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## Categorical Exclusion Form

**Project:** Buford Curtis, Inc. Rafferty Fee #1 Wellsite - Plan of Operations for Reclamation

**PIN:** 22403

**Date:** October 14, 2008

**Describe project, including location (reference the attached Environmental Screening Form, if appropriate), and list any mitigations:**

**Project Description:** Buford Curtis, Inc. (Curtis) has submitted a plan of operations for the reclamation of the Rafferty Fee Lease - Well # 1 site within the Neches Bottom and Jack Gore Baygall Unit of Big Thicket National Preserve in Hardin County, Texas. Curtis formerly operated the Rafferty Fee #1 oil well on this location. The Rafferty Fee #1 well was operated from 1973 by Curtis and others until December of 2002 when it was plugged by Curtis. During plugging and abandonment operations, all surface equipment was removed along with soils that were obviously contaminated with hydrocarbons, and fill material was brought in to restore the site to original grade after contaminated soil removal. After two sampling efforts in 2005 and 2007, it was determined that soil contamination exists onsite at an approximately 20-foot diameter pit that exceeds the Railroad Commission of Texas' (RRC) regulatory standard of 10,000 parts per million, or 1.0%, total petroleum hydrocarbons. The RRC is the state agency in Texas responsible for regulating oil and gas operations. The RRC has also notified Curtis that the pit should be closed to comply with statewide rules. Curtis submitted its plan of operations in accordance with section 9.36 of the National Park Service's (NPS) nonfederal oil and gas rights regulations, found in 36 CFR 9B, to address both contaminant removal at the pit and its closure. In accordance with section 9.52 of those regulations, the NPS published a notice in the Federal Register of the plan's availability for public review and comment. The public comment period ended on July 11, 2008, thirty days from the notice publication date. Comments on the plan of operations were received from the Alabama-Coushatta Tribe of Texas (Tribe), Texas Parks and Wildlife Department (TPWD) and the Lone Star Chapter and Houston Regional Group of the Sierra Club (Sierra Club). The Texas Historical Commission also wrote to indicate that no historic properties were affected. Comments from the Tribe stated that no ethnographic resources were located in the proposed operations area, and suggested that a stop work provision in the event buried archeological material was discovered be included as mitigation for the project. Comments from the TPWD suggested mitigation measures focusing on erosion/sedimentation control and revegetation. The mitigation measures suggested by the Tribe and TPWD will be incorporated into Curtis' plan of operations by the NPS as conditions of approval. The Sierra Club noted the discrepancy between the results of sampling in 2005 and 2007, requested that certain words and phrases in the plan of operations be defined, and indicated support for the incorporation of additional operations to reclaim the site in the plan. After a review of the results of both sampling efforts, the NPS is satisfied that the results of the work in 2007 are a valid basis for the plan of operations, and that the discrepancies noted by the Sierra Club could result from natural attenuation of hydrocarbons in the soils and groundwater onsite during the two years between samples, and/or the differing sampling and reporting methodologies utilized during sampling. The terms used by Curtis in its plan of operations for which the Sierra Club has requested definitions are either defined by other regulatory agencies and publically available, used in a non-technical sense whereby standard dictionary definitions apply, or have been incorporated into mitigation measures that will be required by the NPS and defined. The NPS nonfederal oil and gas rights regulations provide for the phased implementation of operations.

**Project Locations:**

**Location**

**County:** Hardin

**State:** TX

**District:**

**Section:**

**Geo. Marker:**

**Other:**

(See Attached Environmental Screening Form)

**Mitigation(s):**

- Should inadvertent discovery of human remains or archeological artifacts occur, work will cease, and the National Park Service will be notified immediately. The NPS will then consult with the Texas Historical Commission and the Alabama-Coushatta Tribe of Texas regarding the discovery.
- The project will include measures to prevent erosion and sediment runoff from disturbed areas. These measures include the use of silt fences that are properly installed, and remain in place until revegetation occurs.
- Disturbed areas will be allowed to revegetate naturally, but exotic species will be controlled.
- Construction equipment will be staged on the previously disturbed pad and access road.
- Fill material brought into the site should be clean of chemical contaminants, as well as non-native or invasive plant propagules.
- Vehicles, construction and personal equipment (clothing, footwear, etc.) will be cleaned before entering/re-entering the Preserve to help minimize the potential for the introduction and spread of non-native and/or invasive species.
- Spills will be prevented/contained and reported to NPS.
- To minimize possible spills, Curtis will regularly monitor and check equipment to identify and repair any leaks.
- Fueling of vehicles and equipment will take place outside the Preserve whenever possible; if fueling within the Preserve is required, these activities will be attended by no less than two people, and will be completed over absorbent materials and a physical barrier, such as a tarp.
- Live vegetation cutting in order to access the pit area will be limited to only the amount necessary to accomplish project objectives. Standing mature trees will be avoided.
- NPS personnel trained in the identification of the species of special concern that may occur in the project area will accompany Curtis into the project area, and will survey the area immediately surrounding debris locations for the species. If a species of special concern is found, work will be postponed pending coordination with the Texas Parks and Wildlife Department and/or the U.S. Fish and Wildlife Department to avoid impacts to the species.
- Harassing, injuring, or destroying wildlife is prohibited (including all snakes). It is illegal to damage or destroy nests or dens of wildlife, and appropriate measures will be employed to avoid these areas.
- All cans, bottles, paper, and other trash generated by work crews will be removed from the Preserve daily.
- A temporary construction fence will be erected around the excavation while it stands open pending the results of confirmation soil sampling.
- All work activities will be conducted during daylight hours.
- Operations will be scheduled to avoid heavy precipitation events.
- Belrose-Caneyhead Complex, or similar, soils will be utilized as fill material.
- Curtis will submit a signed affidavit of compliance for the plan of operations.
- The NPS will review the results of confirmation soil testing, and determine whether or not additional material should be removed from the pit before filling. Additional confirmation soil testing, also reviewed by the NPS, will be required if additional material is removed.

**Describe the category used to exclude action from further NEPA analysis and indicate the number of the category (see Section 3-4 of DO-12):**

E.4. Removal of non-historic materials and structures in order to restore natural conditions when the removal has no potential for environmental impacts, including impacts to cultural landscapes or archeological resources.

**Describe any public or agency involvement effort conducted (reference the attached ESF):**  
(See Attached Environmental Screening Form)

**On the basis of the environmental impact information in the statutory compliance file, with which I am familiar, I am categorically excluding the described project from further NEPA analysis. No exceptional**

circumstances (e.g. all boxes in the ESF are marked "no") or conditions in Section 3-6 apply, and the action is fully described in Section 3-4 of DO-12.



**Park Superintendent**

10/15/08

**Date**

Haigler "Dusty" Pate

**NPS Contact Person**

Biologist, Oil and Gas Program Manager

**Title**

6044 FM 420, Kountze, TX 77625

**Address**

409-951-6822

**Phone number**

**ENVIRONMENTAL SCREENING FORM (ESF)**  
**DO-12 APPENDIX 1**

Updated May 2007 - per 2004 DM revisions and proposed DO-12 changes

Today's Date: **August 19, 2008**  
**08/18/2008**

Date Form Initiated:

*This form should be attached to all documents sent to the regional director's office for signature. Sections A and B should be filled out by the project initiator (may be coupled with other park project initiation forms). Sections C, D, E, and G are to be completed by the interdisciplinary team members. While you may modify this form to fit your needs, you must ensure that the form includes information detailed below and must have your modifications reviewed and approved by the regional environmental coordinator.*

**A. PROJECT INFORMATION**

Park Name: **Big Thicket National Preserve**

Project Title: **Buford Curtis, Inc. Rafferty Fee #1 Wellsite - Plan of Operations for Reclamation**

PEPC Project Number: **22403**      PMIS Number:

Project Type: **Permit - Other (OP)**

Project Location: County, State: **Hardin, Texas**

Project Leader: **Haigler Pate**

Administrative Record Location: **BITH HQ, Kountze, TX**

Administrative Record Contact: **Haigler Pate**

**B. PROJECT DESCRIPTION/LOCATION**

*(To begin the statutory compliance file attach to this form maps, site visit notes, agency consultation, data, reports, categorical exclusion form (if relevant), or other relevant materials).*

**Buford Curtis, Inc. (Curtis) has submitted a plan of operations for the reclamation of the Rafferty Fee Lease - Well # 1 site within the Neches Bottom and Jack Gore Baygall Unit of Big Thicket National Preserve in Hardin County, Texas. Curtis formerly operated the Rafferty Fee #1 oil well on this location. The Rafferty Fee #1 well was operated from 1973 by Curtis and others until December of 2002 when it was plugged by Curtis. During plugging and abandonment operations, all surface equipment was removed along with soils that were obviously contaminated with hydrocarbons, and fill material was brought in to restore the site to original grade after contaminated soil removal.**

**After two sampling efforts in 2005 and 2007, it was determined that soil contamination exists onsite at an approximately 20-foot diameter pit that exceeds the Railroad Commission of Texas' (RRC) regulatory standard of 10,000 parts per million, or 1.0%, total petroleum hydrocarbons. The RRC is the state agency in Texas responsible for regulating oil and gas operations. The RRC**

has also notified Curtis that the pit should be closed to comply with statewide rules.

Curtis submitted its plan of operations in accordance with section 9.36 of the National Park Service's (NPS) nonfederal oil and gas rights regulations, found in 36 CFR 9B, to address both contaminant removal at the pit and its closure. In accordance with section 9.52 of those regulations, the NPS published a notice in the *Federal Register* of the plan's availability for public review and comment. The public comment period ended on July 11, 2008, thirty days from the notice publication date.

Comments on the plan of operations were received from the Alabama-Coushatta Tribe of Texas (Tribe), Texas Parks and Wildlife Department (TPWD) and the Lone Star Chapter and Houston Regional Group of the Sierra Club (Sierra Club). The Texas Historical Commission also wrote to indicate that no historic properties were affected. Comments from the Tribe stated that no ethnographic resources were located in the proposed operations area, and suggested that a stop work provision in the event buried archeological material was discovered be included as mitigation for the project. Comments from the TPWD suggested mitigation measures focusing on erosion/sedimentation control and revegetation. The mitigation measures suggested by the Tribe and TPWD will be incorporated into Curtis' plan of operations by the NPS as conditions of approval.

The Sierra Club noted the discrepancy between the results of sampling in 2005 and 2007, requested that certain words and phrases in the plan of operations be defined, and indicated support for the incorporation of additional operations to reclaim the site in the plan. After a review of the results of both sampling efforts, the NPS is satisfied that the results of the work in 2007 are a valid basis for the plan of operations, and that the discrepancies noted by the Sierra Club could result from natural attenuation of hydrocarbons in the soils and groundwater onsite during the two years between samples, and/or the differing sampling and reporting methodologies utilized during sampling. The terms used by Curtis in its plan of operations for which the Sierra Club has requested definitions are either defined by other regulatory agencies and publically available, used in a non-technical sense whereby standard dictionary definitions apply, or have been incorporated into mitigation measures that will be required by the NPS and defined. The NPS nonfederal oil and gas rights regulations provide for the phased implementation of operations.

Preliminary drawings attached? Yes

Background information attached? Yes

Target compliance completion date:

Projected advertisement/Day labor start:

Construction start date:

Is project a hot topic (controversial or sensitive issues that should be brought to attention of Regional Director)? **No**

### **C. RESOURCE EFFECTS TO CONSIDER:**

*(Please see section F, Instructions for Determining Appropriate NEPA Pathway, prior to completing this section. Also, use the process described in DO-12, 2.9 and 2.10; 3.5; 4.5(G)(4) and (G)(5) and 5.4(F) to help determine the context, duration, and intensity of effects on resources.)*

Identify potential effects to the following physical, natural, or cultural resources	No Effect	Negligible Effects	Minor Effects	Exceeds Minor Effects	Data Needed to Determine/Notes
1. Geologic resources – soils, bedrock, streambeds, etc.			X		<p>Impacts from excavation of approximately 12 cubic yards of soil at pit, pedestrian and vehicle traffic, as well as heavy equipment, excavator and dump truck, use.</p> <p>On 08/18/2008, Pate spoke with Amy Hanna of the Texas Parks and Wildlife Department's Wildlife Habitat Assessment Program regarding her comments about revegetation with native species. After a discussion of the site characteristics and the work to be completed, Hanna recommended allowing the area to naturally revegetate while controlling exotic vegetation because of the difficulty in acquiring native seed.</p>
2. From geohazards	X				
3. Air quality		X			Impacts from the operation of vehicles and heavy equipment.
4. Soundscapes			X		Impacts from the operation of vehicles and heavy equipment.
5. Water quality or quantity		X			See #8 in this section. Water quality in wetlands near the operations area could be affected, but this effect is not likely due to the application of mitigation measures.
6. Streamflow	X				

characteristics					
7. Marine or estuarine resources	X				
8. Floodplains or wetlands	X				Operations would take place within the 100 year floodplain of the Neches River, but would not impact floodplain resources or values other than an early successional vegetation community dominated by pines on a portion of the wellpad. Though wetlands are located near the area of operations, mitigation measures should confine impacts to the work area.
9. Land use, including occupancy, income, values, ownership, type of use	X				This operation will remediate soil conditions that exceed the Texas Railroad Commission's regulatory standards, setting the stage for possible further reclamation and restoration of an oil and gas wellsite.
10. Rare or unusual vegetation – old growth timber, riparian, alpine	X				
11. Species of special concern (plant or animal; state or federal listed or proposed for listing) or their habitat	X				
12. Unique ecosystems, biosphere reserves, World Heritage Sites	X				BITH is a UNESCO Man and the Biosphere Reserve. No change to that designation is expected due to the implementation of the project.
13. Unique or important wildlife or wildlife habitat	X				
14. Unique or important fish or fish habitat	X				
15. Introduce or promote	X				While it would be

non-native species (plant or animal)					possible for this project to introduce or promote non-native plant species, that outcome is not expected due to the application of mitigation measures.
16. Recreation resources, including supply, demand, visitation, activities, etc.		X			The availability of parking for visitors in the area may be limited by operations. The operations area is within a part of the Preserve where hunting and trapping are allowed under a permit system administered by the NPS, and operations would likely take place during hunting season. Game and fur-bearing species may be disturbed by operations and avoid the area. However, hunting and trapping in accordance with permit conditions would not take place within 500 feet of the operations area.
17. Visitor experience, aesthetic resources		X			Visitors to the area of operations would note the presence of work crews, vehicles and heavy equipment. Noise, dust and the visual impacts of vegetation clearing, heavy equipment use, silt fence installation and the onsite excavation would be apparent to visitors in the area of operations.
18. Archeological resources	X				This operation would take place within the footprint of a preexisting oil and gas wellsite, and with the application of mitigation measures, principally a stop work provision in the event



					that archeological materials are inadvertently discovered, impacts to archeological resources are not expected.
19. Prehistoric/historic structure	X				
20. Cultural landscapes		X			This project would remove a cultural landscape feature, a blowdown pit, from the cultural landscape associated with Twentieth Century oil and gas production in southeast Texas, specifically, the North Silsbee Field and the Rafferty Fee #1 wellsite. However, this feature is not a significant part of any of these landscapes. It is not unique, nor is it in excellent condition. Neither the North Silsbee Field nor the Rafferty Fee #1 wellsite are significant in the history of oil and gas development of the area. The enabling legislation of Big Thicket National Preserve and park policy documentation support the removal of this feature.
21. Ethnographic resources	X				
22. Museum collections (objects, specimens, and archival and manuscript collections)	X				
23. Socioeconomics, including employment, occupation, income changes, tax base, infrastructure		X			This operation would provide negligible beneficial impacts to the local economy from incidental purchases of food, supplies and

					lodging by work crews.
24. Minority and low income populations, ethnography, size, migration patterns, etc.	X				
25. Energy resources	X				
26. Other agency or tribal land use plans or policies	X				
27. Resource, including energy, conservation potential, sustainability	X				
28. Urban quality, gateway communities, etc.	X				
29. Long-term management of resources or land/resource productivity		X			This operation should remove an impediment to long-term resource productivity and management at this site by removing contaminated soils.
30. Other important environment resources (e.g. geothermal, paleontological resources)?	X				

Comments:

#### D. MANDATORY CRITERIA

Mandatory Criteria: If implemented, would the proposal:	Yes	No	N/A	Comment or Data Needed to Determine
A. Have significant impacts on public health or safety?		X		
B. Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation, or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive		X		

Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas?				
C. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources (NEPA section 102(2)(E))?		X		
D. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks?		X		
E. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects?		X		
F. Have a direct relationship to other actions with individually insignificant, but cumulatively significant, environmental effects?		X		
G. Have significant impacts on properties listed or eligible for listing on the National Register of Historic Places, as determined by either the bureau or office?		X		
H. Have significant impacts on species listed or proposed to be listed on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species?		X		
I. Violate a federal law, or a state, local, or tribal law or requirement imposed for the protection of the environment?		X		
J. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898)?		X		
K. Limit access to and ceremonial use of Indian sacred sites on federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007)?		X		
L. Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the		X		See C 15 above.

introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112)?				
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For the purpose of interpreting these procedures within the NPS, any action that has the potential to violate the NPS Organic Act by impairing park resources or values would constitute an action that triggers the DOI exception for actions that threaten to violate a federal law for protection of the environment.

## E. OTHER INFORMATION

*(Please answer the following questions/provide requested information.)*

Are personnel preparing this form familiar with the site?

**Yes**

Did personnel conduct a site visit? **Yes** *(If yes, attach meeting notes or additional pages noting when site visit took place, who attended, etc.)*

Is the project in an approved plan such as a General Management Plan or an Implementation Plan with an accompanying NEPA document? **Yes**

If so, plan name:

### **General Management Plan for Big Thicket National Preserve**

Is the project still consistent with the approved plan? **Yes** *(If no, you may need to prepare plan/EA or EIS.)*

Is the environmental document accurate and up-to-date? **N/A** *(If no, you may need to prepare plan/EA or EIS.)*

FONSI   ROD   *(Check)*   Date approved:

Are there any interested or affected agencies or parties? **Yes**

Did you make a diligent effort to contact them? **Yes**

Has consultation with all affected agencies or tribes been completed? **Yes**

*(If yes, attach additional pages re: consultations, including the name, dates, and a summary of comments from other agencies or tribal contacts.)*

Are there any connected, cumulative, or similar actions as part of the proposed action? (e.g., other development projects in area or identified in GMP, adequate/available utilities to accomplish project)?

**No**

*(If yes, attach additional pages detailing the other actions.)*

## F. INSTRUCTIONS FOR DETERMINING APPROPRIATE NEPA PATHWAY

First, always check DO-12, section 3.2, "Process to Follow" in determining whether the action is categorically excluded from additional NEPA analyses. Other sections within DO-12, including sections 2.9 and 2.10; 3.5; 4.5(G)(4) and (G)(5), and 5.4(F), should also be consulted in determining the appropriate NEPA pathway. Complete the following tasks: conduct a site visit or ensure that staff is familiar with the site's specifics; consult with affected agencies, and/or tribes; and interested public and complete this environmental screening form.

If your action is described in DO-12 section 3.3, "CE's for Which No Formal Documentation is Necessary," follow the instructions indicated in that section.


If your action is not described in DO-12, section 3.3, and IS described in section 3.4, AND you checked YES or identified "data needed to determine" impacts in any block in section D (Mandatory Criteria), this is an indication that there is potential for significant impacts to the human environment, therefore, you must prepare an EA or EIS or supply missing information to determine context, duration and intensity of impacts.

If your action is described in section 3.4 and NO is checked for all boxes in section D (Mandatory Criteria), and there are either no effects or **all** of the potential effects identified in section C (Resource Effects to Consider) are no more than minor intensity, usually there is no potential for significant impacts and an EA or EIS is not required. If, however, during internal scoping and further investigation, resource effects still remain unknown, or are at the minor to moderate level of intensity, and the potential for significant impacts may be likely, an EA or EIS is required.

In all cases, data collected to determine the appropriate NEPA pathway must be included in the administrative record.

#### **G. INTERDISCIPLINARY TEAM SIGNATORIES**

*All interdisciplinary team members sign as directed or deemed necessary by the Superintendent. By signing this form, you affirm the following: you have either completed a site visit or are familiar with the specifics of the site; you have consulted with affected agencies and tribes; and you, to the best of your knowledge, have answered the questions posed in the checklist correctly.*

<b>Interdisciplinary Team Leader Name</b>	<b>Field of Expertise</b>
Haigler Pate 	Project Leader
<b>Technical Specialists Names</b>	<b>Field of Expertise</b>
Jay Boisseau	Other Advisor
Todd Brindle	Superintendent
Linda Dansby	Other Advisor
Edward Kassman	Other Advisor
Carol McCoy	Other Advisor
Lisa Norby	Other Advisor
Pat O'Dell	Other Advisor
Haigler Pate	NHPA Specialist
Haigler Pate	Project Leader
Haigler Pate	NEPA Specialist
Pete Penoyer	Other Advisor
David Roemer	Chief of Resources
Gary Rosenlieb	Other Advisor

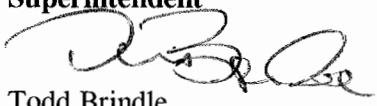
## H. SUPERVISORY SIGNATORY

*Based on the environmental impact information contained in the statutory compliance file and in this environmental screening form, environmental documentation for this stage of the subject project is complete.*

Recommended:

Compliance Specialist	Telephone Number
NEPA--Haigler Pate	409-951-6822
NHPA--Haigler Pate	409-951-6822

Approved:

Superintendent	Telephone Number
 Todd Brindle	(409) 951-6801
Date 10/15/08	