

APPENDIX M: TRIBAL CONSULTATION LETTERS AND RESPONSES



IN REPLY REFER TO:

United States Department of the Interior

National Park Service
Big South Fork
National River and Recreation Area
4564 Leatherwood Road
Oneida, Tennessee 37841



L3023

December 29, 2006

Larry Nuckolls, Governor
Absentee-Shawnee Tribe of Oklahoma
2025 S. Gordon Cooper Drive
Shawnee, OK 74801

Dear Governor Nuckolls:

Federal regulations for the implementation of Section 106 of the National Historic Preservation Act of 1966, as amended, require consultation with federally recognized American Indian tribes (36 CFR 800.2) on a government-to-government basis, as specified in Executive Order 13175. The administration of the Big South Fork National River and Recreation Area and the Obed National Wild and Scenic River (collectively "the Parks") is committed to honoring in full good faith its obligations and responsibilities toward the sovereign, federally recognized Indian tribes under all United States laws, regulations, and policies. As part of my responsibility to "make a reasonable and good faith effort to identify Indian tribes...that shall be consulted in the 106 process," I am writing to inquire if the Absentee-Shawnee Tribe of Oklahoma desires to consult with the National Park Service regarding a proposed Oil and Gas Management Plan/Environmental Impact Statement (EIS) covering oil and gas operations at the Parks. We are also making a similar inquiry of six other tribal governments traditionally associated with Eastern Tennessee. The purpose and need for the proposed Oil and Gas Management Plan/EIS is described in the enclosed scoping brochure. You may also find additional information at our Planning, Environment, and Public Comment (PEPC) website:

<http://parkplanning.nps.gov/projectHome.cfm?parkId=354&projectId=10911>

If the Absentee-Shawnee Tribe of Oklahoma wishes to consult with the National Park Service regarding the proposed plan as provided for under the regulations for the National Historic Preservation Act, please contact me at the address above, by phone at 423-569-9778 or email at biso_superintendent@nps.gov in order that we may arrange mutually agreeable time(s) and location(s) for consultation. To ensure that our planning process continues on



schedule, please respond to this letter within 30 days. We are looking forward to your reply and to maintaining a continuing relationship with the tribal government of the Absentee-Shawnee Tribe of Oklahoma.

Sincerely,

/s/Reed E. Detring

Reed E. Detring
Superintendent

cc: Ms. Karen Kaniatobe, THPO

tblount:eh:12/22/06:423-569-2404 X252



IN REPLY REFER TO:

United States Department of the Interior

National Park Service
Big South Fork
National River and Recreation Area
4564 Leatherwood Road
Oneida, Tennessee 37841



L3023

December 29, 2006

Chad "Corn tassle" Smith, Principal Chief
Cherokee Nation
P.O. Box 948
Tahlequah, OK 74465

Dear Chief Smith:

Federal regulations for the implementation of Section 106 of the National Historic Preservation Act of 1966, as amended, require consultation with federally recognized American Indian tribes (36 CFR 800.2) on a government-to-government basis, as specified in Executive Order 13175. The administration of the Big South Fork National River and Recreation Area and the Obed National Wild and Scenic River (collectively "the Parks") is committed to honoring in full good faith its obligations and responsibilities toward the sovereign, federally recognized Indian tribes under all United States laws, regulations, and policies. As part of my responsibility to "make a reasonable and good faith effort to identify Indian tribes...that shall be consulted in the 106 process," I am writing to inquire if the Cherokee Nation desires to consult with the National Park Service regarding a proposed Oil and Gas Management Plan/Environmental Impact Statement (EIS) covering oil and gas operations at the Parks. We are also making a similar inquiry of six other tribal governments traditionally associated with Eastern Tennessee. The purpose and need for the proposed Oil and Gas Management Plan/EIS is described in the enclosed scoping brochure. You may also find additional information at our Planning, Environment, and Public Comment (PEPC) website:

<http://parkplanning.nps.gov/projectHome.cfm?parkId=354&projectId=10911>

If the Cherokee Nation wishes to consult with the National Park Service regarding the proposed plan as provided for under the regulations for the National Historic Preservation Act, please contact me at the address above, by phone at 423-569-9778 or email at biso_superintendent@nps.gov in order that we may arrange mutually agreeable time(s) and location(s) for consultation. Please forward this letter to your Tribal Historic Preservation



Officer (THPO) or Acting THPO. To ensure that our planning process continues on schedule, please respond to this letter within 30 days. We are looking forward to your reply and to maintaining a continuing relationship with the tribal government of the Cherokee Nation.

Sincerely,

/s/Reed E. Detring

Reed E. Detring
Superintendent

tblount:eh:12/22/06:423-569-2404 X252



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Oneida, Tennessee 37841



L3023

December 29, 2006

Michell Hicks, Principal Chief
Eastern Band of Cherokee Indians
Qualla Boundary
P.O. Box 455
Cherokee, NC 28719

Dear Principal Chief Hicks:

Federal regulations for the implementation of Section 106 of the National Historic Preservation Act of 1966, as amended, require consultation with federally recognized American Indian tribes (36 CFR 800.2) on a government-to-government basis, as specified in Executive Order 13175. The administration of the Big South Fork National River and Recreation Area and the Obed National Wild and Scenic River (collectively "the Parks") is committed to honoring in full good faith its obligations and responsibilities toward the sovereign, federally recognized Indian tribes under all United States laws, regulations, and policies. As part of my responsibility to "make a reasonable and good faith effort to identify Indian tribes...that shall be consulted in the 106 process," I am writing to inquire if the Eastern Band of Cherokee Indians desires to consult with the National Park Service regarding a proposed Oil and Gas Management Plan/Environmental Impact Statement (EIS) covering oil and gas operations at the Parks. We are also making a similar inquiry of six other tribal governments traditionally associated with Eastern Tennessee. The purpose and need for the proposed Oil and Gas Management Plan/EIS is described in the enclosed scoping brochure. You may also find additional information at our Planning, Environment, and Public Comment (PEPC) website:

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If the Eastern Band of Cherokee Indians wishes to consult with the National Park Service regarding the proposed plan as provided for under the regulations for the National Historic Preservation Act, please contact me at the address above, by phone at 423-569-9778 or email at biso_superintendent@nps.gov in order that we may arrange mutually agreeable time(s) and location(s) for consultation. To ensure that our planning process continues on



schedule, please respond to this letter within 30 days. We are looking forward to your reply and to maintaining a continuing relationship with the tribal government of the Eastern Band of Cherokee Indians.

Sincerely,

/s/Reed E. Detring

Reed E. Detring
Superintendent

cc: Russell Townsend, THPO

tblount:eh:12/22/06:423-569-2404 X252



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Oneida, Tennessee 37841



L3023

December 29, 2006

Robin Dushane, Chief
Eastern Shawnee Tribe of Oklahoma
P.O. Box 350
Seneca, MO 64865

Dear Chief Dushane:

Federal regulations for the implementation of Section 106 of the National Historic Preservation Act of 1966, as amended, require consultation with federally recognized American Indian tribes (36 CFR 800.2) on a government-to-government basis, as specified in Executive Order 13175. The administration of the Big South Fork National River and Recreation Area and the Obed National Wild and Scenic River (collectively "the Parks") is committed to honoring in full good faith its obligations and responsibilities toward the sovereign, federally recognized Indian tribes under all United States laws, regulations, and policies. As part of my responsibility to "make a reasonable and good faith effort to identify Indian tribes...that shall be consulted in the 106 process," I am writing to inquire if the Eastern Shawnee Tribe of Oklahoma desires to consult with the National Park Service regarding a proposed Oil and Gas Management Plan/Environmental Impact Statement (EIS) covering oil and gas operations at the Parks. We are also making a similar inquiry of six other tribal governments traditionally associated with Eastern Tennessee. The purpose and need for the proposed Oil and Gas Management Plan/EIS is described in the enclosed scoping brochure. You may also find additional information at our Planning, Environment, and Public Comment (PEPC) website:

<http://parkplanning.nps.gov/projectHome.cfm?parkId=354&projectId=10911>

If the Eastern Shawnee Tribe of Oklahoma wishes to consult with the National Park Service regarding the proposed plan as provided for under the regulations for the National Historic Preservation Act, please contact me at the address above, by phone at 423-569-9778 or email at biso_superintendent@nps.gov in order that we may arrange mutually agreeable time(s) and location(s) for consultation. Please forward this letter to your Tribal Historic Preservation Officer (THPO) or Acting THPO. To ensure that our planning process continues on schedule,



please respond to this letter within 30 days. We are looking forward to your reply and to maintaining a continuing relationship with the tribal government of the Eastern Shawnee Tribe of Oklahoma.

Sincerely,

/s/Reed E. Detring

Reed E. Detring
Superintendent

tblount:ch:12/22/06:423-569-2404 X252



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L3023

December 29, 2006

Ron Sparkman, Chairman
Shawnee Tribe
P.O. Box 189
Miami, OK 74355

Dear Chairman Sparkman:

Federal regulations for the implementation of Section 106 of the National Historic Preservation Act of 1966, as amended, require consultation with federally recognized American Indian tribes (36 CFR 800.2) on a government-to-government basis, as specified in Executive Order 13175. The administration of the Big South Fork National River and Recreation Area and the Obed National Wild and Scenic River (collectively "the Parks") is committed to honoring in full good faith its obligations and responsibilities toward the sovereign, federally recognized Indian tribes under all United States laws, regulations, and policies. As part of my responsibility to "make a reasonable and good faith effort to identify Indian tribes...that shall be consulted in the 106 process," I am writing to inquire if the Shawnee Tribe desires to consult with the National Park Service regarding a proposed Oil and Gas Management Plan/Environmental Impact Statement (EIS) covering oil and gas operations at the Parks. We are also making a similar inquiry of six other tribal governments traditionally associated with Eastern Tennessee. The purpose and need for the proposed Oil and Gas Management Plan/EIS is described in the enclosed scoping brochure. You may also find additional information at our Planning, Environment, and Public Comment (PEPC) website:

<http://parkplanning.nps.gov/projectHome.cfm?parkId=354&projectId=10911>

If the Shawnee Tribe wishes to consult with the National Park Service regarding the proposed plan as provided for under the regulations for the National Historic Preservation Act, please contact me at the address above, by phone at 423-569-9778 or email at biso_superintendent@nps.gov in order that we may arrange mutually agreeable time(s) and



location(s) for consultation. To ensure that our planning process continues on schedule, please respond to this letter within 30 days. We are looking forward to your reply and to maintaining a continuing relationship with the tribal government of the Shawnee Tribe.

Sincerely,

/s/Reed E. Detring

Reed E. Detring
Superintendent

cc: Ms. Rebecca Hawkins, Administrator/THPO

tblount:ch:12/22/06:423-569-2404 X252



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Oneida, Tennessee 37841



L3023

December 29, 2006

Bill Anoatubby, Governor
Chickasaw Nation
P.O. Box 1548
Ada, OK 74821

Dear Governor Anoatubby:

Federal regulations for the implementation of Section 106 of the National Historic Preservation Act of 1966, as amended, require consultation with federally recognized American Indian tribes (36 CFR 800.2) on a government-to-government basis, as specified in Executive Order 13175. The administration of the Big South Fork National River and Recreation Area and the Obed National Wild and Scenic River (collectively "the Parks") is committed to honoring in full good faith its obligations and responsibilities toward the sovereign, federally recognized Indian tribes under all United States laws, regulations, and policies. As part of my responsibility to "make a reasonable and good faith effort to identify Indian tribes...that shall be consulted in the 106 process," I am writing to inquire if the Chickasaw Nation desires to consult with the National Park Service regarding a proposed Oil and Gas Management Plan/Environmental Impact Statement (EIS) covering oil and gas operations at the Parks. We are also making a similar inquiry of six other tribal governments traditionally associated with Eastern Tennessee. The purpose and need for the proposed Oil and Gas Management Plan/EIS is described in the enclosed scoping brochure. You may also find additional information at our Planning, Environment, and Public Comment (PEPC) website:

<http://parkplanning.nps.gov/projectHome.cfm?parkId=354&projectId=10911>

If the Chickasaw Nation wishes to consult with the National Park Service regarding the proposed plan as provided for under the regulations for the National Historic Preservation Act, please contact me at the address above, by phone at 423-569-9778 or email at biso_superintendent@nps.gov in order that we may arrange mutually agreeable time(s) and location(s) for consultation. Please forward this letter to your Tribal Historic Preservation



Officer (THPO) or Acting THPO. To ensure that our planning process continues on schedule, please respond to this letter within 30 days. We are looking forward to your reply and to maintaining a continuing relationship with the tribal government of the Chickasaw Nation.

Sincerely,

/s/Reed E. Detring

Reed E. Detring
Superintendent

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4564 Leatherwood Road
Oneida, Tennessee 37841



L3023

December 29, 2006

George Wickliffe, Chief
United Keetoowah Band of Cherokee Indians in Oklahoma
P.O. Box 746
Tahlequah, OK 74465

Dear Chief Wickliffe:

Federal regulations for the implementation of Section 106 of the National Historic Preservation Act of 1966, as amended, require consultation with federally recognized American Indian tribes (36 CFR 800.2) on a government-to-government basis, as specified in Executive Order 13175. The administration of the Big South Fork National River and Recreation Area and the Obed National Wild and Scenic River (collectively "the Parks") is committed to honoring in full good faith its obligations and responsibilities toward the sovereign, federally recognized Indian tribes under all United States laws, regulations, and policies. As part of my responsibility to "make a reasonable and good faith effort to identify Indian tribes...that shall be consulted in the 106 process," I am writing to inquire if the United Keetoowah Band of Cherokee Indians in Oklahoma desires to consult with the National Park Service regarding a proposed Oil and Gas Management Plan/Environmental Impact Statement (EIS) covering oil and gas operations at the Parks. We are also making a similar inquiry of six other tribal governments traditionally associated with Eastern Tennessee. The purpose and need for the proposed Oil and Gas Management Plan/EIS is described in the enclosed scoping brochure. You may also find additional information at our Planning, Environment, and Public Comment (PEPC) website:

<http://parkplanning.nps.gov/projectHome.cfm?parkId=354&projectId=10911>

If the United Keetoowah Band of Cherokee Indians in Oklahoma wishes to consult with the National Park Service regarding the proposed plan as provided for under the regulations for the National Historic Preservation Act, please contact me at the address above, by phone at 423-569-9778 or email at biso_superintendent@nps.gov in order that we may arrange mutually agreeable time(s) and location(s) for consultation. To ensure that our planning process continues on



schedule, please respond to this letter within 30 days. We are looking forward to your reply and to maintaining a continuing relationship with the tribal government of the United Keetoowah Band of Cherokee Indians in Oklahoma.

Sincerely,

/s/Reed E. Detring

Reed E. Detring
Superintendent

cc: Lisa C. Stopp, Acting THPO

tblount:eh:12/22/06:423-569-2404 X252



**United Keetoowah Band
Of Cherokee Indians in Oklahoma**

P.O. Box 746 • Tahlequah, OK 74465
2450 S. Muskogee • Tahlequah, OK 74464
Phone: (918) 431-1818 • Fax: (918) 431-1873
www.ukb-nsn.gov

Historic Preservation Program

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Jerry Hanson
Delaware District

Woodrow Proctor
Flint District

Joyce Fourkiller
Goingsnake District

Susan Adair
Illinois District

Adalene Smith
Saline District

Barry Dotson
Sequoyah District

Albert Shade
Tahlequah District

January 22, 2007

Reed E. Detring
National Park Service
Big South Fork
National River and Recreation Area
4564 Leatherwood Road
Oneida, TN 37841

Dear Mr. Detring:

We are in receipt of your letter dated December 29, 2007, and I apologize for the delay in responding. We suffered a severe ice storm, and our office was temporarily closed.

The United Keetoowah Band of Cherokee Indians in Oklahoma would like to be a consulting party to the proposed Oil and Gas Management Plan/EIS.

You may contact me at the above address, phone 918-456-9200 and e-mail lstopp@unitedkeetoowahband.org if you have any questions.

Best Regards,

Lisa C. Stopp
Acting Tribal Historic Preservation Officer

The Tribal Historic Preservation Office of the Eastern Band of Cherokee Indians is in receipt of the above-referenced project information and would like to thank you for the opportunity to comment on this proposed NHPA Section 106 activity.

The project's location is within the aboriginal territory of the Cherokee people. This area may have cultural, archaeological, or religious significance to the Eastern Band of Cherokee Indians. Potential cultural resources are subject to damage or destruction from land disturbing activities requiring new ground disturbance, or vegetation manipulation.

Adverse effects to ethnographic sites, such as traditional Native American campsites or burials, can reduce the interpretative or spiritual significance of a site to Tribal and United States culture and history. The EBCI THPO requests any cultural resource data, including phase I archeological reports, topographic maps, historical research, or archives research, forwarded to the Kentucky Heritage Council for comment also be sent to this office. The EBCI THPO looks forward to participating in the project review process as a consulting party as stipulated in Section 106 of the National Historic Preservation Act of 1966. If we can be of further service, or if you have any comments or questions, please feel free to contact me at (828) 554-6852.

Sincerely,

Tyler B. Howe
Tribal Historic Preservation Specialist
Eastern Band of Cherokee Indians
828-554-6852

APPENDIX N: PUBLIC COMMENT ANALYSIS REPORT

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 (draft plan/EIS), 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 draft plan/EIS, 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 draft plan/EIS 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 draft plan/EIS, the public was encouraged to submit comments regarding the draft plan/EIS 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 draft plan/EIS 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 draft plan/EIS, 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. Each meeting was 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

During the comment period for the draft plan/EIS, 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 98 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. Twenty-three codes were used to categorize all of the comments received on the draft plan/EIS. 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 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." All comments were read and considered and will be used to help create the final plan/EIS; however, 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%) were from commenters in the state of Tennessee. The remaining correspondences were from five other states. The majority of comments (58.33%) were from unaffiliated individuals; 16.67% of the comments were from conservation/preservation organizations.

GUIDE TO THIS DOCUMENT

This appendix 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 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 draft plan/EIS 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](#) is provided for each concern statement.

Copies of Correspondences Received from Agencies and Organizations: This includes 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 or from hard copy submittals.

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 the Parks	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, Regulations, 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, Regulations 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%
Unknown	1	4%
Total	24	100%

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.

Response: Access to minerals must be provided to operators, consistent with their property rights and existing regulations. Where there is overlap between publicly accessible park trails or roads and oil and gas access roads, the NPS will work with operators to develop an access scenario that minimizes adverse impacts. Although there could be unauthorized recreational use oil and gas access roads, the NPS manages this issue through routine law enforcement operations, and it would be speculative to predict the nature of any associated impacts. Additionally, over time, there will be fewer oil and gas access routes in Big South Fork NRRRA as operations are reclaimed, which will minimize the opportunity for unauthorized recreational use on associated roads.

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.

Response:

The NPS acknowledges that hydraulic fracture stimulation operations require additional analyses and enhanced mitigation measures compared to drilling and completion operations that do not include hydraulic fracturing. The NPS does not believe a moratorium on hydraulic fracturing operations is warranted, because adequate information exists to reasonably assess impacts and risks associated with hydraulic fracturing, and the NPS regulatory program is well equipped to address them.

Based on the information before it, the NPS does not believe that propagation of fractures into water-bearing strata is implicated in pollution of groundwater and surface waters. Rather, the intermittent impacts that have occurred to groundwater and surface water have been the result of poor well construction, substandard well control practices, and surface mismanagement of contaminants. These problems are not unique to hydraulic fracturing, but to oil and gas drilling in general, and are identifiable and correctable. Text has been added to clarify this in the impact analysis.

That said, the geologic barriers between the target zone and base of the deepest usable groundwater zone are a primary consideration in protection of groundwater. A review of Big South Fork National River and Recreation Area (NRRA) and Obed National Wild and Scenic River (WSR) well logs indicates the Chattanooga Shale is separated by a minimum of 500 feet from groundwater (O'Dell, pers. comm. 2012). Though the geologic horizons that separate the two would help confine the vertical growth of hydraulic fracture treatments, because the separation is just 500 feet, careful consideration of site-specific geology and treatment design parameters will be warranted. As discussed below, the NPS regulations provide for a detailed, site-specific analysis of any hydraulic fracture stimulation proposal.

NPS 9B regulations and current legal and policy requirements provide the NPS with the ability to require and enforce all necessary safeguards to minimize or avoid impacts to resources and visitor uses. For example, the NPS can require disclosure of the specific chemicals and their quantities used in operations so that the appropriate containment and disposition requirements can be employed to minimize the risk of contaminants affecting park resources. The NPS can also require the use of less toxic chemicals if technically feasible, such as replacement of diesel with a less toxic carrying fluid. The NPS can require that water be brought in from outside the park, and wastewater stored in tanks and disposed of outside the park. The NPS can also require well construction standards above those required by the state, such as surface casing and cementing, to enhance isolation and protection of usable quality water zones. Comprehensive information on the geologic conditions and hydraulic stimulation design parameters would be part of a plan of operations proposal, so that the NPS could evaluate the risk of vertical fracture growth to groundwater. Measurement of naturally occurring radioactive material (NORM) levels in drill cuttings can be part of the operator's monitoring program, and appropriate handling and disposal methods would be imposed when warranted.

The Final Non-federal Oil and Gas Management Plan/Environmental Impact Statement (final plan/EIS) augments the discussion of the hydraulic fracture stimulations that are expected to be necessary for the development of the Chattanooga shale. Additional information about and mitigation measures for hydraulic fracturing has been added to the final plan/EIS on pages 56, 64, and 65; in the Cumulative Impacts Scenario section of chapter 4; and in the “Drilling and Production” analysis for each appropriate resource in chapter 4.

While the final plan/EIS includes additional information related to hydraulic fracturing, the NPS believes it does not affect the discussion of the nature of impacts or the overall level of impact previously assessed. Once available, the results of the USEPA-initiated comprehensive investigation of the water pollution potential of hydraulic fracturing, which is underway with a final report scheduled for 2014, would be considered in evaluating impacts of plans of operations involving hydraulic fracturing.

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.

Response:

The park superintendent oversees decisions regarding park resources and values, which includes advanced mitigation planning as a key component. Mitigation measures that would typically be required are discussed throughout the EIS impact analysis, and the EIS refers to the current legal and policy requirements that include numerous mitigation measures. Mitigation planning and identification of site-specific requirements to avoid or minimize adverse impacts will also be addressed when a specific proposal is submitted to the park in the form of a plan of operation. An environmental assessment (EA) will be completed for each plan of operation, and the EA will analyze all proposed activities and environmental effects. The NPS will also generally consider public comments, including any from non-federal experts, as part of such a process. The NPS will continue to review plans of operations and engage in follow-up monitoring as a component of their routine protocol.

The acquisition of mineral rights from willing sellers occurs on a case-by-case basis, subject to the availability of funds. The draft plan EIS notes the option for land purchase as a component of all of the alternatives (corresponding pages 67, 81, and 93 of the final plan/EIS). Land can be acquired either by donation or through a willing-seller / willing-buyer arrangement.

Concern ID: 34266

CONCERN STATEMENT: The plan/EIS should address the specific procedures NPS will follow for executing mitigation decisions for all park resources outlined in the draft plan/EIS.

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.

Response:

The Non-federal Oil and Gas Management Plan/EIS includes information about the types of procedures and mitigation measures that are available to avoid or reduce impacts to park resources and values, but site-specific mitigation procedures must be identified at the time a specific proposal (plan of operations) is submitted and site details can be obtained and evaluated. The draft plan/EIS references many current legal and policy requirements, including NPS 9B regulations and guidance, and the Oil and Gas Operator's Handbook (NPS 2006a) is mentioned on page 81 of the final plan/EIS under Administrative and Planning Responsibilities. This handbook includes tables that list recommended mitigation measures for exploration, drilling and production, and plugging and reclamation. These measures would be considered and incorporated into NPS review and approval of plans of operation on a site-specific basis.

Additional text has been added in appendix B under "Policies, Guidelines, and Procedures" (page B-43 of the final plan/EIS) to provide information about the mitigation measures and other environmental protection provisions contained in the NPS Oil and Gas Operator's Handbook. Also, text has been added to page 64 of the final plan/EIS to refer to the Operator's Handbook provisions.

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 NRRA and WSR area (two states) would lend itself well to creation of a similar tracking system to provide resource and citizen protection.

Response:

The existing Big South Fork National River and Recreation Area (NRRA) legislation includes mandated protection of lands within the gorge boundary. Further, when land was acquired for Obed National Wild and Scenic River (WSR), all lands were determined unsuitable for future oil and gas development. Although minerals are still privately owned at Obed WSR, a “no surface occupancy” clause remains in place. As a result of these restrictions, in addition to those which may arise from site-specific implementation of the 9B regulations, lands that are not suitable for oil and gas operations are identified and are unavailable for oil and gas development.

Regarding violations, the NPS regularly communicates with state regulators and receives information about operators with histories of violations. The parks track compliance as part of normal administration and oversight of the oil and gas operations in the parks.

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.

Response:

The NPS generally exercises regulatory authority only over activities where access is on, across, or through federally owned or controlled lands or waters. However, the NPS continues to work cooperatively with state and local entities to ensure protection of resources, especially along its borders. One example of this is the ongoing informal cooperation between the Big South Fork National River and Recreation Area and the states of Tennessee and Kentucky to conduct natural resources inventories outside park boundaries.

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 designate 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:** 219221**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.

Response:

Site-specific, project-level review and compliance requirements under 9B regulations ensure that operations do not present health and safety risks or significantly impact park resources. This level of review provides additional safeguards to mitigate adverse impacts and supports environmentally sustainable practices throughout the full life cycle of oil and gas permits.

A "Bad Operator" restriction, as discussed above in Concern ID 34267, would not be consistent with the NPS 9B regulations, and appears to be beyond the scope of this plan. The regulatory approach preferred by the NPS is one of compliance monitoring and enforcement.

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 a Special Management Area (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 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?

Response:

As described in the draft plan/EIS, operators must demonstrate to the NPS that implementation of Special Management Area (SMA) restrictions would prevent reasonable access to a mineral estate (page 59 of the final plan/EIS provides more details). If the operator provides site-specific information to support this conclusion, the NPS would evaluate the SMAs on a case-by-case basis and could increase or decrease the protected areas if the information supports that change, or if the operator can demonstrate that its proposal would meet the goals of protecting park resources and values. The burden of proof is on the operator to demonstrate that the proposal would not cause unacceptable adverse impacts to park resources and values. It is important to have some flexibility in the use of SMAs, since it is not possible to predict all impacts until site-specific information is available, which would occur when a plan of operations is submitted. The decision on allowing operations in or near SMAs designated in the plan/EIS would be made based on evaluation of the proposed plan of operations by park resources staff who have extensive expertise in the areas of concern. Park staff would evaluate impacts to determine that operations would not adversely affect resources in an SMA, and mitigation measures would focus on avoidance or minimization of impacts. The final decision on any proposal would be made by the regional director based on the park superintendent's recommendation.

Information about the site that is needed to assess impacts and identify appropriate mitigation measures would be required to be submitted with the plan of operations. This information could include site surveys for threatened and endangered species or other species of special concern, wetlands, cultural resources, and other resources of concern in or near the proposed operation, as requested by the NPS. Any submitted plan of operations must include an environmental assessment (EA) as part of the required National Environmental Policy Act (NEPA) compliance. The EA must include a cumulative impact analysis that assesses the impacts of past, present, and reasonably foreseeable actions, including other oil and gas operations. Appropriate mitigation measures would be selected based on site conditions, the specific operation proposed, and the past experience of NPS staff. Potential mitigation measures that would be considered on a case-by-case basis are described and listed in the NPS Oil and Gas Operator's Handbook (NPS 2006a). Additional information about this handbook has been added to appendix B of the plan/EIS (page B-43 of the final plan/EIS).

Concern ID: 31431

CONCERN STATEMENT: It was suggested that the *NPS Management Policies 2006*, 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.

Response:

Many species of special concern are already protected by existing Special Management Areas (SMAs) because their known or expected/preferred habitats fall within one of the designated SMAs or 9B setbacks. For example, listed fish and mussel species and their critical habitats are protected by the gorge or deed restrictions at both parks, as well as by the required setbacks from bodies of water. Also, many state listed plant species are found within the Big South Fork NRRRA gorge boundaries and the Cliff Edges SMA and would be protected as part of those SMA restrictions. If new species are found in upland areas and their habitats can be delineated, the SMAs could be adapted to include these areas. It is also important to note that locations of all listed species are not fully known at this time and surveys for these species would be completed as needed as part of the standard review process for any new operations. The NPS would work with state heritage programs and the U.S. Fish and Wildlife Service to determine locations of state-listed, as well as, federally listed species. Site surveys would be conducted if their presence was suspected, and to avoid or mitigate any adverse impacts. The NPS would then use its legal and policy requirements, including the NPS *Management Policies 2006* related to these species, to evaluate the proposals.

Concern ID:

31432

**CONCERN
STATEMENT:**

It was suggested that the proposed setbacks identified in the draft plan/EIS are too small, and should be increased to adequately protect the SMAs.

**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.

Response:

As described in the draft plan/EIS, oil and gas operations would be prohibited on all federal lands within Obed WSR (3,712 acres), based on protections included in the park's deed restrictions (see page 19 of the final plan/EIS for more information). As a result, the NPS does not feel additional setbacks would be required at this park.

There are approximately 17,477 private mineral acres at Big South Fork NRRA. As a major component of the EIS planning effort, the NPS undertook an exhaustive analysis to develop suitable setbacks that would protect natural and cultural resources while preserving the individual rights of operators with private minerals occurring within the park unit. The NPS used the increasingly exclusionary protections explored during this analysis to inform the setbacks described in the draft plan/EIS. Ultimately, the prescribed setbacks from established SMAs under alternative C would result in 10,943 acres with restrictions on oil and gas exploration and 11,587 acres with restrictions on oil and gas drilling and production, which the NPS feels adequately balances resource protection requirements with private property rights (see "Exemptions from the Plan" on page 49 of the final plan/EIS for more information on SMAs and private property rights). However, any proposed new activity would be evaluated when a plan of operations is submitted to determine if resources are adequately protected. The NPS can increase the area requiring protection, that is, expand the limits of a SMA, if it is deemed necessary upon closer evaluation of proposed activities and site resources.

In the final plan/EIS, text was revised on pages 59 and 83 and included in the introduction to chapter 4 (environmental consequences) on pages 221 and 235 to clarify that the NPS may allow expansion of SMAs if the NPS deems that additional areas require protection.

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.

Response:

Special Management Areas (SMAs) that protect the Big South Fork NRRRA gorge and the Obed WSR corridor and required offsets from water bodies under the 9B regulations serve to

protect springs, streams, other water bodies, as well as many rare habitats and nesting areas. Also, SMAs for sensitive geomorphic features and cliff edges were designated partly because of the presence of rare habitats for wildlife and special status species in those areas. Protection of all these resources would be ensured during the review of site-specific proposals (plans of operations and environmental assessments) provided by operators for evaluation by NPS resource staff. The NPS would require site-specific surveys as needed to assess impacts of operations and to determine appropriate mitigation measures. Many mitigation measures that would be considered and included are listed in the Oil and Gas Operator's Handbook (NPS 2006a).

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.

Response: Any setbacks specified in the plan would be measured from the edge of “operations,” as defined by the 9B regulations at 36 CFR 9.31(c) and as listed in the glossary of the final plan/EIS (page 418 of the final plan/EIS). The term “operations” includes “all functions, work and activities within a unit in connection with exploration for and development of oil and gas resources.” This includes reconnaissance to gather natural and cultural resources information; line-of-sight surveying and staking; geophysical exploration; exploratory drilling; production, gathering, storage, processing, and transport of petroleum products; inspection, monitoring, and maintenance of equipment; well “work-over” activity; construction, maintenance, and use of pipelines; well plugging and abandonment; reclamation of the surface; and construction or use of roads, or other means of access or transportation, on, across, or through federally owned or controlled lands or waters.

As noted under the definition, this includes access roads as well as wellpads.

Text has been clarified in the discussion of SMA setbacks on pages 59 and 83 of the final plan/EIS to explain that these are measured from the outer boundary of any part of the proposed operations.

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.

Response: The draft plan/EIS and the existing 9B regulations describe a detailed procedural protocol that would be followed during review and approval of both drilling and reclamation activities conducted on NPS lands. No actions would be approved without complete project assessment by the NPS. The plugging of wells and site reclamation would be thoroughly evaluated by park staff, although public comment is generally not solicited on those actions. However, public review may be required as part of the National Environmental Policy Act (NEPA) process for plugging/reclamation for those wells that require NEPA compliance, and public comment would continue to be solicited on any new plans of operation and

associated environmental assessments submitted for new drilling activities. Additional text stating that the NPS or contractor would “conduct public involvement , as necessary, before plugging/reclamation is initiated” has been added to the flowchart on page 79 of the final plan/EIS.

GA1000 - Impact Analysis: Impact Analyses

Concern ID: 31437

CONCERN STATEMENT: There were concerns that access roads would increase human activity, such as all-terrain vehicle (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.

Response: Unless access roads are also part of the General Management Plan roads and trail system, use of those roads would be restricted to operators and roads would be required to be gated. While these roads may be subject to frequent use by operators when operations are active, the access roads would not be authorized for recreational trail use unless access is on foot, which is permitted per the park’s GMP. It is recognized that additional access roads or improved roads increase the number of pathways available for activities and increases the potential for illegal ATV use. However, the use of ATVs in the park is an ongoing issue subject to management and enforcement actions. Limiting roads to operator use only combined with park oversight should ensure that roads and trails are protected from illegal use; impacts will depend on the effectiveness of park enforcement. Over time, as more wells are plugged and associated areas are reclaimed, it is expected that many former access roads will be closed, helping to decrease the potential for illegal ATV use throughout the park.

The draft plan/EIS acknowledged the potential for use of oil and gas access roads in its analysis of impacts to cultural resources (see pages 348, 349, 351, 354, and 357 of the final plan/EIS). The text in the final plan/EIS has been revised to clarify this point on pages 67, 80, and 93 under the heading “Road Standards.” The EIS also addresses this in the sections on Wildlife and Aquatic Species (on page 291), Federally Listed Threatened and Endangered Species (on page 305), and Species of Special Concern (on page 319).

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).

Response: It is not possible to predict the exact locations of the future operations in the parks and, since this is a programmatic document, the cumulative impact analysis uses the best available impact scenarios and generally addresses the nature and types of impacts expected. The acreage that is available for non-federal oil and gas operations is specific and limited. Although use could occur in different locations with different environmental conditions, impacts expected are addressed in the draft plan/EIS in the cumulative analysis. Also, a cumulative impact analysis, including development of a cumulative impact scenario based on a specific site location, would be required and included in the plans of operation and environmental assessments submitted for future operations.

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.

Response: A cumulative impact analysis was included in the draft plan/EIS for each specific resource area. These cumulative impacts were analyzed in detail in chapter 4 of the draft plan/EIS at the end of each alternative discussion and before the overall conclusion. This discussion included analysis of cumulative impacts to both natural resources of the parks' ecosystems (including both surface and ground waters; in the final plan/EIS see page 250 [alternative A], 254 [alternative B], and 257 [alternative C] under the "Water Resources" topic) and cumulative impacts to the affected visitor community (see analysis under Visitor Use and Experience on page 366 [alternative A]; 370 [alternative B], and 372 [alternative C] in the final plan/EIS). Impacts to local communities were analyzed in detail (see appendix D of the final plan/EIS), but it was determined those impacts to local and regional socioeconomics would be negligible and/or beneficial (page 25 of final plan/EIS). As a result, the plan would contribute minimally to cumulative impacts on

socioeconomics. Impacts on neighboring land use would also be negligible or would be covered by the analysis provided under Soundscapes (page 330 of final plan/EIS), which includes a cumulative analysis for all alternatives.

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.

Response: Additional information has been added to the discussion of environmental justice in chapter 1 (page 25 of the final plan/EIS) to clarify the reason for dismissal from detailed analysis.

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.

Response:

The draft plan/EIS addressed impacts related to drilling and production, which includes impacts from hydraulic fracturing. Under the provisions of the 9B regulations, the NPS can require the operator to provide information on water acquisition, chemical mixing, well injection, flowback and produced water, wastewater treatment, and waste disposal, or any aspect of drilling and production. The NPS has the authority to require additional analyses and enhanced mitigation measures for hydraulic fracturing and can require and enforce all necessary safeguards to minimize or avoid impacts to resources and visitor uses. See the response to Concern ID 34254 for information about how the NPS, through its 9B regulations, addresses potential impacts from hydraulic fracturing as well as other aspects of drilling and production. Additionally, hydraulic fracturing would be used only for new wells; workovers of older wells would not be permitted to use this technology because the older wells are not constructed to withstand the higher pressure involved in the hydraulic fracturing operation.

The primary impacts that can result from hydraulic fracturing of new wells include the need for larger well pads, more water usage, more truck traffic, and disposal of wastes, including produced waste water. These impacts are accounted for in the impact assessment for the topics addressed in the final plan/EIS. The few (0–5) wells that would be expected to use this technology may experience greater impacts from certain aspects that are specific to hydraulic fracturing (additional well pad and access road construction, time for development, truck transport). However, many of these impacts are similar to those experienced at conventional wells, and the potential for additional impacts during hydraulic fracturing operations does not change the general nature of impacts or the conclusions reached regarding the overall intensity of impacts described for the topics addressed. Text has been modified or added in the plan/EIS to better acknowledge impacts related to hydraulic fracturing and/or address how the NPS would deal with mitigating those impacts, as follows:

Chapter 2: The reasonably foreseeable development (RFD) scenario (which starts on page 55) has been updated to indicate that well pads may be larger if hydraulic fracturing is used. Acres affected have been changed throughout the document. Also, text has been added on page 54 of the final plan/EIS to clarify that workovers of existing wells would not use hydraulic fracturing, and mitigation measures specific to hydraulic fracturing have been added to page 64 under the subheading “Statutory and Regulatory Requirements and Mitigation Measures for Non-federal Oil and Gas Operations.” More information on the nature of hydraulic fracturing has been added to the “New Operations” discussion on page 65 and in appendix F.

Chapter 4: Text has been added to the impact analysis for all topics where there may be some differences in actions and impacts if hydraulic fracturing were used. This includes additions to the analysis for “Soils and Geology,” “Water Resources,” “Wetlands,” “Vegetation,” “Soundscapes,” “Visitor Use and Experience,” “Cultural Resources,” and in the sections that address potential impacts on aquatic species to

provide information on any specific concerns or differences in effects from wells using hydraulic fracturing, such as the effects of additional truck traffic.

Appendix F: Additional information has been added to describe hydraulic fracturing under various subheadings.

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.

Response: Impacts of reclamation were covered in the draft plan/EIS under the subheading “Plugging and Reclamation.” Impacts to surface and groundwater from plugging and reclamation actions are addressed on page 249 (alternative A), page 253 (alternative B), and 256 (alternative C) under the “Water Resources” topic in the final plan/EIS. Impacts to habitat are addressed on page 293 (alternative A), page 297 (alternative B), and page 300 (alternative C) under the “Wildlife and Aquatic Species” topic in the final plan/EIS. Plugging and reclamation are predicted to result in beneficial impacts to water resources and habitat in the long-term as a result of site clean-up, the reestablishment of native ground cover and habitat, reduction of erosion, and monitoring for exotic species, although short-term adverse impacts related to site disturbance, possible leaks, and noise that occur during the operations are recognized and are discussed in the final plan/EIS under these topics.

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:** 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.

Response:

NEPA documents will be completed for all submitted plans of operation. Although subject to change, current NPS guidance recommends 30-day public comment periods for environmental assessments and 60-day comment periods for EISs. Plans for future operations will be subject to NEPA requirements and will undergo an environmental analysis by the NPS and public review by federal and state agencies and other organizations with technical expertise to ensure that impacts are assessed and appropriate mitigation is provided.

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.

Response:

The text on page 50 of the final plan/EIS regarding future modifications to the plan has been revised to clarify requirements for preparing a supplemental EIS, as described in 40 CFR 1502.9(c), CEQ's Forty Most Asked Questions for NEPA (Question 32), and NPS NEPA Guidance (Director's Order 12, section 4.7). It is not possible to foresee and outline all of the types of changes that could result in the need for a supplemental EIS.

NPS disagrees that other changes noted in the comments (e.g., applications for new operating plans which exceed those identified in the reasonably foreseeable development [RFD] scenario or more disturbance than anticipated) would automatically warrant preparation of a supplemental EIS. As described on page 53 of the final plan/EIS, the projections in the forecast are meant to provide a "reasonable basis for analyzing the potential impacts of oil and gas activities

under the management alternatives in this plan/EIS. The projections do not represent a benchmark or decision point for acceptable or desired levels of activity. Rather, they are meant to provide the interdisciplinary team, public, and NPS decision makers with an understanding of the types and extent of oil and gas exploration, production, and reclamation operations expected during the plan/EIS timeframe.” Exceeding the RFD scenario does not automatically trigger a supplement, but must be evaluated in light of the regulatory language described above (40 CFR 1502.9).

New or revised regulations, policies, and approved planning documents may be implemented in the future to protect park resources and values, avoid conflicts with visitor use and enjoyment, and provide for human health and safety. These changes may require updating and supplementing the information presented in this plan if the criteria for supplementation as described at 40 CFR 1502.9 are met, and such analysis is not contained in another 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: 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?

Response:

The costs associated with alternatives B and C include current staffing with addition of full-time equivalents described in the draft plan/EIS (pages 82 and 94 of the final plan/EIS; see “Park Operations and Management”), and funding has been allocated as part of the operating budget. The majority of the cost to implement the proposed alternatives is staff time, which is already included in the estimates. While it is expected that any additional duties associated with the alternatives would fall under the existing workload of park resource managers, the potential exists for use of contracting mechanisms to fill specific needs. The NPS has used contractors in the past when additional funding has been available. Contractors would be managed in accordance with terms and conditions of contracts that are awarded.

SS1000 - Species of Special Concern: Guiding Policies, Regulations, 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.

Response:

Much, if not all, of the critical habitat for federally listed mussel species is included within with the river/gorge protected areas of Big South Fork NRRRA and Obed WSR. However, the NPS agrees that critical habitat for federally listed species is something that can be identified and should be considered as a protected area under CLPRs. Federally listed species are protected through NPS review of submitted plans of operations and associated environmental assessments, which are required to include site-specific information about species occurrences. However, areas containing these species and their designated critical habitats can be called out as protected areas and recognized as such in this plan/EIS. Text has been changed in the final plan/EIS on pages vi (Executive Summary), 66, 96, and 311 to indicate that CLPRs include "Federally Listed Species and their Critical Habitats," and that the operator must avoid impacts to these species or critical habitat and address any impacts in the plan of operations.

VR4000 - Vegetation and Riparian Areas: Impact of Proposal and Alternatives

Concern ID: 31447

CONCERN STATEMENT: The Oil and Gas Management Plan/EIS 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.

Response: Plans of operations would be approved only if mitigation measures are included that address control of invasive species. The NPS Oil and Gas Operator's Handbook, which would be used to develop mitigation measures, refers to Executive Order 13112, which pertains to invasive species management and directs agencies not to authorize, fund, or carry out any action likely to cause or promote the introduction or the spread of invasive species in the United States or elsewhere. The draft plan/EIS described increased inspections and monitoring that would occur under action alternatives (see pages 52, 81, and 93 of the final plan/EIS). Efforts are currently underway to remove exotic plants in a manner that does not damage the sensitive native floodplain plant community in Big South Fork (see reference to Big South Fork National River and Recreation Area –Plants, cited in the final plan/EIS on page 167 under the subheading of “Non-native species”).

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.

Response:

Impacts related to well pad construction, including removal of vegetation and direct disturbance or mortality of wildlife species, are addressed under the analysis of impacts of drilling and production to “Wildlife and Aquatic Species” on page 290 of the final plan/EIS. The analysis states that construction of access roads, wellpads, and flowlines would result in direct loss of habitat. This includes loss of habitat for neotropical migrants, many of which prefer a more mature tree canopy that could be removed in more heavily forested areas of Big South Fork NRR. There would be no disturbance within Obed WSR, since new wells would be prohibited within the park due to deed restrictions. However, the total amount of area that could be cleared for drilling and production under the projected development scenario (up to 48 acres per the RFD scenario) would be minimal compared to the total wooded habitat in the Big South Fork NRR (approximately 114,000 acres).

It is acknowledged that the clearing of vegetated areas also creates fragmented habitat that provides openings for species that use those areas, such as cowbirds, and some additional text has been added to the “Wildlife and Aquatic Species” section to discuss that impact in more detail. However, there is no evidence that fragmentation has become a widespread problem in the parks or in similar environments where oil and gas development has occurred. In addition, there are neotropical migrant species such as the Tennessee warbler, common yellowthroat, yellow-breasted chat, and white-eyed vireo that prefer brushier, early successional habitat, which could increase along the edges of the disturbed areas. For example, the white-eyed vireo appears to be declining in Tennessee due to a loss of brushy habitat and hedgerows and could therefore benefit by an increase in early successional habitat (Tennessee Watchable Wildlife 2012). Also, early successional or shrub/scrub habitat can be valuable because it provides adult songbirds with a place to molt prior to migration and provides fledgling songbirds of many species (including forest interior species) with a place to forage and avoid predation (Final Report of Bird Inventory: Obed Wild and Scenic River, 2003–2005 [Stedman 2006]). Finally, the reclamation of sites would have a beneficial impact on habitat for many species, including many birds, when the areas have regrown. The benefits of reduction in fragmentation and restoration of native plant communities is recognized and addressed under the impact analysis for plugging and reclamation on pages 293, 297 and 300 of the final plan/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 NRR if proposed on future

projects.

Response:

Impacts to water resources from oil and gas operations were addressed in the draft plan/EIS in the “Water Resources” section of “Chapter 4: Environmental Consequences” and additional text has been added to the background and analysis sections in the final plan/EIS to more specifically address the impacts of hydraulic fracturing. Please see responses to Concern ID 34254 and Concern ID 35563.

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

August 19, 2011

Niki Nicholas
Superintendent
Big South Fork National River and Recreation Area
4564 Leatherwood Road
Oncida, Tennessee 37841

Big South Fork NRRA Obed WSR		
RECEIVED		
AUG 22 2011		
Act/Info	Unit	Init Date
<input checked="" type="checkbox"/>	Superintendent	8/22/11
<input checked="" type="checkbox"/>	Chief of Admin	
<input checked="" type="checkbox"/>	Chief of Vis Ser	
<input checked="" type="checkbox"/>	Br Chief of Vis Ser	
<input checked="" type="checkbox"/>	Chief of Maint	
<input checked="" type="checkbox"/>	Chief of Res Mgmt	8/22
<input checked="" type="checkbox"/>	Files	
<input checked="" type="checkbox"/>	Manager, OBED	

RE: 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
CEQ Number: 20110186

Dear Ms. Nicholas:

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 125,000 acres on the Cumberland Plateau in Tennessee and Kentucky, approximately 70 highway miles northwest of Knoxville, Tennessee. The Obed Wild and Scenic River (WSR) 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 oil 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 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 the Obed WSR, 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 non-federal oil and gas operations.

The purpose of the Plan/EIS for Big South Fork NRRA 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 NRRA 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 NRRA 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 non-federal 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 NEPA 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.

Appendices

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)

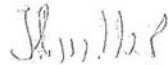
The environmental justice section indicates that there is no need to evaluate EJ issues since the study area is within a National Park; however the cumulative impacts of this project may have potential to impact communities outside of the National Park.

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-1 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



Eastern Band of Cherokee Indians
Tribal Historic Preservation Office
P.O. Box 455
Cherokee, NC 28719
Ph: 828-554-6852 Fax 828-488-2462

DATE: July 26, 2011

TO: Big South Fork National River and Rec. Area
Niki Stephanie Nicholas, Ph.D.
Superintendent
4564 Leatherwood Rd.
Oneida, TN 27841

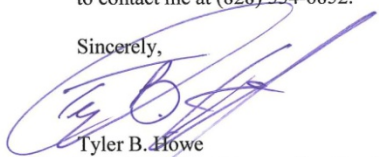
PROJECT(s): Comments regarding the Big South Fork National River and Recreations Area and Obed Wild and Scenic River: Draft Non-Federal Oil and Gas Management Plan/Environmental Impact Statement.

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.

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.

If we can be of further service, or if you have any comments or questions, please feel free to contact me at (828) 554-6852.

Sincerely,


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

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Planning, Environment and Public Comment

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3] Internal Scoping / IDT Tasks

4] Natural/Cultural Compliance

5] Internal Documents / Comments

6] Public Communication

7] Public Documents & Comment Analysis

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Organization Type: S - State Government
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Correspondence Information

Status: Reviewed **Park Correspondence Log:**
Date Sent: 08/16/2011 **Date Received:** 08/16/2011 12:00 AM
Number of Signatures: 1 **Form Letter:** No
Contains Request(s): No **Type:** Web Form
Notes:

Correspondence Text

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.

Add Comment

Comment Text: 2,500 char. max.

Add Comment characters left

Comments


ID	First 40 Characters	Status	Assigned Code(s)	Code
224321	Kentucky State Nature Preserves Commissi...	Coded	AL3000	Code
224322	This is a biologically significant area ...	Coded	AL7100	Code

Request Text

No Request Text Found.

Add Public Request

Appendices



UPPER CUMBERLAND DEVELOPMENT DISTRICT

1225 South Willow Avenue
Cookeville, TN 38506
Phone: (931) 432-4111
Fax: (931) 432-6010

EH

15 August 2011

Superintendent
Big South Fork NRRA
4564 Leatherwood Road
Oneida, TN 37841

**Big South Fork NRRA
Obed WSR**

RECEIVED

AUG 16 2011

Act Info	Unit	Init Date
<input checked="" type="checkbox"/>	Superintendent	8/16/11
<input type="checkbox"/>	Chief of Admin	
<input type="checkbox"/>	Chief of Vis. Ser	
<input type="checkbox"/>	Br Chief of Vis Ser	
<input type="checkbox"/>	Chief of Maint	
<input checked="" type="checkbox"/>	Chief of Res Mgmt	
<input type="checkbox"/>	File	
<input type="checkbox"/>	Manager, OBED	

Chairman
Mike Foster

Vice Chairman
John Pelham

Secretary
Mike Gannon

Treasurer
J. H. Graham

Executive Director
Wendy Askins


RE: Draft Oil and Gas Management Plan/Environmental Impact Statement for
Big South Fork National River and Recreation Area and Obed Wild and
Scenic River

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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Planning, Environment and Public Comment

National Park Service
U.S. Department of the Interior

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- Comments
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- Concerns
- Responses
- Sub/Non-Sub Report
- Index By Org. Type Report

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Keep Private: No

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Organization: Tennessee Historical Commission - SHPO Official Rep.

Organization Type: S - State Government

Address: 2941 Lebanon Rd.
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USA

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Correspondence Information

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:

Correspondence Text

June 24, 2011

RE: NPS, BISO & OBED OIL AND GAS MGMT PLAN, UNINCORPORATED, MULTI COUNTY

Dear Superintendent Nicholas:

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.

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.

Your continued cooperation is appreciated.

Sincerely,

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

Add Comment

Comment Text: 2,500 char. max.

250 Comment characters counter

8 Close Project

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.

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Request Type:

Request Text:

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

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[Index By Org. Type Report](#)

Author Information

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No

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Liane B. Russell

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Tennessee Citizens for Wilderness Planning

Organization Type:

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lianerussell@comcast.net

Correspondence Information

Status: Reviewed

Park Correspondence Log:

Date Sent: 08/11/2011

Date Received: 08/11/2011

Number of Signatures: 1

Form Letter: No

Contains Request(s): No

Type: Web Form

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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- [Demographics Report](#)

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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 BSFNRRA 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.

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1 Project Setup	Correspondence (21) Enter More Edit Print Back To List		
2 Funding	Author Information		
3 Internal Scoping / IDT Tasks	Keep Private: No Name: Sally R. Palmer Organization: The Nature Conservancy Organization Type: P - Conservation/Preservation Address: 2021 21st Avenue South Suite C-400 Nashville, TN 37212 USA E-mail: spalmer@tnc.org		
4 Natural/Cultural Compliance			
5 Internal Documents / Comments			
6 Public Communication	Correspondence Information		
7 Public Documents & Comment Analysis	Status: Reviewed Park Correspondence Log: Date Sent: 08/16/2011 Date Received: 08/16/2011 12:00 AM Number of Signatures: 1 Form Letter: No Contains Request(s): No Type: Web Form Notes:		
Document Details View Edit Correspondence Public Requests Comments Content Analysis Report Concerns Responses Sub/Non-Sub Report Index By Org. Type Report Index By Code Report Concern Response Report Manage Codes for Entire Project View Edit Entire Project Code Analysis Report Demographics Report	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 SUBMITTED VIA NPS ONLINE COMMENT FORM: http://parkplanning.nps.gov/commentForm.cfm?documentID=41107		
8 Close Project	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 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.

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 Cumberland 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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Organization:

TN Chapter Sierra Club

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4 Natural/Cultural Compliance

5 Internal Documents / Comments

6 Public Communication

Correspondence Information

Status: Reviewed

Park Correspondence Log:

Date Sent: 08/16/2011

Date Received: 08/16/2011 12:00 AM

Number of Signatures: 1

Form Letter: No

Contains Request(s): No

Type: Web Form

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Correspondence Text

7 Public Documents & Comment Analysis

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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.

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. 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.

Sincerely,

Axel C. Ringe
Vice Conservation Chair
Tennessee Chapter Sierra Club
1840 Lafayette Road
New Market, TN 37820
865-397-1840
onyxfarm@bellsouth.net

(Hard copy sent separately)

(1) Tennessee State Review, 2007, State Review of Oil and Natural Gas Environmental Regulations, Inc.

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Status: Reviewed

Date Sent: 08/16/2011

Number of Signatures: 1

Contains Request(s): No

Notes:

Park Correspondence Log:

Date Received: 08/16/2011 12:00 AM

Form Letter: No

Type: Web Form

Correspondence Text

August 16, 2011

Superintendent
Big South Fork NRRRA
4564 Leatherwood Road
Oneida, TN 37841

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.

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 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
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Comments

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224324	However, within the new "framework", the...	Coded	AL9000	Code
224325	Although the plan considers plugging and...	Coded	WQ4000	Code
224326	We applaud efforts to protect all the Bi...	Coded	AL7100	Code

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Appendices

Superintendent
Big South Fork National River and Recreation Area
4564 Leatherwood Ford Rd.
Oneida, TN 37841
423-569-9778
<http://parkplanning.nps.gov/biso>

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 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

Big South Fork NRRRA Obed WSR			
08/03/2011 RECEIVED			
AUG 04 2011			
Act	Info	Unit	Init Date
		Superintendent	8/3/11
		Chief of Admin	
		Chief of Vis Ser	
		Br Chief of Vis Ser	
		Chief of Maint	
		Chief of Res Mgmt	8/3/11
		Files	
		Manager, OBED	

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.

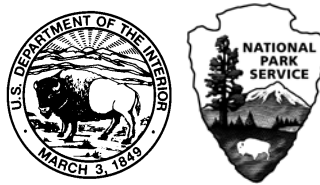
The club remains concerned about the possibility of new road construction and the potential for further damage to park trails by unauthorized vehicles. No new roads or accesses should be constructed in either park for access to oil and gas facilities, nor should operators be allowed access to any park 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 ATVs. 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

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As the nation's principal conservation agency, the Department of the Interior has responsibility for most of our nationally owned public lands and natural resources. This includes fostering wise use of our land and water resources, protecting our fish and wildlife, preserving the environmental and cultural values of our national parks and historic places, and providing for the enjoyment of life through outdoor recreation. The department assesses our energy and mineral resources and works to ensure that their development is in the best interests of all our people. The department also promotes the goals of the Take Pride in America campaign by encouraging stewardship and citizen responsibility for the public lands and promoting citizen participation in their care. The department also has a major responsibility for American Indian reservation communities and for people who live in island territories under U.S. administration.

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