



DEPARTMENT OF AGRICULTURE

Forest Service

National Forests and Grasslands in Texas; Oil and Gas Leasing Availability Analysis

Environmental Impact Statement; Revised

AGENCY: Forest Service, Agriculture (USDA).

ACTION: Notice; revised.

SUMMARY: A previous notice for this project was published in 2019 (84 FR 44843) when the National Forests and Grasslands in Texas (NFGT) was also preparing for forest plan revision; however, the need for the project, expected relationship to the forest plan, and responsible official have changed since that publication. This notice is revising the previous Notice of Intent to announce that the USDA Natural Resources and Environment (NRE) Under Secretary proposes to prepare the EIS for Oil and Gas Leasing Availability and issue the project decision. The proposed action and alternatives will identify lands that would be made available for future oil and gas leasing, any additional stipulations applied to oil and gas activities on those lands, and if the decision would require an amendment to the 1996 NFGT Revised Land and Resource Management Plan (forest plan). The Planning, Administrative Reviews, and Litigation System identification number for the project is 56882.

DATES: Comments concerning the scope of the analysis must be received by **[INSERT DATE 5 DAYS FROM DATE OF PUBLICATION IN THE *FEDERAL REGISTER*]**. The environmental impact statement is expected in spring or summer 2026. A schedule for the decision-making process and additional information about the project can be found here:

<https://www.fs.usda.gov/r08/texas/projects/56882>.

ADDRESSES:

Written comments

Send written comments to Oil and Gas Leasing Availability, National Forests and Grasslands in Texas, 2221 N. Raguet Street, Lufkin, Texas 75904. Comments may also be submitted electronically through the project website:

<https://cara.fs2c.usda.gov/Public/CommentInput?Project=56882> or by facsimile at 936-639-8588.

Written public comments will be accepted by 11:59 p.m. Eastern Standard Time on **[INSERT DATE 5 DAYS FROM DATE OF PUBLICATION IN THE *FEDERAL REGISTER*]**.

Comments submitted after this date may not be included in the analysis.

FOR FURTHER INFORMATION CONTACT: Juanita Garcia at juanita.garcia@usda.gov or 936-639-8504.

Individuals who use telecommunication devices for the hearing-impaired may call 711 to reach the Telecommunications Relay Service, 24 hours a day, every day of the year, including holidays.

SUPPLEMENTARY INFORMATION:

Purpose and Need for Action

The purpose of this project is to determine which NFS lands in Texas, where the surface and mineral rights are both federal, would be open to oil and gas development subject to standard terms and conditions, open to oil and gas development with constraints in lease stipulations, and which are closed to leasing by law and management direction. This determination enables the NFGT to respond to the BLM regarding expressions of interest to lease federal minerals under NFS lands in Texas, as federally mandated by the Mineral Leasing Act of 1920, the Mineral Leasing Act for Acquired Lands of 1947, the Mining and Minerals Policy Act of 1970, the Energy Security Act of 1980 and Federal Onshore Oil and Gas Leasing Reform Act of 1987, with procedural direction in 36 CFR 228 Subpart E. These laws state that NFS lands shall be made available for oil and gas leasing unless closure is necessary due to the inability to protect a sensitive resource through constraints.

Because of advancements in technology and environmental changes since the 1996 forest plan, there

is a need to reevaluate the previous oil and gas leasing analysis to fulfill these congressional mandates while complying with the forest plan and other laws and regulations.

The most recent leasing availability analysis was incorporated into the 1996 forest plan, but new information and changed circumstances related to natural resource conditions, oil and gas technology, and agency priorities warrant a new analysis and decision. Such an evaluation is also necessary to determine what lease stipulations should apply to those lands to protect resources. Once the Forest Service determines which NFGT lands would be available for leasing, the BLM has the discretion whether to include those lands in future competitive oil and gas lease sales. This process aligns with the objectives of Executive Order 14154 by promoting the responsible development of domestic energy resources and supports Executive Order 14156 by addressing the national energy emergency through strategic land use planning and resource management.

Proposed Action

The Forest Service, on behalf of the Under Secretary, proposes to identify NFGT administered lands that would be available for future oil and gas leasing; to identify which stipulations would be applied to protect resources on lands available for future oil and gas leasing; and to determine if the 1996 NFGT forest plan should be amended. The Forest Service's analysis will not affect current valid leasing, including the associated terms, conditions, and stipulations. The EIS also would not affect the exercising of reserved and outstanding mineral rights on NFS lands. The proposed changes would apply only to new leases for federal minerals that may be issued.

Following an initial evaluation of the need to change current direction, the following actions are being proposed to address those areas and management directions that need to be clarified to comply with forest plan standards for resource protection while also managing the mineral resources. The decision area includes only those NFGT lands (approximately 500,000 acres) where the Forest Service manages the surface and the underlying mineral estate is federally managed by the United States Department of Interior Bureau of Land Management (BLM).

The following elements will be included in the proposed action:

- Both current management and the proposed action would maintain 38,300 acres as closed for congressionally- designated wilderness areas.
- The proposed action would convert Controlled Surface Use (CSU) stipulations to No Surface Occupancy (NSO) stipulations for natural heritage botanical areas and reservoirs on the NFGT consistent with forest plan standards. This would decrease the number of acres with a CSU stipulation from approximately 73,100 to 63,100 acres and increase the acres under NSO from approximately 11,100 to 28,000 acres.
- The proposed action would remove the current turkey nesting Timing Limitation (TL) stipulation.
- The proposed action would add NSO stipulations to protect natural heritage botanical areas, special status species, unique prairie vegetation communities, inclusional wetlands, sensitive aquatic areas, natural springs, and steep slopes.
- Several NSO and CSU stipulations would require site-specific surveys to identify areas where the stipulation applies. This includes red-cockaded woodpecker (RCW) NSO and CSU stipulations for cavity trees, cluster sites, and foraging habitat. These RCW stipulations would apply in Management Area 2, which includes approximately 226,700 acres of the decision area. Site-specific surveys are also required to determine CSU areas for the protection of 100-year floodplains and intermittent and perennial waterways.
- Existing NSO and CSU stipulations related to erodible soils, flood control structures, Research Natural Areas, developed recreation sites, scenic areas and Lake Conroe would be updated to improve implementability.
- New stipulations to address invasive plants, restoration seed mixes, and soil stability associated with well pad construction would also be added.

Alternatives

The Forest Service will analyze the No Action Alternative (the existing oil and gas leasing

alternative), the Proposed Action Alternative, and a No Leasing Alternative. Additional alternatives may also be developed and considered to address issues raised during the scoping process. These could add, change or clarify stipulations to protect resources consistent with forest plan direction and other laws and regulations. Except for the No Leasing Alternative, which would administratively determine that no lands would be available for future oil and gas leasing, alternatives will be developed that comply with the current forest plan (i.e., no plan amendment is expected).

List of Substantive issues and Expected Impacts

The following list of preliminary issues were identified in the 2019 NOI and will be addressed in this analysis:

- Impacts on areas of the forest where air pollution levels have not met the National Ambient Air Quality Standards for criteria air pollutants and have been designated as nonattainment areas.
- Impacts on greenhouse gas emissions.
- Impacts on surface and subsurface water quantity and quality, including public water supplies.
- Impacts from well pad and steep slope erosion and sediment transport into streams, wetlands, or other sensitive aquatic areas.
- Impacts from noxious and invasive weed spread.
- Impacts on rare plants and ecosystems.
- Fragmentation, removal, or disturbances on wildlife corridors, critical habitats, and other important or sensitive wildlife habitats.
- Impacts on threatened and endangered species, such as the red-cockaded woodpecker and Louisiana pine snake, and species that have been listed or proposed for listing since the 1996 oil and gas availability decision.
- Impacts on prescribed rangeland conservation burning and reforestation management.

- Traffic, noise, light pollution, and visual impacts on nearby residents, visitors, and other forest users.
- Impacts on royalty payments to counties associated with any changes in oil and gas leasing.
- Impacts on special designations and impacts on wilderness character.
- Impacts on recreationists and loss of recreation opportunities.
- Impacts on geologic features on the NFGT, including salt domes, and potential for induced seismicity.

Additional issues may be identified based on comments received during this public scoping period.

Anticipated Permits and other Authorizations

The resulting consent decision will identify lands as open to leasing (including both those subject to standard terms and conditions of oil and gas lease forms and those subject to additional stipulations) but does not commit the BLM to future leasing action. When lands identified as available are scheduled for leasing, the Forest Service shall review the specific lands for consistency with the leasing consent decision pursuant to criteria in 36 CFR 228.103, resulting in either confirmation of Forest Service consent or withdrawal of consent for specific parcels.

Comments and the Objection Process

Scoping for an earlier version of this project was conducted in 2019 and included publication of an NOI describing the initial proposed action and potential alternatives, opportunities for public comment announced through a legal notice and the NFGT mailing list, and four public meetings. Comments were received from Federal, state, and local agencies, elected officials, Native American tribes, special interest groups, and concerned citizens and they will be considered in development of the EIS. This NOI provides an additional opportunity for public comments.

This notice of intent re-initiates the project and NEPA timeline. In this process the Agency is requesting comments on potential alternatives and impacts, and identification of any relevant

information, studies or analyses of any kind concerning impacts affecting the quality of the human environment.

It is important that interested members of the public provide their comments at such times and in such manner that they are useful to the agency's preparation of the EIS. Therefore, written comments must be provided prior to the close of the comment period and should clearly articulate the commenter's concerns and contentions. Comments received in response to this solicitation, including names and addresses of those who comment, will be part of the public record for this proposed action. Comments submitted anonymously will be accepted and considered.

Federal regulations (36 CFR 228.103(c)(2)) state that oil and gas leasing consent decisions are subject to a predecisional objection process conducted in accordance with the procedures set forth in 36 CFR 219 Subpart B. 36 CFR 219.51(b) states that "Plans, plan amendments, or plan revisions proposed by the Secretary of Agriculture or the Under Secretary for Natural Resources and Environment are not subject to the procedures set forth in this section. A decision by the Secretary or Under Secretary constitutes the final administrative determination of the U.S. Department of Agriculture." Because the Under Secretary for NRE is the responsible official this project, it is not subject to the 36 CFR 219 Subpart B objection process.

Cooperating and Participating Agencies

The USDA Forest Service, National Forests and Grasslands in Texas, is the lead agency and the USDI Bureau of Land Management, New Mexico State Office, is a cooperating agency in this analysis.

Responsible Official

The responsible official is Michael Boren, Under Secretary of Agriculture for Natural Resources and Environment.

Michael Boren,

Under Secretary of Agriculture for Natural Resources and Environment.

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