

TCWP - 4; AL7100 - Alternatives: Support Alternative C.

Tenn. citizens for wilderness planning - 3; AL6200 - Alternatives: Oppose Alternative B. AL7100 - Alternatives: Support Alternative C.

N/A - 2; AL7100 - Alternatives: Support Alternative C. 5; AL3000 - Support Overall Project. AL7100 - Alternatives: Support Alternative C. GA1000 - Impact Analysis: Impact Analyses. 6; AL3000 - Support Overall Project. AL4000 - Alternatives: New Alternatives Or Elements. AL7100 - Alternatives: Support Alternative C. MT1000 - Miscellaneous Topics: General Comments. 7; AL4000 - Alternatives: New Alternatives Or Elements. AL7100 - Alternatives: Support Alternative C. AL8000 - Alternatives: Special Management Areas. AL8500 - Alternatives: Special Management Areas (Non-Substantive). 8; AL7100 - Alternatives: Support Alternative C. 11; AL3000 - Support Overall Project. AL5200 - Alternatives: Oppose Alternative A. AL6200 - Alternatives: Oppose Alternative B. AL7100 - Alternatives: Support Alternative C. 12; AL7100 - Alternatives: Support Alternative C. AL8000 - Alternatives: Special Management Areas. 13; AL7000 - Alternatives: Alternative C. 16; AL5000 - Oppose Oil and Gas Operations in Park. 17; AL4000 - Alternatives: New Alternatives Or Elements. AL7100 - Alternatives: Support Alternative C. AL8000 - Alternatives: Special Management Areas. VR4000 - Vegetation And Riparian Areas: Impact Of Proposal And Alternatives. WH4000 - Wildlife And Wildlife Habitat: Impact Of Proposal And Alternatives. 24; AL7100 - Alternatives: Support Alternative C.

Appendix 4: Index by Code Report

Code	Description	Organization	Corr. ID
AL3000	Support Overall Project	Kentucky State Nature Preserves Commission	18
		Sierra Club	1
		Tennessee Citizens for Wilderness Planning	14
		The Nature Conservancy	21
		N/A	5
			6
			11
AL4000	Alternatives: New Alternatives Or Elements	Smoky Mountains Hiking Club	15
		The Nature Conservancy	21
		N/A	6
			7
			17
AL4500	Alternatives: New Alternatives Or Elements (Non-substantive)	The Nature Conservancy	21
AL5000	Oppose Oil and Gas Operations in Park	N/A	16
AL5200	Alternatives: Oppose Alternative A	Tennessee Citizens for Wilderness Planning	14
		N/A	11
AL6200	Alternatives: Oppose Alternative B	Tenn. citizens for wilderness planning	3
		Tennessee Citizens for Wilderness Planning	14
		N/A	11
AL7000	Alternatives: Alternative C	N/A	13
AL7100	Alternatives: Support Alternative C	Cumberland (Kentucky) Chapter Sierra Club	19
		Eastern Band of Cherokee Indians - THPO	9
		Kentucky State Nature Preserves Commission	18
		Sierra Club	1
		Smoky Mountains Hiking Club	15
		TCWP	4
		TN Chapter Sierra Club	20
		Tenn. citizens for wilderness planning	3
		The Nature Conservancy	21

Code	Description	Organization	Corr. ID
		US EPA	22
		Upper Cumberland Development District	23
		N/A	2
			5
			6
			7
			8
			11
			12
			17
			24
AL8000	Alternatives: Special Management Areas	Smoky Mountains Hiking Club	15
		Tennessee Citizens for Wilderness Planning	14
		The Nature Conservancy	21
		N/A	7
			12
			17
AL8500	Alternatives: Special Management Areas (Non-Substantive)	Smoky Mountains Hiking Club	15
		US EPA	22
		N/A	7
AL9000	Alternatives: New Management Framework	Cumberland (Kentucky) Chapter Sierra Club	19
CC1000	Consultation and Coordination: General Comments	Tennessee Historical Commission - SHPO	10
GA1000	Impact Analysis: Impact Analyses	TN Chapter Sierra Club	20
		The Nature Conservancy	21
		US EPA	22
		N/A	5
MT1000	Miscellaneous Topics: General Comments	N/A	6
ON1000	Other NEPA Issues: General Comments	The Nature Conservancy	21
ON2000	Other NEPA Issues: General Comments (Non-substantive)	Tennessee Historical Commission - SHPO	10
PN3000	Purpose And Need: Scope Of The Analysis	The Nature Conservancy	21
PO4000	Park Operations: Impact Of Proposal And Alternatives	The Nature Conservancy	21

Code	Description	Organization	Corr. ID
SS1000	Species of Special Concern: Guiding Policies, Regs And Laws	The Nature Conservancy	21
VR4000	Vegetation And Riparian Areas: Impact Of Proposal And Alternatives	N/A	17
WH4000	Wildlife And Wildlife Habitat: Impact Of Proposal And Alternatives	N/A	17
WQ1000	Water Resources: Guiding Policies, Regs And Laws	US EPA	22
WQ4000	Water Resources: Impact Of Proposal And Alternatives	Cumberland (Kentucky) Chapter Sierra Club	19

Appendix 5: Copies of Correspondences Received from Agencies

PEPC Planning, Environment and Public Comment		National Park Service U.S. Department of the Interior												
Home	Parks	Project / Search Reports Tools Admin Logout												
Project Home	BISQ > Oil and Gas Management Plan (10911) > Public Documents > Draft Non-Federal Oil and Gas Management Plan / Environmental Impact Statement > Correspondence													
1 Project Setup	Correspondence (9) Enter More Edit Print Back To List													
2 Funding	Author Information <table border="1"> <tr> <td>Keep Private:</td> <td>No</td> </tr> <tr> <td>Name:</td> <td>Tyler B. Howe</td> </tr> <tr> <td>Organization:</td> <td>Eastern Band of Cherokee Indians - THPO <input checked="" type="radio"/> Official Rep.</td> </tr> <tr> <td>Organization Type:</td> <td>Q - Tribal Government</td> </tr> <tr> <td>Address:</td> <td>PO Box 455 Cherokee, NC 28719 USA</td> </tr> <tr> <td>E-mail:</td> <td></td> </tr> </table>		Keep Private:	No	Name:	Tyler B. Howe	Organization:	Eastern Band of Cherokee Indians - THPO <input checked="" type="radio"/> Official Rep.	Organization Type:	Q - Tribal Government	Address:	PO Box 455 Cherokee, NC 28719 USA	E-mail:	
Keep Private:	No													
Name:	Tyler B. Howe													
Organization:	Eastern Band of Cherokee Indians - THPO <input checked="" type="radio"/> Official Rep.													
Organization Type:	Q - Tribal Government													
Address:	PO Box 455 Cherokee, NC 28719 USA													
E-mail:														
3 Internal Scoping / IDT Tasks	Correspondence Information <table border="1"> <tr> <td>Status: Reviewed</td> <td>Park Correspondence Log:</td> </tr> <tr> <td>Date Sent:</td> <td>Date Received: 07/26/2011</td> </tr> <tr> <td>Number of Signatures: 1</td> <td>Form Letter: No</td> </tr> <tr> <td>Contains Request(s): No</td> <td>Type: Letter</td> </tr> <tr> <td>Notes:</td> <td></td> </tr> </table>		Status: Reviewed	Park Correspondence Log:	Date Sent:	Date Received: 07/26/2011	Number of Signatures: 1	Form Letter: No	Contains Request(s): No	Type: Letter	Notes:			
Status: Reviewed	Park Correspondence Log:													
Date Sent:	Date Received: 07/26/2011													
Number of Signatures: 1	Form Letter: No													
Contains Request(s): No	Type: Letter													
Notes:														
4 Natural/Cultural Compliance	Correspondence Text <p>To: Big South Fork National River and Rec. Area Niki Stephanie Nicholas, Ph.D. Superintendent 4564 Leatherwood Rd. Oneida, TN. 27841</p> <p>PROJECT(s): Comments regarding the Big South Fork National River and Recreations Area and Obed Wild and Scenic River; Draft Non-Federal Oil and Gas Management Plan/Environmental Impact Statement</p> <p>The Tribal Historic Preservation Office of the Eastern Band of Cherokee Indians (EBCI THPO) would like to thank you for the opportunity to comment on this proposed section 106 activity under §36 C.F.R. 800.</p> <p>It is the opinion of the EBCI THPO that the proposed Alternative "C" best represents an alternative that best protects known sites, and best protective approach for unknown archaeological sites.</p> <p>If we can be of further service, or if you have any comments or questions, please feel free to</p>													
5 Internal Documents / Comments														
6 Public Communication														
7 Public Documents & Comment Analysis														
<ul style="list-style-type: none"> * Documents <ul style="list-style-type: none"> Document Details View Edit * Correspondence * Public Requests * Comments * Content Analysis Report * Concerns * Responses * Sub/Non-Sub Report * Index By Org. Type Report 														

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contact me at (828) 554-6852.

Sincerely,
Tyler B. Howe
Tribal Historical Preservation Specialist
Eastern Band of Cherokee Indians

Add Comment

Comment Text:
2,500 char. max.

250 Comment characters counter

Comments

ID	First 40 Characters	Status	Assigned Code(s)	Code
219243	It is the opinion of the EBCI THPO that ...	Coded	AL7100	Code

Request Text
No Request Text Found.

Add Public Request

Request Type:

Request Text:

Public Requests

ID	First 30 Characters	Type	Status	Edit
No public requests have been identified in this correspondence.				

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Project Home	BISO > Oil and Gas Management Plan (10911) > Public Documents > Draft Non-Federal Oil and Gas Management Plan / Environmental Impact Statement > Correspondence	
[1] Project Setup	Correspondence (10) Enter More Edit Print Back To List	
[2] Funding	Author Information	
[3] Internal Scoping / IDT Tasks	Keep Private: No Name: E P. McIntyre, Jr. Organization: Tennessee Historical Commission - SHPO <input checked="" type="radio"/> Official Rep. Organization Type: S - State Government Address: 2941 Lebanon Rd. Nashville, TN 37243 USA E-mail:	
[4] Natural/Cultural Compliance	Correspondence Information	
[5] Internal Documents / Comments	Status: Reviewed Park Correspondence Log: Date Sent: Date Received: 06/24/2011 Number of Signatures: 1 Form Letter: No Contains Request(s): No Type: Letter Notes:	
[6] Public Communication	Correspondence Text	
[7] Public Documents & Comment Analysis	June 24, 2011 RE: NPS, BISO & OBED OIL AND GAS MGMT PLAN, UNINCORPORATED, MULTI COUNTY Dear Superintendent Nicholas: <p>At your request, our office has reviewed the above-referenced proposed oil and gas management plan in accordance with regulations codified at 36 CFR 800 (Federal Register, December 12, 2000, 77698-77739). We concur with your agency that a process of phased compliance is appropriate for the undertakings that may fall under this plan. As projects are developed, please continue to consult with this office in order to meet your Section 106 obligations for the individual undertakings.</p> <p>If project plans or scheduling are changed, please contact this office to determine what further action, if any, will be necessary to comply with Section 106 of the National Historic Preservation Act.</p> <p>Your continued cooperation is appreciated.</p>	
* Documents Document Details View Edit * Correspondence Public Requests Comments Content Analysis Report Concerns Responses Sub/Non-Sub Report Index By Org. Type Report		

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- * [Demographics Report](#)

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Sincerely,

E. Patrick McIntyre, Jr.
Executive Director and State Historic Preservation Officer.

Add Comment

Comment Text:
2,500 char. max.

250 Comment characters counter

Comments

ID	First 40 Characters	Status	Assigned Code(s)	Code
219241	We concur with your agency that a proces...	Coded	PN8000	Code
219242	As projects are developed, please contin...	Coded	CC1000	Code

Request Text

No Request Text Found.

Add Public Request

Request Type:

Request Text:

Public Requests

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Author Information

Keep Private:

No

Name:

Liane B. Russell

Organization:

Tennessee Citizens for Wilderness Planning

Organization Type:

P - Conservation/Preservation

Address:

130 Tabor Road
Oak Ridge, TN 37830
USA

E-mail:

liannerussell@comcast.net

Correspondence Information

Status: Reviewed

Park Correspondence Log:

Date Sent: 08/11/2011

Date Received: 08/11/2011

Number of Signatures:

Form Letter: No

1

Contains Request(s):

Type: Web Form

No

Notes:

Correspondence Text

The following comments are submitted on behalf of Tennessee Citizens for Wilderness Planning, a 45-year old statewide organization dedicated to achieving and perpetuating protection of natural lands and waters. TCWP was instrumental in achieving federally protected status for both the Big South Fork Cumberland and Obed Rivers and continues to work for implementation of the many facets of this protection.

We should like to express our great appreciation to the NPS for addressing the management of the privately owned oil & gas wells in the BSFNRRA and the Obed WSR in an extremely thorough and professional manner. This was a multifaceted and precedent-setting task, since these two units of the National Park System contain over 50% of all the wells on national park property across the whole country. The landscapes in which these wells are located are beautiful, fragile, and blessed with great biological diversity. It was, further, a very complex task because the potential adverse impacts from oil & gas extraction -- both direct and indirect -- could extend considerable distances beyond the well sites themselves and pose threats to the very resources for which these parks were set aside.

Our comments cover, (1) choice of an alternative, (2) specific features of the chosen alternative, and (3) an alternative that was eliminated from further consideration.

(1) TCWP strongly endorses NPS's preference for Alternative C for the following reasons. Under Alternative A (No Action), current management would remain in place. Oil & gas would

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be extracted under existing state regulations, which are weak in many respects, and which completely fail to address a current extraction technology, hydraulic fracturing (fracking), that is rapidly expanding across the country. The facts that the parks already (even without fracking) have experienced adverse impacts, and that such impacts would be greatly multiplied by anticipated future expansions in O&G activity, should surely rule out the No Action Alternative. Under Alternative B, NPS would proactively (i.e., for future operations) pursue enforcement of federal 9B regulations, under which an operator must obtain NPS approval for a proposed Plan of Operations before commencing activities, and must post a bond (which is greater than the state bond). This is definitely a step in the right direction, but it is not sufficient. The impact of oil and gas operations may well extend beyond the primary operations area, e.g., to water quality and to view-sheds. [Sometimes overlooked is the fact that the 100+ miles of accesses to wells in the BSNRRRA attract ATVs, which inflict yet more damages.] Under Alternative B, impacts beyond the well site are likely to be addressed on a case-by-case basis -- and often retrospectively. Staff shortages and absence of clear enforcement authority are bound to limit the effectiveness of this approach.

Alternative C would implement the same type of more proactive management as Alternative B and, in addition, would provide protection through designated Special Management Areas (SMAs) where park resources are particularly susceptible to adverse impacts. These could include water quality, geological features, trails, cliff edges, sensitive view-sheds, historic sites, etc. For the small and narrow Obed WSR, NPS has determined wisely to designate the entire Park a Special Management Area.

(2) Specifics of Alternative C.

a. We applaud the condition of No Surface Use in all of the enumerated SMAs, but we are concerned that the statement "unless mitigations are approved in a plan of operations" might open a major loophole. What mitigation could possibly make it acceptable to permit the sights, sounds, and odors of O&G operations near a natural bridge, for example, or an overlook? Who would make the decision of what mitigations to approve, and under how much pressure might they be from industry or politicians?

b. From where would a setback distance be measured? Would it be from the wellhead, or from the perimeter of the "footprint" of the operation? Depending on the technology used, these footprints could be quite large, especially in the case of fracking operations, which on average double the impacted surface area of a conventional operation.

c. If the setbacks are measured from the wellhead, then many of the set-back distances proposed in the Plan/EIS are much too small, since the "footprint" is likely to encompass the feature to be protected. This is particularly true of the 100 ft setbacks proposed for Cliff Edge, Man-aged Fields, and Cemetery SMAs, and even of the 300 ft setback proposed for Trail SMAs.

d. The SMA restrictions should be made to include all access roads to the well under consideration.

e. Provision should be made for future additions to features that are to be protected as SMAs. It is possible that not all sensitive areas have yet been identified and enumerated.

(3) An alternative that should not be eliminated from further consideration.

The closing of wells within 500 ft of watercourses was one of the alternatives eliminated from further consideration because the superintendent has the authority to suspend operations found to be impacting, or threatening to impact, park resources beyond the operations area. We believe that this authority does not provide adequate protection for the Park's water resources, since the decisions would have to be made on a case-by-case basis, which is practically impossible in view of the large number of wells and the relatively high potential of water-quality impacts, particularly in the case of fracking operations where drill water is brought back to the surface.

Instead, we urge that watercourses be included in the list of Special Management Areas.

Thank you for the opportunity to comment on a very fine report.

Add Comment

Comment Text:

2,500 char. max.

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1 Project Setup	Correspondence (15) Enter More Edit Print Back To List		
2 Funding	Author Information		
3 Internal Scoping / IDT Tasks	Keep Private: No Name: Ed Flemming Organization: Smoky Mountains Hiking Club <input checked="" type="radio"/> Official Rep. Organization Type: H - Recreational Groups Address: PO Box 51592 Knoxville, TN 37950 USA E-mail:		
4 Natural/Cultural Compliance	Correspondence Information		
5 Internal Documents / Comments	Status: Reviewed Park Correspondence Log: Date Sent: Date Received: 08/12/2011 Number of Signatures: 1 Form Letter: No Contains Request(s): No Type: Letter Notes:		
6 Public Communication	Correspondence Text		
7 Public Documents & Comment Analysis	RE: Big South Fork and Obed Oil and Gas Management Plan Dear Superintendent: The Smoky Mountains Hiking Club supports Alternative C and the creation of Special Management Areas (SMA) as described in the "Draft Non-Federal Oil and Gas Management Plan/Environmental Impact Statement" for the Big South Fork National River and Recreation Area and the Obed Wild and Scenic River. The Smoky Mountains Hiking Club has over 600 members in East Tennessee, and is one of the largest and most active outdoor recreation and conservation groups in the area. Our group sponsors several day trips and overnight outings each year to the BSF and Obed, in addition to the many visits our members take on their own to hike, backpack, mountain bike, camp and paddle in these areas. Our club has been active in regional conservation issues since its founding in 1924. The club supports the environmentally preferred Alternative C for the BSF and Obed. The creation of SMA's as described in the draft plan will protect park visitors and resources from the air quality, water quality, noise, and visual impacts of oil and gas operations. We are pleased the BSF has been proactive in addressing the potential impacts of oil and gas		
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operations in the BSF through the development of this plan. We also support the BSF's current efforts to plug and reclaim abandoned wells in the BSF.

The SMA's will protect the park's most sensitive features and most important resources including geomorphic features (arches, rock houses etc.), cliff edges, managed fields, the park's extensive trails system, visitor use and administrative areas, cultural areas including cemeteries, and State Natural Areas. We approve that all of the Obed WSR will be protected as a special management area and that oil and gas operations will not be allowed in the gorge area of BSF. We would ask that any rare habitats or important nesting areas also be designated as SMA's.

The potential for pollution of both parks from oil and gas operations is clear from the results of the 2002 well fire at the Obed, and from the numerous photos of leaking facilities at the BSF that were shown during scoping meetings. The nearby Cumberland Mountains have recently experienced a new wave of oil and gas development, and are suffering from the associated visual and water quality impacts from both the oil and gas operations and the road building necessary for the operational infrastructure.

The club remains concerned about the possibility of new road construction and the potential for further damage to park trails by unauthorized vehicles. No new roads or accesses should be constructed in either park for access to oil and gas facilities, nor should operators be allowed access to any park trails or roads that are not open to the public under the new General Management Plan. The BSF in particular has seen continued degradation of its road and trail network by illegal users, primarily horse riders and A TVs. The opening of new roads on a permanent or temporary basis of travel ways would enable illegal horse and ATV use to continue to spread.

Thank you for the opportunity to comment on this project.

Sincerely,
Ed Fleming, President
Smoky Mountains Hiking Club
PO Box 51592
Knoxville, TN 37950
www.smhclub.org

Add Comment

Comment Text:
2,500 char. max.

Add Comment

250 Comment characters counter

Comments

ID	First 40 Characters	Status	Assigned Code(s)	Code
219908	The Smoky Mountains Hiking Club supports...	Coded	AL7100	Code
219909	The club supports the environmentally pr...	Coded	AL7100	Code
219910	The SMA's will protect the park's most s...	Coded	AL8500	Code
219911	We would ask that any rare habitats or i...	Coded	AL8000	Code
219912	The club remains concerned about the pos...	Coded	AL4000	Code

Request Text

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Project Home		BISQ > Oil and Gas Management Plan (10911) > Public Documents > Draft Non-Federal Oil and Gas Management Plan / Environmental Impact Statement > Correspondence				
1 Project Setup		Correspondence (18) Enter More Edit Print Back To List				
2 Funding		Author Information				
3 Internal Scoping / IDT Tasks		Keep Private: No Name: Deborah L. White Organization: Kentucky State Nature Preserves Commission Organization Type: S - State Government Address: 801 Schenkel Lane Frankfort, KY 40601 USA E-mail: deborah.white@ky.gov				
4 Natural/Cultural Compliance		Correspondence Information				
5 Internal Documents / Comments		Status: Reviewed Park Correspondence Log: Date Sent: 08/16/2011 Date Received: 08/16/2011 Number of Signatures: 1 Form Letter: No Contains Request(s): No Type: Web Form Notes:				
6 Public Communication		Correspondence Text				
7 Public Documents & Comment Analysis		Kentucky State Nature Preserves Commission supports the Park Service's plan to improve oversight and planning with regard to oil and gas operation activities at Big South Fork National Recreation Area. This is a biologically significant area home to many rare species in both the forests along the river and river ecosystem itself. Aquatic organisms are particularly vulnerable to changes in water chemistry and other conditions and the Big South Fork is critical to several rare animals. The most stringent environmental review and control is needed to protect all the important resources in this area. It is also important to make recreation safe and to ensure citizens enjoy the park. For these reasons we support Alternative C. In fact, we would support a move to reduce these activities in this important natural area.				
* Documents		Add Comment				
* Document Details View Edit		Comment Text: 2,500 char. max.				
* Correspondence		<div style="border: 1px solid black; height: 40px; width: 100%;"></div>				
* Public Requests		<div style="border: 1px solid black; width: 100px; float: left; margin-top: 5px;">Add Comment</div> <div style="border: 1px solid black; width: 100px; float: left; margin-top: 5px;">250</div> <div style="clear: both;"></div>				
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Project Home	BISQ > Oil and Gas Management Plan (10911) > Public Documents > Draft Non-Federal Oil and Gas Management Plan / Environmental Impact Statement > Correspondence	
1 Project Setup	Correspondence (19) Enter More Edit Print Back To List	
2 Funding	Author Information	
3 Internal Scoping / IDT Tasks	Keep Private: No Name: Alice Howell Organization: Cumberland (Kentucky) Chapter Sierra Club Organization Type: P - Conservation/Preservation Address: 918 Aurora Ave Lexington Lexington, KY 40502-1408 USA E-mail: alicehowell@insightbb.com	
4 Natural/Cultural Compliance	Correspondence Information	
5 Internal Documents / Comments	Status: Reviewed Park Correspondence Log: Date Sent: 08/16/2011 Date Received: 08/16/2011 Number of Signatures: 1 Form Letter: No Contains Request(s): No Type: Web Form Notes:	
6 Public Communication	Correspondence Text	
7 Public Documents & Comment Analysis	<p>August 16, 2011</p> <p>Superintendent Big South Fork NRRRA 4564 Leatherwood Road Oneida, TN 37841</p> <p>Thank you for the opportunity to comment on the Draft Non-Federal Oil & Gas Management Plan / Environmental Impact Statement for the Big South Fork NRRRA. After reading over this document we have developed some specific concerns regarding future oil & gas production on the Big South Fork.</p> <p>We find the Park Service's preferred alternative – option C – to also be our preferred option in regards to identifying and closing older, non-productive wells within the park. The "new management framework" for inspecting, identifying and closing these wells will certainly help prevent future problems from these facilities impacting parks resources. We applaud the designation of Special Management Areas under this option as another level of protection for park resources and visitor enjoyment. Overall, we look upon this option with favor and support</p>	
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the NPS move in this direction.

However, within the new "framework", there is concern that some activities may be expedited without complete project assessment and comment, as evidenced in the following statement. "During internal scoping, the interdisciplinary team for the plan/EIS considered establishing a new management framework that would provide an efficient process to expedite the plugging and reclamation of abandoned or inactive wells, while providing for protection of resources and values and review of potential impacts. The intent was to describe and analyze the components of plugging/reclamation activities, analyze the impacts in this plan/EIS, and enable subsequent environmental compliance for these wells by using the analysis in the EIS in a streamlined process. This approach would avoid repetitive planning, analysis, and discussion of the same issues each time a well is to be plugged and the site reclaimed, and would expedite the removal of the threats described above." (Ch. 2, Pg. 65-66)

Our concern is that this indicates an effort to 'pre-qualify' projects by reference to this EIS, and hope this is not meant to bypass environmental regulation in an effort to speed up closing wells and reclamation of the site. And whereas the draft appears to apply this to plugging and capping efforts, we would hope that this will not also be applied to new drilling, or the reworking of existing well sites, as those activities have the most potential for impact, now and in the future, and need to be addressed on a project-by-project basis.

Although the plan considers plugging and capping operations to benefit water resources in the long-term, we can only assume that economics will play a part in reworking old wells or drilling new ones. The practices of formation acidization and hydraulic fracturing may be used to enhance or stimulate production from some of these otherwise low- or non-producing well sites. By their very nature, these processes alter sub-surface geology and present a great potential for impacting water resources, especially groundwater. The lack of a groundwater inventory, as well as other related data, will make it more difficult to accurately assess production drilling impacts on water resources. Already conflicts are arising over the use of these methods in other parts of the country and can be expected to occur at the Big South Fork NRRRA if proposed on future projects.

We applaud efforts to protect all the Big South Fork NRRRA's resources and the effort planned to meet the objectives of the enabling legislation. Plugging and capping old wells will accomplish a great deal in protecting these values in the long term. The designation of additional Special Management Areas will provide a basis for limiting, or more closely controlling, oil & gas projects within the boundaries of the park. These efforts will be enhanced through implementation of Option C as presented in this draft plan. To that end we express our support for this option.

Sincerely,

Alice Howell
(Electronically signed)

Alice Howell, Chair
Sierra Club, Cumberland (Kentucky) Chapter
918 Aurora Ave
Lexington, KY 40502

859-420-8092
alicehowell@insightbb.com

Add Comment

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Author Information

Keep Private:

No

Name:

Axel C. Ringe

Organization:

TN Chapter Sierra Club

Organization Type:

P - Conservation/Preservation

Address:

1840 Lafayette Road
New Market, TN 37820
USA

E-mail:

onyxfarm@bellsouth.net

Correspondence Information

Status: Reviewed

Park Correspondence Log:

Date Sent: 08/16/2011

Date Received: 08/16/2011

Number of Signatures:

Form Letter: No

1

Contains Request(s):

Type: Web Form

No

Notes:

Correspondence Text

August 16, 2011

Superintendent

Big South Fork NRRRA

4564 Leatherwood Road

Oneida, TN 37841

Re: Draft Non-Federal Oil and Gas Management Plan / Environmental Impact Statement

Dear Superintendent:

Please accept these comments from the Tennessee Chapter of the Sierra Club (Club) on the National Park Service's draft Non-Federal Oil and Gas Management Plan/Environmental Impact Statement for the Big South Fork NRRRA and Obed WSR.

We join in the written comments made by the Sierra Club's Cumberland Chapter of Kentucky, and add some additional concerns below.

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<ul style="list-style-type: none"> * Index By Code Report * Concern Response Report * Manage Codes for Entire Project <ul style="list-style-type: none"> View Edit * Entire Project Code Analysis Report * Demographics Report 	<p>The draft Plan makes reference (p. 58) to the potential for increased drilling activity in the Chattanooga Shale underlying both the BSF and Obed. The Chattanooga Shale is the primary target in TN of the oil & gas industry for the exploitation of natural gas resources. The industry has stated that essentially all wells drilled into the Chattanooga Shale are and will be hydraulically fractured, or "fracked". The Club is currently engaged with the oil & gas industry and the TN Department of Environment and Conservation in drafting regulations to govern the practice of hydraulic fracturing, as current TN regulations do not address this technology. Fracking of natural gas wells has the potential for significant environmental impacts, including the contamination of ground water resources through methane migration and fracking chemicals leakage, contamination of surface water resources, and toxic air emissions.</p>
<p>[8] Close Project</p>	<p>Although current economic conditions have slowed natural gas exploration and production in TN, nationally this is a boom industry and it is reasonable to expect significantly increased levels of industry activity in the near future. Because TN's oil & gas regulatory program and regulations are, in our opinion, grossly inadequate, as substantiated by the 2007 STRONGER Report (1), we believe the Plan and EIS should address the fracking technology and the risks of its associated environmental impacts much more thoroughly.</p>
	<p>We otherwise agree with and support the adoption of Alternative C as providing the best basis for limiting and more closely controlling oil & gas projects within the boundaries of the park, thereby enhancing the current protections for the natural and cultural resources of the BSF.</p> <p>Sincerely,</p> <p>Axel C. Ringe Vice Conservation Chair Tennessee Chapter Sierra Club 1840 Lafayette Road New Market, TN 37820 865-397-1840 onyxfarm@bellsouth.net</p> <p>(Hard copy sent separately)</p>


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Status: Reviewed

Park Correspondence Log:

Date Sent: 08/16/2011

Date Received: 08/16/2011

Number of Signatures: 1

Form Letter: No

Contains Request(s): No

Type: Web Form

Notes:

Correspondence Text

August 16, 2011

TO:

Ms. Niki Stephanie Nicholas, Superintendent
Big South Fork National River and Recreation Area
Obed Wild and Scenic River
4564 Leatherwood Rd
Oneida, TN 37841

FROM:

Sally Palmer, Director of Science
The Nature Conservancy, Tennessee Chapter
2021 21st Avenue South, Suite C-400
Nashville, TN 37212

RE: Comments on the Draft Non-federal Oil and Gas Management Plan/Environmental Impact Statement for Big South Fork National River and Recreation Area and Obed Wild and Scenic River

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[8] Close Project

SUBMITTED VIA NPS ONLINE COMMENT FORM:
<http://parkplanning.nps.gov/commentForm.cfm?documentID=41107>

Dear Ms. Nicholas:

The Nature Conservancy thanks you and the National Park Service (NPS) for the opportunity to comment on the proposed alternatives plan for oil and gas management on the Big South Fork National River and Recreation Area and the Obed Wild and Scenic River (DEIS). As detailed in the DEIS document, these lands harbor a myriad of significant resource values of importance to citizens of the United States. We are pleased that the NPS is taking a proactive approach to help balance the impacts of past, current and future oil and gas exploration and production with the many other resource values these park lands provide for the public.

Of the Alternatives covered in the DEIS, TNC generally agrees that Alternative C, the NPS preferred alternative, affords a balanced approach to protecting and restoring natural resource values in the park lands ("natural resource values" in this usage include water resources, floodplains, wetlands, vegetation, wildlife and aquatic species, Federally Listed Endangered and Threatened species, and Species of Special Concern as outlined in the DEIS). The DEIS also provides a helpful, general prediction of the expected surface disturbance associated under its "Oil and Gas Activity Forecast" (Table 3, page 60). The forecasted surface disturbance acreage is projected to be negative, meaning that reclamation activities (including reclamation of all roads) would effectively offset any new acreage converted to new well pad and road construction.

Fully implemented, the NPS asserts that Alternative C would have lower degrees of overall environmental impact, and for most resource values and concerns, a net positive impact. Given the NPS's preference for Alternative C, TNC would like to focus its comments on the potential implications for species and habitat conservation goals shared by our organization and many of our state and federal partners, including NPS. The DEIS categorizes these resource values as follows: wildlife and aquatic species, Federally listed Endangered and Threatened species, and Species of Special Concern. Given those areas of emphasis, we respectfully request that NPS address the following sets of questions and concerns raised in the completion of the Final EIS document.

Summary of primary questions and concerns regarding the Preferred Alternative

1. Criteria for proposed SMA designations (Table 4) are not specific to wildlife and aquatic species, Federally listed Endangered and Threatened species, and Species of Special Concern.
2. The DEIS does not articulate how NPS will achieve full implementation of a mitigation hierarchy for all resource values, beginning with "Avoidance," especially with regards to SMA implementation and Species of Special Concern.
3. Specific triggers to revisit the EIS, particularly deviations from expected RFD new operations and/or changes to understanding in cumulative impacts within and outside park boundaries, are not identified.
4. Total surface disturbance acreage, including assumptions regarding reclamation of all roads, is not an adequate guide of total potential impacts to all resource values.
5. The DEIS outlines a heavy reliance on submission and review of individual operating plans to address park resource management objectives, including mitigation decisions.
6. What are the funding mechanisms and staff resources NPS expects to utilize in order to achieve increased inspections, monitoring, plugging & reclaiming old wells, and permitting new operations?

Specific comments on primary questions and concerns
 Issue 1: SMA designation criteria and resource value protection

The DEIS states the following with regards to Alternative C:

Alternative C has been selected as the NPS environmentally preferred alternative. Compared to alternatives A or B, alternative C provides additional protection to park resources through identification of SMAs and protection of these resources through either avoidance of SMAs or additional mitigation in approved plans of operations. As described above, establishing SMAs under this alternative would provide the greatest opportunity to preserve important natural aspects in the long term.

Compared to Alternatives A and B, TNC agrees that Alternative C provides more opportunity to preserve park resources. However, the SMA designation criteria, as currently defined in the DEIS, may be insufficient to avoid or minimize impacts to wildlife and aquatic species, Federally listed Endangered and Threatened species, Species of Special Concern, and their associated habitats.

The resources projected to receive additional management considerations under several of the proposed SMA types do include a variety of species and habitat values. Under these criteria, however, only those species and habitats that co-occur with the other criteria utilized for the SMA designation (e.g. Sensitive Geomorphic Feature) would receive the benefits of SMA operational restrictions and/or oversight. The DEIS does not establish criteria for the designation of SMAs solely for the protection of wildlife and aquatic species, Federally listed Endangered and Threatened species, and Species of Special Concern. The lack of a separate SMA category with these criteria may negatively affect park leadership's ability to adequately manage for all species and habitats, particularly those Species of Special Concern which have no official Federal Listing status.

The DEIS makes reference to the application of "...all pertinent federal and state laws, regulations, policies, and direction," under any alternative, and refers to these as "Current Legal and Policy Requirements (CLPRs)" (see Executive Summary, page ix). The CLPRs include compliance with the Endangered Species Act, and the DEIS indicates that Critical Habitat Designations have already been established by the USFWS within park boundaries.

In Table ES.1 (and later, Table 8 page 98), the DEIS outlines a category of "Protected Areas Per CLPRs," the specifics of which are outlined under the "No Action" alternative (A) and repeated for B and C. In the information summary tables and companion text, Critical Habitat designations for Federally listed species are not identified as protected areas as CLPRs. TNC believes that NPS should consider, at minimum, the inclusion of these habitats under the "Protected Areas Per CLPRs." We acknowledge that any impacts to Federally Listed species would require consultation with the U.S. Fish and Wildlife Service. Regardless, for the purposes of the EIS, we recommend that this category be added as outlined above, with a notation similar to the one underneath "Big South Fork NRR Long-term monitoring plots: Avoid impacts; address in plans of operations."

Not all Federally Listed plants and animals located within the park have companion, Federally Designated Critical Habitat. Therefore, we also recommend that "Protected areas per CLPRs" include specific references to those federally listed species known occurrences and habitat preferences. The same notation, "Avoid impacts; address in plans of operations" should also apply. In both cases – documented Federal Critical Habitat zones and known locations/preferred habitats of Federally Listed species – the CLPRs should be identified in general terms and communicated to the public to provide clarity in the application of operational permits, avoidance decisions, and the public's ability to adequately review any NEPA documentation associated with operational plan/permit applications.

The DEIS concludes that Alternative C fully meets the objective of protecting "species of management concern and critical habitat from adverse effects of oil and gas operations" (Table 9, page 106.) Compliance with ESA, including avoidance of critical habitat zones, may meet the objective with respect to Federally Listed species and Federally Designated Critical Habitats. However, without specific provisions of the inclusion of all Species of Special Concern and their habitats requirements wherever they are known to occur under SMA consideration, the NPS may be omitting an important tool for managing impacts to State and

Local Species of Special Concern. Providing SMA designations for these species and their habitats could also be a method for complying with the NPS policy which requires state-listed species and species of special concern to be managed in a fashion similar to Federally Listed species.

Meeting project objectives is heavily dependent upon the criteria utilized for determining SMAs, how SMAs are sited in relationship to important resource features, and the subsequent process of making mitigation decisions (if applicable) as NPS reviews individually submitted plans of operation. Under the "No Action" Alternative (A), the NPS states that the goal of protecting "species of management concern and critical habitat from adverse effects of oil and gas operations" is only partially met by compliance with CLPRs, and only on a case-by-case basis (see Table 9, page 106). TNC agrees that a case-by-case review as called for by CLPRs, lack of inspections and reclamation of existing well sites generally is not adequate to achieve the stated project goal. However, without adjustments to the procedures for outlining protected areas associated with ESA compliance under CLPRs (or, alternatively SMAs), and the addition of SMA criteria guiding the special management of all Species of Special Concern and their habitats, Alternative C may not "fully meet" the project objective as currently stated in Table 9 (page 106).

Issue 2: Lack of clarity regarding mitigation procedures

Assumptions made regarding levels of short-term and longer-term cumulative impacts to resources and values throughout the DEIS are heavily dependent upon the use of mitigation as a tool to address several types of potential resource impacts (for an example, see page 330 regarding cumulative impact assessment results for Species of Special Concern). These assumptions require very rigorous application of the "Avoid, Minimize, then, Compensate" mitigation hierarchy. The mitigation process and procedures are well developed for some types of natural resource impacts (e.g. to wetlands, streams, Federally Listed species), and the DEIS refers to the associated legal and policy mandates in the attached Appendices. However, not all resource values (e.g. Species of Special Concern) identified in the parks have established federal procedures for executing mitigation decisions.

Appendix F provides information on 2006 NPS Policies and Performance Standards regarding oil and gas operations. These performance standards include the following requirements for Species of Special Concern management (page F-4):

"Avoid adverse impacts on state and federally listed threatened, endangered, rare, declining, sensitive, and candidate plant and animal species and their habitats.

Ensure the continued existence of state and federally listed threatened, endangered, rare, declining, sensitive, and candidate plant and animal species and their habitats.

Ensure that permitted operations aid in the recovery of state and federally listed threatened, endangered, rare, declining, sensitive, and candidate plant and animal species and their habitats."

TNC believes that these performance standards should serve as a guidepost both for the establishment of SMAs as well as execution of the mitigation hierarchy when evaluating proposed impacts to Species of Special Concern.

The DEIS asserts that the SMA identification process will help achieve resource protection goals, but in most SMAs the proposed operational constraints may be revised pending an approved individual plan of operation which may include mitigation measures. TNC requests additional information on the following questions related to the application of "mitigation" procedures to achieve Project Objectives in the DEIS:

- What will tools will NPS utilize for guiding mitigation decision, including all steps of the mitigation sequence (avoid, minimize, compensate) for the resources captured in SMA designations?

- What role does a SMA designation play in the establishment of "avoidance" criteria for resource values within SMAs?
- What data or evidence will NPS utilize to ascertain the appropriateness of a proposed mitigation strategy for resource values in SMAs?
- Would mitigation of impacts to Species of Special Concern, wildlife and aquatic species, and their habitats be required if they do not fall within a designated SMA? What procedures would be followed to make such determinations?
- Decisions regarding the necessity for mitigation are associated with the case-by-case submission of individual operating plans. What procedures will be utilized to determine cumulative impacts of all proposals that will then help inform mitigation decisions?

The DEIS demonstrates a standardized process for the assessment of Cumulative Impacts for all resource values and all proposed alternatives (Chapter 4: Environmental Consequences). These analyses attempt to include the impacts of other activities, inside and within a designated proximity to park lands, in the determination of cumulative human impacts on park resources. The DEIS also recognizes that impacts to resource values are occurring outside the park's jurisdiction, and typically without proper mitigation requirements.

The challenges to long-term sustainability of park resources from cumulative impacts, and the lack of oversight typical outside NPS jurisdiction, suggest that NPS develop a formal process for a regular re-assessment of the significance of park resource values. Certain resources contained within park jurisdiction may increase in their value given declines outside park jurisdiction over time, and these temporal shifts in relative value should inform avoidance, minimization, and compensation decisions. For example, habitats occupied by Species of Special Concern may continue to decline outside park jurisdiction, making the remaining habitats within park jurisdiction that much more important for achieving species protection and recovery goals.

Because of the uncertainty regarding specific locations to be proposed by operators for roads and new operations under RFD, NPS should consider how different scenarios for the distribution of surface disturbances (pre and post road reclamation; alternative sitings of new wells and pads) may impact understandings of cumulative resource impacts (all values).

The 9B Regulations and Application of Regulations (Appendix A) describe Plans of Operations as a "prospective operator's blueprint for conducting activities including impact mitigation and site reclamation." Ideally, the EIS would address the specific procedures NPS will follow for executing mitigation decisions for all park resources outlined in the EIS. This would provide the NPS and the public with a blueprint to guide decision-making on the adequacy of any mitigation proposals within an individual plan of operation as well as the cumulative impacts of multiple mitigation proposals from all individual plans of operation taken collectively.

The 9B Regulations and Application of Regulations also outline several areas of the Park Superintendent's discretion regarding oversight of operations on park lands and implementation of planning requirements. Another approach to achieving more certainty regarding mitigation decisions would be for the Superintendent to lead a follow-up process to the EIS of advance mitigation planning, including guidance from non-federal experts, which clearly outlines how all resources throughout NPS jurisdiction will be addressed under the "Avoid, Minimize, then Compensate" framework.

Issue 3: Circumstances warranting EIS revision

The DEIS indicates that a number of circumstances, currently unforeseen given the general nature of the DEIS and uncertainties in future operating proposals, may require that the EIS be revisited and supplemental information developed. TNC is particularly interested in the types of changes that may trigger NPS to revisit the EIS in the future. These changes may include, but are not limited to, the following:

- More individual applications for new operating plans than identified in the RFD scenario
- Operating plans which require more road and/or well pad surface disturbances than anticipated

- Changes in resource conditions outside park jurisdictions which may affect assumptions of resource value and/or cumulative impacts including oil and gas activities within park jurisdictions

TNC believes that a general outline of NPS actions to revise or supplement the EIS given certain conditions would be helpful in the final EIS.

Issue 4: Total surface disturbance acreages, including road reclamation projections

Table 3 of the DEIS outlines the general assumptions regarding acreages of surface disturbance associated with the RFD oil and gas activity forecast (page 60). The negative acreages (indicating net positive acreages reclaimed) are highly dependent upon the reclamation of old and new roads. New roads are estimated to be ½ mile in length. The cumulative impact of new roads across Big South Fork, regardless, of the intent to reclaim on the 20 year horizon, should be assessed on park resources, especially interior forest bird species with area specific habitat requirements. Installation and maintenance of all roads should meet aquatic resource protection goals, as roads are a primary source of excess sedimentation to streams other surface waters.

Issue 5: Reliance on Individual Operating Plans , and necessity for public review

The limitations of a case-by-case review of operating plan submissions and mitigation proposals for achieving project objectives were outlined under Issue 2. The DEIS also provides a great deal of latitude for accommodating changes to any type of operational requirement, even within SMAs, within an individual operating plan. Essentially, almost any type of operational constraint could be waived pending NPS approval of any operating plan deemed appropriate for protecting resources.

Appendix A, Table A-1, outlines the procedures and timeline NPS will follow in working with operators on their proposals (pages A-19 and A-20). Meeting Project Objectives under this EIS are heavily upon the individual plan review process. TNC would like to emphasize the critical nature of the NEPA document preparation and suggest that at a minimum NPS produce or require an operator to provide a thorough Environmental Assessment for every proposal. Also, in order for the general public to be advised of potential impacts and NPS-approved mitigation proposals, the public review of EA (or EIS) documentation is critical. NPS may want to consider expanding the public review of EAs or EIS documents from 30 to 60 days. TNC also recommends that NPS convene a standing panel of federal and non-federal technical experts to assist NPS in the review of draft NEPA documents for completeness and the efficacy of any mitigation proposals for achieving resource management objectives.

Issue 6: NPS staff resources and funding mechanisms for management proposals

The DEIS discusses how past work on monitoring and reclamation projects have been funded with various grant resources and similar types of funding. Each alternative also has an accompanying level of staff effort and resource demands. How will the NPS fund the increase in inspections and additional monitoring of sites to bring them into compliance, plugging & reclaiming old wells, and permitting new operations? Will new staff be hired, or existing staff FTEs reassigned from other duties they currently perform for NPS at Big South Fork and Obed Wild and Scenic River? Will outside contractors be utilized, and if so, how will they be managed by NPS staff?

Conclusion

The Nature Conservancy appreciates the opportunity to comment on this very significant step towards addressing past, present, and future oil and gas activities on the Big South Fork National River and Recreation Area and Obed Wild and Scenic River. TNC is in general agreement that Alternative C, with some amendments as suggested in this letter, is the preferred alternative at this time.

Although not included as a stand-alone alternative for analysis, TNC is supportive of all efforts to purchase and retire non-federal mineral rights from willing sellers. Patterns of drilling permits granted by the Tennessee Department of Environment and Conservation during the last 5 to 7 years suggest that oil and gas activities will only increase in the Northern Cumberlands region around Big South Fork NRRRA and Obed NWSR during the 20 year RFD outlined in this DEIS. Targeted, proactive acquisition of rights from willing sellers will provide appropriate compensation to non-federal mineral rights owners and increase the NPS's ability to fulfill its role in protecting the many other resource values provided by these special park lands to citizens of the United States.

In closing, TNC encourages NPS to continue moving forward with proactive strategies which provide greater certainty for all public and private stakeholders associated with and/or concerned about oil and gas activities and the management of all park resources for future generations.

Sincerely,

Sally Palmer
Director of Science
The Nature Conservancy, Tennessee Chapter

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Comments

ID	First 40 Characters	Status	Assigned Code(s)	Code
224359	We are pleased that the NPS is taking a ...	Coded	AL3000	Code
224373	Of the Alternatives covered in the DEIS,...	Coded	AL7100	Code
224374	The resources projected to receive addit...	Coded	AL8000	Code
224384	In Table ES.1 (and later, Table 8 page 9...	Coded	SS2000	Code
224385	The DEIS concludes that Alternative C fu...	Coded	AL8000	Code
224387	Appendix F provides information on 2006 ...	Coded	AL8000	Code
224388	The DEIS asserts that the SMA identifica...	Coded	AL8000	Code
224389	The 9B Regulations and Application of Re...	Coded	GA1000	Code
224390	Because of the uncertainty regarding spe...	Coded	GA1000	Code
224393	The 9B Regulations and Application of Re...	Coded	AL4000	Code
224402	The DEIS indicates that a number of circ...	Coded	PN3000	Code
224403	Installation and maintenance of all road...	Coded	WQ4000	Code
224411	Appendix A, Table A-1, outlines the proc...	Coded	ON1000	Code
224413	The DEIS discusses how past work on moni...	Coded	PO4000	Code


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1

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Type: Letter

No

Notes:

Correspondence Text

Pursuant to Section 102(2)(C) of the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act, the U.S. Environmental Protection Agency (EPA) has reviewed the subject Big South Fork National River and Recreation Area and Obed Wild and Scenic River Draft Non-Federal Oil and Gas Management Plan/Environmental Impact Statement. The National Park Service (NPS) is the lead federal agency for the proposed action.

Big South Fork National River and Recreation Area (NRRA) encompasses approximately 135,000 acres on the Cumberland Plateau in Tennessee and Kentucky, approximately 70 highway miles northwest of Knoxville, Tennessee. The Obed Wild and Scenic River (WVSR) encompasses approximately 5,056 acres in Morgan and Cumberland Counties in Tennessee on the Cumberland Plateau, approximately 20 to 30 miles south and west of the Big South Fork NRRA.

The enabling legislation for the Big South Fork NRRA prohibits oil and gas extraction and development within the park's designated gorge area, but allows for development in the adjacent areas outside the gorge. Currently, there are more than 300 oil and gas wells within the Big South Fork NRRA, although no new wells have been drilled in the Big South Fork NRRA since about 1990. Active oils and gas production at Big South Fork NRRA occurs primarily in the south end of the unit, on both deferred properties (fee simple private property

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within the legislative boundary), as well as on property owned by the United States government. Wells with an "inactive" status are candidates to become either actively producing wells or plugged and abandoned wells. Within Obed WST, oil and gas exploration is limited, by deed restrictions, to directional drilling from outside the boundary. However, there are seven oil and gas wells in Obed WSR, including two plugged and abandoned wells. The plugged and abandoned wells may be in need of additional surface reclamation, and three of the five other wells may have leases that have expired, and would thus be required to be plugged and abandoned under state regulations. All of the operations inside the park unit are subject to existing rights.

At this time, while the NPS has comprehensive regulations governing nonfederal oil and gas development in national parks. The NPS does not have a comprehensive plan guiding oil and gas activities within the parks and limited ability to proactively communicate and enforce applicable regulations. Operators may be uncertain of the requirements and areas of the park having special resource values are not clearly identified to operators or the public. Existing and future oil and gas operations in the parks have the potential to impact resources and values. Because of the proximity of the two units, and their similar attributes and issues relating to oil and gas operations (such as similar geography and other natural resource conditions), the NPS decided to develop a draft Oil and Gas Management Plan / Environmental Impact Statement (Plan/EIS) for both units together to aid in the effective regulation and management of nonfederal oil and gas operations.

The purpose of the Plan/EIS for Big South Fork NRR and Obed WSR is to analyze alternative approaches, clearly define a strategy, and provide guidance to ensure that activities undertaken by owners and operators of private oil and gas rights, as well as activities undertaken by the NPS, are conducted in a manner that protects the resources, visitor use and experience, and human health and safety in the park units. This plan/EIS presents and analyzes the potential impacts of three alternatives: current management (the no action alternative) and two action alternatives for managing non-federal oil and gas in these units. Upon conclusion of the plan/EIS and decision-making process, one of the alternatives will become the Non-Federal Oil and Gas Management Plan for the units and guide future actions for a period of 15 to 20 years.

As noted, there are over 300 private oil and gas operations within Big South Fork NRR and Obed WSR. Many of the past and existing oil and gas operations in these NPS units are adversely impacting resources and values, human health and safety, and visitor use and experience; most are not in compliance with federal and state regulations, most notably, the NPS 36 Code of Federal Regulations (CFR), Part 9 Subpart B. In addition, future oil and gas operations have the potential to damage park resources and values. The Plan/EIS is needed to provide an efficient and effective strategy for park managers to ensure the units are protected for the enjoyment of future generations. There is also a need for park-specific guidance for the planning efforts of oil and gas owners and operators.

This is a programmatic management plan that establishes a general framework for managing oil and gas operations. By itself, it does not authorize any on-the-ground activities, but it does recognize existing operations. The reasonably foreseeable development scenario identified up to 25 wells that would be drilled in Big South Fork NRR and Obed WSR in the next 15-20 years, and up to 125 wells that could be amended or serviced to restore or improve production. The NPS will authorize specific projects by reviewing and approving operator submitted plans of operations or special use permit applications. Before doing so, the NPS will conduct further analysis in accordance with the National Environmental Policy Act of 1969 (NEPA), the National Historic Preservation Act of 1966, the Endangered Species Act of 1973, and other applicable federal laws.

PLAN ALTERNATIVES Forecast of Oil and Gas Activities

The NPS developed a forecast of oil and gas activities that includes a reasonably foreseeable development (RFD) scenario for new development to project future oil and gas development in the parks and an estimate of future well plugging. The purpose of the forecast is to provide a

reasonable basis for analyzing the potential and cumulative effects of oil and gas related operations in the parks among the alternatives presented in this EIS. For Big South Fork NRRRA and Obed WSR, the forecast of oil and gas is primarily for plugging of existing wells; as opposed to new drilling and production.

For the RFD scenario, the U.S. Geological Survey (USGS) and the NPS worked together to estimate the remaining hydrocarbon resources in the parks and to develop a projection of the type and level of activities that could occur to develop these resources. The RFD drilling scenario presented in this plan is based on the collaborative work of the USGS and the NPS. Seismic and other proprietary data available only to oil and gas companies was not used in the preparation of the RFD scenario. It is possible that the well spacing may be different than is projected in the RFD scenario, the drilling success rate may deviate from the NPS projection, and it may take fewer or more wells to develop the oil and gas resources underlying the parks. Any of these factors could result in a different development scenario than is presented by the NPS in this draft plan/EIS.

When the NPS acquired lands for Big South Fork NRRRA, it inherited a legacy of inactive nonfederal oil and gas wells, many without responsible parties. The 2001 well inventory (TDEC 2001) identified 59 inactive wells at Big South Fork NRRRA that were considered candidates for plugging, of which over half had no responsible parties. Of these, 54 wells have been or will be plugged within the next few years mainly using funding received through the American Recovery and Reinvestment Act and NPS funding administered through a cooperative agreement with Tennessee Department of Environment and Conservation. However, the NPS and operators are to identify additional inactive wells as plugging candidates in the future, and the forecast of oil and gas activity for this plan estimates that about 50 additional wells will need to be plugged over the life of this plan.

SUMMARY

The forecast of oil and gas activities for Big South Fork NRRRA includes:

- Plugging of up to 50 wells (these are in addition to those that have recently been or are currently being plugged under American Recovery and Reinvestment Act of 2009 (ARRA) and NPS funding administered through the Tennessee Department of Environment and Conservation (TDEC), and surface reclamation of associated pads and access roads. However, if during the course of operations under this plan, additional wells were to be identified, they would also be incorporated into the scope of this plan.
- Workover or well servicing of up to 125 wells to restore or improve production. Very little, if any, geophysical (e.g., seismic) exploration.
- Drilling of between 0 and 20 new wells to produce both resources existing within discovered fields and undiscovered resources estimated to occur beneath nonfederal oil and gas estate acreage in the park.
- No federal surface disturbance associated with gas storage projects.

The forecast of oil and gas activities for Obed WSR includes:

- Plugging of up to 5 wells and surface reclamation of associated pads and access roads.
- Workover or well servicing of 2 wells to restore or improve production.
- Drilling of between 0 and 5 directional wells from surface locations outside the park to bottomhole locations inside or through the park to produce the volume of undiscovered resources estimated to occur beneath the park.

Important aspects of the forecast for both Big South Fork NRRRA and Obed WSR are:

- Activities associated with existing operations are not expected to involve any new surface disturbance;
- Disturbance from new wells is expected to be offset by reclamation of existing wellpads and roads by at least a 2: 1 ratio and perhaps by as much as a 10: 1 ratio; and,
- The overall footprint of oil and gas activities and all the associated impacts is expected to be on a decreasing trend over the planning period.

SUMMARY OF PLAN ALTERNATIVES

Three alternatives are presented. These alternatives were developed to meet the stated objectives of this draft plan/EIS to a large degree and provide a reasonable range of options to manage exploration, drilling, production and transportation of nonfederal oil and gas within the parks. The alternatives are described below.

ALTERNATIVE A: NO ACTION

Alternative A-No Action is required by the NEP A as the baseline. No action is the continued management of oil and gas operations in the parks following the current management plan. The NPS would continue to work cooperatively with the state on regulations or enforcement, but would be somewhat limited in its ability to conduct inspections and monitoring of all operations on a regular basis and would defer to the state to notify operators about compliance issues. Compliance for plans of operations related to management of current operations and for new drilling and/or exploration would be conducted on a case-by-case basis in both park units with currently available staff and funding sources. Restrictions and protected areas identified in the current legal and policy requirements (CLPRs) for each park unit (including the NPS 9B regulations) would be applied to new operations. Plugging and reclamation activities would be guided by the 9B or state regulations, as appropriate, and compliance for these operations would be conducted on a case-by-case basis in both park units.

ALTERNATIVE B: COMPREHENSIVE IMPLEMENTATION OF 9B REGULATIONS AND A NEW MANAGEMENT FRAMEWORK FOR PLUGGING AND RECLAMATION

Under alternative B, the NPS would proactively pursue enforcement of the 9B regulations and plans of operations and provide clear communication with the public and operators about CLPRs, including the 9B regulations. For current operations, the NPS would continue to work cooperatively with the state on regulations or enforcement, but would conduct increased inspections and monitoring and identify sites that are found to be impacting, or threatening to impact, park resources beyond the operations area to bring these into compliance. New operations would be reviewed and permitted in accordance with the restrictions and protected areas described in the CLPRs, similar to alternative A. The park would use the oil and gas management planning process to proactively share information with the public about regulatory requirements, to seek out operators to ensure information is communicated clearly and effectively, and to focus staff resources on the implementation and compliance with the regulatory framework. Alternative B also includes a new management framework for efficiently completing compliance processes necessary for plugging and reclamation of wells, which would provide a method for evaluating the environmental compliance needs for future site-specific projects. Priority sites for plugging and reclamation would be identified using criteria developed for this plan/EIS.

ALTERNATIVE C: COMPREHENSIVE IMPLEMENTATION OF 9B REGULATIONS, NEW MANAGEMENT FRAMEWORK FOR PLUGGING AND RECLAMATION, AND ESTABLISHMENT OF SPECIAL MANAGEMENT AREAS

Alternative C would implement the same type of more proactive management described in alternative B, including additional inspections and monitoring of current operations to bring them into compliance, as well as the permitting of new operations. However, under alternative C, "Special Management Areas" or SMAs have been designated to identify and protect those areas where park resources and values are particularly susceptible to adverse impacts from oil and gas development. Specific protections afforded by these SMAs are presented in Table 2; and these operating stipulations would be applied in the designated SMAs to protect the resources and values of the park units unless other mitigation measures were specifically authorized in an approved plan of operations. Similar to alternative B, the park would use the oil and gas management planning process to proactively share information with the public about regulatory requirements, to seek out operators to ensure information is communicated clearly and effectively, and to focus staff resources on the implementation and compliance with the regulatory framework. Alternative C also includes the new management framework for plugging and reclamation of wells as described under alternative B; and the designated SMAs would be considered in setting priorities for plugging and reclamation.

EPA COMMENTS and RECOMMENDATIONS

EPA appreciates the effort and planning put into this Plan EIS. We would like to provide general comments for the plan and specific comments on three areas mentioned in the Plan: Alternative C, drilling of new wells and Environmental Justice (EJ).

General Comments

Any Management Plan adopted by the NPS must comply with the Clean Water Act. Also we appreciate the management objectives include a provision for protection of species of management concern. Both state and federally protected species must be given consideration in the planning and implementation processes. The Big South Fork and Obed Rivers are part of the Cumberland River Watershed known globally for having the highest number of fish and mussel species at risk than any freshwater region of the United States.

Alternative C The NPS Preferred Alternative

During internal and public scoping and subsequent analyses, the interdisciplinary planning team identified certain resources and values that are particularly susceptible to adverse impacts from oil and gas operations or are essential to maintain the ecological integrity of Big South Fork NRR and Obed WSR. In some SMAs, oil and gas operations may be permitted with specific operating stipulations to protect park resources and values. In other areas, new operations would not be permitted to use or occupy the land surface, referred to as the "No Surface Use" stipulation, unless other mitigation that would protect the resources and values of the SMA is included in an approved plan of operations. There may be surface use allowed if mitigations are approved in a plan of operations. However, while an approved plan of operations could relax SMA restrictions, it would not supersede applicable statutes such as gorge restrictions and deed restrictions. In some cases where the No Surface Use requirement would apply, there are distance setbacks from the boundary of the SMA. For example, No Surface Use with a 500- to 1,500-foot setback in the visitor use/administrative areas means that surface uses associated with non-federal oil and gas operations would not be permitted within 500 to 1,500 feet of the perimeter of the designated SMA. These setbacks are variable, and are dependent upon the mitigation measures employed to protect resources, values, and human health and safety. Other mitigation measures that could be employed include installation of 10-foot sound walls for compressor sites during production, sound muffling and redirecting of unwanted sounds away from visitor use areas, regular maintenance to eliminate squeaks, and incorporation of newer, quieter pumpjacks that run on electricity. In addition, timing stipulations would be applied to minimize impacts during wet periods and high visitor use/visitation periods (generally April through October) in certain SMAs. Operations may be conducted when the timing stipulations are not in effect, unless an operator can demonstrate a compelling reason why it must conduct their activities when they are in effect.

Any modification of any SMA operating stipulation may be considered by the NPS if site-specific information (such as engineering, geological, biological, or other studies) warrant the change, or if an operator can demonstrate that their proposed operation would meet the goals of protecting resources and values in the SMA. SMAs would apply to all new operations unless an operator demonstrates this would entirely prevent reasonable access to a mineral estate. The NPS would require an operator to provide information to support such a conclusion, and would evaluate the application of the SMAs relative to the proposed operation on a case-by-case basis. EPA concurs with the selection of Alternative C, the NPS Preferred Alternative, and is in favor of the tiered approach of Special Management Areas (SMA) to identify and protect those areas where park resources and values are particularly susceptible to adverse impacts from oil and gas development.

EPA recommends maximum flexibility of the SMAs to best incorporate evolving science and best management practices regarding oil and gas exploration.

Drilling of New Wells

EPA recommends the NPS considers and addresses the following issues related to the drilling of new wells in the management plan as well as implementing regulations.

Cumulative impacts need to be analyzed in terms of the specific resource, ecosystem, ground and surface water and the human community being affected.

Hydraulic Fracturing which include but are not limited to the following: Water Acquisition, Chemical Mixing, Well Injection, Flowback and Produced Water, and Wastewater Treatment and Waste Disposal.

Reclamation - Including but not limited to impacts on surface and groundwater and loss of habitat.

Environmental Justice (EJ)

The environmental justice section indicates that there is no need to evaluate EJ issues since the study area is within a National Park; however the cumulative impacts of this project may have potential to impact communities outside of the National Park.

EPA recommends that an EJ evaluation be conducted for all communities within a reasonable radius of the study area outside of the National Park. The EJ study should include more than just demographics and should include interviews with the potentially affected communities.

We rate this document EC-I Environmental Concerns; We have concerns that the proposed action identifies the potential for impacts to the environment that should be further avoided/minimized. Based on the DEIS, Alternative C, with consideration of additional Best Practices, would appear to be the best approach.

We appreciate the opportunity to review the proposed action. Please contact Ken Clark at (404) 562-8282 if you have any questions or want to discuss our comments.

Sincerely,
Heinz J. Mueller, Chief
NEPA Program Office
Office of Policy and Management

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Comments

ID	First 40 Characters	Status	Assigned Code(s)	Code
224764	Any Management Plan adopted by the NPS m...	Coded	WQ1000	Code
224774	EPA concurs with the selection of Altern...	Coded	AL7100	Code
224775	EPA recommends maximum flexibility of th...	Coded	AL8000	Code
224776	EPA recommends the NPS considers and add...	Coded	GA1000	Code
224778	The environmental justice section indica...	Coded	GA1000	Code
224779	We rate this document EC-I Environmental...	Coded	GA1000	Code
224780	Based on the DEIS, Alternative C, with c...	Coded	AL7100	Code

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[1] Project Setup	Correspondence (23) Enter More Edit Print Back To List	
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[3] Internal Scoping / IDT Tasks	Keep Private: No Name: Randal D. Williams Organization: Upper Cumberland Development District <input checked="" type="radio"/> Official Rep. Organization Type: S - State Government Address: 1225 South Willow Avenue Cookeville, TN 38506 USA E-mail:	
[4] Natural/Cultural Compliance	Correspondence Information	
[5] Internal Documents / Comments	Status: Reviewed Park Correspondence Log: Date Sent: Date Received: 08/16/2011 Number of Signatures: 1 Form Letter: No Contains Request(s): No Type: Letter Notes:	
[6] Public Communication	Correspondence Text	
[7] Public Documents & Comment Analysis	To Whom it may Concern: After reviewing the above referenced document, the Upper Cumberland Development District is satisfied that the proposed management plan is in the best interest of the region, and has been developed in a manner that will ensure the protection of the Big South Fork and Obed's diverse natural and cultural resources. As such, the Upper Cumberland Development District supports your efforts to finalize this plan. If I can be of further service, please do not hesitate to contact me. Respectfully, Randal D Williams Director, Cultural Resources Management Upper Cumberland Development District	
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