Big Cypress National Preserve Questions and Answers

Nobles Grade 3-D Seismic Survey

Oil and gas exploration and production has occurred, and continues to occur, on lands that are now within Big Cypress National Preserve (the preserve) since the 1940s. The 1974 legislation that created the Preserve severed the mineral estate from the surface estate, allowing private mineral owners to exercise their oil and gas rights.

Recently, the National Park Service (NPS) signed a Finding of No Significant Impact (FONSI) related to a plan of operation (POP) submitted by the Burnett Oil Company, Inc. (BOCI) which seeks to explore for potential oil reserves within the mineral estate being leased from the Collier Resources Company.

It is the NPS' responsibility to allow for reasonable access to this privately owned property in a manner that avoids, minimizes or mitigates for potential impacts.

The mitigation requirements and anticipated impacts related to this POP are discussed in an Environmental Assessment (EA) and associated FONSI.

Isn't oil and gas activity prohibited in national park units? Not all. There are a number of NPS sites across the country whose legislation provides for oil and gas exploration.

This activity occurs due to pre-existing private ownership of the mineral estate prior to the creation of the NPS area. In many cases the lands may not have been conserved if the compromise of protecting surface resources while continuing to allow for this reasonable private property access was not struck.

The experience of the National Park Service at Big Cypress National Preserve regarding oil and gas activities illustrates that these activities, when conducted in a manner that minimizes and mitigates impacts, has not resulted in a detriment to the purposes of the Preserve.

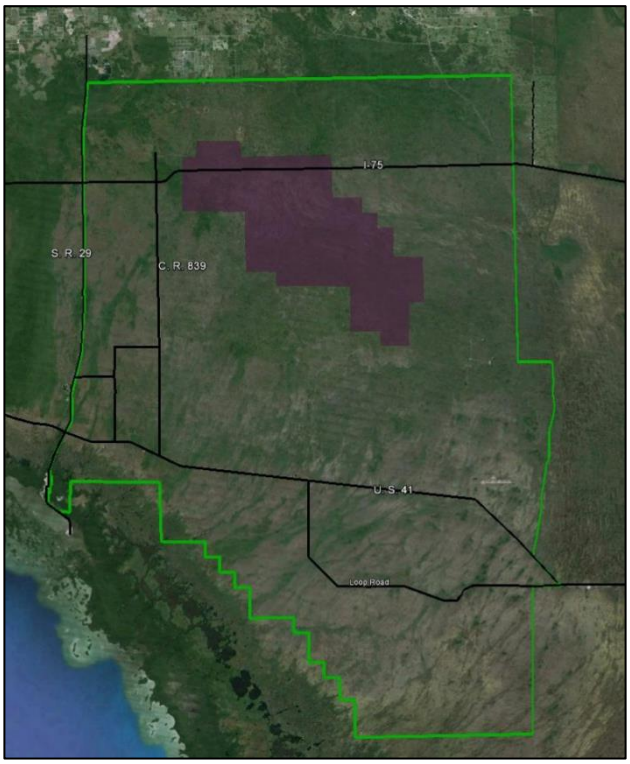
Can the NPS merely deny, or say "no", to this request? No, the NPS is responsible for providing reasonable access to private property holders within the preserve. The NPS' role in providing this access is to review the POP, identify potential impacts, analyze those impacts through the National Environmental Policy Act (NEPA) process and identify how those potential impacts can be avoided, minimized or mitigated.

Why doesn't the NPS own the sub-surface rights to the land within the national preserve? The enabling legislation of the national preserve [P.L. 93-440, amended by P.L. 100-301] states that, "No improved property, as defined by this Act, nor oil and gas rights, shall be acquired without the consent of the owner unless the Secretary, in his judgment, determines that such property is subject to, or threatened with, uses which are, or would be, detrimental to the purposes of the preserve." The NPS was expressly directed by Congress, through the enabling legislation, to provide reasonable use and enjoyment of privately owned oil and gas interests.

What is a seismic survey? A seismic survey is a technique similar to an ultrasound that is used to develop images of the rock layers below ground. It utilizes an energy source and receiver "phones". In this case, the purpose of conducting a seismic survey is to allow a private property owner reasonable access to determine existence of potential oil reserves.

Is this the first seismic survey to be conducted in Big Cypress? No. Seismic surveys have been conducted in the preserve in the past, the most recent completed in 1999.

Where will the survey take place? The proposed activity will take place in the north central area of the preserve, primarily south of I-75. The survey will take place along designated routes within the area identified on the map to the left in purple (the preserve boundary is in green).



What kinds of equipment will be used for the survey? This survey will utilize vibroseis buggies. These buggies have been in use since the 1950s and are used to conduct a variety of seismic surveys in a variety of terrains. Photo below.

Will the applicant be able to cover all areas within the proposed seismic test area? No. The terrain of the area will not allow for access to every section of the test area. Specific access areas and routes will be identified jointly with the NPS. While traveling the routes vehicles will operate in a manner that will minimize the potential impacts to the greatest extent.

Will equipment remain in the field each night or driven to staging areas at the end of each work day? Some equipment (e.g. vibroseis buggies, UTVs) may remain in the field while others will be used to transport personnel in to and out of the field each day.

What if the exploration generates a desire to do further drilling in the preserve to develop the potential oil and gas resource? If there is an interest from the mineral owner to develop the potential oil and gas resource, a new POP defining a proposed activity would be submitted to the NPS. The NPS would complete an environmental analysis under the National Environmental Policy Act to identify and evaluate potential impacts related to that POP. Both documents would be made available for public review and comment.

Is this a plan to conduct "fracking" type of production within the national preserve? No. The POP is associated with exploration only.

What is the NPS' role in this process? The NPS' role in this process is to identify potential impacts associated with the POP through the completion of and EA that will advise the applicant on how impacts can be avoided, minimized or mitigated.

At the conclusion of this project will Burnett drill and conduct hydraulic fracturing (fracking) to produce an oil well? No. The POP deals with exploration only. If the applicant or other entity seeks to develop the potential resource they would have to submit a new POP that defines how they might conduct that activity. That POP would require another public review and comment period and the NPS would conduct a NEPA analysis specific to the proposed activity. That NEPA analysis would have a required review and comment period as well.

A portion of this POP proposes conducting the vibroseis activity within areas that the NPS has identified as eligible or proposed wilderness. How can the activity take place in such areas? Wilderness designation does not extinguish valid existing private rights (i.e. subsurface private ownership). Access to private property in eligible or proposed wilderness must be administered in keeping with the specific conditions and requirements of the valid private property right.

Will vibroseis buggies fracture caprock? The past and current use of heavy machinery in the preserve, which in some cases exceeds the weight of the vibroseis buggies, has not resulted in fractured caprock. The use of high floatation tires expressing relatively low ground pressure on the surface further mitigates the potential of this to occur. The use of vibroseis technology also does not penetrate the caprock, as would traditional shot-hole drilling for seismic exploration.

Will the proposed activity cause changes in surface hydrology? The potential impact to surface hydrology will be minimized by requiring the vehicles to operate only during dry conditions. Soils will be minimally impacted in dry conditions.

Why was the vibroseis technique selected as the preferred alternative rather than an explosives survey? The vibroseis technique will reduce potential impacts related to acquisition of seismic data because no shot hole drilling will occur and no explosives will be detonated.

What surface impacts can we expect from use of the applicant's equipment? Surface impacts could include matted herbaceous vegetation, ruts, depressions, soil compaction, and vehicle tracks. Where these impacts require restoration, BOCI will begin those activities immediately, concurrent with the survey. Survey crews will be accompanied by monitors and NPS staff during the operations and will operate the vibroseis buggies on ground-truthed routes approved by the NPS prior to beginning the activity.

Will NPS personnel have a field presence for the duration of this project to insure regulatory compliance? Yes.

How will Burnett reclaim identified surface impacts? Burnett reclamation crews will shadow the vibroseis equipment to mitigate any surface impacts that may be present. Hand tools will be used to rake and level any ruts that may occur from equipment. If re-vegetation of areas becomes necessary, it will be done under a plan approved by the NPS with post-activity monitoring to assure successful restoration.

When will the survey begin and end? Various activities related to the action will begin once the applicant receives a letter of concurrence from the NPS. Actual use of the vibroseis vehicles will only take place when environmental conditions allow.

Will ground vibrations damage surficial aquifers? Surficial aquifer damage is not known to be a result of the vibroseis seismic survey.

How will Burnett Oil Company equipment navigate the BICY landscape, particularly where vegetation density or substrate conditions prohibit further travel? A ground-truthed GPS track log will be developed jointly by the seismic operator and approved by the NPS to confirm areas where the vibroseis equipment can operate. The vehicles will not be able to access the entire area due to terrain, vegetation, and important resource areas. Access over the entire 110-square mile area is not proposed or required to obtain the seismic data.

How will vibroseis buggies refuel each day? Vibroseis buggies will be refueled by a swamp buggy fitted with a fuel tank and hose. Refueling will occur at locations carefully selected to easily permit refueling of equipment and deploy containment barriers in the event of a spill.

What if the survey finds significant oil and gas resources? If reserves are found that warrant the private property owner to seek production of the resources a new plan of operations would have to be submitted for NPS review as well as additional analysis under the National Environmental Policy Act (NEPA) process. That plan of operations would outline the production method the applicant proposes to utilize.

How will the survey impact the Preserve's natural, cultural, and recreational resources? As described in the EA, the selected alternative has the potential for short-term adverse impacts; however, no potential for significant adverse impacts was identified through the analysis of impacts or the results of agency and tribal consultation or public comment. The NPS has outlined 47 minimization/mitigation requirements to aid in minimizing impacts.

How can this activity be allowed if it results in potential impacts? The NPS's standard is not "no impact." Many activities we undertake in national park areas have potential for some level of impact. Our standard is no impairment of resources and values. Our assessment of the best available science related to this activity is that there may be impacts. Those impacts can be avoided, minimized and mitigated, and would not result in an overall impairment of the resources or values of the preserve.

Can I still recreate in the Preserve during the survey? Yes. The survey operation will not require that areas of the preserve be closed for long periods. However, short term closures may be implemented for safety purposes when certain operations are carried out. Because of the remoteness of these operations, it is likely that most visitors to the Preserve will be unaffected by their existence.

Where can I find more information about the survey? You can find information related to this activity at - http://parkplanning.nps.gov/documentsList.cfm?projectID=53498