

**BLM- WYOMING RESPONSE TO PUBLIC COMMENTS
FEBRUARY 2019 COMPETITIVE OIL AND GAS LEASE SALE (201902)
ENVIRONMENTAL ASSESSMENT DOI-BLM-WY-0000-2018-0004-EA**

This EA was released for an initial 14-calendar day comment period (August 29 – September 12). On September 21, 2018, the District of Idaho issued a Preliminary Injunction Order in *W. Watersheds Project v. Zinke*, No. 1:18-cv-00187-REB, 2018 U.S. Dist. (D. Idaho Sep. 21, 2018)) requiring BLM to provide additional public comment and a 30 day protest period for parcels in greater sage grouse habitat to be offered at the December 2018 and succeeding competitive oil and gas lease sales. In compliance with the Order, BLM extended the public comment period (September 24, 2018 through October 9, 2018).

Three parcels (preliminary parcel numbers 394, 397, 398), containing approximately 720 acres, are not subject to the Order and were offered at the December 11, 2018 competitive oil and gas lease sale.

Similar comments may be summarized and one response given to similar comments. Only substantive comments are addressed by the BLM. All comments submitted have been evaluated by the BLM and are retained in the BLM's administrative record.

For the 201902 Sale, the BLM prepared one EA that covered all parcels initially nominated for the 4th Quarter 2018 sale. To the extent that identical or similar issues were raised in any of the public comments, the BLM refers the reader to the other responses to comments.

Where appropriate, the BLM may modify portions of the EA(s) prior to issuing its final decision and these are identified below; BLM has also provided a listing of all edits made to the EA in an attachment to the FONSI. The BLM currently intends to prepare and issue the signed FONSI/DR for this sale concurrently with the resolution of any protests to parcels included in the sale. Note: Where the BLM has decided to delete or defer parcels or portions of parcels from the 201902 sale, those parcels are not listed in the Sale Notice. The deletions and deferrals are generally described in the EA, in our responses to public comments, below, and in the FONSI/DR.

**Comments Submitted to the BLM-Wyoming State Office on the Fourth-
Quarter 2018 Oil and Gas Lease Sale EA**

| Submission ID | Date | Submitters |
|---------------------|--------------------|-------------------------------|
| 4thQtr2018-1-226040 | September 03, 2018 | Rica Fulton |
| 4thQtr2018-1-227725 | September 10, 2018 | Ms. Liz Howell |
| 4thQtr2018-1-227726 | September 10, 2018 | Mr. Byron E Baker |
| 4thQtr2018-1-227727 | September 10, 2018 | Ms. Shelly J Morris |
| 4thQtr2018-1-227748 | September 10, 2018 | Aubrey Bertram |
| 4thQtr2018-1-227766 | September 10, 2018 | Mark Jenkins |
| 4thQtr2018-1-227775 | September 10, 2018 | Mr. Jeff Troxel |
| 4thQtr2018-1-227811 | September 10, 2018 | Mr. Mike Shikany |
| 4thQtr2018-1-227983 | September 10, 2018 | Dr. Joshua Harrison |
| 4thQtr2018-1-227999 | September 10, 2018 | Mr. Curtis A Johnson |
| 4thQtr2018-1-228000 | September 10, 2018 | Catherine Belton |
| 4thQtr2018-1-228009 | September 10, 2018 | Sandy Zelasko |
| 4thQtr2018-1-228106 | September 11, 2018 | Kyle Spradley |
| 4thQtr2018-1-228127 | September 11, 2018 | Mr. Kevin Charles Moe |
| 4thQtr2018-1-228129 | September 11, 2018 | Jack A Smith |
| 4thQtr2018-1-228173 | September 11, 2018 | Mr. Duncan Hevenor |
| 4thQtr2018-1-228183 | September 11, 2018 | Ms. Jacqueline Ann Ziegler |
| 4thQtr2018-1-228185 | September 11, 2018 | Brandon Roberts |
| 4thQtr2018-1-228189 | September 11, 2018 | Mr. Hans N Flinch |
| 4thQtr2018-1-228195 | September 11, 2018 | Ms. Roxann W Parran |
| 4thQtr2018-1-228201 | September 11, 2018 | Barbara Hawkins |
| 4thQtr2018-1-228202 | September 11, 2018 | Montie Richards |
| 4thQtr2018-1-228213 | September 11, 2018 | Mrs. Nancy C Currah |
| 4thQtr2018-1-228214 | September 11, 2018 | Andrew Salter |
| 4thQtr2018-1-228216 | September 11, 2018 | Mr. Yvon chouinard |
| 4thQtr2018-1-228218 | September 11, 2018 | Tasha Sorensen |
| 4thQtr2018-1-228222 | September 11, 2018 | Ms. Marjane Ambler |
| 4thQtr2018-1-228222 | September 11, 2018 | Terry Wehrman |
| 4thQtr2018-1-228228 | September 11, 2018 | Ms. Ali Pasquill |
| 4thQtr2018-1-228230 | September 11, 2018 | Shannon Anderson |
| 4thQtr2018-1-228235 | September 11, 2018 | Mr. Ronald E Dutton |
| 4thQtr2018-1-228236 | September 11, 2018 | Mary Buskirk |
| 4thQtr2018-1-228236 | September 11, 2018 | Steven Buskirk |
| 4thQtr2018-1-228237 | September 11, 2018 | Ms. Donna D Obermiller |
| 4thQtr2018-1-228270 | September 11, 2018 | Mr. Gary Blackwelder |
| 4thQtr2018-1-228276 | September 11, 2018 | Ms. Joanna Behrens |
| 4thQtr2018-1-228277 | September 11, 2018 | Andrew Sirois |
| 4thQtr2018-1-228277 | September 11, 2018 | Nancy A Foster |
| 4thQtr2018-1-228292 | September 11, 2018 | Cynthia N. Willson |
| 4thQtr2018-1-228296 | September 11, 2018 | Ms. Morgan K McGlashon |
| 4thQtr2018-1-228306 | September 11, 2018 | Ms. Martha C Martinez del Rio |

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| 4thQtr2018-1-228309 | September 11, 2018 | Don Whyde |
| 4thQtr2018-1-228315 | September 11, 2018 | Mr. David G. Mullens |
| 4thQtr2018-1-228317 | September 11, 2018 | Eric Dalton |
| 4thQtr2018-1-228318 | September 11, 2018 | Ms. Christina M Gerrits |
| 4thQtr2018-1-228321 | September 11, 2018 | Julia Talley |
| 4thQtr2018-1-228323 | September 11, 2018 | Mr. Warren Murphy |
| 4thQtr2018-1-228327 | September 11, 2018 | Mr. Edward Thomas Lefferts |
| 4thQtr2018-1-228353 | September 12, 2018 | Sandra Werner |
| 4thQtr2018-1-228356 | September 12, 2018 | Debra Patla |
| 4thQtr2018-1-228359 | September 12, 2018 | Shane Miller |
| 4thQtr2018-1-228362 | September 12, 2018 | Mr. Richard B Vincent |
| 4thQtr2018-1-228363 | September 12, 2018 | Tom C Williams |
| 4thQtr2018-1-228367 | September 12, 2018 | Stanley Strike |
| 4thQtr2018-1-228372 | September 12, 2018 | Marilyn Mullen |
| 4thQtr2018-1-228374 | September 12, 2018 | Laura Armstrong |
| 4thQtr2018-1-228382 | September 12, 2018 | Ms. Tracey Rosenlund |
| 4thQtr2018-1-228394 | September 12, 2018 | Kit and Patty Terry |
| 4thQtr2018-1-228400 | September 12, 2018 | Mr. Michael Saul |
| 4thQtr2018-1-228400 | September 12, 2018 | Mr. Taylor McKinnon |
| 4thQtr2018-1-228402 | September 12, 2018 | Mr. John W Rader |
| 4thQtr2018-1-228406 | September 12, 2018 | Ms. Michelle Yarber |
| 4thQtr2018-1-228410 | September 12, 2018 | Paige Smith |
| 4thQtr2018-1-228414 | September 12, 2018 | Rebecca Fischer |
| 4thQtr2018-1-228415 | September 12, 2018 | Dr. Leedom Lefferts |
| 4thQtr2018-1-228415 | September 12, 2018 | Dr. Leedom Lefferts |
| 4thQtr2018-1-228418 | September 12, 2018 | Ms. Sharon Mader |
| 4thQtr2018-1-228420 | September 12, 2018 | Ms. Joanna V Taylor |
| 4thQtr2018-1-228424 | September 12, 2018 | Multiple Sportsmen |
| 4thQtr2018-1-228425 | September 12, 2018 | Angi Bruce |
| 4thQtr2018-1-228428 | September 12, 2018 | Jen Sall |
| 4thQtr2018-1-228428 | September 12, 2018 | John Burrows |
| 4thQtr2018-1-228430 | September 12, 2018 | Billy Kirk |
| 4thQtr2018-1-228436 | September 12, 2018 | Mr. Kent Connelly |
| 4thQtr2018-1-228437 | September 12, 2018 | J Wellman |
| 4thQtr2018-1-228441 | September 12, 2018 | Tasha Ann Sorensen |
| | September 20, 2018 | Ms. Esther Wagner, PAW |
| 2018Q4GSG-1-307598 | October 26, 2018 | Ms. Grace E. Neff |
| 2018Q4GSG-1-309221 | November 02, 2018 | Ms. Michelle Yarber |
| 2018Q4GSG-1-309224 | November 02, 2018 | Mr. Chris Matthew Scheibe |
| 2018Q4GSG-1-309225 | November 02, 2018 | Mr. Nelson W Dittmar Jr. |
| 2018Q4GSG-1-309228 | November 02, 2018 | Mrs. Joy E Keown |
| 2018Q4GSG-1-309229 | November 02, 2018 | Ms. Elizabeth Ann Tucker-Graham |
| 2018Q4GSG-1-309229 | November 02, 2018 | Mr. Nathan Adam Graham |
| 2018Q4GSG-1-309230 | November 02, 2018 | Dr. Prudy Marshall |
| 2018Q4GSG-1-309231 | November 02, 2018 | Mrs. Raz F Reinecke |

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| 2018Q4GSG-1-309231 | November 02, 2018 | Mr. William G Reinecke |
| 2018Q4GSG-1-309232 | November 02, 2018 | Cynthia Lawrence |
| 2018Q4GSG-1-309233 | November 02, 2018 | Mrs. Lynne Kapeller |
| 2018Q4GSG-1-309233 | November 02, 2018 | Mr. Dan Kapeller |
| 2018Q4GSG-1-309236 | November 02, 2018 | Mr. Keith Collins |
| 2018Q4GSG-1-309249 | November 02, 2018 | Ms. EVA CRANE |
| 2018Q4GSG-1-309250 | November 02, 2018 | Mrs. Marilyn Hutchison Mullen |
| 2018Q4GSG-1-309255 | November 02, 2018 | Nathan Champion |
| 2018Q4GSG-1-309257 | November 02, 2018 | Mr. Ralph G Garrett |
| 2018Q4GSG-1-309258 | November 02, 2018 | Ms. Wendy Connor Rominger |
| 2018Q4GSG-1-309291 | November 02, 2018 | Mr. Forrest R Bittner Chambless |
| 2018Q4GSG-1-309310 | November 03, 2018 | Ms. Jessica Jern |
| 2018Q4GSG-1-309370 | November 03, 2018 | Sandra Materi |
| 2018Q4GSG-1-309402 | November 03, 2018 | Mr. Duane Schweigert |
| 2018Q4GSG-1-309410 | November 03, 2018 | Amy Nagler |
| 2018Q4GSG-1-309468 | November 04, 2018 | Mr. Arne Johanson |
| 2018Q4GSG-1-309536 | November 05, 2018 | Ms. Leslie Patten |
| 2018Q4GSG-1-309601 | November 05, 2018 | Ms. Shaleas HARRISON |
| 2018Q4GSG-1-309676 | November 06, 2018 | Mrs. Nancy Currah |
| 2018Q4GSG-1-309693 | November 06, 2018 | Mary Greene |
| 2018Q4GSG-1-309712 | November 06, 2018 | Dr. Christopher Heckscher |
| 2018Q4GSG-1-309720 | November 06, 2018 | Tisha R Stevens |
| 2018Q4GSG-1-309745 | November 07, 2018 | Stine Richvoldsen |
| 2018Q4GSG-1-309746 | November 07, 2018 | Kevin Salava |
| 2018Q4GSG-1-309755 | November 07, 2018 | Mr. Thomas Chambers |
| 2018Q4GSG-1-309758 | November 07, 2018 | Mr. Neil and Jennifer Miller |
| 2018Q4GSG-1-309828 | November 08, 2018 | Mark Jenkins |
| 2018Q4GSG-1-309869 | November 08, 2018 | Mrs. Diane Verna |
| 2018Q4GSG-1-309871 | November 08, 2018 | Mr. Jeff Jung |
| 2018Q4GSG-1-309880 | November 08, 2018 | ERIC M JOHNSON |
| 2018Q4GSG-1-309883 | November 08, 2018 | Peter Kassab |
| 2018Q4GSG-1-309886 | November 08, 2018 | Adolph Prater |
| 2018Q4GSG-1-309890 | November 08, 2018 | Mr. Brian B Underdahl |
| 2018Q4GSG-1-309891 | November 08, 2018 | Ms. Sandra Walters |
| 2018Q4GSG-1-309926 | November 08, 2018 | Jessica Jern |
| 2018Q4GSG-1-309943 | November 09, 2018 | John G Haeberle |
| 2018Q4GSG-1-309950 | November 09, 2018 | Scott Long |
| 2018Q4GSG-1-309954 | November 09, 2018 | Toby Grohne |
| 2018Q4GSG-1-309955 | November 09, 2018 | Karla Bird |
| 2018Q4GSG-1-309956 | November 09, 2018 | Tom C Williams |
| 2018Q4GSG-1-309975 | November 09, 2018 | Lisa McGee |
| 2018Q4GSG-1-309983 | November 09, 2018 | Michael Saul |
| 2018Q4GSG-1-309987 | November 09, 2018 | Dan Heilig |
| 2018Q4GSG-1-309988 | November 09, 2018 | Dan Heilig |
| 2018Q4GSG-1-309989 | November 09, 2018 | Ms. Margaret J. Puebla |
| | November 9, 2018 | Mr. Kent Connelly; CLG |

| No. | <u>Comment By:</u> | Comment (May be Excerpted/Summarized): | Agency Response |
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| 1 | <u>Sweetwater County Board of County Commissioners:</u> | Thank you for the opportunity to comment on the BLM Fourth Quarter Oil and Gas Lease Sale Environment Assessment (EA). | Thank you for your comments. No response needed. |
| 2 | <u>Sweetwater County Board of County Commissioners:</u> | Sweetwater County requests that the BLM defer the sale of all lease parcels within the Red Desert Mule Deer Migration Corridor until the Record of Decision (ROD) is issued for the BLM Rock Springs RMP. | The parcels currently proposed to be offered under the modified Proposed Action, as described in the unsigned FONSI, are in conformance with the existing Green River RMP. This comment has provided no reason why the analysis is incomplete, or why offering the subject parcels would not be in conformance with the RMP, or provided new information the BLM has not considered. |
| 3 | <u>Sweetwater County Board of County Commissioners:</u> | Sweetwater County appreciates that the BLM is deferring all Fourth Quarter Lease Sales until the ROD is published for the revised BLM Rock Springs RMP within the following regions: • City of Superior Water Supply Recharge Area • Sweetwater County Growth Management Area • Greater Little Mountain Area | Thank you for your comments. No response needed. |
| 4 | <u>Sweetwater County Board of County Commissioners:</u> | Sweetwater County encourages the BLM to defer oil and gas lease sales within the Natural Corrals ACEC and Lucite Hills Region until the ROD is published for the revised BLM Rock Springs RMP. | The parcels currently proposed to be offered under the modified Proposed Action, as described in the unsigned FONSI, are in conformance with the existing Green River RMP. This comment has provided no reason why the analysis is incomplete, or why offering the subject parcels would not be in conformance with the RMP, or provided new information the BLM has not considered. |
| 5 | <u>Sweetwater County Board of County Commissioners:</u> | To support Sweetwater County land use and roadway regulations and permitting procedures, please add a bullet to the list under Section 1.5 on page 1-5 that lists: Sweetwater County Zoning Resolution (Wyoming Statutes 18-5-201 et seq) and Sweetwater County Roadway Permitting and Licensing Procedures (Wyoming Statutes 24-3-101 et seq). | The BLM acknowledges that State and local rules and regulations may apply to certain activities associated with development of Federal oil and gas leases. However, leasing of Federal oil and gas does not directly require permits from State or local authorities; we believe these applicable requirements are more appropriate for description or disclosure at the time actual operations are proposed, such as through an APD. |
| 6 | <u>Sweetwater County Board of County Commissioners:</u> | For future BLM oil and gas lease sales environmental assessments, the county position regarding lease sales within the following areas is as stated below: • Hoback to Red Desert Mule Deer Migration Corridor: Defer all oil and gas lease sales until after the ROD is published for the Rock Springs RMP. • Greater Little Mountain Area: Defer oil and gas lease sales until after the ROD is published for the Rock Springs RMP. • Natural Corrals ACEC/Lucite Hills Region: Defer oil and gas lease sales until after the ROD is published for the Rock Springs RMP. • Sweetwater County Growth Management Area: Close oil and gas lease sales within the Sweetwater County Growth Management Area. • Community Water | Thank you for your comments. No response needed. |

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| | | Supply Recharge Areas: Close oil and gas lease sales within Community Water Supply Recharge Areas. | |
| 7 | <u>Coalition of Local Governments:</u> | The analysis in the EA would benefit from including maps that identify the proposed lease sale parcels in relation to no leasing areas, NSO, CSU, or other stipulations identified in the associated RMPs. It is also essential to provide smaller scale maps that show all resources potentially impacted by the lease sale, such as maps showing VRM class designations, ACECs, and Special Management Areas. | In the BLM's experience, different parties wish for the BLM to display different information for RMP implementation decisions. The multitude of geospatial data (the BLM's e-GIS server currently contains tens of thousands of geospatial files for Wyoming, some of which may – or may not – be of interest to certain members of the public with respect to individual lease sale parcels. This lease sale EA encompasses lands in 8 of 10 BLM field offices around the entire State of Wyoming. The BLM appreciates that CLG would prefer to have maps created for parcels at a certain scale and displaying certain information, however this presents challenges for the BLM's statewide sales that may not have existed for recent sales (which have been limited to lands within a single district since 2010). As we have noted, we are working with our partners to improve access to geospatial information for future lease sales and other RMP implementation projects, and we encourage CLG to take advantage of the data and information the BLM has made available to the public. |
| 8 | <u>Coalition of Local Governments:</u> | It is the BLM's policy to follow land use allocations and existing land use plan decisions when processing oil, gas, and geothermal leasing decisions. BLM IM No. 2004-110. Even if the BLM is revising the respective RMPs, the BLM can still act on lease nominations "even if the action would limit the range of alternatives in the new [RMP]." <i>Id.</i> at Attach. Comer and Ferguson Memo., <i>Implementation Actions During Land Use Planning</i> (June, 7, 2002) (<i>citing</i> 40 C.F.R. § 1506.1(c)). Nothing in the CEQ NEPA regulations requires postponing or denying a proposed action that is covered by the Environmental Impact Statement (EIS) for an existing RMP. <i>Id.</i> ; see <i>Colorado Envtl. Coal. The Wilderness Soc'y</i> , 161 IBLA 386, 396 (June 4, 2004) ("The language of [43 U.S.C. §] 1712 [pertaining to land use plans] does not, however, establish a clear duty of when to revise the plans, nor does it create a duty to cease actions during such revisions." (quoting <i>ONRC v. U.S. Bureau of Land Management</i> , 150 F.3d 1132, 1139 (9th Cir. 1998) (emphasis added))). Any new land allocations or classifications should be analyzed in the context of land use planning and not in the context of plan implementation, such as when BLM makes a leasing decisions. <i>Id.</i> The Federal Land Policy and Management Act (FLPMA) requires BLM to manage resources in conformance to the current land use plan, 43 U.S.C. § 1732(b), not some future and undisclosed plan. | Thank you for your comment; all lands proposed to be offered are in conformance with the underlying RMPs. BLM is not amending any of the RMPs with this lease sale EA but has deferred parcels that have been requested by, or through coordination with, the State of Wyoming, or where BLM has not completed necessary steps to address new information. |
| 9 | <u>Coalition of Local Governments:</u> | Last year, President Trump also issued Executive Order 13783, to stimulate economic growth by increasing the development of domestic energy resources and improve national security by increasing energy independence. The controlling policy directs federal agencies to make public lands available for mineral leasing to reduce the nation's energy dependence on foreign sources and to protect the national security. See Executive Order 13783; Secretarial Order 3349. Therefore, action on the lease nominations should conform with the President's and Interior Secretary's orders, especially where the current RMPs classify the land as available for oil and gas development. The BLM's current designations and standard restrictions sufficiently protect the resources within the Greater Little Mountain area while providing for | BLM has disclosed in the record that the parcels within the Greater Little Mountain area are deferred under State Director discretion pending completion of the RS RMP revision; it is the unresolved conflicts regarding the management of these lands as they relate to wildlife and recreation, in consideration of BLM's multiple-use mandate under FLPMA, which have driven BLM's decision. Deferral of these lands was specifically requested by the former Governor of Wyoming, and agreed to by the former WY BLM State Director with continued supported by BLM Wyoming's current State Director and Governor Mead, until the RS RMP revision is completed. Nowhere in the EA has BLM stated its intent to close the Greater Little Mountain area. |

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| | | <p>continued energy development. The EA provides no explanation to defer these lease nominations other than BLM's intent to create a Greater Little Mountain area that may be closed to leasing. Proponents previously recommended this area for master lease planning, a concept revoked by secretarial order in January 2018. Second, the BLM fails to identify what wildlife and recreation values conflict with oil and gas development in the Greater Little Mountain area. By referring to the attached wildlife habitat maps and other data, it appears that the conflicting wildlife value is sage-grouse core habitat and mule deer, pronghorn, and elk crucial winter range habitats. The recreation values include the Pine Mountain Special Recreation Management Area, where oil and gas production is currently occurring. The BLM must disclose the values that conflict with oil and gas development in the EA to allow for substantive commenting on this decision. The BLM does not disclose why it is deferring parcels within the Greater Little Mountain area when all these other lease parcels are all offered for sale that have the potential to impact the same resources. The only difference is that the Greater Little Mountain area was proposed for a master leasing plan area and portions are now being considered for special management as an ACEC or Special Recreation Management Area in the Rock Springs RMP revisions. However, the BLM is not prevented from offering a lease parcel for sale just because a particular area is under consideration for a special designation under a proposed RMP amendment.</p> | |
| 10 | <p><u>Coalition of Local Governments:</u></p> | <p>Almost all of BLM's lease sale parcels are located within priority and general sage-grouse habitat and about 237 parcels in the High Desert District are within big game crucial winter range habitat. These parcels have a timing limitation stipulation to protect the big game on crucial winter range habitat and sage-grouse winter concentration areas, and surface use restrictions to protect sage grouse habitat. The State of Wyoming did not identify winter concentration areas in this area but BLM did. Given the claimed deference to the state plans, BLM should not be making lease decisions that do not conform to the Wyoming Sage Grouse plan.</p> | <p>BLM must make decisions which conform to the Greater Sage-grouse (GSG) RMP amendment ROD. Application of the subject stipulation for the protection of winter concentration areas is in conformance with the GSG ROD; this specific management decision is not being addressed in the latest BLM ARMPA amendment.</p> |

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| 11 | <u>Coalition of Local Governments:</u> | <p>The BLM discusses the number of parcels located within lands with wilderness character (LWCs) and citizen proposed wilderness areas, and offers these parcels in this lease sale on the grounds that the areas are open for oil and gas development under the current RMPs. The Coalition agrees with this decision. The BLM has no authority to manage lands with wilderness character. FLPMA authorized a one-time wilderness study and review and those recommendations are still pending before Congress. 43 U.S.C. § 1782. The BLM has the authority to maintain “an inventory of all public lands and their resource and other values.” 43 U.S.C. § 1711(a). However, this inventory does not “change or prevent change of the management or use of public lands.” <i>Id.</i> The BLM must continue to offer leases for sale that are located within LWCs or any citizen proposed wilderness areas as is consistent with existing RMPs.</p> | <p>Thank you for your comment; BLM is not proposing to defer any parcels because of the cited issues.</p> |
| 12 | <u>Teton County:</u> | <p>The attached correspondence was submitted to Director Scott Talbott at Wyoming Game & Fish and Governor Mead on August 27, 2018, and is being included here for reference on behalf of the Teton County Board of Commissioners.</p> | <p>Thank you for your comments. The attached letter to Governor Mead references the 3rd Quarter 2018 sale. As such, no response can be provided.</p> |
| 13 | <u>Wyoming Game and Fish Department:</u> | <p>The Department and the BLM have a long and successful history of collaboration on Oil and Gas Lease Sales. This relationship is outlined in the Umbrella Memorandum of Understanding for Management of Fish and Wildlife Resources on the Public Lands, currently dated March 1990 and includes the 2013 Oil and Gas Coordination Procedures Appendix-5 G. The Department highly values this partnership and open dialog. The Department would like to express its appreciation to BLM for the extra collaboration that went into this lease parcel sale.</p> | <p>Thank you for your comments. The BLM also appreciates the strong working relationship that we share.</p> |

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| 14 | <u>Wyoming Game and Fish Department:</u> | <p>We understand that the Special Lease Notice will be used on all parcels in the Department's designated Sublette Mule Deer Migration Corridor or corridors currently under review by the Department. Agreed upon Special Lease Notice: <i>This parcel is located within a big game migration corridor designated or currently under review by the Wyoming Game and Fish Department. The lessee or their designated operator will be required to work with the BLM and Wyoming Game and Fish Department to take reasonable measures (see 43 CFR 3101.1-2) to avoid and minimize impacts to maintain big game migration corridor functionality, such as those contained within the "Wyoming Game and Fish Commission Ungulate Migration Corridor Strategy" (February 2016). The BLM will encourage the use of Master Development Plans for operations proposed on this lease parcel in accordance with Onshore Oil and Gas Order No. 1.</i> The following parcels are also located within the Department's designated Sublette Mule Deer Migration Corridor. We recommend that the agreed upon Special Lease Notice language be applied to parcels: 304, 656, 665, 667, 668, 669, 670, 671, 672, 673,677, 679, and 680. The following parcels are located within a recently identified migration corridor known as the Baggs Mule Deer Migration Corridor. This area is currently under review for designation and we recommend the agreed upon Special Lease Notice language be applied to parcels: 2, 5, 8, 9, 13, 15, 43, 45, 46, 49, 50, 51, 57, 58, 59, 61, 62, 66, and 72.</p> | <p>Yes. A previous version of the Special Lease Notice was attached in error. The Lease Notice has been updated and has been attached to all parcels as requested, with the exception of parcels 5, 8, and 9 as they have been deleted from consideration because they are lands that the RMP has closed to leasing. We apologize for the inadvertent error in attachment of the Notice.</p> |
| 15 | <u>Wyoming Game and Fish Department:</u> | <p>The Department appreciates the deferment of lease parcels 180, 219, 658, 660. They follow the Department's corridor strategy and occur entirely or almost entirely within the Department's designated Sublette Mule Deer Migration Corridor. The Department would ask for an additional partial lease deferment of parcel 220. There are three parts to this lease parcel and we ask for the two that occur 100% in the Department's designated Sublette Mule Deer Migration Corridor to be deferred.</p> | <p>BLM has implemented a partial deferral for parcel 220 as requested.</p> |
| 16 | <u>Wyoming Game and Fish Department:</u> | <p>In addition, in order to be consistent with our corridor review strategy, we ask for the following parcels to be deferred in the Baggs Mule Deer Migration Corridor currently under review for designation by the Department. These parcels are entirely or almost entirely located within this corridor. There are a total of 11 parcels that meet the Department's strategy for deferment. The BLM has deleted 5 of these parcels for other issues (6, 7, 10, 16, 17), we recommend the following parcels for deferment: 41, 42, 44, 47, 48, 63.</p> | <p>On October 1, 2018, this corridor was officially designated by the State of Wyoming. The requested parcels have been deferred (41, 42, 44, 47, 48 and 63). Following review, it was found that parcel 15 also meets the 90% criterion set by the WGFD. Per email communication, the remaining portions of this parcel that were to be offered, have also been deferred under State Director discretion; the FONSI and EA have been updated to acknowledge the request by WGFD and designation of the Baggs Mule Deer Corridor.</p> |
| 17 | <u>Wyoming Game and Fish Department:</u> | <p>The following parcels occur within 2 miles of a non-core sage-grouse lek. We recommend that the TLS_GHMAL stipulation be applied to parcels: 441,443.</p> | <p>Thank you. The 2-mile Greater Sage-grouse nesting TLS has been added to parcels 441 and 443.</p> |

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| 18 | <u>Wyoming Game and Fish Department:</u> | The following parcels occur within big game crucial winter range. We recommend that the Timing Lease Stipulation for Big Game Crucial Winter Range be applied to parcels: 606, 607, 609, 612. | Thank you. In the case of parcels 606, 607, 609, and 612, the Bighorn Basin RMP, Worland ROD, does not require application of these stipulations because they are within an area specifically managed for oil and gas development. This is identified in the EA on page 3-21. |
| 19 | <u>Blue Ribbon Coalition</u> | <p>In 2012, 2000 square miles of leases were purchased by thepubliclands.org, an extreme environmentalist organization. The purchase and retirement of the 2,000 square miles was funded by a Swedish Billionaire (Wyss). Since then another 30,000 acres have been purchased and excluded from mineral extraction. Recent studies, indicate that the energy industries are the only businesses which truly pay for themselves as Wyoming has no income taxes.</p> <p>Since 2008 and the 8 year war on fossil fuels, the state of Wyoming has been decimated due to job losses in the energy industry. The BLM has been allowing extreme environmentalist organizations to buy up leases and retire them. BLM needs to prevent this "Lease Grab" by the green energy industry and not allow leases to be retired. Blue Ribbon strongly supports the mineral extract industry. Since thousands of recreationists use energy industry created roads we recommend the following:</p> <ol style="list-style-type: none"> 1. Roads created by the mineral extraction industry be open for public use as these are public lands. 2. Roads be preserved for recreation after the energy lease expires or extractions have ended. 3. Roads be included in the BLM's Motor Vehicle Use maps for Summer and Winter recreation. <p>Blue Ribbon would like to be considered a stakehold in this project and we request that we been invited to all meetings, phone calls and correspondence to avoid time consuming FOIA requests. We look forward to an excellent relationship.</p> | Thank you for your comment; no response necessary. |
| 20 | <u>Center for Biological Diversity, Western Watersheds Project, Sierra Club, Living Rivers, Colorado Riverkeeper, Upper Green River Network, and WildEarth Guardians:</u> | BLM, in its lease sale EA, arbitrarily refuses to consider sufficiently site-specific impacts. BLM indicates it does not have to consider some, or perhaps all, site-specific impacts because the exact extent of those impacts is unknown at this stage and subject to regulation at a later date. EA at 1-5. The federal courts, however, have repeatedly clarified in numerous cases that site-specific impacts can and should be analyzed at the leasing stage. See Pennaco Energy, Inc. v. U.S. Dep't of Interior, 377 F.3d 1147, 1160 (10th Cir. 2004) (requiring analysis of coalbed methane development impacts at the oil and gas leasing stage). The Tenth Circuit in New Mexico ex rel. Richardson v. BLM, 565 F.3d 683 (10th Cir. 2009), explained in detail the extent of BLM's obligations at the leasing stage. The proposed lease sale would result in impacts that BLM will not be able to avoid once the lease sale is finalized because the agency's ability to prevent lessees from engaging in lawful activities on issued leases will be limited. | BLM has adequately considered the reasonably foreseeable impacts should the parcels be sold, leases issued, and development proposed. BLM has not refused to analyze the potential site-specific impacts but rather has provided the level of analysis that is currently available based on known information. This comment neglects to specify what impacts are expected from potential future development that BLM has not considered. |

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| 21 | <u>Center for Biological Diversity, Western Watersheds Project, Sierra Club, Living Rivers, Colorado Riverkeeper, Upper Green River Network, and WildEarth Guardians:</u> | <p>To the extent that the September lease sale implements IM 2018-034, including abbreviated comment and protest periods and the addition of substantial new acreage without time for adequate analysis, the lease sale is unlawful.</p> | <p>This comment speaks to a September lease sale and a Documentation of NEPA adequacy. The BLM has prepared an Environmental Assessment for the December lease sale. As such, this comment cannot be responded to specifically since it is outside the scope of the current analysis.</p> |
| 22 | <u>Center for Biological Diversity, Western Watersheds Project, Sierra Club, Living Rivers, Colorado Riverkeeper, Upper Green River Network, and WildEarth Guardians:</u> | <p>First, BLM promulgated IM 2018-034 without notice-and-comment rulemaking required under the Federal Land Policy and Management Act (FLPMA), National Environmental Policy Act (NEPA), and Administrative Procedure Act (APA). Second, the revised procedures disregard BLM's obligations, under both FLPMA and NEPA, to allow for public participation in land management decisions. Third, BLM failed to provide a reasoned explanation for its elimination of longstanding public comment and protest periods, violating its obligation to engage in well-reasoned, non-arbitrary decisionmaking under the APA.</p> <p>1) By, under IM 2018-034, providing the public with only a 10-day protest period, on a Determination of NEPA Adequacy addressing proposed oil and gas leases involving substantial uncertainties and potential impacts, BLM is violating the APA, NEPA, and FLPMA. Here, IM 2018-034 falls within the scope of FLPMA Section 309, because it establishes procedures for public participation in oil and gas leasing, a BLM management decision. Yet BLM adopted IM 2018-034 by fiat, without notice-and-comment rulemaking as required by FLPMA and the APA. Accordingly, BLM's issuance of IM 2018-034 was procedurally invalid. Second, BLM's issuance of IM 2018-034 also violated its obligation to proceed by notice-and-comment rulemaking when updating its NEPA procedures. Third, BLM's elimination of critical opportunities for public participation in leasing decisions is arbitrary, capricious, and contrary to law.</p> | <p>On September 21, 2018, the District of Idaho issued a Preliminary Injunction Order in <i>W. Watersheds Project v. Zinke</i>, No. 1:18-cv-00187-REB, 2018 U.S. Dist. (D. Idaho Sep. 21, 2018)) requiring BLM to provide additional public comment and a 30 day protest period for parcels in Greater Sage-grouse habitat to be offered at the December 2018 and succeeding competitive oil and gas lease sales. The BLM has appropriately complied with the Order by providing an extended comment period and will post parcels located in GSG habitats for a 30-day protest period beginning December 21, 2018 and concluding on January 22, 2018. A supplemental competitive lease sale is planned for February 2018.</p> |
| 23 | <u>Center for Biological Diversity, Western Watersheds Project, Sierra Club, Living Rivers, Colorado Riverkeeper, Upper Green River Network, and WildEarth Guardians:</u> | <p>For the proposed December 2018 lease sale, BLM must calculate the amount of greenhouse gas emissions that will result on an annual basis from (1) each of the fossil fuels that can be developed within the planning area; (2) each of the well stimulation or other extraction methods that can be used, including, but not limited to, fracking, acidization, acid fracking, and gravel packing; and (3) cumulative greenhouse gas emissions expected over the long-term (expressed in global warming potential of each greenhouse pollutant as well as CO2 equivalent), including emissions throughout the entire fossil fuel lifecycle discussed above.</p> | <p>BLM has provided an estimate of direct and indirect GHG emissions resulting from development of the expected Reasonably Foreseeable Development Scenario as identified in the RMP or the Greater Sage-grouse RMP amendment FEIS'; these documents included estimated direct emissions using the 20-year GWP. Cumulative direct greenhouse gas emissions were also calculated in the underlying RMPs from all GHG emitting actions expected during the life of the plan. The commenter's request for a finer level of analysis is not required at the lease sale stage because it is not reasonably foreseeable that all parcels will be sold, a lease issued, and ultimately produce in economic quantities. Nor is such detailed analysis a necessary component for determination of significant impacts simply because it cannot be converted to significant impacts within the parcels themselves. Finally, NEPA does not require that BLM repeat analysis that has already been done. This comment has not provided specific information that the impacts of issuing leases for the subject parcels, with no guarantee of sale, would manifest climate change impacts within the parcels, within the field office, within the district, or within the state of WY beyond what BLM has already considered. Please see response to comment 99.</p> |

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| 24 | <p><u>Center for Biological Diversity, Western Watersheds Project, Sierra Club, Living Rivers, Colorado Riverkeeper, Upper Green River Network, and WildEarth Guardians:</u></p> | <p>Under NEPA's requirement to analyze indirect as well as direct impacts, BLM's environmental review must therefore include not only emissions from drilling operations, but the full "lifecycle" emissions from the transportation, refining, processing, leakage, and combustion of the oil and gas produced. It is reasonably foreseeable that this lease sale will induce oil and natural gas production, transmission and ultimate end-user climate change impacts. The effects of this induced production must be fully analyzed. BLM has failed to provide any analysis of the severity or significance past reported greenhouse gas emissions of leasing decisions. If the BLM declines to quantify the costs of the downstream emissions resulting from the proposed action, it must, at a minimum, meaningfully evaluate them in the context of regional, national, and international carbon budgets. An agency must "consider every significant aspect of the environmental impact of a proposed action." Baltimore Gas & Elec. Co. v. Natural Resources Defense Council, 462 U.S. 87, 107 (1983) (quotations and citation omitted). This includes the disclosure of direct, indirect, and cumulative impacts of its actions, including climate change impacts and emissions. 40 C.F.R. § 1508.25(c). The more than 726 million metric tons CO2 equivalent that would result from the lease sale is significant in the scope of national, state, and local level commitments to implementing rapid GHG emissions reductions. At a time when the U.S. must rapidly ratchet down GHG emissions to avoid the worst dangers of climate change, the BLM should not be committing to new fossil fuel development and infrastructure on our public lands that locks in carbon intensive oil production for years into the future.</p> | <p>BLM has included in the EA an estimate of indirect GHGs from the potential combustion of all produced fluids. Actions taken by end users and or consumers are not reasonably foreseeable at the lease sale stage, when BLM data indicate that not all leases are developed and produce paying quantities of oil and gas. BLM has repeatedly stated that it cannot translate potential emissions into specific impacts at any scale. The EA has considered information from relevant studies regarding how potential impacts from changes to climatic conditions could manifest at relevant scales. This comment has provided no new information the BLM has not already considered. We refer the commenter to our response to comment 106.</p> |
| 25 | <p><u>Center for Biological Diversity, Western Watersheds Project, Sierra Club, Living Rivers, Colorado Riverkeeper, Upper Green River Network, and WildEarth Guardians:</u></p> | <p>Many of the Wyoming December 2018 Fourth Quarter Lease Sale parcels bring forth concerns regarding abundance and quality of water resources. The EA fails entirely to address the fact that it contains parcels within southern Wyoming's Great Divide Basin watershed.</p> | <p>While the EA does not specifically discuss the abundance and quality of water resources, it has tiered to the analysis in the underlying RMPs and updated information regarding the availability of groundwater to support consumptive uses, including oil and gas development in Attachment 5.6 of the EA. The commenter has failed to explain what exactly they wish the BLM to consider. To the extent reasonably foreseeable at the lease sale stage, the EA has examined whether there is new information beyond what the underlying RMPs have analyzed (at pages 3-20 and 4-16 through 4-18) beyond what the RMP EIS' to which the EA tiers address potential impacts from oil and gas development on water resources, including from hydraulic fracturing operations. Prior to surface-disturbing activities on the parcels (should they be leased) the BLM requires a detailed plan of operations for development of the lease. Prior to approval of the APD, the BLM conducts site-specific environmental review, and any APD will include (at a minimum) public posting (see 43 CFR 3162.3-l (g)). The BLM retains substantial authority to regulate environmental aspects of Federal oil and gas lease operations through approval (see 43 CFR 3162.3) of APDs or Sundry Notices (SNs), and through the issuance of orders and instructions of the authorized officer (see 43 CFR 3161.2). As previously described, the BLM also can regulate the lessee's or operator's actions on the lease, as described in our regulations (such as 43 CFR 3101.1-2 and 43 CFR 3162.5-l (a)), 16 on the BLM Lease Form 3100-11 (such as standard lease term Sec. 6), and under applicable laws (such as FLPMA).</p> |

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| 26 | <p><u>Center for Biological Diversity, Western Watersheds Project, Sierra Club, Living Rivers, Colorado Riverkeeper, Upper Green River Network, and WildEarth Guardians:</u></p> | <p>[T]he EA fails in five major respects to disclose or analyze indirect and cumulative impacts of leasing on greater sage-grouse. <u>First</u>, it fails to conduct site-specific analysis of sage-grouse impacts. <u>Second</u>, it fails to acknowledge the most recent and best available science regarding measures necessary to ensure the survival and recovery of the species. <u>Third</u>, the proposed leasing action violates FLPMA by failing to conform to a key management prescription of the still-operative Wyoming 2015 plan amendments – the obligation to “prioritize the leasing and development of fluid mineral resources outside GRSG habitat.” Because the proposed leases are not in conformance with the 2015 RMP amendments and undermine significant assumptions of their accompanying FEISs (i.e., that new oil and gas development will be prioritized outside of greater sage-grouse habitat), the EA cannot tier to or rely on those EISs. <u>Fourth</u>, the EA fails to consider the reasonable alternative of leasing only parcels outside of sage-grouse habitats. <u>Fifth</u>, it fails to meaningfully inform the reader or the decision-maker of the extent of new leasing within designated greater sage-grouse habitat, both in this lease sale and cumulatively in lease sales since the finalization of the sage-grouse RMP amendments.</p> | <p>To the extent reasonably foreseeable at the lease sale stage, the EA (at pages 3-21 through 3-24) and RMP EISs (see, e.g., ARMPA FEIS at pretty much the entire document) to which the EA tiers address potential impacts from oil and gas development on Greater sage-grouse and their habitats. To the extent that CBD et al. are expressing a preference that the approved RMP allocation decisions be changed (“RMP decisions for management of Wyoming greater sage-grouse habitat that fail to follow the best available science regarding measures necessary to ensure the survival and recovery of the species ...”), the BLM is not proposing to initiate new revisions or amendments to the approved RMPs for this lease sale, and such a proposal does not respond to the purpose and need (EA at page 1-4). The EA addresses the prioritization objective in the approved RMPs (at pages 3-22 through 3-24) and has provided extensive information regarding the status of leasing in GSG habitats.</p> |
| 27 | <p><u>Center for Biological Diversity, Western Watersheds Project, Sierra Club, Living Rivers, Colorado Riverkeeper, Upper Green River Network, and WildEarth Guardians:</u></p> | <p>Recent peer-reviewed scientific publications have reviewed Greater Sage-Grouse population response to oil and gas management measures in Wyoming, and re-confirmed lek attendance by male sage-grouse declines approximately 2.5% per year in response to oil and gas development, and that attendance declines as development increases, even where well pad density is limited. In light of this information, BLM cannot continue to assume, against scientific evidence, that the management measures in the 2015 RMP amendments will be sufficient to stem sage-grouse population decline.</p> | <p>The BLM’s responsibility under the FLPMA is to ensure that public lands are managed “under principals of multiple use and sustained yield.” 43 U.S.C. 1732(a) “ ‘Multiple use management’ is a deceptively simple term that describes the enormously complicated task of striking a balance among the many competing uses to which lands be put, ‘including, but not limited to, recreation, range, timber, minerals, watershed, wildlife and fish, and [uses serving] natural scenic, scientific and historical values.’ ” <i>Norton v. S. Utah Wilderness Alliance</i>, 542 U.S. 55, 58 (2004) (quoting 43 U.S.C. 1702(c)). BLM’s second goal, sustainable yield, “requires BLM to control depleting uses over time, so as to ensure a high level of valuable uses in the future.” (Id.) (citing 43 U.S.C. 1702(h)). Accordingly, BLM is not required, under FLPMA, to adopt the practices best suited to protecting wildlife, but instead to balance the protection of wildlife with the nation’s immediate and long-term need for energy resources. (See <i>TRCP vs. Salazar</i>, 744 F. Supp.2d 151 (D.D.C. 2010)).</p> <p>All parcels brought forward in this sale are in conformance with the existing land use plans as required by 43 CFR 1610.5, and current policy regarding the implementation of the policy regarding the administration of Greater Sage-grouse habitat.</p> <p>As well, the ARMPA analyzed an alternative, which considered closing all PHMA and GHMA lands to oil and gas. This alternative was not subsequently chosen. Please refer to the ARMPA FEIS starting at page 2-232 for a description of these alternatives.</p> <p>The GSG decision contained in the RMP RODs (2015) contains stringent hard and soft triggers that through the adaptive management process will be responded too. We refer the commenter to page 189 of the ARMPA, Appendix D for a description of the adaptive management process.</p> <p>BLM consulted with the WY Game and Fish Department regarding this EA and the proposed action.</p> |

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| 28 | <p><u>Center for Biological Diversity, Western Watersheds Project, Sierra Club, Living Rivers, Colorado Riverkeeper, Upper Green River Network, and WildEarth Guardians:</u></p> | <p>Even under the BLM's own determinations, the proposed action is directly in conflict with a core provision of the 2015 sage-grouse RMP amendments. All the Wyoming Rocky Mountain Region RMPs (with the exception of the previously-adopted Lander RMP) are subject to the following measure for both priority and general habitat management areas: <i>Prioritization Objective—In addition to allocations that limit disturbance in PHMAs and GHMAs, the ARMPs and ARMPAs prioritize oil and gas leasing and development outside of identified PHMAs and GHMAs.</i> The “heart” of NEPA is an agency's obligation, in evaluating the environmental impacts of its actions, whether by EA or EIS, to consider all reasonable alternatives to those actions. See Center. for Biological Diversity v. Nat'l Highway Traffic Safety Admin., 538 F.3d 1172, 1217 (9th Cir. 2008) (citing 40 C.F.R. § 1502.14(a)). The December 2018 leasing EA fails to meet this core NEPA obligation by arbitrarily excluding from consideration any alternative that could meaningfully preserve BLM Wyoming offices' authority to adopt effective and scientifically credible conservation measures for greater sage-grouse. The EA does not analyze the cumulative impacts to sage-grouse of leasing these parcels on top of all of the other parcels already leased and/or developed both in Wyoming and in adjacent states with connected sage-grouse populations, such as Montana. The December leasing EA considers only the no-action, proposed alternative, and a lease all parcels alternatives. The BLM should consider an alternative, regularly considered and adopted by other field offices, would defer all or selected remaining parcels located within sage grouse “Priority Habitat Management Areas” and “General Habitat Management Areas,” until new information regarding sage-grouse populations and the effectiveness of mitigation measures can be analyzed and applied.</p> | <p>Please see response to comment 26. The respective RMPs were subjected to an extensive analysis, from which an FEIS and RODs were generated. These RMPs, through the 2015 revision/amendment process, considered a range of alternatives. Impacts from an alternative that would consider not leasing in sage-grouse habitats are imbedded within the no action alternative and its impacts are within the scope of the analysis.</p> <p>In addition, the BLM considered alternatives in the approved RMPs draft and final EIS' that would have closed Greater Sage-grouse priority and general habitat management areas to oil and gas leasing, in addition to a No Action alternative. These alternatives were not selected.</p> <p>Appropriate stipulations in conformance with the approved land use plans have been applied to the parcels, including seasonal limitations protecting breeding and nesting areas and other prescriptions within PHMA. Required design features and best management practices are applied to limit the adverse impacts of oil and gas development on Greater Sage grouse. Cumulative, range-wide impacts were considered as part of these analyses.</p> <p>The selected alternatives provide for oil and gas leasing and development to continue, subject to appropriate stipulations focusing in particular on timing, distance, disturbance, and density restrictions to protect Greater Sage-grouse habitat. Alternative A, the no action alternative, effectively addresses not offering all the parcels from lease sale. The EA considers a reasonable range of alternatives consistent with the proposed action and the purpose and need for the analysis. The stipulations attached to the parcels, derived from the respective RMPs, address the resource concerns and potential resource impacts identified in the EA, and resulted in a finding of no significant impact.</p> |
| 29 | <p><u>Center for Biological Diversity, Western Watersheds Project, Sierra Club, Living Rivers, Colorado Riverkeeper, Upper Green River Network, and WildEarth Guardians:</u></p> | <p>First, the EA's percentage of greater sage-grouse designated habitat under lease in Wyoming is incomplete and will be outdated by the time of this lease sale. BLM's analysis of existing leasing in this EA does not include GHMA, which is also designated greater sage-grouse habitat. It also, stops at April 2018, as demonstrated by the EA's maps, 120 and needs to be updated with the results of BLM's Wyoming September lease sale, as well any lease parcels that have been sold noncompetitively since April 2018. Then BLM must add in the designated sagegrouse habitat that is being offered for lease in this sale and actually consider the impacts to sage-grouse of adding oil and gas development on those parcels. Furthermore, BLM must consider these cumulative impacts not at a vague statewide level, but at the regional and site specific level. BLM has not considered the conservation biology principles of representation, resiliency, and redundancy, which are key to preventing the extinction of species.</p> | <p>The proposed action is to offer leases at locations across the state, which resultantly has set the geographic scope of our analysis. BLM continues to reiterate that development of the actual leases is not reasonably foreseeable to the extent that issues such as habitat fragmentation, and the quality of the habitat being impacted, or the status of the target population(s), at the scale of wells site development can be accurately (reasonably) forecasted. BLM has disclosed through the EA, the unsigned FONSI, and the incorporated maps, the status of leasing in each of the PHMA units, and in GHMA. BLM has further acknowledged results of the most recent September sale in the cumulative impacts section. BLM will update the information available when geospatial and lease issuance data is available for other sales and incorporated into BLM's database.</p> |

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| 30 | <u>Center for Biological Diversity, Western Watersheds Project, Sierra Club, Living Rivers, Colorado Riverkeeper, Upper Green River Network, and WildEarth Guardians:</u> | <p>Second, BLM assumes that decreases in oil and gas development in PHMA will continue, without taking into account the boom and bust cycles of Wyoming oil and gas development.</p> | <p>BLM has not made this assumption for purposes of analysis and such an assumption is not reasonable. BLM assumed rather, that development would continue consistent with the RFD analyzed in the underlying land use plans while also acknowledging that some existing production may come off line whether because of economics, or because of non-paying wells. BLM further assumed that development would continue in PHMA, consistent with the stipulations and management decisions, required under the relevant RMPs. A perceived, or real, boom and/or bust cycle cannot be predicted with reasonable accuracy. BLM has acknowledged the existing rate and location of leasing activity. Leasing activity is not a reasonable predictor of actual development as acknowledged within the EA and unsigned FONSI.</p> |
| 31 | <u>Center for Biological Diversity, Western Watersheds Project, Sierra Club, Living Rivers, Colorado Riverkeeper, Upper Green River Network, and WildEarth Guardians:</u> | <p>Third, the EA does not analyze the cumulative impacts to sage-grouse of adding oil and gas development on the proposed lease sale parcels to the impacts of current oil and gas development; only leasing is discussed in the quoted passage above.</p> | <p>BLM has already completed the requested cumulative impacts analysis in the underlying EIS' prepared in 2015 for the greater sage grouse RMP amendment in Rawlins, Rock Springs, Pinedale, Kemmerer, Casper and Newcastle, and the RMP revisions in Buffalo (2015), the Bighorn Basin (2015), and Lander (2014). The Rocky Mountain ROD for the Greater Sage Grouse planning effort contemplated leasing, developing, and producing available lands in WY, UT, CO, and MT subject to the terms of the plans, including stipulations. All of the subject sales are within the recently completed WY RMP EIS' that were authorized under the umbrella of the Rocky Mountain ROD.</p> |
| 32 | <u>Center for Biological Diversity, Western Watersheds Project, Sierra Club, Living Rivers, Colorado Riverkeeper, Upper Green River Network, and WildEarth Guardians:</u> | <p>Fourth, the EA does not analyze cumulative impacts to sage-grouse of adding oil and gas development on the proposed lease sale parcels to the impacts of reasonably foreseeable oil and gas development projects that have recently completed or are currently undergoing NEPA processes.</p> | <p>BLM has already completed the requested cumulative impacts analysis in the underlying EIS' prepared in 2015 for the greater sage grouse RMP amendment in Rawlins, Rock Springs, Pinedale, Kemmerer, Casper and Newcastle, and the RMP revisions in Buffalo (2015), the Bighorn Basin (2015), and Lander (2014). The Rocky Mountain ROD for the Greater Sage Grouse planning effort contemplated leasing, developing, and producing available lands in WY, UT, CO, and MT subject to the terms of the plans, including stipulations. All of the subject sales are within the recently completed WY RMP EIS' that were authorized under the umbrella of the Rocky Mountain ROD.</p> |

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| 33 | <p><u>Center for Biological Diversity, Western Watersheds Project, Sierra Club, Living Rivers, Colorado Riverkeeper, Upper Green River Network, and WildEarth Guardians:</u></p> | <p>BLM's EA fails to take a hard look at significant new research showing adverse effects to mule deer and pronghorn habitat use, migration corridors, and ultimately survival and abundance resulting from indirect effects of energy development, and the compounding effects of climate change. The EA further fails to justify BLM's refusal to engage in actual site-specific assessment of effects on particular deer and pronghorn subpopulations, winter use areas, and/or migration corridors. Merely describing "the category of impacts anticipated from oil and gas development" fails to meet NEPA's hard look requirement when it is reasonable for BLM to do more. See <i>New Mexico ex rel Richardson v. BLM</i>, 565 F.3d 683, 707 (10th Cir. 2009) (emphasis in original). "NEPA does not permit an agency to remain oblivious to differing environmental impacts, or hide these from the public, simply because it understands the general type of impact likely to occur. Such a state of affairs would be anathema to NEPA's 'twin aims' of informed agency decisionmaking and public access to information." <i>Id.</i></p> | <p>CBD's reliance on <i>New Mexico ex re/Richardson v. BLM</i>, 565 F.3d 683, 707 (10th Cir. 2009) is unavailing in this particular case, because the BLM is not asserting that impacts would be different from what it has already disclosed in the EA or the underlying RMP's. <i>New Mexico ex rel Richardson v. BLM</i>, 565 F.3d 683, 707 (10th Cir. 2009) found that: "BLM's unanalyzed, conclusory assertion that its modified plan would have the same type of effects as previously analyzed alternatives does not allow us to endorse Alternative A-modified as "qualitatively within the spectrum of alternatives" discussed in the Draft EIS. Because location, not merely total surface disturbance, affects habitat fragmentation, Alternative A-modified was qualitatively different and well outside the spectrum of anything the BLM considered in the Draft EIS, and the BLM was required to issue a supplement analyzing the impacts of that alternative under 40 C.F.R. § 1502.9(c)(1)(i)." The commenter has not asserted how the BLM action will result in impacts not already considered. The BLM has acknowledged that actual impacts will be dependent upon the actual proposal, the location of the proposal, and the actual intensity of what are currently not reasonably foreseeable actions.</p> |
| 34 | <p><u>Center for Biological Diversity, Western Watersheds Project, Sierra Club, Living Rivers, Colorado Riverkeeper, Upper Green River Network, and WildEarth Guardians:</u></p> | <p>BLM should not lease any of these parcels containing crucial winter range habitat for pronghorn and mule deer, given the potential for long-term loss of this important habitat. In the alternative, it should require NSO stipulations on crucial winter range of these parcels. Or, at minimum, it should modify the timing limitation to prohibit vehicle traffic, noise, and other activities that disturb wintering ungulates during winter months. BLM should defer all lease parcels containing crucial winter range until each of these suggested alternatives are properly considered in an EIS.</p> | <p>Offering the subject parcels with an NSO stipulation would not be in conformance with the underlying RMPs. The commenter has not provided sufficient information as to why only an NSO is an appropriate restriction in consideration of the proposed stipulations outlined in Attachment 5.1. The BLM has already prepared EIS' for each of the field office RMPs. These RMPs have adequately considered multiple management alternatives for big game in coordination with WGFD and other cooperating agencies. The underlying RMPs have sufficiently analyzed the impacts to big game crucial winter range from making the subject lands available for fluid mineral extraction. Site-specific impacts will be addressed at the time development is proposed, should the parcel be sold, a lease issued, and an APD submitted to the AO. On the ground-impacts will be assessed at the time development is proposed.</p> |
| 35 | <p><u>Center for Biological Diversity, Western Watersheds Project, Sierra Club, Living Rivers, Colorado Riverkeeper, Upper Green River Network, and WildEarth Guardians:</u></p> | <p>BLM should defer all parcels with pronghorn and mule deer migratory routes and crucial winter range until it has conducted site-specific analysis disclosing the effect of sage-grouse stipulations and any other applicable mitigation measures on these big game habitats.</p> | <p>BLM is unsure why the commenter is requesting such an analysis; while it is certainly true that limiting sagebrush disturbance specifically for the benefit to sage grouse will benefit all sagebrush obligate species, nowhere in the subject EA does the BLM claim that the stipulations required for operations in GSG habitat alone will protect big game species. BLM has recognized that application of the management actions developed for PHMA will provide additional protection above the crucial winter range Timing Limitation Stipulation (TLS) where a proposal is located in PHMA and Crucial Winter Range, by limiting habitat disturbance and fragmentation in the underlying RMPs/EIS'. The underlying RMPs, in consultation with the Wyoming Game and Fish Department, have applied a timing limitation stipulation for the protection of crucial winter range habitats; additional coordination at the site-specific level will occur in accordance with the BLM-WGFD statewide Memorandum of Understanding. There are no requested or required management actions for migratory routes by the State of Wyoming.</p> |
| 36 | <p><u>Center for Biological Diversity, Western Watersheds Project, Sierra Club, Living Rivers,</u></p> | <p>Again, while withdrawal of these areas from leasing or requiring an NSO would be more protective of winter range habitat, BLM should at least consider imposing a stipulation limiting density to 1 well pad location per square mile on the four parcels identified above.</p> | <p>If and when a development proposal is received, additional measures could be considered which could include site-specific conditions of approval and other reasonable measures, potential application of Best Management Practices and inspection/enforcement and monitoring by the BLM. These actions are in addition to statutory requirements for reclamation of disturbances no longer necessary to support lease operations. The BLM can also contemplate the need for offsite mitigation in accordance with WO IM 2008-054. Where parcels are in PHMA, surface occupancy will be limited through a CSU. See our response to comments 2, 14, 15, 16, 33, 38, 43, and 180. When a lease is issued without an NSO stipulation, BLM must allow for reasonable development of</p> |

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| | <p><u>Colorado Riverkeeper, Upper Green River Network, and WildEarth Guardians:</u></p> | | <p>that lease consistent with site-specific environmental analyses and conditions on approval for development.</p> |
| <p>37</p> | <p><u>Center for Biological Diversity, Western Watersheds Project, Sierra Club, Living Rivers, Colorado Riverkeeper, Upper Green River Network, and WildEarth Guardians:</u></p> | <p>The “Special Lease Sale Notice,” lacking any enforceable legal force, plainly fails to retain the necessary authority for BLM to avoid drilling and infrastructure placement within mule deer crucial winter ranges. Adding insult to injury, the sale notice makes reference only to WGFD’s 2010 “Recommendations for Development of Oil and Gas Resources within Important Wildlife Habitats,” the big game provisions of which were last updated in 2009. It fails entirely to acknowledge either more recent research or WGFD’s 2018 “Mule Deer Initiative,” which specifically concludes that prior BLM assumptions regarding temporary impacts are unsubstantiated, and that avoiding impacts requires avoiding drilling and infrastructure placement within crucial winter ranges.</p> | <p>BLM retains authority through the terms and conditions of the lease contract, and through statute. The lease notice is in place to alert potential buyers that additional coordination will be required for operations proposed on the lease. This coordination is memorialized in a statewide Memorandum of Understanding between the BLM and the WGFD. See comment response 16. BLM inadvertently attached a previous version of the lease notice; this has since been corrected. Lease notices are intended to convey operational controls; operations will be controlled through coordination with the WGFD and by extension, the Wyoming Oil and Gas Commission who administers State of Wyoming lease operations. Local BLM Wildlife Biologists are involved in reviewing all requests for surface occupancy.</p> |
| <p>38</p> | <p><u>Center for Biological Diversity, Western Watersheds Project, Sierra Club, Living Rivers, Colorado Riverkeeper, Upper Green River Network, and WildEarth Guardians:</u></p> | <p>BLM should also defer all parcels containing crucial winter range and migratory corridors (as identified above), in light of a new directive from the Secretary of Interior requiring that BLM’s land use plans for western states contain habitat management objectives for big game. Under Secretarial Order 3362, BLM and other Department agencies are required to work with State agencies “to conserve and/or improve priority western big-game winter range and migration corridors in sagebrush ecosystems,” including in Wyoming.¹⁷⁵ At the national level, these agencies are essentially required to ensure that their land use plans accomplish habitat objectives for the protection of big game winter range habitat and migratory corridors with measurable outcomes. BLM does not appear to have any specific habitat objectives for crucial winter range or migratory corridors within any of its land use plans for the Rawlins, Kemmerer, Rock Springs, or Uinta field offices. For example, the plans fail to address management objectives concerning which specific crucial winter ranges or migratory corridors should be preserved, and for which herds, and in what condition; how much winter range acreage should remain functional, and what population level should this acreage support; how wide should migratory corridors be; and to what extent should migratory corridors and crucial winter range be buffered from development. Until BLM has prepared Action Plans and revised management plans addressing specific habitat management objectives with measurable outcomes for big game habitat within these field offices, it should not allow any oil and gas leasing in areas containing winter range and migratory corridors. Accordingly, all parcels containing crucial winter range habitat and migratory corridors should be deferred.</p> | <p>Please see comment response #37. Reference to comments regarding the “Uinta field office” will not be responded to because BLM-WY does not have a Uinta field office. The Rawlins, Kemmerer, Rock Springs and Pinedale Field offices all have specific management actions in their RMPs that were developed in coordination with the WGFD, for the management of big game and migration corridors/routes. We specifically refer the commenter to the following sections of each RMP DEIS/FEIS/RODs: “Timing Limitation Stipulation from November 15-April 30 restricts new surface use on crucial winter range where surface use and occupancy is not allowed.” Migration corridors and routes are discussed in each of the RMPs listed in the comments: Rawlins ARMP ROD, pg. 2-54, MA No.’s 17 and 18; Kemmerer ARMP ROD, pg. 2-30, 2-31, 2-35, 2-63; Pinedale ARMP ROD, pg. 2-48 MA e.(Intensive Development areas) and e. (Traditional Leasing Areas). Green River RMP FEIS, pgs. 24, 29, 32, 34, 69, 102, 194, 348, 361, 363, 439, 440, 458. The CEQ regulations do not require postponing or denying a proposed action covered by the EIS for the existing land use plan in order to preserve alternatives during the preparation of a new land use plan and EIS (40 CFR 1506.1(c) (2)), as long as the action does not prejudice the ultimate decision on the program or limit alternatives. The WGFD and the State of WY are cooperating agencies on the development of the Rock Springs RMP revision and EIS development.</p> |

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| 39 | <u>Center for Biological Diversity, Western Watersheds Project, Sierra Club, Living Rivers, Colorado Riverkeeper, Upper Green River Network, and WildEarth Guardians:</u> | <p>BLM's assessment of impacts associated with oil and gas leasing and development is perfunctory at best, and provides little to no site-specific information regarding immediate or cumulative impacts to recreation, scenic landscapes, or wild places. Many parcels offered for the BLM's fourth Quarter 2018 lease sale are located within BLM identified lands with wilderness characteristics (LWCs), in close proximity or adjacent to designated wilderness study areas (WSAs), and in areas that are highly valued by many Wyoming residents for recreational purposes including hunting, hiking, backcountry horseback riding, camping, wildlife watching, and exploring.</p> | <p>Thank you for your comment. This comment does not provide any specific issues that BLM can respond to. The BLM has adequately disclosed relevant resource values within the subject parcels, and considered reasonably foreseeable impacts from the leasing of the identified lands. BLM has acknowledged that several parcels have recreational values and/or have been determined through inventory to have certain wilderness characteristics. The BLM has determined that there will be no new significant impacts from offering the subject lands beyond what has previously been analyzed. BLM is not awaiting any action nor has this comment submitted new information the BLM has not already considered in the lease sale EA, or in the underlying RMPs.</p> |
| 40 | <u>Center for Biological Diversity, Western Watersheds Project, Sierra Club, Living Rivers, Colorado Riverkeeper, Upper Green River Network, and WildEarth Guardians:</u> | <p>Parcels WY-184Q-668 through 73, -677, -678, -679, and -680: The cumulative effects of leasing this block of parcels on sage grouse, mule deer, desert elk, and nongame species of wildlife, must be analyzed and considered in the context of impacts to recreational values, hunting, and local community economies. Without disclosure and analysis of these impacts, we request deletion of these parcels.</p> | <p>Offering these lands are in conformance with the existing Green River RMP. Impacts to recreation, hunting and local community economies were addressed in the Environmental Impact Statement prepared for that land use plan. This comment has provided no new information the BLM has not considered.</p> |
| 41 | <u>Center for Biological Diversity, Western Watersheds Project, Sierra Club, Living Rivers, Colorado Riverkeeper, Upper Green River Network, and WildEarth Guardians:</u> | <p>Parcels WY-184Q-309, 310, 312, 313, 315-18, 320, 321, 326-31, 686: Given the substantial impacts to recreation and wildlife habitat, and lacking full disclosure and analysis of those impacts, these parcels should be withdrawn from the sale.</p> | <p>This comment is too vague for the BLM to meaningfully respond to. All of the listed parcels, except a small portion of parcel 320, are located within an existing project area with active oil and gas development including the original Jonah field EIS/ROD, the Jonah Infill EIS/ROD, the NPL EIS/ROD, and/or the Pinedale Anticline SEIS/ROD. Offering the subject lands is in conformance with the existing Green River and Pinedale RMPs.</p> |
| 42 | <u>Center for Biological Diversity, Western Watersheds Project, Sierra Club, Living Rivers, Colorado Riverkeeper, Upper Green River Network, and WildEarth Guardians:</u> | <p>Parcels WY-184Q-140, and 650-652: These parcels each have boundaries in close proximity to several WSAs including Alkali Basin/East Sand Dunes, South Pinnacles, and Alkali Draw with some parcels sharing borderlines with the WSAs. This area is designated crucial range for both antelope and elk and provides excellent habitat for deer and other wildlife. Leasing parcels in such close proximity to these WSAs has the potential to disturb unique recreational experiences, mar viewsheds, demolish any sense of solitude and disrupt critical habitat for two iconic Wyoming species. Given the substantial potential impacts from leasing these parcels to designated WSAs, wildlife habitat, and recreational opportunities, we request their deletion from the sale.</p> | <p>The identification of those WSAs was done through an EIS prepared in the 1990's in response to a mandate from Congress under FLPMA to inventory and identify all wilderness quality lands. By regulation and policy, there are no buffers to these WSAs and they are proposed to be offered with the lease stipulations mandated through the appropriate RMP.</p> |

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| 43 | Center for Biological Diversity, Western Watersheds Project, Sierra Club, Living Rivers, Colorado Riverkeeper, Upper Green River Network, and WildEarth Guardians: | <p>Parcels WY-184Q-218, -220, -263, -304, -656, -661, -662, -667: The parcels listed above lie in part or in whole within the designated corridor. Fragmenting this corridor not only threatens the herds themselves but may also have negative effects on the hunting economy which relies on the sale of hunting licenses, equipment, and transportation, as well as local recreationally-based economies that relies on opportunities for the public to view wildlife. Without adequate analysis and disclosure of information regarding the impacts to these herds and consequences to recreational use, we request that these lease parcels be deleted.</p> | <p>Please see response to comment 16. This proposed lease sale was coordinated extensively with the WGFD and the BLM has deferred the parcels requested by them. In their comments on this EA, they have also requested that we defer parcel 220 and several more located within the Baggs Corridor, which we have done. Offering the remaining parcels are in conformance with the existing Green River RMP, which has considered impacts to migration and big game. Impacts to recreation, hunting and local community economies were further addressed in the Environmental Impact Statement prepared for that land use plan. This comment has provided no new information the BLM has not considered.</p> |
| 44 | Center for Biological Diversity, Western Watersheds Project, Sierra Club, Living Rivers, Colorado Riverkeeper, Upper Green River Network, and WildEarth Guardians: | <p>Parcels WY-184Q-87 through 95, 105 through 113, -118, -638, and -640: Lease parcels WY-184Q-87 through 95, 105 through 113, -118, -638, and -640 are all located within close proximity to the Adobe Town WSA, and every one of these parcels except 638 and 640 lie within designated LWCs. These lease parcels surrounding the southern and western perimeter of Adobe Town threaten that area's wild character, opportunity for solitude, scenic viewpoints, outstanding wildlife habitat, and abundant cultural resources. The BLM must evaluate and fully disclose these impacts, including their effect on the recreation and tourism economies of surrounding counties and communities. Lacking such analysis, we request that these parcels be deleted from the sale.</p> | <p>The BLM has adequately considered the impacts from development to this landscape in the EA and in the underlying RMPs. The decision to manage the lands for multiple-use subject to the stipulations listed in Attachment A was made in the underlying RMP RODs.</p> |
| 45 | Center for Biological Diversity, Western Watersheds Project, Sierra Club, Living Rivers, Colorado Riverkeeper, Upper Green River Network, and WildEarth Guardians: | <p>Parcels With Potential Impacts to Native Fish We are concerned about potential impacts to native fish in the Muddy Creek Drainage, Henry's Fork River Drainage, and Little Snake River Basin. The Colorado River cutthroat trout, Flannelmouth sucker, Roundtail chub, and Bluehead sucker are distributed throughout the Upper Green River Basin and deserve special analysis. Muddy Creek Drainage: Based on the presence of the three-native fish, the following parcels should at a minimum have Special Lease Notice language applied, or better yet be deferred or deleted: 339, 341, 345, 348, 350, 363, 364, 376, 379, 380, 389; Henry's Fork River: Based on these attributes, the following parcel should at a minimum have Special Lease Notice language applied, or better yet be deferred or deleted: 324; Little Snake River Basin: Two parcels should at a minimum have Special Lease Notice language applied, or better yet be deferred or deleted: 17, 64. BLM must use the existing readily available data to identify which sensitive species that are of critical concern with regards to the lands included in, or in immediate proximity to, the proposed sale parcels.</p> | <p>The BLM has adequately considered the impacts from development to the identified resources in the EA and in the underlying RMPs and in consultation with USFWS as appropriate. The decision to manage the lands for multiple-use subject to the stipulations listed in Attachment A was made in the underlying RMP RODs.</p> |

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| 46 | <p><u>Center for Biological Diversity, Western Watersheds Project, Sierra Club, Living Rivers, Colorado Riverkeeper, Upper Green River Network, and WildEarth Guardians:</u></p> | <p>In addition, BLM must consult with the Service regarding the impacts of the lease sale on affected listed species, in compliance with its section 7 obligations under the ESA. To the extent that BLM relies on its section 7 programmatic consultations for the several management plans governing the lease sale, that reliance is not proper for any of the listed species affected by BLM's action. The potential for fracking and horizontal drilling and its associated impacts within the planning area constitutes "new information reveal[ing] effects of the [RMPs] that may affect listed species or critical habitat in a manner or to an extent not previously considered [in the prior section 7 programmatic consultations]." 50 CFR § 402.16(b). BLM must therefore reinitiate consultation on all of the planning documents for these areas. In any case, it must formally consult over the lease sale's potential adverse effects on listed species and consider the full scope of fracking and other drilling activities that could affect these species. The BLM's refusal to consult at the lease stage, and proposal to defer consultation to the APD stage, is precisely the sort of incremental step consultation decisively rejected as inconsistent with the ESA in Conner v. Burford. The refusal to consult at the lease stage further precludes reliance on the earlier Phoenix RMP and any related plan-level consultation, because that plan level consultation does not include site-specific evaluations for individual activities. Under Conner, the individual activity in question is clearly the issuance of a (non-NSO) lease, and consultation must occur prior to lease issuance if the resulting activities may affect listed species or critical habitat. Therefore, under ESA § 7, BLM must consult with FWS prior to leasing.</p> | <p>The BLM has adequately considered the impacts from development to the identified resources in the EA and in the underlying RMPs, and in consultation with USFWS as appropriate. The decision to manage the lands for multiple-use subject to the stipulations listed in Attachment A was made in the underlying RMP RODs.</p> |
| 47 | <p><u>Greater Little Mountain Coalition:</u></p> | <p>By deferring these lease sales until the completion of the RMP, the Greater Little Mountain Coalition believes that, through the RMP revision process, an opportunity to develop an upfront plan for oil and gas leasing in these critical areas will properly balance the economic, conservation and social concerns presented by the lease sales within the GLMA. The Coalition urges the BLM to include strong resource protections and an upfront plan for oil and gas leasing in the signed Record of Decision for the Greater Little Mountain Area (Figure 3). If the DEIS for the RS RMP is released before the week of December 10th 4th Quarter Lease Sale, the Coalition recommends the following resource management prescriptions: § Implementation of an upfront plan for oil and gas leasing in the GLMA; § Additional no surface occupancy (NSO), not just avoidance language, in the specific management areas of Sugarloaf Basin, Sage Creek and Pine Mountain to protect fish and wildlife habitat and recreational opportunities and; § Maintain existing management in Currant Creek and Red Creek management areas.</p> | <p>Thank you for your comment; no response necessary.</p> |
| 48 | <p><u>Multiple Sportsmen</u></p> | <p>We request that the parcels that overlap with the designated Sublette mule deer migration corridor and soon to be designated Baggs mule deer migration</p> | <p>Please see comment responses 15, 16, 33, 37, 38, and 43.</p> |

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| | <u>Conservation Organizations:</u> | corridor be deferred. The current Green River RMP from 1997 is outdated and does not adequately address leasing or development in wildlife migration corridors nor does the Rawlins RMP. The recent DOI Secretarial Order No. 3362, "Improving Habitat Quality in Western Big-Game Winter Range and Migration Corridors" has yet to be implemented and guidance for leasing is warranted. As such, these leases should be deferred until RMPs are finalized or amended, and guidance is issued as it relates to energy development and conserving critical winter range and migration corridors. Also, by deferring the leases, it provides an opportunity to develop upfront comprehensive plans for oil and gas leasing in and/or near these critical areas that reduces conflicts, incorporates local input, and provides balance for economic, conservation, and social concerns. | |
| 49 | <u>Multiple Sportsmen Conservation Organizations:</u> | The proposed Special Lease Notice does not carry the same weight as a lease stipulation; it simply requires coordination with the proponent with no legal obligation of said proponent to abide by the WGFD's recommendations to maintain corridor function. The proposed special lease notice may result in dialogue with the proponent and WGFD over lease development, but no legal obligation or assurance the proponent will implement WGFD recommendations, nor does it provide additional authority to the state or BLM to manage development impacts on wildlife habitat within the corridor. | Please see comment response 37. |
| 50 | <u>Multiple Sportsmen Conservation Organizations:</u> | Additionally, there has yet to be an analysis of projected development and potential impact to mule deer in combination with already existing energy leases and wells in the corridors. We recommend such an analysis occur prior to offering additional leasing in crucial winter range and migration corridors. | Please see comment response 38. |
| 51 | <u>Multiple Sportsmen Conservation Organizations:</u> | Given the resulting impacts of energy development on public land throughout the West, the future management of federal public lands administered by the BLM with important wildlife habitat is of great interest to us - as our mule deer herds are renowned for world-class hunting. Hunters and wildlife management funding would be impacted if the herds continue to decline. The decline of the Sublette deer that winter on the Anticline has already resulted in the amount of non-resident licenses cut in half, directly impacting the WGFD budget. Additionally, the season was shortened by one-week as a result of the decline causing loss of hunter opportunity. Also, the Sublette herd has not reached its population objective of 32,000 animals since 2003. More leases should not be sold in their critical habitats until there is a comprehensive plan to achieve the population objective. | Population objectives and funding are set and addressed by the State of Wyoming. The BLM has acknowledged in its underlying RMPs that impacts to herds can negatively or positively influence recreational activities and economies. |

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| 52 | <u>National Outdoor Leadership School:</u> | Of specific concern to NOLS are eight parcels listed below near Sand Dunes, Alkali Draw, and South Pinnacles Wilderness Studies Areas. These parcels lie adjacent to, and in most cases within, the viewshed of existing routes and campsites frequented by NOLS to guide students through this scenic and historic landscape (Appendix, Map 1). We ask that these parcels be deferred or offered as No Surface Occupancy (NSO) because of the specific and cumulative impacts development would have on backcountry recreation in the area. (140, 649, 650, 652, 653, 661, 665, 667) | The decision to manage the subject lands for multiple use was made in the underlying RMPs. Should development be proposed, impacts to other uses of the land will be assessed at that time. Stipulations for the management of the subject lands are developed at the RMP stage. The BLM has determined that offering the lands will not prejudice or limit the choice of alternatives being considered in the RS RMP revision. |
| 53 | <u>National Outdoor Leadership School:</u> | In the EA's Impact Analysis, only direct and potential impacts on recreation are discussed in very general terms (EA 4-19). There has been no substantive research into the impacts of this lease sale on guides and outfitters who operate in and around the JMH area. These impacts extend beyond just the economics and include health and safety concerns for those participating in backcountry recreation in this area. | The JMH targeted RMP amendment did recognize the importance of these lands and made multiple use decisions as a result of that analysis. Offering these lands for lease is not expected to result in impacts not addressed in that document. Development in the area is substantially less than what was assumed in the JMH Coordinated Activity Plan which was completed as a RMP amendment |
| 54 | <u>National Outdoor Leadership School:</u> | [T]he BLM does not discuss the "cumulative impacts" on recreational users from its previous 3 rd quarter lease sale that, to the best of our knowledge, will move forward with offering numerous leases in the Jack Morrow Hills area in September 2018. Together, the combined impacts of these two lease sales will almost certainly have a significantly impact on the ability of any outfitter or backcountry user to move across this unique and contiguous landscape without encountering the sights, smells, sounds, lights, and infrastructure associated with oil and gas development. Although site-specific NEPA can be done at the application to drill stage for each parcel, it is the broader cumulative impacts to this landscape that we think need further research. | The JMH targeted RMP amendment did recognize the importance of these lands and made multiple use decisions as a result of that analysis. Offering these lands for lease is not expected to result in impacts not addressed in that document, or previously considered, including cumulative impacts. Development in the area is substantially less than what was assumed in the JMH RMP amendment. |
| 55 | <u>National Outdoor Leadership School:</u> | Finally, the EA clearly recognizes the importance of recreation on public lands by highlighting the role of the tourism and outdoor recreation as an economic driver in Wyoming (EA 3-29). However, the EA makes no substantive effort to consider this more extensively in the context of the Jack Morrow Hills, which has long been recognized as a locally important hunting, horseback riding, camping, and cultural area for Wyoming residents. Isolating this region's renowned wilderness study areas amongst a patchwork of oil and gas development does not constitute a practical management solution, for recreational users or wildlife in the JMH, nor does it uphold the concept of "multiple use management" across the broader landscape. | The JMH targeted RMP amendment did recognize the importance of these lands and made multiple use decisions as a result of that analysis. Offering these lands for lease is not expected to result in impacts not addressed in that document. Development in the area is substantially less than what was assumed in the JMH RMP amendment. |
| 56 | <u>National Outdoor Leadership School:</u> | Deferring the parcels mentioned above would help maintain the connectivity and natural viewshed for backcountry recreational users who have seen few changes to this landscape in the last century. It would also reduce user resource conflicts between guides and outfitters who frequent this area and contribute to the states growing recreation economy. | Please see Comment 55. |

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| 57 | <u>National Parks Conservation Association:</u> | <p>The National Parks Conservation Association (NPCA) writes today with concerns regarding the Bureau of Land Management's (BLM) fourth quarter lease sale and its potential impact directly to Fossil Butte National Monument as well as to the long-term health of mule deer, elk and pronghorn antelope populations that migrate through the landscape that would be impacted by the proposed lease sale to areas within and around Grand Teton and Yellowstone National Parks.</p> | <p>Thank you for your comment. No response necessary.</p> |
| 58 | <u>National Parks Conservation Association:</u> | <p>Thus, we request that the BLM defer lease number 392 near Fossil Butte National Monument, as well as all leases that overlay areas identified as important for wildlife movement based on data provided through the University of Wyoming study. We request the National Park Service (NPS), Wyoming Game and Fish and U.S. Fish and Wildlife Service conduct a joint planning effort to determine where oil and gas leasing is appropriate in the High Desert District accounting for wildlife and wildlife migration. In the interim, the BLM should defer any leasing, or industrial application or use that could conflict with this key migration corridor.</p> | <p>Decisions regarding which lands are available for oil and gas leasing and development, and the stipulations that are required for such lands, are made during preparation of the field office Resource Management Plan(s) and underlying Environmental Impact Statements. These are prepared with cooperating agency input and opportunities for public comment. The EA has been updated to acknowledge the presence of this nearby resource (EA at page 3-5). Because the lands in this parcel are privately owned, if the parcel is sold, a lease issued, and development proposed, the operator will be required to enter into a surface use agreement. The parcel is also subject to a Controlled Surface Use for the protection of Visual Resource Management Class II areas which requires that actions not draw the attention of the casual observer and by BLM policy, will require the preparation of a Visual Resource simulation to assess visual impacts. We refer the commenter to sections 4.2.1, 4.2.10, and 4.2.11 of the EA for a discussion of impacts to wilderness characteristics, recreational values, and visual resources. Also, please see response to comments 2, 14, 15, 16, 33, 37, 38, 43 and 59.</p> |
| 59 | <u>National Parks Conservation Association:</u> | <p>In addition, we request that before this parcel were to be considered for lease in the future, the BLM must consult with NPS to determine if mitigation efforts would be insufficient to resolve conflicts with Fossil Butte National Monument and therefore should be permanently removed from nomination.</p> | <p>Until there is an actual development proposal, the BLM cannot reasonably foresee potential impacts or identify the appropriate mitigation for those impacts. The NPS was specifically invited to review and comment on the Kemmerer RMP during preparation of the Kemmerer RMP EIS'. Development of the parcel is also subject to the stipulations outlined in Attachment A to the EA including a CSU for protection of visual resource management values in the area.</p> |
| 60 | <u>National Parks Conservation Association:</u> | <p>BLM is obligated under the National Environmental Policy Act (NEPA) to analyze the potential impacts of federal leasing on national parks and other sensitive areas. NPCA continues to take the position that, pursuant to this obligation, the BLM is required to conduct an environmental assessment (EA) to evaluate leases of federal lands for proposed oil and gas development. Where such development would occur near protected lands, BLM is required under NEPA to take a hard look at potential impacts to National Park Service (NPS) units from the proposed action, including the effects on protected resources, recreation and tourism.</p> | <p>Please see comment response 59.</p> |
| 61 | <u>National Parks Conservation Association:</u> | <p>Further, NEPA requires that the EA must identify any potential conflicts, as well as attempt to measure, quantify, or objectively define what any adverse effects might look like and evaluate whether they are "significant." See, e.g., <i>Klamath- Siskiyou v. BLM</i>, 387 F.3d 989, 994 (9th Cir. 2004) ("[g]eneral statements about possible effects and some risk do not constitute a hard look absent a justification regarding why more definitive information could not be provided") (internal citations omitted). Thus, the BLM must actually evaluate how development on the proposed leases would affect the various natural resources within protected lands.</p> | <p>The commenter has provided a general statement of fault, but has not clearly articulated what the potential conflicts are which BLM has not addressed.</p> |

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| 62 | <p><u>National Parks Conservation Association:</u></p> | <p>The following parcels 41, 42, 43, 44, 57, 58, 59, 60, 61, 62, 63, 179, 180, 218, 219, 220, 263, 304, 323 656, 665, 667, 668, 669, 670, 671, 672, 673, 677, 679, 680 should be deferred to maintain key migration routes in the state. In addition, parcels 606, 607, 609, 612 overlap big game crucial winter range. At a minimum, timing stipulations related to any big game calving and applicable winter range should be applied to these four parcels. Considering the devastating loss of the mule deer population in Wyoming, the BLM should defer these leases until the mule deer population recovers to a healthy level as defined by the Wyoming Game and Fish and the National Park Service.</p> | <p>Please see our response to comments 2, 14, 15, 16, 33, 37, 38 and 43. Appropriate stipulations have been attached to the subject parcels as required by the underlying RMP. In the case of parcels 606, 607, 609, and 612, the Bighorn Basin RMP, Worland ROD, does not require application of these stipulations because they are within an area specifically managed for oil and gas development. This is identified in the EA on page 3-21.</p> |
| 63 | <p><u>National Parks Conservation Association:</u></p> | <p>Thus, in conjunction with this proposed lease sale, the BLM must consider reasonable alternatives, including middle-ground options that fall between the two extremes of leasing all parcels or leasing none. See, e.g., <i>TWS v. Wisely</i>, 524 F. Supp. 2d 1285, 1312 (D. Colo. 2007) (finding that BLM violated NEPA by failing to consider “middle-ground compromise between the absolutism of the outright leasing and no action alternatives”). At a minimum, the BLM should analyze the alternatives that include: deferring parcel 392 in the Kemmerer Field Office as noted above and defer any parcels that overlay documented migration corridors. Finally, the BLM should present alternatives that would not continue to contribute to devastating loss of mule deer population in Wyoming.</p> | <p>Please see our response to comments 15, 16, 33, 38, 59 and 60.</p> |
| 64 | <p><u>National Parks Conservation Association:</u></p> | <p>NPCA urges the BLM to fully account for the potential climate change impacts from the proposed leasing and associated oil and gas extractive activities from the December 2018 lease sale. This assessment should include preparing an emission inventory projection for the individual and cumulative impacts of the range of possible development scenarios and performing an analysis of both long and short-term impacts to nearby sensitive landscapes and nearby populations vulnerable to the effects of climate change.</p> | <p>BLM prepared both a qualitative and quantitative analysis of potential impacts based on emission inventories prepared for the underlying RMPs. Additional information regarding climate change and the projected direct and indirect GHG emissions resulting from the full RFD in each planning area has been provided in the EA. Please see response to comment 106</p> |
| 65 | <p><u>National Parks Conservation Association:</u></p> | <p>NPCA continues to be concerned with the implementation and enforcement of stipulations and lease notifications. The scoping document includes a host of stipulations for each lease that would be attached to the Application for Permit to Drill (APD). However, the BLM to date has provided little or no public input at the APD stage. Further, postponing the majority of decisions concerning protections for environmental, cultural, and other resources to the APD stage means that the scope of development will be shaped largely after the lease is held by the oil and gas operator and after the BLM has made an irretrievable commitment of resources.</p> | <p>All APDs are posted on BLM's webpages (https://reports.blm.gov/report/AFMSS/7/30-Day-Federal-Public-Posting) and at the local field office. Members of the public can review any APD under consideration by the BLM at the field office with jurisdiction. Until a drilling site has been identified and proposed, more specific site-specific impacts cannot be ascertained.</p> |

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| 66 | <u>National Parks Conservation Association:</u> | It is impermissible to wait until the ADP [sic] stage to conduct this level of analysis, including, among other things, preparing an emissions inventory and quantitatively analyzing the reasonably foreseeable impacts from development of these parcels. Such an approach almost inevitably means that the impacts of each individual development project will be reviewed piecemeal and dismissed or discounted, and the cumulative impact of all the development resulting from the proposed project will never be reviewed. Therefore, we continue to take the position that BLM is required to prepare an EA for this leasing proposal, and that an EA must include an emissions inventory that documents the upper bounds of emissions from all potential development in the aggregate, as is required by NEPA. | BLM has prepared an EA for the proposed action and has solicited comments from the public on the EA. Emission generating actions are not reasonably foreseeable to the extent that BLM feels that creation of an emissions inventory would be meaningful and provide any new information for the AO to consider. |
| 67 | <u>National Parks Conservation Association:</u> | Further, as should be obvious, stipulations cannot provide a solution to visual impairments within the viewshed of the park from oil and gas extractive activities flowing from these leases. To put it another way, stipulations cannot solely mitigate the impacts of oil and gas development on a national park unit. This lease sale proposal, like others before it, proposes to use stipulations as a solution to conflicts of viewshed, noise and light pollution but to no or little effect. Together, stipulations and conditions of approval cannot resolve these and other issues that adversely affect national park units. Leasing before the BLM fully understands and accounts for the range of potential impacts from oil and gas extractive activities on or nearby protected lands conflicts with common sense and, as discussed previously, violates NEPA. | BLM disagrees that the stipulations proposed to be attached to lands offered for lease are ineffective. The underlying visual resource program has inventoried the subject lands and determined to what level visual resources should be protected in accordance with BLM directive. This comment provides no new information that BLM has not already considered. Offering the subject lands with the identified stipulations is in conformance with the underlying RMPs and complies with both the Federal Land Management Policy Act and the Mineral Leasing Act. |
| 68 | <u>Powder River Basin Resource Council:</u> | Air quality is perhaps the largest area of impact from oil and gas operations in the state. BLM's NEPA analysis is deficient because it does not accurately describe what air mitigation measures are required through DEQ permitting. The analysis also relies upon BLM and EPA rules that are in the process of being repealed under the new administration. Please revise the analysis to describe the air mitigation measures currently required by state permitting actions. Please also consider mitigation measures beyond state permitting requirements. This mitigation is required in order for BLM to have a defensible FONSI. | The BLM has disclosed that it does not have jurisdiction over all emission generating activities and that these are administered by the State of Wyoming as delegated by EPA under the CAA. The BLM has also provided potential mitigation measures that can be applied at the APD stage should the lease parcel be sold, a lease issued, and development proposed (EA, page 4-10, 4-11) |
| 69 | <u>Powder River Basin Resource Council:</u> | BLM also fails to disclose ozone data in Campbell and Converse Counties where leasing will occur. Please describe and disclose the current air quality conditions in these areas and then analyze what impacts will occur from additional leasing and oil and gas development. | The EA includes current monitored design values for monitors in Campbell county; BLM has reviewed the information requested for Converse County and agrees that this information should be incorporated. BLM has updated the information in the EA at page 3-10. Additional information on ozone in big horn county follows on page 3-11. Additional information regarding ozone levels can be found in the Buffalo RMP (see Appendix L, Air Resource Management Plan Approved BFO RMP, and FEIS pages 286-288, 650, 656, 658, 675, 680-681).. |

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| 70 | <u>Powder River Basin Resource Council:</u> | First, the analysis is not specific to the proposed leasing and is therefore unrelated to BLM's proposed action. This EA does not consider the reasonable foreseeable development scenario of these leases and instead relies upon a generic estimate of development under the RMP. This distinction is important because development, particularly deep oil development, continues to increase in the High Plains District. As we discussed in our comments on the RMP, BLM undervalued the potential of this new oil development and the impacts that will result in its RMP EIS. Our comments are only more important today, with thousands of wells drilled and thousands more on the horizon. In fact, this leasing would likely not be occurring but for the tremendous uptick in federal oil development in the High Plains District. ¹ | Most development occurring in the High Plains district is exploratory. All current and potential future development was considered under the RFD prepared for the underlying RMPs. To recreate that analysis on a parcel by parcel basis would be duplicative and is not required under NEPA. As detailed in the EA, until BLM has specific information regarding where and how such activities may occur, such analysis would be speculative. |
| 71 | <u>Powder River Basin Resource Council:</u> | Second, BLM does not appear to consider the higher GWP and shorter timeframe mandates from the court in relation to indirect emissions from combustion, which is a significant portion of the lifetime climate impacts from these leases. This severely undercuts the accuracy of BLM's quantification of climate impacts and its qualitative analysis of how these proposed leases will contribute to global climate change. | BLM has included direct GWP values for the 20-year time frame as outlined in the IPCC (2017) report, which is referenced in the EA at page 4-6. This is compliant with the decision of the court in <i>W. Org. of Res. Councils v. United States BLM</i> , No. CV 16-21-GF-BMM, 2018 U.S. Dist. (D. Mont. Mar. 23, 2018) and the plaintiff's complaint for declaratory and injunctive relief. Please see response to comment 23. |
| 72 | <u>Powder River Basin Resource Council:</u> | The FONSI relies upon: "Lease Notice No. 1 is applied to all parcels and restricts occupancy within ¼ mile of occupied dwellings for public safety." We encourage BLM to strictly apply this setback to all federal oil and gas development in the state. However, please see our comments on the Converse County Draft EIS and concerns we have raised about BLM's implementation of its setback for specific projects in the High Plains District. | Comments submitted on the Converse County O&G EIS is outside the scope of this document. Thank you for your comment. Appropriate technical and environmental safeguards will be considered if, and when a proposal for lease occupancy or disturbance is proposed for consideration by the BLM, should the parcel be sold and a lease issued. |
| 73 | <u>Powder River Basin Resource Council:</u> | Almost remarkably, BLM states in its FONSI that "The subject parcels . . . are not located on agricultural lands." It is unclear how BLM defines "agricultural lands" but almost certainly, proposed parcels include lands with agricultural use, including livestock grazing, hay production, and other agricultural operations. Please describe the current land use of all proposed parcels and any reasonably foreseeable impacts to those current land uses. | Thank you for your comment. The EA has acknowledged split estate lands within the subject parcels but additional information has been added to the EA at page 3-22 under Section 3.8 Vegetation and the FONSI has been updated accordingly. |
| 74 | <u>Powder River Basin Resource Council:</u> | A particularly problematic aspect of BLM's generalized analysis is a lack of specific and useful impacts analysis related to wildlife. While BLM notes the high number of proposed parcels in priority habitat areas, there is no discussion of likely impacts to any particular habitat management area, like the Buffalo Core Area. Please explain how BLM has determined that the habitat density and development limits will be met for each priority habitat management area with the level of leasing proposed. We continue to ask BLM to defer all leasing in sage-grouse core areas to maintain sufficient habitat necessary to prevent a listing of the sage-grouse under the Endangered Species Act. | BLM has attached a list of lease parcel stipulations to the EA (Attachment 5.1). BLM does not assume for analysis purposes that lease stipulations will not be enforced if, and when, a proposal for lease action is submitted to the BLM. An appropriate level of environmental analysis, in coordination with our State of Wyoming partners as determined necessary, will be undertaken to determine whether the project is in conformance with the land use plan, compliance with the lease terms has been achieved through project design and regulatory review, and a determination of significance under NEPA. Generally, if significant impacts are expected, the proponent will be offered the opportunity to propose additional mitigation to reduce below a standard of significance, proceed with preparation of an Environmental Impact Statement, or withdraw their proposal. |

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| 75 | <u>Trout Unlimited:</u> | <p>In the December 2018 sale, parcels are located adjacent to and within numerous WSAs (Figure 2). Activities associated from oil and gas development, including impacts from road construction, dust, habitat and migration fragmentation, methane leaks and water use, can directly and indirectly impact WSA resources. Trout Unlimited requests the BLM to think on a landscape scale as they assess selling parcels in and adjacent to WSAs. Other impacts such as light pollution and noise pollution also account as significant threats to maintaining the much-needed human benefit of solitude and primitiveness. These areas in Wyoming represent the best of the last and are irreplaceable. Trout Unlimited strongly urges the BLM to consider the cultural, historical, recreational, social, economic and primal significance of allowing development in, on and around WSAs. The strongest possible stipulations must be assigned those lease parcels left in the sale. Further mitigation measures should be applied during the development phase, and every effort should be made to ensure the surface public land estate remains unaltered.</p> | <p>Please see response to comment 44. BLM has adequately disclosed potential impacts to the aforementioned WSAs. These lands were determined under the existing land use plan to be available for development subject to the multiple overlapping stipulations attached to these parcels (see Attachment 5.1).</p> |
| 76 | <u>Trout Unlimited:</u> | <p>Parcels 111, 112, and 118 in and around Adobe Town WSA (and historical range of native trout) should be deferred until the Visual Resource Management Amendment under the Rock Springs Draft Environmental Impact Statement (DEIS) is finalized with protections that prevent oil and gas development on Skull Rim, the heart of Adobe Town. No Surface Occupancy (NSO), at a minimum, should be applied to parcels 640 and 638 in the dispersed special recreation area at the southern tip of Adobe Town WSA and along Shell Creek.</p> | <p>The WY State Director signed the decision for the Rawlins RMP amendment for VRM on October 3, 2018. The parcels have been reviewed to ensure that all appropriate stipulations emanating from that decision have been attached. As a result, a Controlled Surface Use stipulation for protection of VRM II areas has been attached to parcels: 25, 27, 28, 33-39, 87-95, 106-113, and 118. The EA has been updated at pages 3- 29 and 4-20 with this information.</p> |
| 77 | <u>Trout Unlimited:</u> | <p>Parcel 393 is not included in the North Platte Wild Trout CSI with the inlet to Seminoe Reservoir as the northern boundary for the wild trout conservation analysis but it is an important wild trout fishery. Seminoe Reservoir, Miracle Mile below Kortez Dam, Pathfinder Reservoir and others contain large native and non-native game fish sought after by anglers from all over the world. Parcel 393 is located in the state-designated Blue Ribbon fishery (Figure 3). In addition, the lands surrounding the river and Seminoe Reservoir are managed by the Bureau of Reclamation, which is not mentioned in the EA stipulations. The EA and the Rawlins RMP contain insufficient stipulations relevant to protect coldwater fisheries. Trout Unlimited recommends this parcel deferred until further analysis of the impacts to the fishery and watershed is available.</p> | <p>The potential for site-specific impacts will be addressed at the APD stage, including the potential for significant impacts and/or the need for additional mitigation, should the parcel be sold and a lease issued, and development proposed. The BLM received consent from the Bureau of Reclamation and has updated the EA at page 1-6 to acknowledge the SMA for this parcel. Because of this comment, the BLM re-engaged with the Bureau of Reclamation and confirmed that they still consent to the leasing of parcel 393. During this re-assessment, it was determined that some of the requested stipulations were left off the parcel and this has since been corrected. The corrections can be found in the subject Sale Book.</p> |

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| 78 | <u>Trout Unlimited:</u> | <p>The northern boundary of parcel 639 is located approximately .10 miles from the Greybull River with the western edge about 2.3 miles downstream from conservation metapopulations of native Yellowstone cutthroat trout (Figure 4). Currently, the EA does not provide any stipulations that protect streams, perennial waters, or riparian areas for this parcel. We request the BLM include strong buffer stipulations that protect this coldwater stream. Any oil and gas development near perennial streams should ensure sediment is not reaching the stream, especially in areas with highly erosive soils. The stipulations outlined in the Bighorn Basin RMP should be adhered to with every effort to protect the riparian corridor and its inhabitants from the effects of oil and gas development. The RMP provides opportunities for extending buffers along perennial streams important to coldwater fisheries.</p> | <p>The potential site-specific impacts will be addressed at the APD stage, including the potential for significant impacts and/or the need for additional mitigation. Offering the proposed parcel is in conformance with the Bighorn RMP and is subject to the decisions of that ROD including application of Lease Notice 1041: <i>Require water monitoring plans for new activities resulting in surface discharges of water to track changes in receiving channels and to minimize adverse impacts to watershed health. If adverse impacts to receiving channels or watershed health occur, require development and implementation of water management plans, which include reclamation strategies and mitigation to address impacts.</i></p> |
| 79 | <u>Trout Unlimited:</u> | <p>Parcel 378 covers 1,174.09 acres just south of the peak of Miller Mountain (Figure 5). Miller Creek contains intermittent populations of Colorado River cutthroat trout. Trout Unlimited recommends a minimum buffer of 500 feet for all perennial and ephemeral streams and NSO to protect the surrounding watersheds to the north, south, east and west. The location of this parcel warrants assurances that surrounding watersheds will not be affected by increased sediment loads or stream temperatures and that access roads and trails are limited, especially in riparian corridors.</p> | <p>The potential site-specific impacts will be addressed at the APD stage, including the potential for significant impacts and/or the need for additional mitigation. Offering the proposed parcel is in conformance with the underlying RMP and is subject to the decisions of that ROD including application of a CSU for the purpose of protecting the Miller Mountain Management Area, including the resources for which it was designated: <i>CSU (1) Surface occupancy or use will be restricted or prohibited unless the operator and surface managing agency arrive at an acceptable plan for mitigation of anticipated impacts; (2) as mapped on the Pinedale Field Office GIS database; (3) protecting Miller Mountain Management Area.</i></p> |
| 80 | <u>Trout Unlimited:</u> | <p>Parcels 334, 335, 360 and 361 located adjacent to Slate Creek should have stipulations that offer perennial water protection. This coldwater fishery, popular with locals and tourists alike, empties into the Green River and a minimum of 500 feet buffer should be applied.</p> | <p>As described in every BLM Sale Book, standard lease Notice 1 is attached to every lease. The Sale Book states the following under Lease Notice #1: Under Regulation 43 CFR 3101.1-2 and terms of the lease (BLM Form 3100-11), the authorized officer may require reasonable measures to minimize adverse impacts to other resource values, land uses, and users not addressed in lease stipulations at the time operations are proposed. Such reasonable measures may include, but are not limited to, modification of siting or design of facilities, timing of operations, and specification of interim and final reclamation measures, which may require relocating proposed operations up to 200 meters, but not off the leasehold, and prohibiting surface disturbance activities for up to 60 days. The lands within this lease may include areas not specifically addressed by lease stipulations that may contain special values, may be needed for special purposes, or may require special attention to prevent damage to surface and/or other resources. Possible special areas are identified below. Any surface use or occupancy within such special areas will be strictly controlled or, if absolutely necessary, prohibited.</p> <ol style="list-style-type: none"> 1. Slopes in excess of 25 percent. 2. Within 500 feet of surface water and/or riparian areas. 3. Construction with frozen material or during periods when the soil material is saturated or when watershed damage is likely to occur. 4. Within 500 feet of Interstate highways and 200 feet of other existing rights-of-way (i.e., U.S. and State highways, roads, railroads, pipelines, powerlines). 5. Within 1/4 mile of occupied dwellings. 6. Material sites. <p>GUIDANCE: The intent of this notice is to inform interested parties (potential lessees, permittees, operators) that when one or more of the above conditions exist, surface disturbing activities will be prohibited unless or until the permittee or the designated representative and the surface management agency (SMA) arrive at an acceptable plan for mitigation of anticipated impacts. This negotiation will occur prior to development and become a condition for approval when authorizing the action.</p> |

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| | | | Specific threshold criteria (e.g., 500 feet from water) have been established based upon the best information available. However, geographical areas and time periods of concern must be delineated at the field level (i.e., "surface water and/or riparian areas" may include both intermittent and ephemeral water sources or may be limited to perennial surface water). |
| 81 | <u>Trout Unlimited:</u> | Parcels 314 and 322 along the New Fork River contain significant populations of large, coldwater fish with high connectivity in the Upper Green watershed and is identified as expansion habitat for restoring CRCT populations back to their historic range. This parcel is located adjacent to Highway 351 and a popular recreation area adjacent to the highway. Identified as a major fishery by WGFD, there is a significant amount of public use. Trout Unlimited recommends increased buffers to 500 feet with the option to move any well pad up to 1/8 mile away from riparian areas without additional NEPA. | Please see comment response 80. |
| 82 | <u>Trout Unlimited:</u> | Parcels 337 and 338 overlap Sage Creek and Cottonwood Creek and their riparian corridors (Figure 6). The southern portion of Parcel 337 is approximately .18 miles from the main stream channel of Sheep Creek with much of the parcel overlapping the riparian corridor. Upper Sheep Creek contains conservation populations of CRCT. Trout Unlimited supports the Controlled Surface Use (CSU) stipulation applied but also requests that stipulations to protect perennial stream corridors be applied to mitigate impacts to coldwater fisheries, watersheds, riparian areas, wet zones, and ephemeral streams. | Thank you for your comment; the need for additional mitigation will be determined at the APD stage should the parcel be sold, a lease issued, and development proposed. Offering the proposed parcels are in conformance with the underlying RMPs and are subject to the decisions of the Kemmerer RMP ROD including decision 1032 which requires avoiding surface disturbing activities within 500 feet of or within wetlands, riparian areas, aquatic habitats, and 100-year floodplains, and 1033 that specifies that: No new permanent facilities are allowed in riparian areas or wetlands unless they (1) meet the requirements and intent of EOs 11988 and 11990, (2) there are no practicable alternatives, and (3) appropriate mitigation measures are implemented. |
| 83 | <u>Trout Unlimited:</u> | Of significance, native Roundtail Chub have recently been found in Black's Fork, Ham's Fork, Muddy Creek, Little Muddy Creek and the North Fork of Little Muddy Creek. We ask that the BLM conduct further analysis for the presence of the Chub in this river system and if confirmed near or within the parcel locations, remove those parcels from the sale. | The potential site-specific impacts will be addressed at the APD stage, including the potential for significant impacts and/or the need for additional mitigation based on information available at that time. Offering the proposed parcel is in conformance with the underlying RMP and is subject to the decisions of that ROD. |
| 84 | <u>Trout Unlimited:</u> | Trout Unlimited also requests BLM work closely with WGFD and add site specific requirements that ensure stipulations, lease notices and agreements are applied to minimize impacts to habitat diversity, water quality, flow regime, riparian vegetation, deep pools, bank stability and sediment load. Native fish populations require resilience (having sufficiently large populations and intact habitats to survive environmental change) and redundancy (saving enough different populations so that some can be lost without jeopardizing the species). WGFD, BLM and the USFS are a part of the Rangeland Conservation Agreement for the 3 species, this Conservation Agreement was developed to demonstrate to the U.S. Fish and Wildlife Service that throughout the region state, federal and tribal partners are managing these species well throughout their range and the species do not need to be placed on the Endangered Species List. | The potential site-specific impacts will be addressed at the APD stage, including the potential for significant impacts and/or the need for additional mitigation. Offering the proposed parcels are in conformance with the underlying RMPs and are subject to the decisions of that ROD. Standard Lease stipulation number 2 covers all special status species: <i>The lease area may now or hereafter contain plants, animals, or their habitats determined to be threatened, endangered, or other special status species. BLM may recommend modifications to exploration and development proposals to further its conservation and management objective to avoid BLM-approved activity that will contribute to a need to list such a species or their habitat. The BLM may require modifications to or disapprove proposed activity that is likely to result in jeopardy to the continued existence of a proposed or listed threatened or endangered species or result in the destruction or adverse modification of a designated or proposed critical habitat. The BLM will not approve any ground-disturbing activity that may affect any such species or critical habitat until it completes its obligations under applicable requirements of the Endangered Species Act as amended, 16 U.S.C. § 1531 et seq., including completion of any required procedure for conference or consultation.</i> |

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| 85 | Trout Unlimited: | <p>Parcel 324 borders and crosses the Henry's Fork (Figure 8). In the 1997 Green River RMP, stipulations for watersheds include no permanent structures constructed in floodplains and no construction within 500 feet of a stream unless it can be demonstrated there is no physically practical alternative. Trout Unlimited recommends NSO for parcel 324 given its proximity to the Henry's Fork River and other ephemeral streams overlapping the parcel.</p> | <p>Thank you for your comment; upon further review, parcel 324 should include a CSU stipulation restricting occupancy in riparian areas, and within 500' of 100-year floodplains, wetlands and perennial waters. This has been corrected and is shown in the Sale Book and on page 5-70 of Attachment 5.1. The need for additional mitigation will be assessed if or when development of this parcel is proposed.</p> |
| 86 | Trout Unlimited: | <p>In summary Trout Unlimited recommends the following:</p> <ol style="list-style-type: none"> 1. For the offered parcels, the stipulations from the RMPs and the EA are applied to all parcels and where applicable to each Application for Permit to Drill (APD) to minimize impacts to coldwater fisheries, watersheds, riparian areas, wet zones, ephemeral streams, perennial streams and others. 2. Compliance with Onshore Order 1 and looking at the engineering package for siting, mandatory Wyoming Game and Fish Department biologist or the appropriate biologist invited and participating in every on-site. 3. Swift and effective interim reclamation must become a priority to stabilize soils, limit nitrification of water sources and protect watershed attributes. 4. Where applicable, surface disturbance will be prohibited in any of the following areas or conditions. Exception, waiver, or modification of this limitation may be approved in writing, including documented supporting analysis, by the Authorized Officer. <ol style="list-style-type: none"> a. Slopes in excess of 25 percent b. Within important scenic areas (Class I and II Visual Resource Management Areas) c. Within 500 feet of surface water and/or riparian areas d. Within either one-quarter mile or the visual horizon (whichever is closer) of historic trails e. Construction with frozen material or during periods when the soil material is saturated or when watershed damage is likely to occur. 5. Trout Unlimited requests to be notified about any APD that effects coldwater fisheries in Wyoming, as well as APD's for the lease parcels and areas specified in our comments. | <p>Thank you for your comments; no response necessary. The items listed by TU are standard requirements of the BLM. All APDs are posted on BLMs webpages (https://reports.blm.gov/report/AFMSS/7/30-Day-Federal-Public-Posting) and at the local field office. Members of the public can review any APD under consideration by the BLM at the field office with jurisdiction and provide comments to that office at that time.</p> |

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| 87 | <u>Trout Unlimited: Greater Little Mountain Coalition</u> | The Coalition urges the BLM to include strong resource protections and an upfront plan for oil and gas leasing in the signed Record of Decision for the Greater Little Mountain Area (Figure 3). If the DEIS for the RS RMP is released before the week of December 10th 4th Quarter Lease Sale, the Coalition recommends the following resource management prescriptions: § Implementation of an upfront plan for oil and gas leasing in the GLMA; § Additional no surface occupancy (NSO), not just avoidance language, in the specific management areas of Sugarloaf Basin, Sage Creek and Pine Mountain to protect fish and wildlife habitat and recreational opportunities and; § Maintain existing management in Currant Creek and Red Creek management areas. | Thank you for your comments. While comments related to the ongoing RS RMP revision are outside the scope of this lease sale EA, they are noted. |
| 88 | <u>Upper Green River Coalition:</u> | For the reasons set forth below, the Upper Green River Network (UGRN) has concerns regarding select parcels in the Wyoming December 2018 4th Quarter Lease Sales. By moving forward with the leasing of parcels delineated in this letter, we feel that site-specific impacts have not properly been analyzed; thus suggesting an unlawful restriction of the NEPA process. Within this section, we bring forth a select number of parcels that we have concerns over and respectfully request be removed from the June 2018 lease sale. Potential impacts to water quality, quantity, and mule deer wintering grounds are of specific concern. Overall, we feel the stated buffer of 500' from surface water is insufficient, and that due to the variability of surface and groundwater connection that site-specific analysis need to be undertaken for all parcels listed below. Further, while "the act of offering, selling, and issuing federal oil and gas leases does not produce impacts to water resources," we find it shortsighted and inappropriate to lease parcels with the explicit goal of development and not take into account the impact to freshwater. Within this section, we bring forth a select number of parcels that we have concerns over and respectfully request be removed from the June 2018 lease sale. | Thank you for your comment; no response necessary. |
| 89 | <u>Upper Green River Coalition:</u> | The following parcels are located within a big game migration corridor currently under review. The revised Special Lease Notice language should be applied, and we request it is better to defer or delete from the forthcoming lease sales. Parcels 41, 42, 43, 44, 45, 57, 58, 59, 60, 61, 62, 63, 64, 66 | Parcels 15, 41, 42, 44, 47, 48 and 63 have been deferred at the request of WGFD. The remaining parcels will be offered in conformance with the underlying RMP. Please see response to comments 2, 14, 15, 16, 33, 37, 38 and 43. |
| 90 | <u>Upper Green River Coalition:</u> | Based on the presence of the three-native fish (Flannelmouth sucker, Roundtail chub, and Bluehead sucker), the following parcels should at a minimum have Special Lease Notice language applied, or better yet be deferred or deleted: 339, 341, 345, 348, 350, 363, 364, 376, 379, 380, 389 | BLM is unsure what such a Lease Notice would require and cannot adequately respond to this comment. The potential site-specific impacts will be addressed at the APD stage, including the potential for significant impacts and/or the need for addition mitigation. Offering the proposed parcels are in conformance with the underlying RMP and is subject to the decisions of that ROD. |

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| 91 | <u>Upper Green River Coalition:</u> | The Henry's Fork River is considered a tier II watershed in that it consists of Colorado River cutthroat and at least one of the three native warm water species and represents the best opportunity for native fish management in the Upper Green River Basin. Alongside the cutthroat is the Bluehead sucker. Based on these attributes, the following parcel should at a minimum have Special Lease Notice language applied, or better yet be deferred or deleted: 324 | BLM is unsure what such a Lease Notice would require and cannot adequately respond to this comment; all parcels are subject to Standard Lease Notices 1, 2, and 3. The potential site-specific impacts will be addressed at the APD stage, including the potential for significant impacts and/or the need for addition mitigation. Offering the proposed parcel is in conformance with the underlying RMP and is subject to the decisions of that ROD. |
| 92 | <u>Upper Green River Coalition:</u> | Suckers and chubs have been found in the Upper Muddy Creek River within the Little Snake River Basin and are identified as the top ranked watershed in the Yampa Subbasin based on stakeholder discussion. Two parcels should at a minimum have Special Lease Notice language applied, or better yet be deferred or deleted: 17, 64 | Thank you for your comment. Please see comment response 91. |
| 93 | <u>Powder River Basin Resource Council:</u> | Although all of the proposed leases are combined into a single EA, unless otherwise specified, our comments are focused on the High Plains District leases, and particularly those within the Buffalo Field Office RMP jurisdiction. | Thank you for your comment; no response necessary. |
| 94 | <u>Powder River Basin Resource Council:</u> | Under the Proposed Action analyzed in the EA, the BLM would offer for sale 581 whole or partial parcels containing approximately 780,679.36 acres. The leases encompass land and minerals over 1,219 square miles or an area almost ½ the size of Yellowstone National Park or about the size of Rhode Island. Leasing the number of parcels BLM has proposed is a major federal action significantly impacting the environment and an EIS is required. BLM provides no justification for why an EIS is not required and the lease stipulations discussed in its draft FONSI do not adequately mitigate impacts to a level below significance. In order to comply with NEPA, BLM must prepare an EIS for this proposed leasing action. With respect to oil and gas lease sales, federal courts have held that the issuance of an oil and gas lease that allows surface occupancy and development is a major federal action requiring the preparation of an environmental impact statement. <i>Sierra Club v. Petersen</i> , 717 F.2d 1409 (D.C. Cir. 1983); <i>Conner v. Burford</i> , 848 F.2d 1441 (9th Cir.1988). | The commenter overlooks that the fact that BLM has already prepared an EIS for the landuse plans covering these leasing decisions and that these EAs are tiered to the EIS for those plans, in accordance with CEQ guidance and the NEPA. These include the Green River RMP FEIS, the Rawlins RMP FEIS, the Kemmerer RMP FEIS, the Casper RMP FEIS, the Newcastle RMP FEIS and the Pinedale RMP FEIS that were all amended via an EIS in 2015 for the Greater Sage grouse review effort, in addition to the Bighorn Basin RMP FEIS and the Buffalo RMP FEIS. These planning efforts set the allowable uses on the subject lands and makes certain predictions for the oil and gas Reasonably Foreseeable Development Scenario (RFD). When the decisions of the land use plan allocate use, and non-use, the lands open to oil and gas leasing have been committed to that use subject to the stipulations. Except for lands identified as No Surface Occupancy or Closed, those minerals are not assumed part of the RFD, in one form or another. This comment has not identified any impacts that BLM has not already considered. |
| 95 | <u>Powder River Basin Resource Council:</u> | While BLM notes the high number of proposed parcels in priority habitat areas, there is no discussion of likely impacts to any particular habitat management area, like the Buffalo Core Area. Please explain how BLM has determined that the habitat density and development limits will be met for each priority habitat management area with the level of leasing proposed. We continue to ask BLM to defer all leasing in sage-grouse core areas to maintain sufficient habitat necessary to prevent a listing of the sage-grouse under the Endangered Species Act. | BLM conducted the requisite analysis within the RMP EIS in coordination with the State of Wyoming and the US Fish and Wildlife Service. BLM will evaluate whether the proposal complies with the CSU for density and development utilizing the DDCT process which is also outlined in the Buffalo RMP. |

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| 96 | <p><u>WildEarth Guardians, Center for Biological Diversity and Western Watersheds:</u></p> | <p>Because the BLM's December 2018 lease sale has parcels directly next to the BLM's September 2018 lease sale and the BLM attempts to tier to the part 1 EA for the September lease sale, the Conservation Groups incorporate by reference the comments, protest, and exhibits submitted for the September sale, including: comments on the draft EA for the initial set of parcels (submitted Feb. 21st, 2018), comments on the draft EA for the additional parcels added as a result of BLM IM 2018-034 (submitted June 7, 2018), and the protest of both of these sets of parcels (submitted Aug. 13, 2018). Footnote: 2 On page 4-1 of the EA, the BLM states "[a]s described in Section 1.4, above, this EA tiers to the applicable RMP FEISs and the lease sale EAs prepared for Part 1 of the Third-Quarter 2018 lease sale." But, in Section 1.4, the BLM fails to reference the September 2018 lease sale EA or otherwise formally to tier to it. See EA at 1-4 to 1-5.</p> | <p>The reference to the 3rd Quarter lease sale EA (part 1) responses on page 4-1 is an error. The documents to which the 4th Quarter 2018 sale EA is tiered to are correctly shown on pages 1-4 and 1-5 of the EA, under the <u>Tiering and Conformance with BLM Land Use Plans and Other Environmental Assessments</u> section header.</p> |
| 97 | <p><u>WildEarth Guardians, Center for Biological Diversity and Western Watersheds:</u></p> | <p>To start, the Conservation Groups protest the BLM's public comment process for the Wyoming December 2018 lease sale. As a result of BLM IM 2018-034, BLM has drastically cut public comment periods and opportunities and forced the public to submit comments solely through the frequently-broken comment system, ePlanning. This approach violates both the letter of the law and the spirit of NEPA. See <i>Price Road Neighborhood Ass'n v. U.S. Dept. of Transportation</i>, 113 F.3d 1505, 1511 (9th Cir. 1997) ("One of the twin aims of NEPA is active public involvement and access to information."); see also <i>Colony Federal Savings & Loan Ass'n v. Harris</i>, 482 F. Supp. 296, 304 (W.D. Pa. 1980) ("[c]itizen participation is a vital ingredient in the success of NEPA").</p> | <p>The length of the comment period is outside the scope of the issues presented in the subject EA. On September 21, 2018, the District of Idaho issued a Preliminary Injunction Order in <i>W. Watersheds Project v. Zinke</i>, No. 1:18-cv-00187-REB, 2018 U.S. Dist. (D. Idaho Sep. 21, 2018)) requiring BLM to provide additional public comment and a 30 day protest period for parcels in Greater Sage-grouse habitat to be offered at the December 2018 and succeeding competitive oil and gas lease sales. To comply with the Order, the BLM extended the comment period on the subject EA for 578 parcels located in identified Greater Sage-grouse habitat.</p> |
| 98 | <p><u>WildEarth Guardians, Center for Biological Diversity and Western Watersheds:</u></p> | <p>The EPA has designated the Upper Green River Basin Area of Wyoming as in marginal nonattainment with the 2008 NAAQS for ozone. EPA, 8-Hour Ozone (2008) Designated Area Partial County Descriptions, https://bit.ly/2K3DyRW (last visited Sept. 10, 2018); EA at 3-6. Thus, the BLM, a federal agency, is prohibited from undertaking any activity this area that does not conform to Wyoming's SIP. See 40 C.F.R. § 93.150(a); see also Wyoming SIP at 020-0002-008 Wyo. Code R. § 3. In sum, the BLM cannot ignore its obligations under the Clean Air Act or FLPMA to 1) ensure compliance with federal air quality standards and 2) revise the Pinedale and Rock Springs RMPs based on new information which affects the entire plan. Thus, BLM is required to conduct a conformity analysis and amend both RMPs to "provide for compliance with applicable [air] pollution control laws" before approving actions that may impact attainment with the 2008 NAAQS. Although it is possible for the BLM to address this gap through the completion of a site-specific NEPA analysis, the EA for the lease sale does not provide the hard look required by NEPA for two reasons: 1) the BLM's analysis of indirect greenhouse gas emissions fails to calculation emissions for the proposed</p> | <p>See EA at pages 3-9 through 3-10, including: "[i]n accordance with the Federal and State Conformity regulations, the General Conformity requirement does not apply to actions where the emissions are not reasonably foreseeable such as lease sales..." The action alternatives contemplated in the EA are exempted from the requirement for a conformity analysis under 40 CFR 93.153(c) (3). The well-specific emissions from any potential future lease development operations are uncertain since the following aspects of potential development are not reasonably foreseeable at the lease sale stage: 1) the timing and overall pace of development for any particular parcel; 2) the type and amount of equipment that might be proposed for both mobile (e.g., a Tier II or Tier IV rig) and stationary sources, (e.g., flare or vapor recovery units); 3) how proposed wells will be developed (e.g. will they be hydraulically fractured or not, will they be vertical or horizontal wellbores); and 4) the mineral resources a well might target (oil vs. gas proportions and production rates). These factors will affect the estimates in ways that makes a conformity analysis impractical and speculative at the leasing stage. Conformity regulations at 40 CFR 93.153(c)(2) do not require a conformity analysis for: "[t]ransfers of ownership, interests, and titles in land, facilities, and real and personal properties, regardless of the form or method of the transfer," such as when the BLM conveys rights to develop Federal minerals under an oil and gas lease. In addition, a regulatory exemption provides that conformity determinations are not required for actions that will be subject to specific permitting requirements under other provisions of the Clean Air Act. A significant portion of anticipated emissions from oil and gas development on leased parcels are associated with storage tanks and other equipment that likely will be authorized by the State of Wyoming under their administration of Clean Air Act programs. A Federal oil and gas lessee is subject to the terms of lease, which is conditioned upon compliance with applicable Federal laws. Subsequent development proposals by the lessee or their operator(s) must comply with the law, including the</p> |

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| | | <p>action and 2) the BLM's discussion of the global warming potential for methane still fails to acknowledge the changing science in this area.</p> | <p>Clean Air Act. The BLM has determined that this lease sale complies with the requirements of 40 CFR 93.153 concerning ozone. Finally, we refer the WEG to <i>WildEarth Guardians v. United States BLM</i>, 2018 U.S. Dist. LEXIS 67869, 2018 WL 1905145 (April 23, 2018).</p> |
| 99 | <p><u>WildEarth Guardians, Center for Biological Diversity and Western Watersheds:</u></p> | <p>On the former, the BLM fails to calculate downstream (indirect) greenhouse gas emissions for the proposed action. Instead, the agency uses statewide calculations from the respective RMPs/EISs to estimate indirect GHG emissions for field office wide emissions. See EA at 4-7 to 4-8. But this gives the BLM no information with which to weigh the impacts of leasing 118 Buffalo Field Office parcels or otherwise assess the significance of the proposed action. It also directly violates the ruling in another federal court decision, <i>San Juan Citizens All. v. U.S. Bureau of Land Mgmt.</i>, No. 16-CV-376-MCA-JHR, 2018 WL 2994406, at *11 (D.N.M. June 14, 2018). There, the court held that "BLM's failure to estimate the amount of greenhouse gas emissions which will result from consumption of the oil and gas produced as a result of development of wells on the leased areas was arbitrary."</p> | <p>The BLM has reviewed the Opinion and Order and considered the Court's holding (relating to 13 oil and gas leases in New Mexico). As the BLM has explained in the EA (see EA at pages 4-1 and 4-10; see also comment response No. 46, above), there is substantial uncertainty at the time of leasing about the degree to which, if at all, leases may be developed. The downstream GHG emissions that may result from leasing the parcels in this sale are not reasonably foreseeable at leasing to any greater degree than the downstream estimates (based on the RFD scenarios) that were provided in the RMP EISs.</p> |
| 100 | <p><u>WildEarth Guardians, Center for Biological Diversity and Western Watersheds:</u></p> | <p>Next, although Guardians appreciates the fact that the BLM includes additional information on the GWP of methane and the difference between the 20-year and 100-year GWPs, the agency's assessment is still incomplete. For example, the BLM includes three different 20-year GWPs for methane: 28 as recommended by the EPA, EA at 3-16, 28 to 36, <i>id.</i>, and 21, <i>id.</i> at 4-6. Furthermore, in the chart provided on 4-6, BLM seems to use a GWP of 25. <i>Id.</i> BLM fails to explain why it ends up using this number when there clearly is range of GWPs for methane. Perhaps more importantly, this assessment also omits any actual calculations of the GWP of emissions from the proposed action. Instead, all emissions are based on field office wide emissions. Guardians submits that for the BLM to most accurately disclose the greenhouse gas emissions associated with the proposed lease sale and have a full and fair discussion as required by NEPA, the agency must analyze CO₂e emissions from the proposed action, based on both the 20-year and 100-year global warming potentials for methane, which should be 84 and 36, respectively.</p> | <p>The 25 number is a typographical error and it should be 28, the EPA recommended 100 year GWP. The table on page 4-6 of the EA has been corrected to show that at a 28 GWP on a 100-year timescale, CO₂e would be 494,205.6 metric tons of methane would be emitted during the year of maximum emissions (2024) in the Buffalo Field Office. This now matches the text above the table on page 4-6 of the EA. BLM chose to include the lower end of the spectrum because 36 would be within the range emissions provided under both the 20-year and 100-year scenarios. This has been clarified in the record.</p> |

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| 101 | <p><u>WildEarth Guardians, Center for Biological Diversity and Western Watersheds:</u></p> | <p>Unfortunately, because BLM's underlying RMPs/FEISs and the December EA do not fully analyze the impacts of fracking, the BLM cannot conclude that impacts will be insignificant. For example, although the BLM provide a "Hydraulic Fracturing White Paper" in section 5.6 of the EA, this document is generalized and does not assess the impacts of fracking the specific lease parcels, especially the parcels within the Pinedale and Rock Springs area where increased emissions from fracking will likely worsen the ozone nonattainment area. Indeed, the BLM entirely defers any site-specific analysis of air emissions from fracking to the APD stage. EA at 5-83 ("Emissions associated with a project, and HF if proposed, will be analyzed through a site specific NEPA document to ensure that the operation will not cause a violation of the Clean Air Act.").</p> | <p>BLM has adequately considered the potential impacts associated with HF while taking into account that future development of the lands may vary, (if development takes place at all), and so HF on every parcel sold is not reasonably foreseeable. The commenter has not provided the BLM with any specific impacts that the EA and/or White Paper, which has been incorporated by reference, has not considered. Nor has it shown that such future development is not speculative for analysis at this level of review, or is connected action that BLM must consider. We refer this commenter to the draft FONSI for a detailed discussion regarding the context and intensity of the proposed action. The BLM includes additional air quality and climate change analysis in NEPA documents in accordance with policy and regulation. Since leasing actions in and of themselves do not authorize any level of development to occur, emission-generating activities and additional quantitative analysis beyond what BLM has provided regarding future activities is not reasonably foreseeable, and entirely speculative, at the leasing stage. Any future development that may occur as a result of the lease sale will be further analyzed when specific development details are provided; this information will be used complete an appropriate site-specific air quality analysis. Decisions regarding control of such operations will be made at that time, assuming that production operations will proceed. Additional mitigation can also be required at that time. Under current law and regulation, the State of Wyoming through the Department of Environmental Quality, as delegated by the Environmental Protection Agency will permit all emission generating activities per their authority. Should the parcels be sold and leases issued, and development proposed, completion operations will be considered at that time. Potential emissions from completion operations were included in the ARMPA, BFO, and Bighorn RMP air emission inventories. Analysis that is more detailed will occur if and when an APD is submitted for review and approval by the BLM.</p> |
| 102 | <p><u>WildEarth Guardians, Center for Biological Diversity and Western Watersheds:</u></p> | <p>Finally, as shown below, because the Wyoming December 2018 lease parcels are directly adjacent to many of the Wyoming March, June, and September 2018 lease parcels as well as the Utah December and Colorado December lease sale parcels, the fourth intensity factor, cumulative impacts, is also implicated by the lease sale, further underscoring the need for an EIS. According to NEPA regulations, "[s]ignificance exists if it is reasonable to anticipate a cumulatively significant impact on the environment. Significance cannot be avoided by terming an action temporary or by breaking it down into small component parts." 40 C.F.R. § 1508.27(b)(7). This latter sentence is particularly important here. As shown by the maps below, the December lease sale is not occurring in a vacuum. The BLM must study the cumulative impacts of these similar actions occurring within the same area through an EIS.</p> | <p>Please see response to comment 31 and 106.</p> |

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| 103 | <p><u>WildEarth Guardians, Center for Biological Diversity and Western Watersheds:</u></p> | <p>Thus, the BLM must estimate the impacts of drilling these wells at the lease sale stage. Second, the Tenth Circuit has explicitly held that NEPA requires that agencies prepare a site-specific EIS at the lease sale stage when two factors are met: 1) an irretrievable commitment of resources and 2) reasonably foreseeable impacts. <i>New Mexico ex. rel. Richardson v. U.S. Bureau of Land Mgmt.</i>, 565 F.3d 683, 717–18 (10th Cir. 2009). First, the court held that issuance of an oil and gas lease without a no surface occupancy (“NSO”) stipulation constituted an irretrievable commitment of resources because the BLM could not completely avoid environmental impacts at the permitting stage without this stipulation. <i>Id.</i> at 718. Second, the court further reasoned that because the lease occurred in an area that had seen “considerable exploration” and “a natural gas supply [was] known to exist beneath the[] parcels,” the impacts from leasing were reasonable foreseeable. <i>Id.</i> at 718–19. Thus, the court concluded that the BLM was required to conduct a site-specific NEPA analysis of the impacts of lease “prior to its issuance.” <i>Id.</i> Here, the situation is directly similar. First, the BLM admits that leasing is an irretrievable commitment of resources and fails to impose full NSO stipulations for any of the parcels. EA at 1-3. The BLM also admits that the leases are in areas that have seen extensive development. See <i>id.</i> at 4-5. Thus, BLM is required by law to conduct a site-specific analysis of the impacts from the issuance of its leases.</p> | <p>BLM has considered what impacts that are reasonably foreseeable, and to the extent that they are reasonably foreseeable. BLM has not entirely deferred analysis of development and has provided as much specificity as can be reasonably assured both in the EA, and in the underlying RMP EIS’. This comment has not identified any specific impacts that BLM has not already considered.</p> |
| 104 | <p><u>WildEarth Guardians, Center for Biological Diversity and Western Watersheds:</u></p> | <p>Here, similar to the <i>Western Organization of Resource Councils</i> case, the BLM has failed to consider any alternatives that significantly reduce the permitted development in order to address other resource concerns such as air quality or climate change. BLM preferred action alternative permits leasing of 584 parcels while BLM’s “lease all available parcels” alternative proposes to lease 674 parcels. EA at 2-1, 2-3. This all-or-nothing approach (lease 100% or 87%) leaves the BLM and the public without any basis with which to compare and contrast the various proposals or otherwise determine the best course of action. Perhaps more importantly, the BLM also fails to consider an alternative that will reduce greenhouse gas emissions. As noted above, consideration of such an alternative is well within BLM’s statutory mandate.</p> | <p>BLM has analyzed a No Action alternative in the EA that would not offer any of parcels that are available in accordance with their RMP. Multiple use decisions were made within the underlying RMP(s).</p> |

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| 105 | <p><u>WildEarth Guardians, Center for Biological Diversity and Western Watersheds:</u></p> | <p>The BLM proffers to lease a number of parcels in the Newcastle Field Office area in the December 2018 lease sale. But, because the RMP/FEIS for this office, the New Castle Field Office Resource Management Plan ("Newcastle RMP") and Final EIS, is severely out-of-date, fails to analyze the impacts of fracking and horizontal drilling, and the December EA does not correct this deficiency, the BLM cannot lease these parcels. Because the geographic range, the extraction technology, and the intensity of oil and gas development has changed significantly since 2000, the BLM must analyze these impacts in either a revised RMP and accompanying FEIS or an EA/EIS for the lease sale. Unfortunately for the BLM, neither the Newcastle RMP nor the High Plains EA for the September 2018 lease sale meet these requirements. The BLM's lack of analysis on the impacts from fracking not only violates NEPA but also violates FLPMA. As noted above, FLPMA requires that the BLM amend an RMP whenever there is a need to "[c]onsider a proposal or action that does not conform to the plan," "respond to new, intensified, or changed uses on public land," or "consider significant new information from resource assessments, monitoring, or scientific studies that change land use plan decisions." BLM Land Use Planning Handbook, H-1610-1, Section VII.B at 45. At a minimum, the use of multi-stage fracking coupled with horizontal drilling in the Newcastle Field Office constitutes a "new, intensified, or changed use[] on public land." As a result, the BLM cannot move forward with leasing the parcels in this area until it either completes an amendment to the RMP or includes a full analysis of the impacts of fracking and horizontal drilling in a revised EA or EIS.</p> | <p>The BLM has appropriately addressed the subject issues in the lease sale EA and determined that with the constraints in place, whether through the RMP, regulation, or law, the action will not result in new impacts beyond what has already been analyzed, or significant impacts not already analyzed. The Council on Environmental Quality's NEPA regulations (see, e.g. 40 C.F.R. 1502.20) provide "whenever a broad environmental impact statement has been prepared ... and a subsequent environmental assessment is prepared on an action included within the entire program or policy ... the subsequent environmental assessment ... shall concentrate on the issues specific to the subsequent action." BLM has adequately considered the potential impacts associated with HF while taking into account that future development of the lands may vary, (if development takes place at all), and so HF on every parcel sold is not reasonably foreseeable. The commenter has not provided the BLM with any specific impacts that the EA and/or White Paper which has been incorporated by reference, has not considered. Nor has it shown that such future development is not speculative for analysis at this level of review, or is connected action that BLM must consider. We refer this commenter to the draft FONSI for a detailed discussion regarding the context and intensity of the proposed action. Should the parcels be sold and leases issued, and development proposed, completion operations will be considered at that time. Further, under current law and regulation, the State of Wyoming requires and regulates hydraulic fracturing (HF) under Wyoming Oil and Gas Regulation, Ch. 3, Section 45 (September 2010): "Approval must be sought to acidize, cleanout, flush, fracture, or stimulate a well. The sundry notice must include depth to perforations or the openhole interval, the source of water and/or trade name of fluids, type of proppants, as well as estimated pump pressures."</p> |
| 106 | <p><u>WildEarth Guardians, Center for Biological Diversity and Western Watersheds:</u></p> | <p>All told, the BLM has leased or is proposing to lease approximately 1,512 parcels or 1,470,158.796 acres of publicly-owned land in the states listed above in 2017 and 2018. The BLM cannot ignore the impacts from these similar, cumulative federal lease sales. A similar gap occurs with regard to future oil and gas projects. Although the BLM has in the past included a map of the lease parcels near certain projects, the BLM fails to do so here. The BLM also fails to quantify GHG emissions from these projects in conjunction with the lease or otherwise assess the significance of these actions. The BLM cannot insinuate that emissions are insignificant in the context of state and regional emissions, but then fail to disclose the direct, indirect, and cumulative greenhouse gases that would result from all other "similar" and "cumulative" actions within the state and region. Clearly, this failure is in violation of the NEPA's requirement to analyze cumulative and similar impacts with common timing and geography.</p> | <p>These documents have adequately considered cumulative impacts. Further calculating emissions from leasing actions in other states would not add or detract from the information already disclosed by the BLM in this competitive lease sale EA. We refer WEG to page 4-9 of the subject EA which provides expected impacts in the Mountain West and Great Plains region as identified by the United States Environmental Protection Agency Region 8 through the Intergovernmental Panel on Climate Change, the US Global Change Research Program, the National Center for Atmospheric Research, the Rocky Mountain Climate Organization and the National Oceanic Atmospheric Administration. The subject EA also discloses information from the Rapid Ecological Assessment for the WY Basin that includes portions of Idaho, Montana, Utah and Colorado (EA, page 4-9). Finally, the EA at page 4-10 has disclosed relevant projections of CO2 and CH4 from the US fossil fuel industry as a whole. The purpose of NEPA is to ensure informed decision-making and to not amass needless detail or engage in speculative analysis. The leasing actions occurring in nearby states are no more foreseeable than the leasing actions contemplated by this EA nor are they connected actions that BLM must contemplate in this EA. See There is no guarantee that parcels will be sold, issued, or developed. BLM WY cannot speculate that the proposed leasing actions in other states are reasonably foreseeable. The only concrete action is that leases may be offered for certain parcels of land under this lease sale EA. And if offered, leases will only be issued if a qualified bidder is successful and complies with regulations regarding payments, and accepts the terms of the lease. Consideration of speculative leasing actions in other states, or their potentially associated GHGs, is beyond the scope of this document. Refer to <i>Powder River Basin Resource Council</i>, 180 IBLA 119, 135 (2010): "NEPA does not require BLM to hypothesize as to potential environmental impacts that are too speculative for a meaningful determination of material significance or reasonable foreseeability. Such an "analysis" would not serve NEPA's goal of providing high quality information for informed decisionmaking [footnotes and internal citations omitted]." See also, <i>Southern Utah</i></p> |

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| | | | <p><i>Wilderness Alliance</i>, 159 IBLA 220, 221 (decided June 16, 2003): "The Board may affirm BLM's conclusion that the possible cumulative impact of a future action need not be considered significant when the reasonably foreseeable future action is speculative." As for acknowledging parcels offered at other sales in WY, the Rocky Mountain ROD for the Greater Sage Grouse Planning effort contemplated leasing, developing, and producing available lands in WY, UT, CO, and MT subject to the terms of the plans, including stipulations. All of the subject sales are within the recently completed WY RMP EIS' that were authorized under the umbrella of the Rocky Mountain ROD. By asking BLM to take into account the emissions from these other sales, we are also being asked to determine significance on a cumulatively wide geographic basis. The sum of these comments are ultimately asking us to withdraw all parcels from sale. This would result in an unrealistic alternative for this lease sale EA and would not support the purpose and need for the action that arises from both FLPMA and the Mineral Leasing Act. See <i>Hells Canyon Alliance v. U.S. Forest Serv.</i>, 227 F.3d 1170, 1181 (9th Cir. 2000) (noting an agency did not violate NEPA by excluding an alternative that "would [**25] have been unrealistic in light of the statutorily mandated objectives" "of striking an appropriate balance between recreational and ecological values"). The BLM has identified appropriate mitigation for air quality, and indirectly for climate change, should the parcels be sold, issued and developed. These measures will be applied consistent with our regulatory authority at the time of application. Any future applications will have to comply with all federal and state laws, rules and regulations.</p> |
| 107 | <p><u>WildEarth Guardians Center for Biological Diversity and Western Watersheds:</u></p> | <p>In sum, the social cost of carbon provides a useful, valid, and meaningful tool for assessing the climate consequences of the proposed leasing, and the BLM's complete failure to include it while touting the economic benefits of the lease sale is arbitrary and capricious.</p> | <p>The BLM has repeatedly addressed this comment that does not appear to be substantially different to comments received on oil and gas leasing EA's since August 2015, as well as protests of oil and gas leasing decisions. Our response remains the same as our WEG protest response provided in December, 2017. This response is provided below. WEG has provided no new information that warrants a different response.</p> <p>As BLM has previously determined, the act of leasing land for oil and gas development in itself does not emit any carbon or greenhouse gasses because it is an administrative action. It is BLM's determination that calculating the Social Cost of Carbon (SCC) from CO2 emissions arising from the assumed 100 percent combustion of an unknown quantity of produced oil and gas would be highly speculative and is not required by NEPA. Further, NEPA does not require a benefit-cost analysis, although CEQ NEPA regulations allow agencies to use it in NEPA analyses in certain circumstances (40 CFR. §1502.23). The BLM's socioeconomic impact analysis acknowledges the monies received from leasing the parcels but because of the speculative nature of development and future production, does not attempt to quantify costs and benefits associated with accessing the fluid mineral estate, possible production and/or potential combustion of fluid minerals from the lease parcel. In contrast, SCC provides one element of a full benefit-cost analysis: the monetization of all meaningful economic benefits and costs. Monetizing only certain effects on social welfare can lead to an unbalanced assessment and reporting the SCC in isolation could be misleading. We refer WEG to the Social and Economic analysis prepared for the GSG ARMPA (Appendix H of the Final EIS) for detailed information regarding social and economic impacts of developing mineral resources, including those from the expected reasonably foreseeable development of the fluid mineral estate. This socioeconomic impact analysis includes a qualitative analysis of certain non-market values such as the benefits individuals attribute to experiences of the environment or uses of natural and cultural resources that do not involve market transactions and therefore, lack prices, per BLM IM No. 2013-11, Guidance on Estimating Nonmarket Environmental Values (May 31, 2013), in addition to those tangible factors that can be quantitatively analyzed. Regional economic impact analyses describe effects that agency activities may have on economic conditions and local economic activity, generally expressed as projected changes in employment, labor income, and economic output (Watson, Wilson, Thilmany, and Winter 2007).</p> <p>The process for regional economic impact analysis is to first identify the direct impacts of an economic activity affected by management decisions. For instance, direct impacts include expenditures made by the coal company for mining and coal production. Primary impacts also include the value of the coal that is produced and sold. Next, where primary impacts can be quantified, they can generally also be run through an economic model to estimate the total economic activity that is generated as the primary impact ripples through the economy, as the directly affected industries purchase goods and services that are necessary inputs to production,</p> |

and as labor income generated from production is spent by the households that receive the income. Consequently, the increased economic activity, discussed in terms of revenue, employment, labor income, total value added, and output are simply the economic impacts associated with the Proposed Action. People, based upon their views and values, may perceive this increased economic activity as a 'positive' impact that they desire to have occur; however, that is very distinct from being an "economic benefit" as defined in economic theory and methodology. Additionally, another person may perceive increased economic activity as a 'negative' impact due to potential in-migration of new people, competition for jobs, and concerns that newcomers will change the sense of community and community qualities that are important to herself/himself. Therefore, it is critical to distinguish that how people may perceive an economic impact is not the same as, nor should be interpreted as a cost or a benefit as defined in a cost-benefit analysis. In the subject EA, the BLM acknowledges that anthropogenic greenhouse gas emissions are contributing to climate change. The BLM presents a qualitative discussion of the environmental effects of climate change. The BLM has used estimated GHG emissions associated with the planning RFDs as a reasonable proxy for the effects of climate change in this NEPA analysis. The BLM has placed those emissions in the context of relevant state and fossil fuel industry emissions. The climate change analysis recognizes that there are adverse environmental impacts associated with the development and use of oil and gas and discusses potential impacts qualitatively. The analysis contained in the tiered-to RMPs appropriately weighs the merits and the drawbacks of the alternatives based on the fluid mineral reasonably foreseeable development scenario. These comments are asking the BLM to characterize GHG emissions in a way that includes estimating the monetized damages associated with an incremental increase in emissions of carbon dioxide, using the SCC. It includes (but is not limited to) changes in net agricultural productivity, human health, property damages from increased flood risk, and the value of ecosystem services due to climate change. A SCC protocol for GHG emissions was developed by an Interagency Working Group (IWG) to assist agencies in meeting Executive Order (EO) 12866, which requires Federal agencies to assess the cost and the benefits of intended regulations as part of their regulatory impact analyses (RIAs). However, a recent Executive Order (EO) entitled, "Promoting Energy Independence and Economic Growth," issued March 28, 2017, (before this analysis was conducted) directed that the IWG be disbanded and that technical documents issued by the IWG be withdrawn as no longer representative of governmental policy (Section 5 of the EO). The BLM has determined that it is not necessary to quantify the SCC using the IWG protocol to quantify the impacts of GHG emissions, because those impacts have been qualitatively addressed in the subject EA; quantitative emissions have been provided for both direct and indirect sources.

The BLM has qualitatively discussed potential climate change trends at several scales including regionally, statewide, and nationally and provided GHG emission estimates. This approach presents the data and information in a manner that follows many of the guidelines for effective climate change communication developed by the National Academy of Sciences (National Research Council 2010) by making the information more readily understood and relatable to the decision-maker and the general public. In Section 3 .2.1.3 of the EA, anticipated climate trends for North America indicate increases in average temperature with information for the Wyoming Basin showing continued increases in warming through 2060. Additionally, climate trends for the project area are discussed such as increased evaporation and drought frequencies as well and the likely warming of lakes and rivers. The BLM further explains that such climate changes may reduce seasonal water supplies for livestock and impact forage availability on BLM-administered land. In Section 4.2.2.2 of the EA, the BLM discusses how potential development of fossil fuels could contribute to overall greenhouse gas emissions thus contributing to climate change trends. The BLM also specifically discusses that greenhouse gas emissions from the proposed action, if the parcels are sold and development authorized and successful, would potentially affect climate change through feedback loops likely affecting local and regional weather patterns by processes which would increase temperatures, that could then affect the amount of water vapor in the atmosphere, the timing and amount of precipitation, the intensity of storm systems, snow melt, and soil moisture. All of these factors can affect climate, day-to-day weather conditions, and resulting air quality in the region. The climate trends discussed in the EA provide a narrative in a scale that is more relevant to the decision-maker and the general public since it provides more detailed specifics on potential implications to their everyday life. This does not discount the quantified greenhouse gas emissions nor the qualitative discussions of global and regional level impacts associated with

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| | | | <p>specific emission projections, but together the climate trends and project impacts provide a meaningful and engaging way to connect the reader to more relevant impacts that then allow them to make the connections to the regional and global impacts. This approach effectively informs the decision-maker and the public of future climate effects at a variety of scales, whereas the SCC metric would only provide the impact at the global scale of a singular greenhouse gas. WEG has provided no information as to how presenting GHG emissions in a singularly monetary fashion without accounting for the cost from not developing these minerals in the context of FLPMA's mandate to provide for the nation's energy needs, provides information BLM has not already considered in disclosing the expected impacts from climate change and GHGs resulting from the offering of parcels for sale.</p> |
| 108 | <p><u>WildEarth Guardians, Center for Biological Diversity and Western Watersheds:</u></p> | <p>The MLA and FOOGLRA do not in any way restrict the factors that BLM may consider when exercising its considerable discretion under § 226(a). Therefore, even if the BLM bases its decision entirely on the public's overwhelming opposition to oil and gas development in this area, it has the authority to do so. Indeed, it would be irresponsible for BLM to propose these lease parcels for sale without first performing the necessary due diligence and environmental review to determine, on a site-specific basis, whether these lands should be conserved as is. Based on this expansive authority and discretion, as well as the reasons outlined above, we implore BLM to reconsider its decision to lease the December 2018 parcels.</p> | <p>Thank you for your comment; no response necessary.</p> |
| 109 | <p><u>The Wilderness Society, Wyoming Outdoor Council, Wyoming Wilderness Association, and the National Audubon Society:</u></p> | <p>BLM is still not considering several reasonable middle-ground alternatives. For example, the EA fails to evaluate an alternative that would defer leasing in PHMA and/or GHMA for sage-grouse, despite a legal obligation to do so under the Approved RMP Amendments (September 2015) (ARMPA) and associated policy guidance. See Wyoming BLM ARMPA at 24, Management Objective No. 14 ("Priority will be given to leasing and development of fluid mineral resources, including geothermal, outside of PHMAs and GHMAs."); <i>see also</i> Record of Decision (ROD) and Approved RMP Amendments for the Rocky Mountain Region at 1-25 ("the ARMPs . . . prioritize oil and gas leasing and development outside of identified PHMAs and GHMAs. . . . This objective is intended to guide development to lower conflict areas and as such protect important habitat. . . ."). The BLM has also failed to fully consider deferring parcels in LWCs and big game migration corridors.</p> | <p>BLM has adequately considered the resources contained within the proposed lease sale parcels, and the potential for significant impacts not already analyzed in underlying NEPA documents. As a result of this review, BLM has appropriately identified alternatives for analysis including the No Action, the Lease all parcels alternative, and the proposed action which includes multiple deferrals for conflicts involving both big game migration and the VRM amendment in Rawlins. Please see our response to comments for 2, 14, 15, 16, 33, 37, 38 and 43.</p> |

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| 110 | <p><u>The Wilderness Society, Wyoming Outdoor Council, Wyoming Wilderness Association, and the National Audubon Society:</u></p> | <p>Similarly, BLM should have considered an alternative that deferred leasing in crucial winter range. New and significant peer reviewed science from Wyoming, discussed in detail below, suggests the adverse impacts to ungulates from oil and gas leasing are more far reaching and longer term than BLM's scant NEPA analysis presumes. BLM should have evaluated an alternative that defers leasing in this habitat, at least until the best available science can be incorporated into NEPA review. Finally, the BLM should have considered an alternative that deferred the leasing of parcels within the RSFO in order to preserve decision space for the upcoming RMP revision. Because BLM has not evaluated these or any other "middle-ground" alternatives, it has violated NEPA.</p> | <p>Please see response to comments 34 and 38</p> |
| 111 | <p><u>The Wilderness Society, Wyoming Outdoor Council, Wyoming Wilderness Association, and the National Audubon Society:</u></p> | <p>BLM is in fact proposing to make an irretrievable commitment of resources" by offering leases without reserving the right to prevent all future development; the site-specific impacts are "reasonably foreseeable" and should be analyzed in this EA, rather than waiting until a leaseholder submits an application for permit to drill (APD). Unfortunately, the EA takes exactly the wrong approach and does not adequately evaluate impacts. The EA claims that leasing is merely an administrative action and entails no environmental impacts or consequences. EA at 1-3, 3-11, and 4-1. Yet, BLM expressly defers a site-specific analysis on key resource values, including wildlife, recreation, visual resources, and useable water resources. The BLM fails to consider reasonably foreseeable impacts in this EA despite acknowledging a responsibility to do so. See EA at 1-3 (citing <i>New Mexico ex rel. Richardson v. BLM</i>). This approach violates NEPA, and BLM must take the site-specific impacts of leasing into account at this stage.</p> | <p>The EA has tiered to the underlying RMPs and has provided analysis commensurate with the level of foreseeability. This comment has not specified what potential impacts exist that BLM has not considered based on the information at hand. This comment also has not provided any new information for BLM to consider.</p> |
| 112 | <p><u>The Wilderness Society, Wyoming Outdoor Council, Wyoming Wilderness Association, and the National Audubon Society:</u></p> | <p>The environmental effects of reasonably foreseeable future actions analyzed in the 2015 ARMPA were premised on the implementation of the conservation measures contained in the plan amendments, including, importantly, prioritizing oil and gas leasing and development outside of PHMAs and GHMAs, implementing the net conservation gain requirement, requiring compensatory mitigation, requiring effective noise controls in GHMA as well as PHMA, mineral withdrawals in sagebrush focal areas, compliance with required design features, etc. For the analysis of impacts to be accurate, it must examine the direct, indirect and cumulative effects of habitat-disturbing actions in sage-grouse habitat without the implementation of those conservation measures, which have recently been abandoned by BLM or may be abandoned in the near future. See, e.g., Instruction Memorandum (IM) 2018-093 (eliminating the compensatory mitigation requirement). See also EA at 4-17 (mentioning the sage-grouse land use plan amendments BLM has initiated that may eliminate protections in the 2015 plans). BLM's EA does not consider these reasonably foreseeable impacts.</p> | <p>BLM is implementing its RODs as required. If a new decision is issued, the BLM will ensure that decisions conform at that time.</p> |

The Wilderness Society, Wyoming Outdoor Council, Wyoming Wilderness Association, and the National Audubon Society:

BLMs NEPA analysis must consider the cumulative impact of all the recent and currently-planned oil and gas auctions in which BLM has offered hundreds of leases affecting sage grouse habitat protected under the RMPs. These sales include, but are not limited to:

1. The first, second, and third quarter 2018 lease sales in Wyoming,
2. The first, second, third, and fourth quarter 2018 leases sales in Montana, and
3. Recently proposed lease sales in Utah, Colorado, and Nevada.

These lease sales have proposed to sell hundreds of parcels and hundreds of thousands of acres in sage-grouse habitats. Yet none of these sales are considered in the EA, which violates the obligation to consider cumulative impacts.

In addition, the cumulative impacts from the following oil and gas projects have not been considered in the EA:

- Continental Divide-Creston Oil and Gas Project (8,950 new wells proposed),
- Normally Pressured Lance Oil and Gas Project (3,500 new wells proposed),
- Converse County Oil and Gas Project (5,000 new wells proposed),
- Moneta Divide Natural Gas and Oil Development Project (4,250 new wells proposed), and
- Greater Crossbow Oil and Gas Project (1,500 new wells proposed).

Please see comment response 31 and 106.

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| 114 | <p><u>The Wilderness Society, Wyoming Outdoor Council, Wyoming Wilderness Association, and the National Audubon Society:</u></p> | <p>The EAs underestimate impacts to groundwater resources by incorrectly assuming that useable water sources will be protected.</p> | <p>The 4th Quarter 2018 Competitive Oil and Gas Lease Sale is not a regulatory action, but rather an administrative action. There are no direct impacts to usable waters from this leasing action. Indirect effects from leasing may occur to water if development were to occur but it is not reasonably foreseeable at this stage to the specificity that is requested by the commenter. At the time of a site-specific application, such as an APD, surface and subsurface water resources, including special status species, will be identified, evaluated, and conditions of approval to mitigate adverse impacts to the water related resources may be imposed at that time. Parcels offered for sale are subject to the stipulations shown in Attachment 1, which includes the protection of perennial surface waters, riparian-wetland areas, playas, water, disturbance within 500 feet perennial surface water, and protection of riparian habitat supporting special status fish species. Further protections are implemented through Lease Stipulation No. 2, laws and regulation. See <i>Powder River Basin Resource Council</i>, 180 IBLA 32 (2010), which addressed a similar claim. In that case, appellants challenged BLM's approval of a coal bed natural gas plan of development for Federal oil and gas leases in Wyoming. Appellants alleged, among other things, that BLM violated NEPA's hard look requirement because its analysis did not adequately consider impacts to water quality. Appellants criticized BLM for concluding that impacts were likely to be insignificant "because they will occur pursuant to a State permit," and that "issuance of a permit cannot serve as the functional equivalent of [*137] NEPA analysis" IBLA affirmed the BLM in this case finding that: "[i]t is appropriate for BLM to consider impacts that are likely to occur by assuming that the proposed action will be in compliance with applicable Federal, State, and local permitting requirements." IBLA further stated that "BLM need not evaluate the potential environmental consequences resulting from noncompliance with Federal and State permitting requirements or assume that violations of Federal and State standard[s] will inevitably occur." This necessarily includes the requirements of Onshore Order #2 and the requirements of the State of Wyoming. BLM has acknowledged in Attachment 5.6 that one of the pathways to impact groundwater is through inadequate casing and cement.</p> |
| 115 | <p><u>The Wilderness Society, Wyoming Outdoor Council, Wyoming Wilderness Association, and the National Audubon Society:</u></p> | <p>Here, the leasing EA is not consistent with provisions of the Rocky Mountain ROD and Wyoming BLM ARMPA, which require the "prioritization" of oil and gas leasing outside of PHMAs and GHMAs.</p> | <p>Please see comment responses 26 and 28.</p> |
| 116 | <p><u>The Wilderness Society, Wyoming Outdoor Council, Wyoming Wilderness Association, and the National Audubon Society:</u></p> | <p>BLM's EA fails to consider impacts to winter concentration areas, and as such is inconsistent with the Governor's executive order on Greater Sage-Grouse Core Area Protection. EO 2015-4 (2015). The EA makes no mention whatsoever of the additional "habitat protection measures" to be "considered and evaluated... in all identified winter concentration areas," nor of any consultation between BLM and WGFD regarding winter concentration areas as required by the ARMPA. As such, BLM should defer all leases in Greater sage-grouse winter concentration areas until potential adverse impacts have been adequately evaluated, consultation with WGFD occurs, and appropriate habitat protection measures are designed in collaboration with WGFD.</p> | <p>BLM has coordinated with the WGFD during preparation of this lease sale EA. Specific individuals are listed in section 5.6 of the EA. Offering the subject parcels is in conformance with the underlying RMP's; this comment has provided no new information that BLM hasn't already considered. Should the parcel be sold and a lease issued, and development proposed, additional environmental analysis, review and coordination will occur at that time.</p> |

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| 117 | <u>The Wilderness Society, Wyoming Outdoor Council, Wyoming Wilderness Association, and the National Audubon Society;</u> | <p>Thus, any action by BLM that seeks to prioritize oil and gas leasing and development as the dominant use of public lands would violate FLPMA. BLM must therefore consider a reasonable range of alternatives for this lease sale that considers and balances the multiple uses of our public lands, consistent with NEPA and FLPMA.</p> | <p>FLPMA requires that public lands be managed under the principles of multiple use, in accordance with land use plans developed under Section 202 of the Act. Mineral resources are among a variety of potentially competing resource values incorporated by Congress under the term “multiple use.” With respect to oil, gas and CBM resources, FLPMA also requires that “the public lands be managed in a manner which recognizes the nation’s need for domestic sources of minerals. The RMP is the basic planning tool which governs decision-making on public lands. Under FLPMA, the RMP serves as a regional land use plan to define broad, long-term, multiple- use objectives and resource uses for the public lands. The RMP inventories resources within geographic management areas and determines whether areas are open or closed to certain land uses. To the extent that the commenter disagrees with the decisions of the underlying RMPs, those cannot be addressed here and the time for administrative appeal has expired.</p> |
| 118 | <u>The Wilderness Society, Wyoming Outdoor Council, Wyoming Wilderness Association, and the National Audubon Society;</u> | <p>We ask that all lease parcels currently offered in the RSFO be deferred. New data and public input is being weighed in connection with evaluating current leasing decisions in that field office through the plan revision and until it is complete, leasing now will be disruptive to the landscapes, will apply outdated stipulations, be out of touch with current scientific information and community attitudes, and will undermine the decision space of the field office manager. While the BLM plans to defer leasing 72 parcels in the RSFO, EA at 2-1 to -2, dozens of additional parcels would remain eligible for leasing. It appears that over 150 parcels would still be offered in the RSFO. EA at Section 5.1 (Lease Sale Parcel List). This will only create problems for the RMP revision in the RSFO, and this should be avoided by deferring the sale of these parcels at this time.</p> | <p>The RSFO has reviewed the parcels for conflicts with the ongoing RMP revision and has found no conflicts with offering the subject parcels for lease; the parcels being offered are in conformance with the underlying RMP ROD.</p> |
| 119 | <u>The Wilderness Society, Wyoming Outdoor Council, Wyoming Wilderness Association, and the National Audubon Society;</u> | <p>The EA identifies 54 parcels (87-95, 105-113, 232-235, 245-247, 287, 288, 309, 310, 312, 313, 315-318, 320, 321, 326-331, 650, 679 and 686) as possessing Lands with Wilderness Characteristics (LWCs). EA at page 17. We identified three additional parcels that overlap BLM identified LWCs: parcels 79, 85, and 118. (Please reference table one and the BLM’s LWC inventories for these areas - attached as Exhibit 2). Parcels 79 and 85 are located in the Rawlins Field Office and are within the Rock Springs BLM identified LWC unit. Parcel 118 is located in the Rawlins Field Office and the Rock Springs Field Office and is with in the North Crow Creek BLM identified LWC unit. We request that the BLM update this information in the Final EA. The BLM must fully evaluate the impacts of leasing on LWCs in the EA. Simply listing the LWC units that overlap with the proposed lease parcels, as the BLM has done in the EA, does not constitute environmental impact analysis under NEPA.</p> | <p>Please see our response to comment 157. The BLM has adequately considered offering the subject lands for lease and has disclosed in the EA that a consequence of offering these lands is that the characteristics which define wilderness on the subject lands could be temporarily lost if the parcels were to be sold, leases issued, and development authorized. Additional review and identification of mitigation will be made at the site-specific stage. If significant impacts are identified at that point, additional analysis and/or mitigation would be undertaken, or the proponent can withdraw their proposal.</p> |
| 120 | <u>The Wilderness Society, Wyoming Outdoor Council, Wyoming Wilderness Association, and the National</u> | <p>Additionally, there are 47 parcels that fall within the Citizens Wilderness Proposal (CWP). Please see maps 1 and 2, and the CWP that conflicts with the parcels outlined in table 2 - attached as Exhibits 3 and 4. We request that the BLM defer or delete these parcels until the BLM adequately analyzes the impacts to the Wilderness resource.</p> | <p>Please see response to comment 122.</p> |

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| | <u>Audubon Society:</u> | | |
| 121 | <u>The Wilderness Society, Wyoming Outdoor Council, Wyoming Wilderness Association, and the National Audubon Society:</u> | We request that the BLM also defer lease parcels 87-95, 106-113, and 118, because the VRM RMP amendments has not yet been finalized. | Please see response to comment 76. |
| 122 | <u>The Wilderness Society, Wyoming Outdoor Council, Wyoming Wilderness Association, and the National Audubon Society:</u> | Parcel 118 is also located within the Monument Valley management area and overlaps the Rawlins and the Rock Springs Field Office. The Rock Springs Field Office does not have management direction for the LWCs. The field office is undergoing a management revision process that will decide their future management. | The BLM continues to comply with Section 201(a) of FLPMA, and periodically updates its inventory of public lands. Regardless of whether or not the citizen-identified LWCs are determined by the BLM to contain wilderness characteristics, the approved RMP does not prioritize protection of the wilderness characteristics over other multiple uses (outside of WSAs). As Section 201(a) of FLPMA also explains, “[t]he preparation and maintenance of such inventory or the identification of such areas shall not, of itself, change or prevent change of the management or use of public lands.” The approved Green River RMP does not prioritize protection of wilderness characteristics (outside of WSAs) over other multiple uses (see RMP at pages 23-24). Offering the lands intersecting LWCs is in conformance with the approved RMP. As BLM Washington Office IM 2018-034 states: “[i]t is BLM policy that existing land use plan decisions remain in effect until an amendment or revision is complete or approved. Therefore, the BLM will not routinely defer leasing when waiting for an RMP amendment or revision to be signed. Rather, when making leasing decisions, the BLM will exercise its discretion consistent with existing RMPs...” Offering the subject lands has been reviewed for conflicts with management actions being considered in the RMP revision; no conflicts were found and the field office recommended offering the subject lands. |
| 123 | <u>The Wilderness Society, Wyoming Outdoor Council, Wyoming Wilderness Association, and the National Audubon Society:</u> | The LWCs inventories are new information that should be considered during this lease sale and incorporated in the next plan. We request that the BLM defer leasing in LWCs in the RSFO until completion of the RMP. | Please see comment response 122. |

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| 124 | <u>The Wilderness Society, Wyoming Outdoor Council, Wyoming Wilderness Association, and the National Audubon Society;</u> | <p>The RFO has 29 parcels, whole or in part, containing approximately 38,893 acres, located within the Adobe Town Dispersed Recreation Use Area (DRUA) (79, 85, 86-95, 105-111, 115- 118, 124-127, 638 and 640). EA at page 18. However, the EA does not mention the impacts that leasing will have on the DRUA, nor does the EA mention the stipulation for leasing in this area. We ask that the BLM defer leasing in the DRUA until adequately analyses of this resource occurs.</p> | <p>Development within the DRUA was analyzed in the Rawlins RMP that considered impacts from the projected RFD. The table starting on page 5-27 identifies which parcels in the High Desert District are subject to a CSU for the DRUA.</p> |
| 125 | <u>The Wilderness Society, Wyoming Outdoor Council, Wyoming Wilderness Association, and the National Audubon Society;</u> | <p>In fact, BLM suggests, with no analysis or supporting documentation, that there will be no impacts from the lease sale beyond those discussed in the underlying RMPs, because many existing federal leases eventually expire. However, the underlying RMPs offer no analysis of impacts to migration corridors, because they were issued before those corridors were identified, and afford no protection to migration corridors. If the BLM intends to rely on analyses in the underlying RMPs to protect big game, it must at the very least cite and summarize the analyses it allegedly relies upon, yet the EA is silent on this issue. Furthermore, the EA skirts the issue of impacts to crucial winter range entirely, saying only that "between the Third Quarter and 4th Quarter sales, the vast majority of the mule deer corridor remains unleased and closed to oil and gas development." <i>Id.</i> at 4-22. If BLM intends to rely on RMP analyses of impacts to crucial winter range, it has not said so in the EA. Even if BLM intends to rely on underlying RMPs, those documents are considerably outdated and fail to incorporate a decade of substantial research on impacts to big game from oil and gas development, discussed in detail below.</p> | <p>BLM has disclosed in the EA that the analysis is tiered to the underlying RMPs. This comment has not raised any new issues, or provided new information for the BLM to consider. We refer the commenter to our response to comment 38.</p> |
| 126 | <u>The Wilderness Society, Wyoming Outdoor Council, Wyoming Wilderness Association, and the National Audubon Society;</u> | <p>BLM has also failed to identify effective mitigation measures. Mitigation measures must be developed in light of a thorough analysis of potential impacts. Thorough analysis of potential impacts to migration corridors and crucial winter range is particularly important because the mitigation measures historically relied upon by BLM to "protect" big game have been proven ineffective. A recent, peer reviewed, BLM-funded study of mule deer in the Pinedale area demonstrated that despite the application of on-site mitigation required by BLM, population effects to the herd were "considerable" and "not fully offset through mitigation or best management practices." The information presented in the mule deer study is not disclosed in the EA, nor is the fact that the study specifically questions the validity of NEPA documents that suggest adverse impacts to big game are temporary.</p> | <p>The Pinedale Mule Deer Study examined the impacts of full field development. The BLM is not analyzing full field development in this EA. If the lease is sold and issued, and development proposed, additional environmental review will take place in consideration of conditions in existence at the time those projects are proposed.</p> |

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| 127 | <p><u>The Wilderness Society, Wyoming Outdoor Council, Wyoming Wilderness Association, and the National Audubon Society:</u></p> | <p>With no analysis of these new and significant scientific findings, BLM has proposed including a "Lease Notice for Big Game Migration Corridor" for parcels within the Sublette Migration Corridor. The proposed notice is wholly inadequate and cedes agency authority to manage the corridor appropriately. A lease notice does not carry the legal weight of a lease stipulation, nor does it alter the terms or conditions of the BLM's standard oil and gas lease. Moreover, the Notice is only attached to parcels that overlap the corridor by 90% or more, but the EA offers no scientific basis for this 90% figure. BLM must analyze the best science on impacts to ungulates from oil and gas leasing, rather than relying upon a non-binding lease notice predicated on outdated science. To preserve the functionality of migration corridor and avoid a double standard, BLM must withdraw the parcels within corridors from the pending lease sale, at least until science-based <i>stipulations</i> have been designed and included in lease terms.</p> | <p>See response to comment 33, 37 and 38 and 181.</p> |
| 128 | <p><u>The Wilderness Society, Wyoming Outdoor Council, Wyoming Wilderness Association, and the National Audubon Society:</u></p> | <p>Appropriate stipulations would give BLM leeway to prohibit operations on the lease if necessary to prevent damaging impacts to the corridor. Options include a No Surface Occupancy (NSO) stipulation or controlled surface use (CSU) stipulation that permits BLM to deny operations if site-specific environmental analysis suggests unacceptable impacts. A mere lease notice strips BLM of that authority. Science-based stipulations are particularly crucial because the standard wildlife stipulations contained in WY BLM's RMPs for oil and gas leases do not address big game migration corridors. Unless and until effective stipulations are developed, leasing within the corridor should not be permitted. Additionally, BLM's lack of attention to impacts on migration corridors and crucial winter range fails to comply with Secretarial Order 3362. Sec. Ord. No. 3362 (February 9, 2018). The Order also prioritizes close cooperation with States and emphasizes the importance of big game to local economies. <i>Id.</i> at 2. Nonetheless, BLM has failed to consider local concerns regarding big game habitat.</p> | <p>See response to comment 33, 37 and 38. The BLM continues to comply with SO3362 and is participating in all discussions regarding the directives outlined. This comment hasn't provided any specific information that BLM has not already considered.</p> |
| 129 | <p><u>The Wilderness Society, Wyoming Outdoor Council, Wyoming Wilderness Association, and the National Audubon Society:</u></p> | <p>The Migration Assessment contains detailed information about the RD2H migration corridor and current science on ungulate migrations. The BLM's failure to consider the assessment defeats its fundamental purpose: "By identifying potential risks to migrating deer, the assessment provides a roadmap for agencies, non-governmental organizations, landowners, industry, and other stakeholders to improve management and conservation efforts directed at the Red Desert to Hoback migration. Unfortunately, instead of following the "roadmap" to improve management and conservation efforts, the BLM simply plowed ahead with incomplete information and a firm reluctance to consider any option other than to lease in the RD2H corridor. Even more concerning, new data indicate that interference with</p> | <p>BLM disagrees with the commenters' assertion that BLM is rushing in to leasing. See response to comments 16, 37, and 38.</p> |

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| | | migration corridors can have intergenerational impacts on ungulates. | |
| 130 | <u>The Wilderness Society, Wyoming Outdoor Council, Wyoming Wilderness Association, and the National Audubon Society:</u> | For the same reasons, BLM should also defer all leases in the Atlantic Rim corridor near Baggs, which is pending designation by WGFD. BLM's preferred alternative proposes leasing 21,758 acres in the Atlantic Rim corridor. We discussed the relevance and application of these policies to BLM's oil and gas leasing decisions in a recent letter to Wyoming BLM State Director Mary Jo Rugwell (April 13, 2018) (attached as Exhibit 6). Our letter to Director Rugwell included a <i>Statement of Reasons in Support of Deferral of Lease Parcels</i> offered in the upcoming December 2018 Wyoming BLM oil and gas lease sale. The arguments made in our April 13th letter in support of a deferral of leases within the Sublette mule deer migration corridor are directly relevant to the December 2018 lease sale, and are therefore incorporated by reference herein as if fully set forth below. For the reasons set forth above, and in the April 13th statement of reasons provided to Director Rugwell, we request that BLM defer all parcels offered at the December 2018 lease sale that overlap the Sublette (RD2H) and Atlantic Rim mule deer migration corridors and all parcels that intersect crucial winter range for big game. | See response to comments 15, 16, 37 and 38. |
| 131 | <u>The Wilderness Society, Wyoming Outdoor Council, Wyoming Wilderness Association, and the National Audubon Society:</u> | The EA briefly mentions the risk to trails and their viewsheds, stating that "development within the viewshed of contributing segments of NHTs could impact the trail setting; however, the extent of potential impacts cannot be determined absent a site-specific proposal for operations." EA at 4-18. The EA also notes that parcels are subject to Special Lease Notice No. 2, which addresses National Historic Trails. <i>Id.</i> However, for the same reasons discussed above in relation to migration corridors, a lease notice is insufficient to protect these resources. Lease notices are unenforceable and are not effective substitutes for binding stipulations based on a thorough evaluation of the best available science. | The commenter overlooks the fact that the trail parcels also include NSO's and CSU's for protection of the actual trail and its viewshed. There is also standard lease stipulation #2 that is attached to every parcel. BLM must comply with NHPA and regulations contained in 43 CFR 800 before authorizing any and all actions which could adversely affect eligible historic resources. |
| 132 | <u>The Wilderness Society, Wyoming Outdoor Council, Wyoming Wilderness Association, and the National Audubon Society:</u> | As part of the Rock Springs RMP revision, we ask that the BLM defer leasing parcels 668, 669, 670, 671, 672, 673, 677, 678, 679, and 680 until the plan can ensure consistent management for these important resources and establish management that will protect the integrity of the ruts and their historic settings. Importantly, leasing these parcels on these sections of the National Conservation Lands system means the BLM is not in accordance with Manual 6280—Management of National Scenic and Historic Trails. This Manual, published in 2012, directs the agency to consider alternatives in land-use plans that would consider closing areas to mineral development on the trails, or restricting surface occupancy. The existing Green River RMP and the Jack Morrow Hills CAP were published before Manual 6280. It will not be until the Rock Springs RMP revision that the agency will be able to implement Manual 6280 and consider how to restrict mineral development and protect | Please see comment responses 118 and 122. There is no policy, manual citation, or regulation found under Manual 6280, BLM Handbook H-1601-1, or FLPMA that states BLM will hold the assessment of leasing parcels for oil and gas due to a Resource Management Plan revision process. Moreover, there is no direction that supersedes the current Land Use Planning decision for trails analysis while a revised planning process is occurring. The Approved Resource Management Plan for the Green River Resource Area and Jack Morrow Hills are the current decisions in place. These plans have established guidelines for Historic Trails and do consider trail resources/ high potential sites with a CSU and no surface occupancy. To further support trail resource decisions visual resource management classification assist with protecting high potential sites related to trail resources. Under Appendix 5 of the Approved Resource Management Plan for Jack Morrow Hills and the Approved Resource Management Plan for Green River page 4 & 21, historic trail resources have been considered. Under the Rock Springs Resource Management Plan revision process all BLM manuals and handbook are considered and used in association with law, regulation and policy. |

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| | | <p>the trails. The EA does not reference guidance to Manual 6280 and the existing land-use plan does not either. To ensure the BLM is making the most current decisions about how to manage the National Historic Trails corridor—as part of the National Conservation Lands—it should defer leasing parcels in this corridor in the Rock Springs Field Office. Additionally, the affected environment and impacts analysis of the EA should be updated to acknowledge the most recent agency guidance for managing the National Historic Trails and National Conservation Lands.</p> | |
| 133 | <u>Andrew Sirois</u> | <p>Please remove parcels 218, 220, 263, 304, 656, 661, 662, and 667 from this action. Due to the delicate migratory condition of mule deer, this land is imperative to successful movements across the state, and fragmenting it will cause the mule deer populations to wander through communities, roads, and highways along their migration path. Please consider removing parcels 140 and 650-652 from this action due to ongoing wilderness studies in the area, which are at risk of tainted results. This would cost the state of Wyoming hundreds of thousands of dollars and limit our ability to properly assess antelope and elk habitats which is essential for hunting regulation.</p> | <p>Please see response to comments 15, 16, 37 and 38.</p> |
| 134 | <u>Liz Howell</u> | <p>>Please do not offer to lease parcels # 118, 638, and 640 for oil and gas drilling. Ive camped out there in that incredible country. I cannot imagine industrial development in such an amazing wilderness landscape. The Skull Rim is a geologic phenomena and getting lost in its maze is an unforgettable experience. The BLM must continue to manage these areas for their wilderness values. The BLM is not adequately analyzing the impacts of leasing to the recreation, wilderness, wildlife, geologic values Its such a fragile ecosystem, with prehistoric fossils and rare archaeological remains.</p> | <p>Please see response to comment 44.</p> |
| 135 | <u>Ronald Dutton</u> | <p>Please remove all leases in Wyomings Red Desert from the Q4 lease sales. These lands are too important to wildlife in my state to risk disturbing them, displacing them, or distroying them. Oil and Gas leases should be kept away from these areas.</p> | <p>Thank you for your comment. Offering the subject lands is in conformance with the underlying RMP(s). This comment has not provided any information that BLM hasn't already considered.</p> |
| 136 | <u>Multiple Private Individuals</u> | <p>I am writing to urge you to delete these parcels from the pending sale of Leases. In the Big Sandy Foothills: 668-73, 677-80 - sage grouse core habitat, critical migratory corridor, elk and antelope winter range. 309, 310, 312, 313, 315-18, 320, 321, 326-31, 686 - vital bird habitat for owls, raptors, mountain plover. In the Northern Red Desert: 140, 650-652 - proximity to Wilderness Study Areas. In the Southern Red Desert: 87-95, 105-113, 118, 638, 640 - proximity to Adobe Town WSA. Mule Deer Migratory Corridor: 218, 220, 263, 304, 656, 661, 662, 667 - Critical corridor stretching from Rock Springs to Upper Hoback. Thank you for your consideration in perserving these important parcels for the survival of local wildlife, and for the future</p> | <p>Thank you for your comment. Offering the subject lands is in conformance with the underlying RMP(s). This comment has not provided any information that BLM hasn't already considered. Please see response to comments 2, 14, 15, 16, 33, 38, 42, 43, 44, 75, and 76.</p> |

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| | | enjoyment of undisturbed wilderness by generations of Wyomingites to come. | |
| 137 | <u>Multiple Private Individuals</u> | I have recently reviewed the Fourth Quarter Lease Sale in the areas surrounding the Skull Rim and Adobe Town Wilderness Study Areas. I am extremely disappointed that these parcels are being considered for leasing. I am writing this comment to request that you defer parcels 87-95, 106-113, 118, 638, and 640. A great deal of effort has gone into protecting the Skull Rim and Adobe Town areas. This has included work by nonprofits based in Wyoming, national non-profits, and citizens of local towns. These groups have helped the BLM identify Lands with Wilderness Characteristics in the immediate vicinity. These leases would be in those LWCs. Therefore, approval of these leases will mean not only the denuding of the land in Adobe Town, but the disregard for the effort and concern of all of those people who have worked over the years for Adobe Town. People care about Adobe Town because it is truly one of the most unique places in the world. In Wyoming it is one of the few places where absolute silence can still be found, and where one can look from horizon to horizon and not see a single sign of civilization. Adobe Town is a singularly unique place. It could easily become a National Park. Oil and natural gas are abundant in Wyoming, why destroy something unique and timeless to obtain something general and temporary? The lines between WSA and LWC are, on the ground, somewhat arbitrary. If these parcels are developed then the solitude and wildlife of Adobe town will be greatly disturbed. The sagegrouse, deer, pronghorn, and elk of Wyoming need the space Adobe Town affords. | Please see response to comment 44. |
| 138 | <u>Esther Wagner: Petroleum Association of Wyoming</u> | With regard to WGFD's request to defer part of Parcel 220, while we certainly respect the unique nature of the Sublette Mule Deer Migration Corridor and surrounding area, BLM needs to respect that the area containing the lease parcel was analyzed and determined in the Rock Springs Resource Management Plan (RMP) as being available for oil and gas leasing. BLM must take into consideration that the two parts of the 2,238.3 acre area that WGFD has requested be deferred are subject to significant constraints identified in the Rock Springs RMP, which include Sage-Grouse Priority Habitat Management Area (PHMA), Controlled Surface Use, No Surface Occupancy, and Timing Limitation stipulations. | Thank you for your comments. |
| 139 | | Further, with regard to Parcels 41, 42, 44, 47, 48 and 63, these parcels are also subject to constraints identified in the Rawlins RMP, which include Controlled Surface Use, No Surface Occupancy, and Timing Limitation stipulations. As such, there are significant stipulations in place to protect the resource values while allowing for responsible oil and gas exploration and development. Also, as you know a BLM onsite inspection is required as part of the application for permit to drill (APD) process so resource specialists can identify | Thank you for your comments. |

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| | | <p>concerns that can be mitigated through conditions of approval or operator committed measures which are then part of the approved APD. When the stipulations are evaluated in combination with the APD approval process and the current oil and gas technology, such as horizontal drilling and the corresponding ability to drill long-reach laterals (1 to 2 miles) and multi-well pads, we do not believe the leases should be deferred.</p> | |
| 140 | | <p>Additionally, PAW takes serious issue with the request by the WGFD that Parcels 41, 42, 44, 47, 48 and 63 be deferred because they are located within the "Baggs Mule Deer Migration Corridor". It is of significant importance that this corridor has not yet been formally designated through the process that was developed as outlined in the WGFD Ungulate Migration Corridor Strategy. PAW maintains the process that is in place needs to be honored and, as such, the request to defer these parcels based on them being located in a migration corridor that has not been formally designated is preemptive and concerning.</p> | <p>Thank you for your comments. The Baggs Mule Deer Corridor was formally designated by the State of Wyoming on October 1, 2018. In recognition of the special role the State of Wyoming enjoys in managing wildlife populations throughout Wyoming, including on BLM-administered public lands (e.g., Sections 202(c)(9) and 302(b) of FLPMA), the BLM has closely coordinated with the State of Wyoming during review of the sale parcels and adopted all of their deferral requests.</p> |
| 141 | | <p>By choosing not to make Parcels 41, 42, 44, 47, 48, 63 and part of 220 available for lease, BLM is denying economic benefits to state and county governments, as well as the people of Wyoming. The socioeconomic importance of these parcels together with the stipulations in place to protect wildlife support the need for the BLM to make them available for lease.</p> | <p>In recognition of the special role the State of Wyoming enjoys in managing wildlife populations throughout Wyoming, including on BLM-administered public lands (e.g., Sections 202(c)(9) and 302(b) of FLPMA), the BLM has closely coordinated with the State of Wyoming during review of the sale parcels and adopted all of their deferral requests. Through analysis of the No Action alternative, impacts to socioeconomics have been acknowledged.</p> |
| 142 | <p><u>Ms. Grace E. Neff</u></p> | <p>Why must everything be done for the money? What good is money if you lose your health from the polluting of our air, land and water? Our diverse animal and insect populations are the ones that keep this planet livable something all the money in the world cannot do.</p> | <p>Thank you for your comment. Offering the subject parcels is in conformance with the underlying RMP Environmental Impact Statement Record of Decision(s). The BLM coordinated the proposed parcels with the State of Wyoming.</p> |
| 143 | <p><u>Ms. Elizabeth Ann Tucker-Graham</u></p> | <p>Please do not sell or lease any of this land for any reason to anyone. Leave it for the wild life that call this land home. The human animal has taken up enough space that the wild life need to survive. They are the eco system that nature has in place. This planet will not survive if the wild life does not survive. We must make sure they have places to call home without interference from farmers, grazing herds, hunters, oil drilling, mining etc. There must be wild places that are left alone to survive in their natural state. No killing or cruel trapping of wild horses, ground hogs, bears, wolves, coyotes, antelopes, deer an any other wildlife. This harmes the land and the natural order of nature! Please consider all of the life necessary to keep the blalance of nature in play before making a decision on these places! Thank you</p> | <p>Thank you for your comment. Offering the subject parcels is in conformance with the underlying RMP Environmental Impact Statement Record of Decision(s). The BLM coordinated the proposed parcels with the State of Wyoming.</p> |

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| 144 | <u>Mr. Keith Collins</u> | Please go ahead with your lease sale. The radical environmentalists want to stop it, of course, because they'd like to make wilderness out of ALL of our public lands someday. Oil and gas development does not permanently impair the land. You have the backing of most members of the public. Ignore the squeaky wheels - squeaking is their religion. | Thank you for your comment. Offering the subject parcels is in conformance with the underlying RMP Environmental Impact Statement Record of Decision(s). The BLM coordinated the proposed parcels with the State of Wyoming. |
| 145 | <u>Mr. Ralph Garrett</u> | This is my land, and you dont have the right to degrade it for corporate profits. Please remove parcels 326-331, 661-662, 686, 320-321, 309-310, 105-113, 87-95, 140-218,263, 312-313,304,315-318,638, 640, 650-652, 656, 667-673, and 677-680. Thank you. | Thank you for your comment. Offering the subject parcels is in conformance with the underlying RMP Environmental Impact Statement Record of Decision(s). The BLM coordinated the proposed parcels with the State of Wyoming. |
| 146 | <u>Wyoming Wilderness Association</u> | [R]ecommend that the leases located on Skull Rim and on the southern, eastern, and western boundaries of the WSA will not be offered in future sales. Skull Rim is the access point for visitors to the heart of Adobe Town. Development of these leases will impact the suitability of Adobe Town for wilderness designation and harm the backcountry recreation experience, cultural resources, and sensitive desert species like mountain plovers, burrowing owls, raptors, sage grouse, pygmy rabbits, and amphibian/reptile species. I request that the BLM not offer the lease parcels identified on the table and map below in the delayed February special lease sale. | Thank you for your comment. Offering the subject parcels is in conformance with the underlying RMP Environmental Impact Statement Record of Decision(s), including the recently completed RMP amendment for Visual Resource Management (VRM) in the Rawlins Field Office. |
| 147 | | If these leases cannot be deferred, the BLM should do its best to maintain the ecological integrity of this landscape by applying all the stipulations for the resources that will be significantly impacted by oil and gas development surrounding Adobe Town. While there are stipulations applied to some leases, there are stipulations missing from adjacent leases that have the same habitat and ecological type. These stipulations could be applied to all of the parcels. I request the BLM apply the lease stipulations outlined in Table 1 to each of the parcels surrounding Adobe Town. | The BLM has re-reviewed the stipulations for these parcels as a result of this comment. No changes are necessary. |
| 148 | | I am pleased that all the leases offered around Adobe Town have the CSU to protect the Adobe Town Dispersed Recreation Use Area. The stipulation states that surface occupancy will be restricted or prohibited unless the operator and agency can arrive at a plan to mitigate impacts. I am pleased to see this stipulation, however; what type of plan does this entail? Can the operator truly prevent the backcountry experience of the landscape from being harmed? | The level of mitigation necessary will be determined at the time a development proposal is received, should the parcels be offered, sold, and a lease issued. A CSU stipulation has been added to parcels 25, 27, 28, 33-39, 87-95, 106-113, and 118 requiring that all future development conform to the VRM standards set by the Rawlins RMP VRM amendment. |

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| 149 | <p><u>National Wildlife Federation</u></p> | <p>While in this lease sale BLM is proposing to defer the sale of 79 whole and 27 partial parcels, EA at 2-1, it is still proposing to sell the vast majority of the 674 parcels considered, with 584 parcels being offered for sale. EA at 2-1. BLM is still not considering several reasonable middle-ground alternatives. For example, the EA fails to evaluate an alternative that would defer leasing in PHMA and/or GHMA for sage-grouse, despite a legal obligation to do so under the Approved RMP Amendments (September 2015) (ARMPA) and associated policy guidance.</p> <p>The BLM has also failed to fully consider deferring parcels in LWCs and big game migration corridors. Because BLM has not evaluated these or any other "middle-ground" alternatives, it has violated NEPA. Similarly, BLM should have considered an alternative that deferred leasing in crucial winter range.</p> <p>New and significant peer reviewed science from Wyoming, discussed in detail below, suggests the adverse impacts to ungulates from oil and gas leasing are more far reaching and longer term than BLM's scant NEPA analysis presumes. BLM should have evaluated an alternative that defers leasing in this habitat, at least until the best available science can be incorporated into NEPA review.</p> <p>Finally, the BLM should have considered an alternative that deferred the leasing of parcels within the RSFO in order to preserve decision space for the upcoming RMP revision.</p> | <p>Not offering any combination of parcels either in GHMA or PHMA is within the range of alternatives analyzed. A similar argument was subject to disposition by the Interior Board of Land Appeals (IBLA) in <i>Biodiversity Conservation Alliance</i>, 183 IBLA 97. In 183 IBLA 97, Audubon specifically argued that the BLM should have considered a "sage-grouse conservation alternative," which would have deferred leasing all of the parcels that encompassed public lands in Core Areas. Citing, as an example, <i>Biodiversity Conservation Alliance</i>, 171 IBLA at 238, IBLA found that "BLM clearly considered the alternative advanced by Audubon in the course of considering the no action alternative ... Subsumed under the no action alternative was not leasing all of the parcels within Core Areas ... or the multitude of combination so f these parcels. BLM is not required to devise a multitude of alternatives that specifically involve not leasing different groupings of the various parcels proposed for leasing."</p> <p>As for the commenter's contention that BLM should have analyzed an alternative deferring parcels in LWC's, it has not provided any reason why. There is no new information that BLM has not considered, nor is BLM awaiting any further action before offering the subject lands.</p> <p>For the comments related to big game, please comments 15, 16, 33, 37, 38, 43, and 128; and for comments regarding the RS RMP, please see comment response 52, 118, 122, and 180.</p> |
| 150 | | <p>Under NEPA, BLM must evaluate the "reasonably foreseeable" site-specific impacts of oil and gas leasing, prior to making an "irretrievable commitment of resources." Here, BLM is in fact proposing to make an "irretrievable commitment of resources" by offering leases without reserving the right to prevent all future development; the site-specific impacts are "reasonably foreseeable" and should be analyzed in this EA, rather than waiting until a leaseholder submits an application for permit to drill (APD). Unfortunately, the EA takes exactly the wrong approach and does not adequately evaluate impacts. Yet, BLM expressly defers a site-specific analysis on key resource values, including wildlife, recreation, visual resources, and useable water resources. This approach violates NEPA, and BLM must take the site-specific impacts of leasing into account at this stage. For the analysis of impacts to be accurate, it must examine the direct, indirect and cumulative effects of habitat-disturbing actions in sage-grouse habitat without the implementation of those conservation measures, which have recently been abandoned by BLM or may be abandoned in the near future. See, e.g., Instruction Memorandum (IM) 2018-093 (eliminating the compensatory mitigation requirement). See also EA at 4-17 (mentioning the sage-grouse land use plan</p> | <p>BLM is not proposing any amendment to the existing oil and gas lease stipulation for GSG in the ARMPA. The commenter has not identified any site specific impacts that the BLM has not considered.</p> |

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| | | <p>amendments BLM has initiated that may eliminate protections in the 2015 plans). BLM's EA does not consider these reasonably foreseeable impacts.</p> | |
| 151 | | <p>BLM must analyze and disclose the cumulative impacts of this wave of leasing and oil and gas projects on the Greater sage-grouse and its habitat. BLM (in the Rocky Mountain Region Record of Decision and the Wyoming "Nine Plan" Amendments and Revisions) and numerous authorities, have recognized the importance of addressing sage-grouse conservation on a comprehensive range-wide basis, and accounting for connectivity between state and regional populations and habitats, habitat fragmentation, and other impacts. Under NEPA, BLM cannot lease hundreds of parcels covering many thousands of acres in Montana, Wyoming and other states without considering the cumulative and trans-boundary impacts to the greater sage-grouse and other resources. It also cannot ignore the cumulative impacts of 23,000 new oil and gas wells that are proposed to be drilled in Wyoming.</p> <p>Moreover, the cumulative (as well as direct and indirect) impacts from issuing these leases and permitting these wells may result in significant impacts to the environment. It is not plausible for BLM to assert that leasing 790,462 acres (over 1700 square miles), in addition to BLM's numerous other recent and planned large lease sales, will not have any significant impact. Thousands of new oil and gas wells will also have significant impacts. Properly analyzing those impacts will require a full environmental impact statement (EIS), not just an EA. Issuing a finding of no significant impact (FONSI) for this lease sale would be arbitrary and capricious and violate NEPA.</p> <p>BLM claims "[c]umulative impacts are addressed in the underlying RMP FEIS." EA at 4-22. But the RMPs did not consider the impacts of these specific leases—no leasing was even proposed in these areas when the RMPs were developed. The RMPs only considered leasing in a general sense, not at a site or lease-specific level. The EA claims relative to both sage-grouse and big game crucial winter range cumulative impacts that "[i]mpacts (direct and/or indirect) beyond those analyzed in the underlying RMP FEIS' and the ARMPA FEIS, are not expected due to the continual expiration of existing federal leases whether because they lack production in paying quantities or are never explored." Id. But even if this is true at some level, this contention ignores the millions of acres of new leases that BLM is proposing to issue, and the potential for impacts from those leases.</p> | <p>BLM considered the cumulative impacts of making the subject lands available for lease and development across the range of the Greater Sage-grouse. The BLM does not need to repeat this analysis in this lease sale EA. The subject comment raises issues that continue to show a level of disagreement rather than showing that the BLM has failed to consider something of material significance, that the decision is premised on a clear error of law or demonstrable error of fact. The EA by tiering to the underlying EIS' and by incorporation of the WGFD 2016-2017 JCR has recognized the current status of GSG populations, and also recognized our regulatory provisions that are meant to provide an adequate level of habitat protection. The commenter fails to recognize that the BLM retains significant authority to modify and move operations at the APD stage, and also to require additional mitigation identified as a result of the NEPA process. Until a proposal is received, the BLM cannot determine what future, site-specific impacts could result, or whether they would be significant; nor whether a proposal will meet technical drilling requirements. Because leases are valid for 10 years, potential impacts today could also be very different and by necessity need to take into account the conditions that exist at the time lease development is proposed, should it ever occur. The intensity and context of lease development will be evaluated at the time an APD is submitted.</p> |

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| 152 | | <p>The EA has a limited discussion of impacts to groundwater resources. It claims “[t]he act of offering, selling, and issuing federal oil and gas leases does not produce impacts to water resources” with any impacts only occurring at the drilling stage. EA at 4-13. Impacts to groundwater from hydraulic fracturing are said to be “not likely.” Id. “Authorization of the proposed projects would require full compliance with local, state, and federal directives and stipulations that relate to surface and groundwater protection and the BLM would deny any APD who proposed [sic] drilling and/or completion process was deemed to not be protective of usable water zones as required by 43 CFR 3162.5-2(d).” Id.</p> <p>Unfortunately, the reality is that useable water zones are typically not protected. Ignoring evidence of widespread noncompliance with BLM’s standards for protecting underground sources of drinking water would violate NEPA. To make an informed decision on whether to lease these lands BLM needs to know whether doing so will put underground sources of drinking water at risk, and what additional stipulations or other steps are needed to prevent such contamination. BLM cannot simply defer this issue until the application for permit to drill (APD) stage and assume that all laws will be met. The record provides substantial evidence of widespread noncompliance, which BLM cannot ignore if it is to make an informed decision.</p> | <p>The commenter continues to raise issues that show a level of disagreement rather than showing that the BLM has failed to consider something of material significance, that the decision is premised on a clear error of law or demonstrable error of fact. The EA has recognized the claims of resultant groundwater impacts and also recognized our regulatory provisions that are meant to protect usable groundwater. The protestor’s arguments fails to recognize that the BLM retains significant authority to modify and move operations at the APD stage, and also to require additional mitigation identified as a result of the NEPA process. Until a proposal is received, the BLM cannot determine what future, site-specific impacts could result, or whether they would be significant; nor whether a proposal will meet technical drilling requirements. Because leases are valid for 10 years, potential impacts today could also be very different and by necessity need to take into account the conditions that exist at the time lease development is proposed, should it ever occur. The intensity and context of lease development will be evaluated at the time an APD is submitted.</p> |
| 153 | | <p>[T]he leasing EA is not consistent with provisions of the Rocky Mountain ROD and Wyoming BLM ARMPA, which require the “prioritization” of oil and gas leasing outside of PHMAs and GHMAs. To the extent IM 2018-026 can be read as purporting to remove any requirement to limit leasing in sage-grouse habitat management areas, and the requirement to prioritize leasing outside those areas, it is inconsistent with the Rocky Mountain ROD and the ARMPA.</p> | <p>The Rocky Mountain ROD at pg 1-40, specifically directed the BLM to prepare Instruction Memoranda (IM) to guide how the BLM would implement specific provisions of the ROD: “Instructional Memoranda- Additional instruction and management direction will be necessary to implement certain land allocation decisions and management direction included in the ARMPAs and ARMPs. For example, additional guidance will be provided to clarify how the BLM will implement the objective of prioritizing future oil and gas leasing and development outside of GRSG habitat. IMs and related guidance will be completed by the BLM Washington Office. The BLM shall complete IMs for the following management direction and intends to complete these IMs within 90 days of the RODs: oil and gas leasing and development prioritization and livestock grazing.” These Instructions included both Washington Office IM 2016-143 and then Washington Office IM 2018-026. While IM’s do not rise to the level of statute or regulation, in this specific case the Authorized Officer (AO) decided that issuing an IM to guide interpretation of the prioritization is appropriate and made it part of his ARMPA ROD decision. The commenter has not shown how the BLM has not complied with the provisions of the ARMPA ROD, as interpreted by policy.</p> |
| 154 | | <p>Appropriately, BLM has acknowledged that some parcels (310, 315, 316, 317, 326-329, and 331) are within winter concentration areas and has attached a TLS to those leases. EA at 3-24. However, the EA does not include an analysis of reasonably foreseeable impacts to this important habitat and the sage-grouse that rely upon it. BLM’s analysis of the proposed action alternative says only that “Parcels offered in PHMAs, GHMAs, Connectivity areas, and/or Winter Concentration Areas will be offered subject to appropriate Greater sage-grouse stipulations” in accordance with the BLM Wyoming ARMPA. In failing to analyze potential impacts to sage-grouse from leasing in Winter Concentration Areas, the BLM ignores the Governor’s EO and the agency’s own management decision. The EA makes no</p> | <p>If the parcel is sold, and a lease issued, additional habitat measures will be considered at the time a lease development proposal is received, in coordination with WGFD. The BLM coordinated with the WGFD in preparing this lease sale EA and received comments from them on the parcels being offered. Offering parcels in WCAs were not raised as an issue by them. Reasonably foreseeable impacts were analyzed under the ARMPA EIS.</p> |

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| | | <p>mention whatsoever of the additional "habitat protection measures" to be "considered and evaluated... in all identified winter concentration areas," nor of any consultation between BLM and WGFD regarding winter concentration areas as required by the ARMPA. As such, BLM should defer all leases in Greater sage-grouse winter concentration areas until potential adverse impacts have been adequately evaluated, consultation with WGFD occurs, and appropriate habitat protection measures are designed in collaboration with WGFD.</p> | |
| 155 | | <p>The mere fact an RMP makes lands available for leasing does not mean that actually leasing the lands meets BLMs' multiple use obligations. Given BLM's acknowledged discretion to engage in leasing, or not leasing, under the Mineral Leasing Act, it is clear the leasing stage, as much as the planning stage, is when multiple use decisions should be made. Since land use plan decisions only set a basic framework for land management, and do not make project specific decisions, it is clear the leasing stage is when decisions should be made about whether issuing a lease parcel would meet BLM's multiple use responsibilities, and this must be reflected in the NEPA analysis at the leasing stage, which has not occurred here.</p> | <p>Thank you for your comment.</p> |
| 156 | | <p>We ask that all lease parcels currently offered in the RSFO be deferred. New data and public input is being weighed in connection with evaluating current leasing decisions in that field office through the plan revision and until it is complete, leasing now will be disruptive to the landscapes, will apply outdated stipulations, be out of touch with current scientific information and community attitudes, and will undermine the decision space of the field office manager. While the BLM plans to defer leasing 72 parcels in the RSFO, EA at 2-1 to -2, dozens of additional parcels would remain eligible for leasing. It appears that over 150 parcels would still be offered in the RSFO. EA at Section 5.1 (Lease Sale Parcel List). This will only create problems for the RMP revision in the RSFO, and this should be avoided by deferring the sale of these parcels at this time.</p> | <p>See response to comment 52, 118 and 122.</p> |
| 157 | | <p>The EA identifies 54 parcels (87-95, 105-113, 232-235, 245-247, 287, 288, 309, 310, 312, 313, 315-318, 320, 321, 326-331, 650, 679 and 686) as possessing Lands with Wilderness Characteristics (LWCs). EA at page 17. We identified three additional parcels that overlap BLM identified LWCs: parcels 79, 85, and 118. Parcels 79 and 85 are located in the Rawlins Field Office and are within the Rock Springs BLM identified LWC unit. Parcel 118 is located in the Rawlins Field Office and the Rock Springs Field Office and is with in the North Crow Creek BLM identified LWC unit. We request that the BLM update this information in the Final EA.</p> | <p>BLM has reviewed the subject parcels.</p> <p>Parcel 79 overlaps the Rotten Springs LWC. It was incorrectly identified as not containing lands with wilderness characteristics on page 5-67. This information has been corrected at page 5-67 and 3-4.</p> <p>Parcel 85 also overlaps the Rotten Springs LWC. It was correctly identified as containing lands with wilderness characteristics on page 5-67 but was not listed on page 3-4. The EA at page 3-4 has been corrected.</p> <p>Parcel 118 overlaps the North Cow Creek LWC. It was incorrectly identified as not containing lands with wilderness characteristics. This information has been corrected at page 5-70 and 3-4.</p> |

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| 158 | | <p>The EA does not analyze the impacts to Wilderness resources. Of the parcels not deferred in the EA, there are 37 parcels that overlap BLM identified LWCs. (See table 1.) Nowhere in the EA does the BLM analyze the impacts to these LWCs. Additionally, there are 47 parcels that fall within the Citizens Wilderness Proposal (CWP). We request that the BLM defer or delete these parcels until the BLM adequately analyzes the impacts to the Wilderness resource.</p> | <p>We refer the commenter to section 4.2.1, 4.2.10, and 4.2.11 for a discussion of impacts to wilderness characteristics, recreational values, and visual resources.</p> |
| 159 | | <p>Several parcels in the Rawlins Field Office and one parcel in the Rock Springs Field Office conflict with decisions pending the completion of plan amendments. These parcels lie on the boundary of the Adobe Town WSA: 87-95, 106-113, and 118. All of these lease parcels occur in LWCs, and the ongoing Rawlins VRM targeted RMP Amendment is seeking to address LWCs management at this time. We request that BLM also defer lease parcels 87-95, 106, 113, and 118, because the VRM RMP amendments has not yet been finalized. Parcel 118 is also located within the Monument Valley management area and overlaps the Rawlins and the Rock Springs Field Office. The Rock Springs Field Office does not have management direction for the LWCs. The field office is undergoing a management revision process that will decide their future management. We respectfully ask that the BLM not take away the opportunity for the public to decide how these lands should be managed in the next plan. The Green River RMP is over 20 years old and does not contain management direction for LWCs. The LWCs inventories are new information that should be considered during this lease sale and incorporated in the next plan. We request that the BLM defer leasing in LWCs in the RSFO until completion of the RMP.</p> | <p>Please see our response to comments 52, 75, 76, 118 and 122.</p> |
| 160 | <p><u>Dr. Christopher Heckscher</u></p> | <p>Please stop considering oil and gas leases in critical wildlife migration corridors in SW Wyoming. Thanks.</p> | <p>Thank you for your comment.</p> |
| 161 | <p><u>Tisha R Stevens</u></p> | <p>I think we owe it to our Wyoming wildlife to defer the offering of oil and gas leases until the study has been completed.</p> | <p>Thank you for your comment.</p> |
| 162 | <p><u>Stine Richvoldsen</u></p> | <p>Please, hold off on offering leases in the Red Desert to Hoback Migration Corridor until the Rock Springs Resource Management Plan is finished. Its almost done, and needs to be taken into consideration when deciding on an issue with such long term impacts.</p> | <p>Thank you for your comment.</p> |
| 163 | <p><u>Mr. Thomas Chambers</u></p> | <p>i wold like you t consider defering (sic) allowing any oil and/or gas leases located within the Hoback Desert Migreation (sic) Corridor until all scientific analysis have been completed as per Secretary Zinkes comments concerning this issue have been resolved. this area is of prime importance to a multituied of wildlife (sic) and should be treated as an important part of the regional ecosystem. Thank you</p> | <p>Thank you for your comment. Please see response to comments 15, 16, 33, 37, 38, 43, and 128.</p> |

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| 164 | <u>Eric M Johnson</u> | Our wildlife migration corridors are too important. Please defer the oil and gas leases until the resource plan is finished. | Thank you for your comment. |
| 165 | <u>Adoph Prater</u> | <p>You are offering oil and gas leases on the southern tip of the red desert. I would like these leases deferred until the completion of the Rock Springs Resource Management Plan. The current plan was written before GIS identified the mule deer migration. The new plan is being re-written and is expected out next summer. This plan would include up-to-date science, the Wyoming Game and Fish Department's current Mule Deer Initiative, and new Secretarial Orders from the Department of Interior.</p> <p>Please cease the oil and gas leases until we have time to see how exactly it will effect the wild life in the area.</p> | Thank you for your comment. Please see response to comments 15, 16, 33, 37, 38, 43, and 128. |
| 166 | <u>Mr. Brian B Underdahl</u> | Wyoming has enough natural resources, please keep Wyoming wild. As a sportsman and a Wyomingite I have watched communities grow and wildlife habbitate deplinish... when will we stop when there is nothing left? | Thank you for your comment. |
| 167 | <u>John G Haeberle</u> | I am writing to express my desire to see leases in the southern Red Desert deferred until the completion of the Rock Springs Resource Management Plan. The current plan was written before GIS identified the migration. Currently, the new plan is being re-written with a final expected out next summer. This plan would include up-to-date science, the Wyoming Game and Fish Departments current Mule Deer Initiative, and new Secretarial Orders from the Department of Interior. I am hopeful that balance between energy production and protection of critical wildlife habitat can coexist. | Thank you for your comment. |
| 168 | <u>Scott Long</u> | Please defer oil and gas leases in migration corridors. | Thank you for your comment. |
| 169 | <u>Toby Grohne</u> | <p>I am writing to defend our critical big game habitat and migration corridors. Wildlife managers have known definitely (sic) for years how critical these buffer areas and travel corridors are to the success of our wildlife. Any suggestion that oil and gas will take "appropriate measures"; to minimize impacts in these drilling leases are patent lies. I personally spend hundreds of days each year exploring and hunting these wild spaces, and have gone out of my way to investigate areas adjacent to these drilling fields. The drilling fields create areas that are all but dead, pounded by heavy equipment and trucks. I have taken the time to fly over these areas around Pinedale and the Wind River range, and the level of destruction in these areas is almost beyond belief. They virtually create massive dirt parking areas surrounding any of these rigs, stripping and compacting soils for generations.</p> <p>I hope that some of those with the power to influence these decisions will decide to value these irreplaceable (sic) wild places over a little more money in their back</p> | Thank you for your comment. |

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| | | <p>pockets. I would challenge each of them to have this conversation with their own children. Dont hide these decisions behind the mask. Challenge yourselves to sit with your own children and tell them that you choose to destroy their wild places for your personal financial gain. Go take that private flight over one of these areas and judge for yourself. The decision really that simple: money for a few or wild spaces for all.</p> | |
| 170 | <p><u>Karla Bird</u></p> | <p>It is important that any leasing decisions involving the newly defined mule deer and pronghorn migration corridors be based on a revised land use plan that incorporates consideration of the importance of these migration areas. Defer leasing decisions until the Rock Springs RMP is revised to include the information on the migration corridors. The existing RMP is insufficient to provide an informed basis for leasing decisions.</p> <p>Thank you for using e-Planning. It is very helpful for those of us who want to comment on BLM plans and decisions.</p> | <p>Thank you for your comment. Please see comment responses 15, 16, 33, 37, 38, and 43.</p> |
| 171 | <p><u>Lisa McGee: Wyoming Outdoor Council</u></p> | <p>Please find attached a letter from Wyoming citizens and groups: Protecting big game migration corridors and crucial winter range habitats is not a threat to oil and gas companies, which already have thousands of permits to drill and large amounts of acreage to develop across the state. Therefore, we ask the Bureau of Land Management to defer all oil and gas leases in its fourth quarter sale that overlap migration corridors and crucial winter range until permanent science-based and legally-enforceable stipulations are developed. In the fourth quarter lease sale, only 7.9 percent of the acreage up for lease overlaps corridors and/or winter range. The BLM has the ability to defer these leases in whole, or even to partially defer these leases by removing from the sale only the portions of parcels that overlap these critical habitat types. In September, parcels overlapping the corridor sold at very low prices — between \$2 and \$9 per acre. Wyoming earned only a little more than \$50,000 on these parcels. This price does not come close to justifying the potential permanent loss of big game herds that represent significant economic and cultural value for Wyoming. Deer hunting in Sublette County alone brings in more than \$4 million in revenue annually. It is clear that protecting this vital corridor is a much higher value.</p> | <p>Thank you for your comment. The underlying RMP EIS' evaluated socioeconomics and impacts from offering and developing oi land gas resources in these particular areas. The analysis also considered contributions from recreation and the potential impacts to recreation, including hunting opportunities.</p> |
| 172 | <p><u>Michael Saul: Western Watersheds Project, the Center for Biological Diversity, the Sierra Club, Upper Green River Network, and Waterkeeper Alliance</u></p> | <p>The BLM must consider significant new information about greater sage-grouse in its lease sale NEPA analysis: Moreover, Gibson et al. states that removal of ravens or use of perch deterrents on power lines has not been consistently demonstrated to solve the problem, and instead recommended reducing "the number of elevated structures placed within 10 km of critical greater sage-grouse habitat." Gibson et al. at 1. In other words, power lines that are closer than 10 km to important greater sage-grouse habitat should be buried, not constructed overhead. The new information presented in Gibson et al. is significant, with obvious relevance to BLM's management decisions about this lease sale. The lease</p> | <p>In accordance with the ARMPA, new electric distribution lines will be buried where technically and economically feasible (ARMPA, pg 61). We further point the commenter to MD LR3 as it relates to new transmission lines that are greater than 115kV on pages 60 and 61 and transmission lines less than 115kV on page 61. The ARMPA has adequately considered the impacts from powerlines and appropriately conditioned their use within PHMAs. BLM at the lease sale stage cannot predict where powerlines will be necessary because the type and level of development is unknown.</p> |

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| | | <p>stipulations that BLM has proposed for this sale do not provide this necessary protection. Therefore, BLM must analyze the impacts to greater sage-grouse of allowing overhead power lines within 10 km of important grouse habitat. Because studies of power line location have concluded that power line placement is not random but influenced by local topography, geography and avoidance of human populations (Vajjhala and Fischbeck 2007, Bagli et al. 2011), it is not too early to consider how power lines would intersect with grouse habitat. BLM can make some reasonable assumptions about where power lines would most likely go (e.g., flatter geography, away from human residences and communities).</p> | |
| 173 | | <p>BLM's NEPA analysis for this lease sale should also consider the implications of Harju et al.'s 2018 study of raven predation on greater sage-grouse in eastern Sweetwater County, Wyoming. When sage-grouse nests fail, predation is overwhelmingly the reason, and ravens account for 47 to 59% of sage-grouse nest predations.</p> | <p>The ARMPA considered the impacts from raven predation in its GSG EIS analysis (FEIS 2-69) and committed to "support other agencies in their efforts to minimize impacts from predators and would implement strategies and techniques in land management decisions that address predators shown to pose a threat to sage grouse (Appendix N), and the BLM will support and encourage other agencies in their efforts to minimize impacts from predators on sage-grouse where needs have been documented" (ARMPA page 37). The USFWS also considered the impacts from predation by ravens.</p> |
| 174 | | <p>BLM must consider and should adopt an alternative to exclude all greater sage-grouse habitat that is offered in this lease sale. Short of that, BLM should defer the all greater sage-grouse habitat offered in this lease sale until such time BLM has fully corrected the NEPA analysis deficiencies identified in this letter and our previous comments on the December 2018 lease sale, which are incorporated by reference.</p> | <p>BLM already considered an alternative in the ARMPA EIS that would close all PHMA habitats to oil and gas. The BLM does not need to repeat this analysis; further, not offering those lands is embedded in the lease sale EA's No Action alternative.</p> |
| 175 | | <p>The BLM must consider significant new information about mule deer migration in its lease sale NEPA analysis:</p> | <p>BLM has updated the EA at pages 3-26 thru 3-31 to acknowledge that the State of Wyoming has now designated the Baggs Mule Deer Corridor.</p> |
| 176 | | <p>BLM has further failed to offer any substantive response to the extensive comments of these and other parties addressing the agency's failure to analyze impacts to sage-grouse, mule deer, pronghorn, water quality, and other issues. As discussed in the Center for Biological Diversity et al. September 12, 2018, comments, BLM continues to refuse to utilize available WGFD data to update obsolete information cited in the 2015 ARMPA FEISs. ...the 2016-2017 Sage-grouse Job Completion Report provides current sage-grouse population data and is readily available. BLM can also obtain detailed lek counts and other sage-grouse population data from Wyoming Game and Fish Department, more quickly and in greater detail than the public can, yet this information is missing from the lease sale EA.</p> | <p>BLM provided an extended comment period to comply with the District of Idaho's Order on Preliminary Injunction. BLM maintained the status quo on the EA as it related to the 578 parcels located in Greater Sage-grouse habitats in order to answer all comments received at the same time. The commenter overlooks the fact that the EA already cites the 2016-17 Sage Grouse JCR, see specifically the EA at pages 3-24 and 3-25.</p> |
| 177 | <p>Dan Heilig: Wyoming Outdoor Council</p> | <p>BLM must recognize and disclose impacts to newly designated migration corridors: Since the publication of the EA, the WGFD has designated two new mule deer migration corridors: the Platte Valley and Baggs corridors. The EA must be revised to: 1) analyze the direct, indirect and cumulative impacts of oil and gas leasing in these designated corridors, and 2) consider alternatives to leasing in these</p> | <p>BLM has updated the EA at pages 3-26 thru 3-31 to acknowledge that the State of Wyoming has now designated the Baggs Mule Deer Corridor. There are no parcels nominated or proposed to be offered in the Platte Valley Mule Deer Corridor. BLM continues to coordinate and cooperate with the Wyoming Game and Fish Department and the State of Wyoming, as it relates to their Ungulate Conservation Strategy.</p> |

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| | | <p>corridors, such as deferring leasing, or leasing with NSO stipulations or other protective measures. The EA should evaluate deferring leasing in each of the "top five" high priority corridors discussed in the Wyoming Action Plan pending the consideration of alternative management options in RMP amendments and revisions, such as the Rock Springs RMP revision now underway.</p> | |
| 178 | | <p>The EA must consider the effects of the proposed action on the WGFD's Action Plan for Implementing SO 3362: The BLM is offering at its supplemental February 2019 competitive oil and gas lease sale dozens of parcels in at least two of the priority migration corridors identified by the WGFD. The EA must be revised to i) disclose the fact that the BLM is proposing to sell oil and gas leases that allow the placement of oil and gas wells and associated surface infrastructure within priority corridors, ii) fully evaluate how leasing and future development on these parcels –all of which allow for surface occupancy– is consistent with the State's plan for maintaining the functionality of the corridors, and iii) fully evaluate reasonable alternatives to the proposed action that include deferring leasing until management plans can be updated to address and incorporate the state's action plan.</p> | <p>Please see comment responses 15, 16, 33, 37, 38, and 43.</p> |
| 179 | | <p>New mule deer science must be considered: The BLM's EA fails to take a hard look at any of the primary functional attributes of the migration corridors in which oil and gas lease parcels are offered. The EA lacks any discussion or analysis addressing the potential impacts of oil and gas development to the key functional attributes within the corridors, nor is there discussion addressing whether mitigation measures suggested by the BLM could effectively avoid or reduce impacts to a degree necessary to maintain corridor functionality. For example, although "stopovers are critical locations on a migratory route that facilitate refueling and energy gain," the EA is silent on whether stopover areas are present within the offered leases and if they are present, how oil and gas development may impact mule deer use of and movement through, the corridors. The BLM must revise its EA to address the specific threats from oil and gas leasing and development to the key functional attributes comprising the Baggs, Red Desert to Hoback, and Platte Valley mule deer migration corridors.</p> | <p>BLM has updated the EA at pages 3-26 to acknowledge that portions of parcels 218, 220 and 304 have identified stopover habitat within their boundaries. Those portions of parcel 220 that are within the corridor have been deferred at the request of the WGFD.</p> |
| 180 | | <p>The forthcoming issuance of a new oil and gas stipulation for migration corridors warrants deferral of lease parcels within migration corridors, not only in the Rock Springs area, but statewide as well, in order to preserve the application of the stipulation as a viable management alternative in future RMP revisions and amendments.</p> <p>Deferring parcels pending the development of stipulations avoids making an "irreversible and irretrievable commitment of resources" thereby maintaining decision space for BLM to consider in the Rock Springs RMP revision a range of alternative management scenarios for corridor protection, including</p> | <p>Please see response to comments 118 and 122. BLM has considered the information provided by the commenter but believes that continuing to offer parcels is compliant with existing NEPA guidance and policy. Offering 16 parcels in the RD2H corridor will not foreclose on the BLM's ability to select from any of the alternatives being considered in the RS RMP revision. BLM retains significant authority to condition future develop to ensure there will not be any significant impacts to the function of the corridor, or the mule deer who utilize the corridor to transition between seasonal ranges. BLM is also aware that the State of Wyoming has developed a lease stipulation that generally limits surface occupancy to 1 well location per 640 acres; this lease stipulation is the functional equivalent of the PHMA density and disturbance stipulation that is in place for sage grouse.</p> |

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| | | <p>a no-leasing-in-corridors alternative, along with several alternatives that would analyze and evaluate the use of enforceable protective stipulations, such as no surface occupancy (NSO), timing limitations (TLS), and controlled surface use stipulations (CSU). Having announced its intention to develop a new stipulation for migration corridors, deferral of parcels in those corridors is also required by the CEQ's NEPA regulations which prohibit the agency from taking actions during the preparation of an EIS that would prejudice consideration of reasonable alternatives, the heart of the NEPA process.</p> <p>Further continued leasing in ungulate migration corridors with inadequate lease notices attached to those leases would preclude the BLM from giving meaningful consideration to (or adopting) a "no-leasing in corridors" alternative, and/or other lease stipulations such as No Surface Occupancy that may be required to protect WGFD-designated "vital" habitat areas within corridors such as bottlenecks and stopover areas.</p> <p>The BLM should also consider the fact that that Wyoming Office of State Lands and Investments (OSLI) has determined that a new stipulation to protect migration corridors is necessary.</p> | |
| 181 | | <p>Inaccuracies, inconsistencies and errors in the EA make it impossible for the public to understand and meaningfully comment on the BLM's proposed action.</p> <p>For example, the EA (at 3-25) states that seventeen whole or partial parcels are located in the Red Desert to Hoback mule deer migration corridor, but then identifies twenty-four parcels. EA at 3-26. The EA states (at page 4-17) that the BLM will attach a special lease notice to parcels located in migration corridors, but then fails to do so.</p> <p>However, upon inspection of the EA parcel list 1, it appears that only two of the twenty-four Red Desert to Hoback parcels listed in the EA on page 2-16 contain the required Special Lease Notice: parcel 218 and parcel 220. All of the remaining parcels lack the Special Lease Notice. The parcel list shows only seven parcels containing the required Special Lease Notice: 179, 180, 218, 219, 220, 263, and 323. See EA section 5.1 Lease Sale Parcel List with Proposed Stipulations and Noted Deletions/Deferrals. And only one of those parcels (218) is shown in the list of parcels on page 3-26.</p> <p>The table shows that a total of 27 parcels will have the Special Lease Notice for migration corridors: 180, 218, 219, 220, 263, 304, 323, 656-662, 664-673, 677, 679, and 680. This list of 27 parcels – not seventeen parcels as stated in the EA – is very different from information displayed elsewhere in the EA.</p> | <p>The subject EA is correct that the proposed action is to offer 17 parcels intersecting the Red Desert to Hoback Mule Deer Migration Corridor (RD2H); those seventeen parcels are correctly shown on the map on page 3-27/3-28 and listed in attachment 5.7; however, the commenter is correct that the actual list of parcels in the text of the document is incorrect. It has been corrected to detail that the 17 parcels include: 218, 220, 263, 304, 656, 661, 662, 665, 667-677, 679 and 680. Comments from WGFD have requested that BLM defer those portions of parcel 220 that are within the RD2H corridor; under State Director discretion the BLM has deferred those portions of parcel 220 that are within the corridor. The EA and FONSI have been updated to reflect this additional deferral (see pages 3-26 thru 3-31).</p> <p>The commenter is further correct that BLM inadvertently did not apply the special lease notice to several of the 17 parcels; this has been corrected in the EA and they are correctly reflected in the Sale Book. With designation of the Baggs Mule Deer Corridor, the special lease notice has also been applied to those parcels and the EA has been updated with this information (see page 3-28). The commenter overlooks the fact 10 of the parcels that were originally nominated in the RD2H corridor were deferred or deleted, therefore there were originally 27 parcels nominated that intersected the RD2H corridor.</p> |

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| 182 | <u>Coalition of Local Governments</u> | As the Coalition noted in its comments submitted on November 9, 2018, the Coalition members did not receive any notice from BLM regarding this new comment period. The more plausible scenario is that BLM believes that it may provide a 16-day comment period on remand and combine that comment period with the previous 14 day comment period to satisfy the District Court's order. The Coalition sincerely hopes the BLM is not so disrespectful to believe that the court actually meant "16 days" when added to the previous time period when it reinstated IM 2010-117's 30-day comment period. | BLM has appropriately complied with the District of Idaho Order on Preliminary Injunction. While the Coalition has labeled the second comment period as a "new" comment period, it is in actuality an extended comment period and BLM maintained the status of the EA as originally posted while new comments were received. |
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