

Subject: Scoping Comment Supporting Balanced Expansion of Oil and Gas Leasing
Project: National Forests and Grasslands in Texas Oil and Gas Leasing Availability Analysis
EIS (PALS ID 56882) Document Number: 2026-07974 (91 FR 21786)

Date: April 27, 2026

To Whom It May Concern,

I appreciate the opportunity to comment on the proposed action for oil and gas leasing on the National Forests and Grasslands in Texas.

I am submitting this comment as an environmental consultant with over 20 years of experience working on projects on U.S. Forest Service lands. Based on that experience, I **support an approach that maintains access to energy development while applying targeted, science-based protections.** The proposed action reflects a meaningful effort to balance these priorities, but I encourage the Forest Service to ensure that stipulations do not unnecessarily constrain responsible development.

I acknowledge that both current management and the proposed action would continue to protect approximately 38,300 acres of congressionally designated wilderness areas. However, the EIS should analyze whether subsurface leasing beneath these areas could be allowed under strict No Surface Occupancy (NSO) stipulations. Allowing leasing with NSO—where no surface disturbance occurs within wilderness boundaries—would maintain statutory surface protections while enabling access to subsurface resources through directional drilling from outside the wilderness.

I have concerns regarding the **substantial expansion of NSO stipulations**—from approximately 11,100 acres to 28,000 acres—particularly where Controlled Surface Use (CSU) has historically provided sufficient protection. Converting large areas from CSU to NSO for natural heritage botanical areas and reservoirs may be more restrictive than necessary, especially given advances in directional drilling and site-specific mitigation practices. Retaining CSU where impacts can be effectively managed would better support multiple-use objectives.

These expanded **NSO designations also appear inconsistent with the policy direction** set forth in the Executive Order on Unleashing American Energy and the Secretary Rollins Memorandum, both of which emphasize **reducing unnecessary regulatory barriers, promoting domestic energy development, and ensuring federal land management decisions support energy independence. The EIS should explicitly analyze how the proposed stipulations align with these directives and avoid adopting measures that could unduly limit access to leasable resources without clear, site-specific justification.**

Importantly, the current proposed EIS appears to function more as a mechanism for limiting oil and gas leasing availability rather than fulfilling its stated purpose of evaluating and facilitating leasing availability on National Forest System lands. The overall structure of expanded NSO designations, increased pre-leasing constraints, and reliance on broad-scale exclusions **risks constraining access at the programmatic level** rather than appropriately addressing impacts through site-specific permitting decisions. This approach is inconsistent with the stated purpose of a leasing availability analysis.

I support the removal of the turkey nesting Timing Limitation (TL) stipulation, as seasonal restrictions can often be addressed more flexibly through site-level planning and adaptive management.

The addition of new NSO stipulations for resources such as special status species, unique prairie vegetation, wetlands, aquatic systems, springs, and steep slopes should be carefully evaluated to ensure they are narrowly tailored and supported by site-specific data. **Broad application of NSO without clear spatial delineation may unnecessarily limit access to subsurface resources.**

I also note that several stipulations, including those related to red-cockaded woodpecker habitat, would rely on site-specific surveys. Given that the red-cockaded woodpecker is no longer listed as an endangered species, the Forest Service should reassess whether the scope and extent of protections remain appropriate and proportional to its current conservation status.

Importantly, the **Forest Service should not require field surveys prior to leasing decisions**. Instead, such requirements **should be reserved for the permitting stage**, when specific surface-disturbing activities are proposed. This approach allows for informed environmental review at the appropriate level of project development while avoiding unnecessary delays or restrictions on leasing availability itself.

A BLM oil and gas lease is typically valid for 10 years, and **field conditions can and do change significantly over that period**. By requiring extensive pre-leasing field surveys, there is a risk of basing long-term leasing decisions on snapshot conditions that may not reflect future on-the-ground realities. Environmental review is more appropriately and accurately conducted at the APD (Application for Permit to Drill)/Mineral Operating Plan stage, when site-specific development plans are known and conditions can be reassessed.

Updates to existing stipulations (e.g., erodible soils, recreation areas, and water resources) and the addition of measures addressing invasive species, restoration practices, and soil stability are constructive and demonstrate that environmental protection and energy development can proceed together.

Overall, I encourage the Forest Service to:

- Favor CSU and performance-based mitigation over NSO where feasible
- Ensure all new restrictions are supported by site-specific science
- Maintain flexibility to adapt mitigation measures as conditions and technologies evolve
- Fully analyze the economic and energy security benefits of expanded leasing access
- Clearly demonstrate consistency with applicable executive and departmental policy direction
- Evaluate opportunities for subsurface leasing beneath wilderness areas where NSO can fully protect surface resources
- Limit field survey requirements to the permitting stage rather than the leasing stage
- Recognize that lease validity periods (typically 10 years) make pre-leasing field conditions inherently dynamic and better addressed at development permitting

A balanced, multiple-use framework that allows responsible oil and gas development alongside conservation will best serve the public interest.

Thank you for your consideration.