



**DECISION NOTICE AND FINDING OF NO SIGNIFICANT IMPACT  
SEECO, INC., OZARK HIGHLANDS UNIT 9-16 2-7H6, ARES 52178 &  
52179 GAS WELL PROJECT  
U.S. FOREST SERVICE  
OZARK ST-FRANCIS NATIONAL FORESTS, BIG PINEY RANGER  
DISTRICT  
CONWAY COUNTY, ARKANSAS**

**DECISION**

Based upon my review of the Seeco, Inc., Ozark Highlands Unit 9-16 2-7H6, ARES 52178 & 52179 Gas Well Project Environmental Assessment (EA), I have decided to implement the Proposed Action, which includes the following specific activities;

The Proposed Action is the proposal submitted by SEECO, Inc. in their Application for Permit to Drill (APD) Ozark Highlands Unit 9-16 2-7H6 Gas Well with modifications to comply with the Revised Forest Land and Resource Management Plan and the Fayetteville Shale Best Management Practices. Additionally, the proposed action includes using herbicide to treat two reclaimed gas well pads, ARES 51810 10-17 #14 & ARES 51900 10-19 #1-7, for treatment of non-native invasive species of plants.

SEECO, Inc. is proposing to construct a gas well on National Forest land. Preparation for this drilling activity would include roadwork to access the well, construction of drill pad, and construction of a reserve pit.

If the well produces, production facilities would be installed on that drill pad. Production equipment that would be installed on the drill pad would consist of, but not be limited to, a wellhead, a separator unit, a meter shed, a produced water tank, and if needed, a compressor and/or dehydrator. Maintenance of the location (including the access road and well pad) would be required during the life of the well; mechanical (mowing), glyphosate herbicide, or both may be used to achieve this. Glyphosate herbicide would be applied using ground-based methods such as hand application using gloves, or spray using a backpack containing the herbicide attached to a flexible sprayer, wand or other hand application device that directs the chemical onto the target Non Native Invasive Species (NNIS) or other unwanted vegetation. Any portion of the drill pad not used for the production site and defensible space would be reclaimed for use by the Forest Service. Upon depletion of reserves or abandonment of the well, the production facilities would be removed from the site and the entire area reclaimed as specified by the Forest Service.

If drilling results in a dry hole, the well casing would be plugged with cement below the ground surface in a manner approved by the Arkansas Oil and Gas Commission and the BLM and a location marker installed. The cleared area and the reserve pit would then be reclaimed as specified by the Forest Service.

Drilling operations are expected to begin upon approval of the Surface Use Plan of Operations (SUPO) by the Forest Service and the Application for Permit to Drill (APD) by the BLM. This is anticipated to be November, 2016.

These activities are located in Section 7, Township 9 North, Range 16 West on the Big Piney Ranger District. This site is located approximately 2.5 miles northwest of the community of Cleveland, Arkansas and 0.7 miles north along Brock Creek Road from the junction with Bridge Hill Road in Conway County.

Proposals for the well are as follows:

**Table 1: Proposed Activities**

<b>Activity</b>	<b>Amount</b>
<b><i>Drill Pad and Reserve Pit Construction</i></b> <i>(includes clearing limits)</i>	Approximately 5.8 acres
<b><i>Temporary Water Line Installation</i></b>	Approximately 1.4 miles of water line would be placed on the surface in the right of way along Brock Creek Road.
<b><i>Road Relocation/Reconstruction</i></b> <i>(30-foot right-of-way)</i>	1,000 ft. FS Rd. 93021B 500 ft. reconstruction of FS Rd. 93021B
<b><i>Road Obliteration</i></b>	Approximately 1,320 feet of FS Rd. 93021B
<b><i>Lease Road Construction</i></b> <i>(50 foot right of way)</i>	Approximately 531 feet.

Activity	Amount
Construction of Dispersed Camping Area at end of FS Rd. 93021B	150' x 150'.

Drill Pad and Reserve Pit Construction

Approximately 5.8 acres would be cleared in the construction of a drill pad and a reserve pit. This includes an approximate 25-foot clearing limit around the pad and pit. Existing trees would be marked and sold to SEECO, Inc. SEECO, Inc. would remove the merchantable timber from the pad.

Whether a producing well or a non-producing well, upon completion of the drilling activities, samples of the cuttings and fluids remaining in the reserve pit would be analyzed by a licensed laboratory for its chemical and metal content. Based upon test results, mitigation may be required prior to closing. Mitigation may include, but not be limited to hauling the remaining fluids and cuttings to authorized disposal facilities.

Temporary Water Line Installation

The source of water required for drilling the proposed well would be obtained from an off-site private pond. Water used for the drilling operation would be piped through temporary water lines placed in the right-of-way along Brock Creek Road. The water line will be on the surface. Total water usage for fracture stimulation would be approximately 5,250,000 gallons of freshwater. Portions of the temporary waterline that are on the Forest and off the lease would be covered under a special use permit.

Access Road Construction

Approximately 531 feet of access road would be constructed for SEECO, Inc. Ozark Highlands Unit 9-16 2-7H6 gas well. This road would not be added to the Forest Service road inventory. This access road would be gated approximately 100 feet from the junction with FS Road 93021B to allow for safe entry and exit of the access road.

Road Relocation/Construction/Reconstruction

Approximately 1,000 feet of Forest Service Road 93021B would be relocated south of the proposed gas well location and then reconnected to the existing portion of 93021B at a point 400 feet east of the proposed gas well pad. The lease road would spur off of Forest Service Road 93021B and end at the gas well pad. The proposed relocated road right of way would be approximately 30 feet wide with the road surface being approximately 15 feet wide. There would be approximately 15 feet of clearing required on each side of the centerline of the road. An existing section of Forest Service Road 93021B would be reconstructed from the point where the relocated section ties into it. The reconstructed road would be approximately 500 feet long

and have the same dimensions as above. A dispersed campsite would be relocated to the end of the reconstructed road. The dispersed campsite would be approximately 150' by 150'. The dispersed campsite parking area would be built to replace an existing dispersed campsite parking area that would be obliterated by the proposed gas well location. Safety signs would be required along roads and trails as directed by the Forest Service and included in the Forest Wide Conditions of Approval (COA).

#### Road Obliteration

Approximately 1,320 feet of existing Forest Service Road 93021B would be obliterated beginning at the junction of Brock Creek Road to approximately 400 feet east of the proposed gas well location. Obliteration would include re-contouring, scarifying, erosion control, construction of berms at each end, seeding, fertilizing, mulching and other necessary measures. The relocated section of road would replace the obliterated road section.

#### Road Maintenance

Existing access roads would be maintained to a condition equal or better than the condition of the roads at the time the work commences on the proposed gas well. Routine maintenance of the existing road would include re-grading the road, adding additional gravel as required and repairing failures that result from the drilling activities. Semi-permanent dust control would be placed and maintained on any road sections where dust would adversely affect adjacent landowners and residents.

#### Use of Herbicides to Treat Invasive Plants on the Proposed Location and two additional rehabilitated locations

Herbicides would be used to maintain the proposed location and to control invasive plants along with potential mechanical means. Herbicides would also be used on two existing well pad sites (ARES51819 10-17 #1-4 & ARES51900 10-19 #1-7) to control existing populations of non-native invasive species (NNIS) on and around the well pads (See Figure 2 in the EA).

Glyphosate herbicide would be used. Herbicide would be used as a spot application to keep the well pad clear of vegetation during use and to control invasive species. Forest Service Standards for herbicide application would be followed. The application would be according to the herbicide label rates and the appropriate Best Management Practices will be adhered in order to limit risk to water quality.

### **SITE SPECIFIC DESIGN CRITERIA**

There is no known site specific design criteria for this project. There is Project Designs which applies to each gas well project, these can be found in the EA on pages II-6 through II-12.

### **DECISION RATIONALE**

The Proposed Action with its site specific design criteria was selected because it best addressed

the purpose and need in a balanced, cost effective way while protecting the surface rights of this minerals lease. It was selected over Alternative 1 (no action) because Alternative 1 did not address the legal minerals claim to the area. The Proposed Action along with its protection measures was chosen over Alternative 1, because it best meets the needs of minerals lease holder and adheres to the forest plan. The use of herbicides is critical to controlling the population and spread of non-native invasive species. Manual/mechanical control measures have proven not to be effective management treatments for the control of non-native invasive species present within the project area.

My conclusion is based on a review of the record that shows a thorough review of relevant scientific information (peer reviewed science), a consideration of responsible opposing views, and the acknowledgment of incomplete or unavailable information, scientific uncertainty, and risk. Analysis shows this project:

1. Provides for early successional habitat, wildlife habitat, and increased forage production after the reclamation of the pad, (EA, page II-2).
2. Provides for control of invasive species (EA, page II-2, II-4).
3. Attempts to address dispersed recreation (EA, page II-4)

### **Other Alternatives Considered**

In addition to the proposed action the EA considered one other alternative. A comparison of the proposed action to the other alternative considered can be found on page II-5, table 3 in the EA. The following is a summary of the alternative considered.

#### **Alternative 1(No Action)**

The No Action Alternative is a requirement of the National Environmental Policy Act (NEPA). None of the activities in the proposed action would be implemented. Other activities allowed under previous decisions would continue to be implemented.

The Seeco, Inc., Ozark Highlands Unit 9-16 2-7H6, ARES 52178 & 52179 Gas Well Project Project EA documents the environmental analysis and conclusions upon which this decision is based.

### **PUBLIC INVOLVEMENT**

To encourage public participation in the The Big Piney Ranger District Interdisciplinary Team (IDT) initiated internal scoping for the SEECO, Inc. Ozark Highlands Unit 9-16 2-7H6, ARES 52178 and 52179 on July 24, 2014. A project notification letter was mailed out in September 2014. Scoping letters requesting comments on the proposal were mailed to tribes, agencies, groups, or individuals. A legal notice was posted in Russellville's, *The Courier*, on September 23, 2014. The project was also published in the Ozark- St. Francis National Forests Schedule of Proposed Actions and on the Forests planning website. Three responses were received from this initial scoping effort.

On February 19, 2016 the Draft Environmental Analysis was made available to the public.

Comments were received for 30 days. This effort resulted in comments received from one member of the public. See Appendix D in the EA document for specific comments and agency responses.

The Final Environmental Analysis, Draft Decision and Finding of No Significant Impact was made available for objection on July 1, 2016 for 45 days. No valid objections were received within this period.

Chapter IV of the EA lists other agencies and people consulted during this analysis.

### **FINDINGS REQUIRED BY OTHER LAWS AND REGULATIONS**

The actions are consistent with the intent of the management goals, objectives, and standards in the 2005 Revised Land and Resource Management Plan for the Ozark St-Francis National Forests (RLRMP). The project was designed in conformance with the 2005 RLRMP and incorporates appropriate guidelines and mitigation measures including *Arkansas Best Management Practices for Fayetteville Shale Natural Gas Activities April, 2007*. The project is feasible and reasonable, and results in applying management practices that are consistent with the 2005 RLRMP direction of protecting the environment while maintaining natural communities and minimizing effects of non-native invasive species. This decision supports goals and objectives from the 2005 RLRMP as follows:

- 1) Consent to lease (RLRMP page 2-30)
- 2) The RLRMP desired condition of administering minerals and energy developments to facilitate production of mineral and energy resources as well as to minimize adverse impacts to surface and groundwater resources and protect or enhance ecosystem health (RLRMP page 1-48).
- 3) The RLRMP priority of encouraging and facilitating the orderly exploration, development, and production of mineral and energy resources in order to promote self-sufficiency in those mineral and energy resources necessary for economic growth and national defense (RLRMP page 2-29)
- 4) The Regional Forester is the authorized Forest Service officer responsible for making the final decision to consent or deny permission to the USDI, Bureau of Land Management for issuance of permits and leases. (RLRMP page 2-28)
- 5) Leasing consent decisions by management area showing areas withdrawn, No Surface Occupancy, Controlled Surface Occupancy, and standard. (RLRMP page 2-30)
- 6) Mineral operations will comply with environmental protection standards from the following sources: Forest Plan standards for the management prescription where the operations will occur; lease terms and conditions; federal Onshore Oil and Gas Orders; Oil and Gas Resources regulations (36CFR228 E); Conditions of Approval in Applications for Permits to Drill; and Federal and State requirements and regulations promulgated to establish performance standards for protecting soil, water, riparian, and aquatic resources and for reclamation of areas affected by oil and gas activities (RLRMP page 3-18, Forest Wide Standard FW137).

- 7) Require special use or road use permits for off-lease use (RLRMP 3-18, Forest Wide Standard FW138).
- 8) Mining or drilling operations proposed to take place on 35 percent or greater slopes must be able to be conducted in a manner that will not degrade long-term soil productivity and watershed condition, and can have no off-site soil loss. Slope and spoils stability must be maintained through the course of the operations. The reclamation bond collected from the operator by the Responsible Official will reflect additional costs incurred from reclamation on steep ground (RLRMP 3-19 FW140).
- 9) Drilling operations will not be allowed in karst management zones (KMZs) (RLRMP page 3-18, FW143).
- 10) Any mineral operations undertaken on National Forest land where minerals have been reserved or are outstanding will comply with the Secretary's rules and regulations (reserved) or will be administered in strict compliance with the terms of the severance deed (outstanding), and will comply with applicable state and federal laws (RLRMP page 3-19, FW144).
- 11) **The Energy Security Act (1980)** directs the Secretary of Agriculture to process applications for leases and permits to explore, drill, and develop resources on National Forest System lands, notwithstanding the current status of any management plan being prepared (RLRMP page B-22).
- 12) **The Federal Onshore Oil And Gas Leasing Reform Act (1987)** expands the authority of the Secretary of Agriculture in the management of oil and gas resources on National Forest System (NFS) lands. Without the Forest Service's approval, the BLM cannot issue leases for oil and gas on NFS lands. The Forest Service must also approve all surface-disturbing activities on NFS lands before operations commence (RLRMP page B-22).
- 13) **36 CFR Parts 228 and 261 (1990)** are the regulations and procedures to implement the 1987 Reform Act. These regulations establish a staged decision process designed to accommodate the nature of oil and gas exploration and development (RLRMP page B-22).

It is my finding that the actions of this decision comply with the requirements of the National Forest Management Act (NFMA) of 1976, NFMA implementing regulations in 36 Code of Federal Regulations (CFR) Section 219, the National Historic Preservation Act, the Endangered Species Act, the National Environmental Policy Act (NEPA), and the Council on Environmental Quality Regulations.

A Finding of No Significant Impact (FONSI) and EA were considered. I determined these actions will not have a significant effect on the quality of the human environment, and an Environmental Impact Statement (EIS) will not be prepared.

## FINDING OF NO SIGNIFICANT IMPACT

The significance of environmental impacts must be considered in terms of context and intensity. This means that the significance of an action must be analyzed in several contexts such as society as a whole (human and national), the affected region, the affected interests, and the locality. Significance varies with the setting of the proposed action. In the case of a site-specific action, significance usually depends upon the effects in the locale rather than in the world as a whole. Intensity refers to the severity or degree of impact. (40 CFR 1508.27)

### INTENSITY

The intensity of effects was considered in terms of the following:

1. **Impacts may be both beneficial and adverse. A significant effect may exist even if the Federal agency believes that, on balance, the effect will be beneficial.** Consideration of the intensity of environmental effects is not biased by beneficial effects of the action.
2. **The degree to which the proposed action affects public health or safety.** There will be no significant effects on public health and safety. The EA discloses the effects of exposure of forest users and the public to various hazards such as dust, particulate matter, methane gas, emissions, herbicides, hazards in the general forest, along with others and concludes that no thresholds will be exceeded and/or mitigated (See EA pages III-18 through III-22, III-52 through III-58).
3. **Unique characteristics of the geographic area, such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.** There will be no significant effects on unique characteristics of the area, because due to the location of the project no perennial or intermittent riparian protection zones will be impacted. This project proposal falls under an existing Programmatic Agreement (PA) between the United States Forest Service, Native American federally-recognized Tribes, and the Arkansas State Historic Preservation Office, (under the authority of the National Historic Preservation Act of 1966 (NHPA), as amended (80 Stat. 915 et seq.; 16 U.S.C. 470 et seq.), as implemented by 36 CFR 800). This area has received complete inventory under previous projects and additional archeological inventory has been completed in conjunction with this project. There are no known historic properties in the project area; therefore, a determination of *no adverse effect* has been made for this project (See EA pages III-33 and III-34).
4. **The degree to which the effects on the quality of the human environment are likely to be highly controversial.** The effects on the quality of the human environment are not likely to be highly controversial. The environmental impacts disclosed are based upon widely accepted principles resulting from sound scientific research (See EA Chapter III).

5. **The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.** The Agency has considerable experience administering actions like the one proposed. The construction methods and herbicides to be used have known quantifiable effects which are predictable. The analysis shows the effects are not uncertain, and do not involve unique or unknown risk (See EA Chapter III).
6. **The degree to which the action may establish a precedent for future actions with significant effects, or represents a decision in principle about a future consideration.** The action is not likely to establish a precedent for future actions with significant effects, because the Purpose and Need for the project and the actions proposed are implementing and within the scope of the RLRMP (See EA pages I-6 and I-7).
7. **Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.** The analysis supports that the cumulative impacts are not significant. The Past, Present and Reasonably Foreseeable Future Actions within the project area are listed on page II-5 in table 2 of the EA. The cumulative effects of these actions along with the proposed action are disclosed throughout chapter III of the EA and conclude that there are no significant impacts (See EA pages III-1 through III-59).
8. **The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed, or eligible for listing, in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.** The action will have no significant adverse effect on districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places, because this project proposal falls under an existing Programmatic Agreement (PA) between the United States Forest Service, Native American federally-recognized Tribes, and the Arkansas State Historic Preservation Office, (under the authority of the National Historic Preservation Act of 1966 (NHPA), as amended (80 Stat. 915 et seq.; 16 U.S.C. 470 et seq.), as implemented by 36 CFR 800). This area has received complete inventory under previous projects and additional archeological inventory has been completed in conjunction with this project. There are no known historic properties in the project area; therefore, a determination of *no adverse effect* has been made for this project (See EA pages III-33 and III-34).
9. **The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.** The action will not adversely affect any endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species act of 1973, because the EA concluded, based on the BE sent to and approved by the US Fish and Wildlife Service, that the PA would was not likely to adversely affect the Indiana bat, gray bat, or Ozark big-eared bat. There is **no critical habitat** for any federally-listed species on the Big Piney Ranger District (BPRD) of the OSFNFs. There is no known occupied or unoccupied habitat required for recovery of any of the species discussed here in the project area, or the BPRD (See EA pages III-48 through III-50).

10. **Whether the action threatens to violate Federal, State, or local law or requirements imposed for the protection of the environment.** The action will not violate Federal, State, and local laws or requirements for the protection of the environment. Applicable laws and regulations were considered in the EA (see EA Chapters 1 & 2). The action is consistent with the Ozark-St Francis Land and Resource Management Plan (See EA pages I-6 through I-8)

After considering the effects of the actions analyzed, in terms of context and intensity, I have determined that these actions will not have a significant effect on the quality of the human environment. Therefore, an environmental impact statement will not be prepared.

### RESULTS OF ADMINISTRATIVE REVIEW (OBJECTION PERIOD)

No valid Objections were received within the objection period

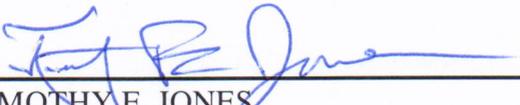
### IMPLEMENTATION DATE

Timing of project decision 36 CFR 218.129 (c): When no objection is filed within the objection filing period (see §§218.26 and 218.32):

- (1) The reviewing officer must notify the responsible official.
- (2) Approval of the proposed project or activity documented in a ROD in accordance with [40 CFR 1506.10](#), or in a DN may occur on, but not before, the fifth business day following the end of the objection filing period.

### CONTACT

Further information about this decision can be obtained from Mike Mulford, NEPA Coordinator, Big Piney Ranger District, P.O. Box 427, Jasper, AR 72641; (870) 446-5122; fax (870) 446-2063; e-mail: mmulford@fs.fed.us.

  
TIMOTHY E. JONES

District Ranger

9/12/2016

Date