U.S. Department of the Interior
Bureau of Land Management

DETERMINATION OF NEPA ADEQUACY (DNA)

DOI-BLM-MT-C040-2016-10-DNA

Project: Oil and Gas Lease Parcel Sale, July 12, 2016

Fall River County, South Dakota

Prepared by: South Dakota Field Office
310 Roundup Street
Belle Fourche, South Dakota 57717
Phone: 605-892-7000
Fax: 605-892-7015

Worksheet
Documentation of Land Use Plan Conformance and NEPA Adequacy (DNA)
U.S. Department of the Interior
Bureau of Land Management (BLM)

BLM Office: South Dakota Field Office

NEPA Number: DOI-BLM-C040-2016-0010-DNA

Lease/Serial/Case File No.: SDM 97300-RT, RY, and TH. Refer to Appendix A for legal descriptions of these parcels.

Proposed Action Title/Type: Oil and gas leasing, proposed for July 12, 2016, for lands in Fall River County, South Dakota, on private surface overlying federal minerals within the USFS Buffalo Gap National Grasslands administrative boundary (720.00 acres).

Location/Legal Description: All proposed lease parcels are located in Fall River County. Please see Appendix A for legal descriptions.

A. Description of the Proposed Action: Lease federal mineral acreage underlying private surface within the USFS Buffalo Gap National Grasslands to the public for development of the federal oil and gas resources. Prior to leasing, the proposal needs to be reviewed against existing environmental documents for adequacy, and analyzed for any environmental effects, which need to be mitigated by stipulations to be applied to some of the subject lands.

B. Land Use Plan (LUP) Conformance

LUP Name and Date Approved:

LUP Name: Revised Land and Resource Management Plan for the Nebraska National Forest
Date Approved: 2009

LUP Name: Final Environmental Impact Statement and Land and Resource Management Plan, Record of Decision, Nebraska & Samuel R. McKelvie NFs, Oglala, Buffalo Gap, & Ft. Pierre NGsDate Approved: July 31, 2002

Cooperating Status: BLM was a co-preparer with the USFS in addressing oil and gas on private lands with federal minerals within the US Forest Service Nebraska National Forest Administrative Boundary within the 2009 Land Use Plan referenced above. This plan covers all the parcels identified within this DNA.

☒ The proposed action is in conformance with the applicable LUP because it is specifically provided for in the LUP decisions:

☐ **The proposed action is in conformance with the LUP, even though it is not specifically provided for, because it is clearly consistent with the following LUP decisions (objectives, terms, and conditions) and, if applicable, implementation plan decisions:**

The Revised Land and Resource Management Plan for the Nebraska National Forest, of 2009; Final Environmental Impact Statement and Land and Resource Management Plan, Record of Decision, Nebraska & Samuel R. McKelvie NFs, Oglala, Buffalo Gap, & Ft. Pierre NGs, July 31, 2002; were written for all US Forest Service managed surface lands and all federally managed minerals within the administrative boundary of the Nebraska National Forest. The unit of the Nebraska National Forest in this part of South Dakota is the Buffalo Gap National Grassland. BLM was a co-preparer with the USFS in addressing oil and gas on private lands with federal minerals, and developing stipulations which apply to those lands within the US Forest Service Nebraska National Forest administrative boundary.

Revised Land and Resource Management Plan for the Nebraska National Forest, of 2009: See Mineral and Energy Resources Objective on page 1-6, which states, "Ensure reclamation provisions of operating plans are completed to standard."

See also, "Standards are actions that must be followed or are required limits to activities in order to achieve grassland/forest objectives. Site-specific deviations from standards must be analyzed and documented in management plan amendments."; and, "Guidelines are actions that should be followed to achieve Grassland or forest goals and objectives. Deviations from guidelines must be analyzed during project-level analysis and documented in a project decision document, but do not require management plan amendments." on pages 1-9 to 1-30.

******

Revised Land and Resource Management Plan for the Nebraska National Forest, of 2009: Several sections discuss management for Buffalo Gap National Grassland (Fall River Ranger District): Page 3-14 to 3-15

See "Appendix D - OIL AND GAS STIPULATIONS OGLALA AND BUFFALO GAP NATIONAL GRASSLANDS" – lists various stipulations provided and used within document. Page numbers below refer to this document. Please see Appendix B of the DNA for a complete description of stipulations used in this DNA.

Also see APPENDIX F - GEOLOGY AND MINERALS, pages F-1 to F-4, for USFS conditions of approval and standard practices.

****

All parcels will have the Standard Notice for the USFS National Grasslands NGP 13d applied, since they fall within the USFS Buffalo Gap National Grasslands administrative boundary.

****

Standard Lease Terms will also be added to all the leases. Standard Lease Terms refer to the need to be in compliance with 43 CFR 3100 which provides its own protections.

****

In accordance to the LUP documents above, the following stipulations will be applied on parcels with oil and gas on private lands with federal minerals within the US Forest Service Nebraska National Forests and Grasslands administrative boundary:

Resource: Water, Wetlands, Woody Draws, Riparian, and Floodplains, on page D-2:
Stipulation NGP CSU 16-01

Moderate Scenic Integrity Objective (SIO) Areas, on page D-18:
Stipulation NGP CSU 16-06

Wildlife Resource: Sharp-tailed Grouse Display Grounds (NSO), on page D-16:
Stipulation NGP NSO 14-08

Wildlife Resource: Sharp-tailed Grouse Display Grounds (TL), on page D-8:
Stipulation NGP TL 15-05

Paleontology Resource: Fossils NGP CSU 16-02, on pages D-5 and D-6 is replaced by BLM Paleontological Stipulation CSU 12-20 described in BLM ROD for Buffalo Gap National Grassland. See listing below.

******

The Bureau of Land Management applies some stipulations on parcels with oil and gas on private lands with federal minerals to those lands within the US Forest Service Nebraska National Forest administrative boundary.

One unique stipulation replaces the USFS NGP CSU 16-02. It is mandated and described in the BLM Record of Decision for the Final EIS and Nebraska National Forest Revised Land and Resource Management Plan for the Nebraska National Forest Buffalo Gap National Grassland:

CSU 12-20 – Paleontological Stipulation described in BLM ROD for Buffalo Gap National Grassland (2002)

Two more stipulations are mandated by the BLM ROD for Buffalo Gap National Grassland (2002). Please see Appendix G for the complete wording of these stipulations:

Cultural Resources 16-1 – Cultural Resources Lease Stipulation

TES 16-2 – Endangered Species Act Section 7 Consultation Stipulation

We are applying the following Lease Notice:

C. Identify applicable National Environmental Policy Act (NEPA) document(s) and other related documents that cover the proposed action. Refer to Section B above.

D. NEPA Adequacy Criteria

1. Is the new proposed action a feature of, or essentially similar to, an alternative analyzed in the existing NEPA document(s)? Is the project within the same analysis area, or if the project location is different, are the geographic and resource conditions sufficiently similar to those analyzed in the existing NEPA document(s)? If there are differences, can you explain why they are not substantial?

The action is the same action as that previously analyzed within the existing NEPA documents. The nominated parcels are within the analysis area of the LUP documents listed in part B of this DNA.

2. Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the new proposed action, given current environmental concerns, interests, resource values, and circumstances?

After a review of the parcels, the BLM determined that it was appropriate to defer certain parcels nominated for inclusion in the July 12, 2016 oil and gas lease sale. These deferrals of certain nominated parcels were made consistent with the BLM's greater sage-grouse conservation plans and strategy, which direct the BLM to prioritize oil and gas leasing and development in a manner that minimizes resource conflicts in order to protect important habitat and reduce development time and costs.

In total, 6 parcels containing 2040 acres located within the SDFO were nominated through Expressions of Interest for the July 12, 2016 Competitive Oil and Gas Lease Sale, which are available for leasing through the SDFO RMP and the Revised Land and Resource Management Plan for the Nebraska National Forest. It is the State Director's discretion to not carry forward parcels within greater sage-grouse habitat pending implementation guidance on the 2015 Approved SDFO Resource Management Plan. For the reasons identified above, the BLM exercised its discretion to defer 3 of those parcels containing 1320 acres. As a result of these deferrals, this DNA analyzes 3 parcels containing 720 acres located within the SDFO.

The alternatives analyzed in the existing NEPA document are fully appropriate with respect to the proposed actions.

3. Is the existing analysis valid in light of any new information or circumstances (such as rangeland health standard assessment, recent endangered species listings, updated lists of BLM-sensitive species)? Can you reasonably conclude that new information and new circumstance would not substantially change the analysis of the new proposed action?

There is no new information or circumstances which would change the analysis.

There are no new designations in the affected area since the existing NEPA analysis and documentation was prepared. There are no changes to resource related plans, policies, or programs, which would affect the validity of the existing analysis. No new methodologies have come to light which cause the obsolescence of the existing analysis. The BLM will apply the Cultural Lease Stipulation to all parcels to preserve our ability to address TCPs that have not been well identified to this point. The Threatened and Endangered Species and Paleontology Stipulations will also be applied to all parcels.

Long Eared bat - The South Dakota Department of Game, Fish, & Parks expressed concern, in a scoping comment, regarding the recently listed threatened northern long-eared bat (April 2015). It was determined that suitable habitat does not exist on the proposed lease parcels, and discussion with the US Fish and Wildlife Service concluded that there would be no effect to the northern long-eared bat. No further documentation or consultation is required under Section 7 of the Endangered Species Act.

Greater Sage-Grouse - As part of the effort to revise the SDFO Resource Management Plan, BLM developed maps of priority habitat management areas in 2010 by considering Schroeder's potential presettlement distribution of sage-grouse distribution as discussed in the publication Range-Wide Patterns of Sage-Grouse Persistence (Aldridge et al. 2008). While the Schroeder map does show that sage-grouse were present in the areas south of the Black Hills in Fall River and Custer Counties, the initial BLM priority habitat and general habitat management areas did not include any of these lands because no active leks are present, habitat is marginal, and the potential for a stable sage-grouse population was low. The initial BLM sage-grouse habitat maps were reviewed by SD Game, Fish and Parks (GFP) and US Fish and Wildlife Service, SD Field Office (USFWS, SDFO) during meetings with these agencies. The possibility of including portions of Fall River and Custer Counties as PHMAs or GHMAs was discussed several times with the agencies listed above but the general consensus was that the potential for a stable population in this area was too low to warrant inclusion into the habitat maps.

BLM's analysis of sage-grouse habitat continued during the RMP planning process and included a thorough review of all available information about sage-grouse in western SD, including additional discussions with SD GFP, USFWS, cooperating agencies, the BLM Field Office in Newcastle, Wyoming, stakeholders and a review of public comments about the draft RMP/EIS in 2013. Based on this information, BLM did not include lands in Custer and Fall River County in subsequent refinements to the habitat maps because there are no active leks present in these counties and the most recently active lek in Fall River County has not been used by sage-grouse since 2006, at which time only 1 male was counted on the lek. No males had been counted on that lek previously since 2002. All leks in Fall River County are classified as inactive.

In 2014, SD GFP revised the State Wildlife Action Plan for sage-grouse. During this revision, GFP delineated additional habitat areas that included BLM PHMAs and additional areas in Butte and Harding Counties. The GFP core areas did not include any lands south of the Black Hills in Fall River or Custer Counties because of the low potential for sage-grouse. When their plan was released, GFP recommended that BLM adopt the GFP core areas as PHMAs for sage-grouse. Based on comments from GFP and additional review of the available data, BLM adopted the SD GFP core areas as its PHMA in the Final Decision for the SD RMP. While the BLM recognizes

that sage-grouse once used areas south of the Black Hills the potential for fully reproducing, stable population is very low due to marginal habitat.

Sprague's Pipit - BLM's ID team reviewed the proposed lease parcels and took a hard look at any potential indirect effects associated with leasing the nominated parcels. The three parcels are located in Fall River County where currently there is little or no drilling or seismic activity in the oil and gas field. A direct examination of the parcels indicates the habitat is marginal for Sprague's pipit (Biological Assessment and Evaluation, Appendix H FEIS, 2001) and a research review indicates zero records confirming that it is being utilized for nesting. Tallman et al (2002) reported a confirmed sighting in Fall River County in 1997 during the fall migration; however no nesting has been documented. At this time, this area is not considered breeding habitat.

At this stage, the leasing process, the act of leasing parcels would have no direct impacts on surface resources or alter any habitat for any migratory birds, including Sprague's Pipits. Even if lease parcels are leased, it remains unknown whether development would actually occur, and if so, where specific wells would be drilled and where facilities would be placed.

Information about grassland birds is constantly being updated. As indicated in the DNA, the Sprague's pipit lease notice, LN 14-15, is stipulated on all three nominated parcels. The lease notice ensures that the successful bidder is fully aware that restrictions, modifications, or denial of permits could result at the time of the NEPA anaylsis when the BLM receives an application for a permit to drill (APD).

If the nominated parcels are sold and if BLM receives an APD or an NOS the agency would again take a hard look at the proposed action for any stressors the action would place on potential habitat the Sprague's Pipit or other migratory birds may utilize. If Sprague's pipits are determined to be utilizing the habitat, protective measures could/would be applied as conditions of approval to minimize impacts to Sprague's pipits and their habitat. In addition, at the APD stage BLM would conference with the USFWS pursuant to section 7(a)(4) of ESA, or if the Sprague's pipit has been listed as threatened or endangered, BLM would consult with the USFWS pursuant to section 7(a)(2) to seek assist in developing protective measures.

Furthermore, the MBTA prohibits the take, capture or kill of any migratory bird, any part, nest or eggs of any such bird (16 U.S.C 703 (a)). NEPA analysis pursuant to Executive Order 13186 (January 2001) requires BLM to ensure that MBTA compliance and the effects of Bureau actions and agency actions on migratory birds are evaluated, to reduce or eliminate the take of migratory birds and contribute to their conservation.

The existing analyses are adequate with regard to the proposed action. The Montana/Dakotas Special Status Species list, from 2012, derived from a state list of 2009, is listed in Table 3-16, on pages 339 through 441 of the South Dakota Proposed RMP/Final EIS. The Montana/Dakotas Special Status Species list was updated and finalized in August 2014. It will be updated a minimum of every five years. This list can be found attached to BLM Instruction Memorandum No. MT-2014-067. The list was revised with some species being deleted, others added and delineations provided for those species considered "Special Status" for each field office.

Applying the conditions of approval specific for applicable species to the APD would provide the needed protections for any of the species listed in the updated 2014 Montana/Dakotas Special Status Species list.

The direct, indirect, and cumulative impacts from oil and gas development on air resources are discussed in Chapter 4 of the SDFO Final EIS (pages 575 through 590; BLM, 2015) and are incorporated by reference into this DNA. This analysis included discussion of short term and long term impacts. Application of CSU 12-23 would provide for conservation of air resources. The RFD for this alternative, discussed on pages 499 through 509 of Chapter 3 of the SDFO Final EIS (BLM, 2015) would be in conformance with the emission impacts described in the document; and therefore are analyzed for air resources in the SDFO Final EIS (BLM, 2015).

The direct, indirect, and cumulative impacts from oil and gas development on climate change are discussed in Chapter 4 of the SDFO Final EIS (pages 590 through 598; BLM, 2015) and are incorporated by reference into this EA. This analysis included discussion of short term and long term impacts.

The Council on Environmental Quality (CEQ), which oversees NEPA compliance for all federal agencies, has issued "Draft NEPA Guidance on Consideration of the Effects of Climate Change and Greenhouse Gas Emissions" (Dec. 18, 2014). Federal courts considering legal challenges to BLM decisions have found this draft guidance useful in interpreting NEPA's requirements for considering climate change, although CEQ did not propose to apply the draft guidance to federal land and resource management actions. WildEarth Guardians v. Jewell, 738 F.3d 298, 309 n.5 (D.C. Cir. 2013) (West Antelope II).

Consistent with the CEQ draft guidance, the BLM has used estimated greenhouse gas (GHG) emissions associated with the proposed action as a reasonable proxy for the effects of climate change in its NEPA analysis for oil and gas lease parcel sales. Specifically, the BLM has provided quantitative estimates of the GHG emissions in NEPA documents that cover the proposed action , including the projected annual emissions of CO2, CH4, and N2O associated with oil and gas exploration and development activity in the SDFO. The BLM has placed those emissions in the context of relevant state and national emissions. The BLM also has acknowledged that climate science does not allow a precise connection between project-specific GHG emissions and specific environmental effects of climate change. This approach is consistent with the approach that federal courts have upheld when considering NEPA challenges to BLM federal coal leasing decisions. West Antelope II, 738 F.3d at 309; WildEarth Guardians v. BLM, Civ. Case No. 1:11-cv-1481 (RJL) (D.D.C. filed Mar. 31, 2014).

4. Are the direct, indirect and cumulative effects that would result from implementation of the new proposed action similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA document?

The direct and indirect impacts of the current proposed action are substantially unchanged from those identified in the existing NEPA documents. This proposed action would not change the cumulative impacts in any substantial way from that analyzed in the current document. The existing NEPA documents sufficiently analyze site-specific impacts.

5. Are the public involvement and interagency review associated with existing NEPA document(s) adequate for the current proposed action?
Six scoping letters were sent to agencies. Scoping period occurred from December 14 through 29, 2015. One comment was received from the South Dakota Department of Game, Fish and Parks on January 11, 2016, after the scoping period. The comment is addressed in Section 3, above.

Additional information regarding concerns for culturally sensitive site areas or Traditional Cultural Properties (TCPs) was requested from Cultural Program representatives, Tribal Chairmen, Chairpersons, and Tribal Presidents from the Cheyenne River Sioux Tribe, Crow Creek Sioux Tribe, Crow Tribe of Montana, Ft. Peck Tribes of Montana, Lower Brule Sioux Tribe, Northern Cheyenne Tribe of Montana, Oglala Sioux Tribe, Rosebud Sioux Tribe, Sisseton-Wahpeton Oyate Sioux Tribe, Standing Rock Sioux Tribe, Three Affiliated Tribes (Mandan, Hidatsa and Arikara Nations), Yankton Sioux Tribe, and the Santee Sioux Tribe of Nebraska. A summary report of previously documented cultural resource sites was sent to the Tribal Cultural Program reprentatives on December 9, 2015. No correspondence regarding culturally sensitive areas has been received from the tribes at this time.

The DNA was posted for public comment from February 8 to March 8, 2016. Six comments were received from: Timothy J. Ream – Climate and Energy Director – Wild Earth Guardians, Susan R. Henderson – local resident, Ryan Brunner – South Dakota Commissioner of School and Public Lands, Cindy Brunson local resident, Katie Brunson – local resident, Michael Saul – Senior Attorney – Center for Biological Diversity. A synopsis of the comments, and a response to the comments, are contained in the appended table, "Public Comments Received".

Surface owner notification letters will be sent at the time of posting of the sale.

E. Interdisciplinary Analysis: Identify those team members conducting or participating in the preparation of this worksheet.

Name	Title	Resource Represented
Russell Pigors	Physical Scientist	Minerals, Soils, Air, Water, Project Lead
Brenda Shierts	Archeologist	Cultural Resources and Paleontology
Mitch Iverson	Range Management Specialist	Livestock and Vegetation
Rebecca Newton	Wildlife Biologist	Wildlife and Special Status Species
Tim Zachmeier	Wildlife Biologist	Wildlife and Special Status Species
Jennifer Frazer	Natural Resource Specialist	GIS and Maps
Jessica Montag	Socioeconomic Specialist	Sociology and Economics
Melissa Hovey	Air Resource Specialist	Air Resources and Climate Change

F. Mitigation Measures: Refer to Section B (pg 2) of the Revised Land and Resource Management Plan for the Nebraska National Forest, of 2009.

APPENDIX A			
SDM 97300-RT	T. 8 S, R. 1 E, BHM, SD SEC. 1 SWNE,S2NW,SW,NWSE; FALL RIVER COUNTY 320.00 AC PD	**CR 16-1** (ALL LANDS) **CSU 12-20** (ALL LANDS) **LN 14-31** (ALL LANDS) **TES 16-2** (ALL LANDS) **NGP-13d (Fall River RD)** (ALL LANDS) **NGP TL 15-05** SEC. 1 S2SW; **NGP CSU 16-01** SEC. 1 W2SW, SESW, NWSE; **NGP CSU 16-06** (ALL LANDS)	
SDM 97300-RY	T. 8 S, R. 1 E, BHM, SD SEC. 25 W2SW; FALL RIVER COUNTY 80.00 AC ACQ	**CR 16-1** (ALL LANDS) **CSU 12-20** (ALL LANDS) **LN 14-31** (ALL LANDS) **TES 16-2** (ALL LANDS) **NGP-13d (Fall River RD)** (ALL LANDS) **NGP NSO 14-08** (ALL LANDS) **NGP TL 15-05** (ALL LANDS) **NGP CSU 16-01** (ALL LANDS) **NGP CSU 16-06** (ALL LANDS)	
SDM 97300-TH	T. 9 S, R. 1 E, BHM, SD SEC. 31 E2; FALL RIVER COUNTY 320.00 AC PD	**CR 16-1** (ALL LANDS) **CSU 12-20** (ALL LANDS) **LN 14-31** (ALL LANDS) **TES 16-2** (ALL LANDS) **NGP-13d (Fall River RD)** (ALL LANDS) **NGP CSU 16-01** SEC. 31 N2NE, SENE, S2SE; **NGP CSU 16-06** (ALL LANDS)	

Appendix B - Stipulations Applied to each parcel and used during the analysis			
Stipulations and Lease Notices applied to lease parcels and used in the analysis for this portion of the July 12, 2016 Sale			
Stipulation #	**Stipulation Name**	**Stipulation**	**Reason**
USFS applied stipulations			
Notice NGP-13d	Notice for Lands of the National Forest System Under Jurisdiction of Department of Agriculture	In conducting operations associated with this lease, the lessee/operator must comply with all the rules and regulations of the Secretary of Agriculture set forth at Title 36, Chapter II, of the Code of Federal Regulations governing the use, occupancy, and management of National Forest System (NFS) lands when not inconsistent with existing lease rights granted by the Secretary of Interior. All matters related to this notice are to be addressed to: **District Ranger**, Fall River Ranger District Buffalo Gap National Grassland 1801 Hwy 18 Truck Bypass Hot Springs, SD 57747 (605) 745-4107 who is the authorized representative of the Secretary of Agriculture. **CULTURAL RESOURCES** (National Historic Preservation Act of 1966 (NHPA), P.L. 89-665 as amended by P.L. 94-422, P.L. 94-458, and P.L. 96-515): The Forest Service authorized officer is responsible for ensuring that the leased lands are examined prior to the undertaking of any ground-disturbing activities to determine whether or not cultural resources are present, and to specify mitigation measures for effects on cultural resources that are found to be present. The lessee or operator shall contact the Forest Service to determine if a site-specific cultural resource inventory is required prior to undertaking any surface-disturbing activities on Forest Service lands covered by this lease. The lessee or operator may engage the services of a cultural resource specialist acceptable to the Forest Service to conduct any necessary cultural resource inventory of the area of proposed surface disturbance. In consultation with the Forest Service authorized officer, the lessee or operator may elect to conduct an inventory of a larger area to allow for alternative or additional areas of disturbance that may be needed to accommodate other resource needs or operations.	-

		The lessee or operator shall implement mitigation measures required by the Forest Service to preserve or avoid destruction of cultural resource values. Mitigation may include relocation of proposed facilities, testing, salvage, and recordation or other protective measures. During the course of actual surface operations on Forest Service lands associated with this lease, the lessee or operator shall immediately bring to the attention of the Forest Service the discovery of any cultural or paleontological resources. The lessee or operator shall leave such discoveries intact until directed to proceed by Forest Service. **THREATENED OR ENDANGERED SPECIES** (The Endangered Species Act. (ESA), P.L. 93-205 (1973), P.L. 94-359 (1974), P.L. 95-212 (1977), P.L. 95-632 (1978), P.L. 96-159 (1979), P.L. 97-304 (1982), P.L. 100-653 (1988)). The Forest Service authorized officer is responsible for compliance with the Endangered Species Act. This includes meeting ESA Section 7 consultation requirements with the U.S. Fish and Wildlife Service prior to any surface disturbing activities associated with this lease with potential effects to species and/or habitats protected by the ESA. The results of consultation may indicate a need for modification of or restrictions on proposed surface disturbing activities. The lessee or operator may choose to conduct the examination at their cost. Results of the examination will be used in any necessary ESA consultation procedures. This examination and any associated reports, including Biological Assessments, must be done by or under the supervision of a qualified resource specialist approved by the Forest Service. Any reports must also be formally approved by the USDA Forest Service biologist or responsible official.	
Stipulation NGP Controlled Surface Use (CSU) 16-01 Resource: Water, Wetlands, Woody Draws, Riparian, and Floodplains	Controlled Surface Use Stipulation Water, Wetlands, Woody Draws, Riparian, and Floodplains on page D-2.	Surface Occupancy or use is subject to the following special operating constraints. Try to locate activities and facilities away from water's edge and outside the riparian areas, woody draws, wetlands, and floodplains. If necessary to locate facilities in these areas, then: • Deposit no waste material (silt, sand, gravel, soil, slash, debris, chemical or other material) below high water lines, in riparian areas, in the areas immediately adjacent to riparian areas or in natural drainageways (draws, land surface depressions or other areas where overland flow concentrates and flows directly into streams or lakes). • Deposit no soil material in natural drainageways. • Locate the lower edge of disturbed or deposited soil	For justification refer to the Land and Resource Management Plan Grassland-wide Direction, Water, number 14. This stipulation is to protect the biological and hydrologic features of riparian areas, woody draws, wetlands, and floodplains.

		banks outside the active floodplain. • Stockpile no topsoil or any other disturbed soil in the active floodplain. • Locate drilling mud pits outside riparian areas, wetlands and floodplains. If location is unavoidable in these areas, seal and dike all pits to prevent leakage or use containerized mud systems.	
Stipulation NGP Controlled Surface Use (CSU) 16-06 Resource: Scenery (CSU)	Controlled Surface Use Stipulation Moderate Scenic Integrity Objective (SIO) Areas, on page D-18:	Surface occupancy and use is subject to operational constraints to maintain a landscape character that is no more than slightly altered. Noticeable deviations must remain visually subordinate to the landscape character being viewed.	For justification refer to the Land and Resource Management Plan Grassland-wide Direction, Scenery Management, number 1. The objective is to maintain the scenic integrity objective (SIO) for areas identified as moderate.
Stipulation NGP Timing Limitation (TL) 15-05 Resource: Sharp-tailed Grouse Display Grounds (TL) (not applied to parcel SDM 97300-TH)	Timing Limitation Stipulation Wildlife Resource: Sharp-tailed Grouse Display Grounds (TL), on page D-8:	Surface use is prohibited from March 1 through June 15 within 1 mile (line of sight) of a sharp-tailed grouse display ground.	For justification refer to the Land and Resource Management Plan Grassland-wide Direction, Fish, Wildlife and Rare Plants, number 15. The objective is to prevent abandonment of display grounds and reduced reproductive success.
Stipulation NGP No Surface Occupancy (NSO) 14-08 Resource: Sharp-tailed Grouse Display Grounds (Only applied to parcel SDM 97300-RY)	Sharp-tailed Grouse Display Grounds (NSO), on page D-16: Stipulation NGP NSO 14-08	No surface occupancy or use is allowed within 0.25 mile (line of sight) of a sharp-tailed grouse display ground.	For justification refer to the Land and Resource Management Plan Grassland-wide Direction Fish, Wildlife and Rare Plants, number 14. The objective is to prevent abandonment of display grounds, reduced reproductive success, and adverse habitat loss.
Bureau of Land Management applied stipulations			

Cultural Resources Lease Stipulation CR 16-1	Cultural Resources Lease Stipulation	This lease may be found to contain historic properties and/or resources protected under the National Historic Preservation Act (NHPA), American Indian Religious Freedom Act, Native American Graves Protection and Repatriation Act, E.O. 13007, or other statutes and executive orders. The BLM will not approve any ground disturbing activities that may affect any such properties or resources until it completes its obligations under applicable requirements of the NHPA and other authorities. The BLM may require modification to exploration or development proposals to protect such properties, or disapprove any activity that is likely to result in adverse effects that cannot be successfully avoided, minimized or mitigated.	-
TES 16-2	Endangered Species Act Section 7 Consultation Stipulation	The lease area may now or hereafter contain plants, animals, or their habitats determined to be threatened, endangered, or other special status species. The 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.	-
BLM ROD Paleontological Stipulation CSU 12-20	Controlled Surface Use (CSU) Resource: Fossils (CSU)	Prior to undertaking any surface-disturbing activities on the lands covered by this lease, the lessee or operator, unless notified by the contrary by the BLM, shall: 1. Contact the BLM to determine if a site-specific vertebrate paleontological inventory is required. If it is required, the operator must engage the services of a qualified paleontologist, acceptable to the BLM, to conduct the inventory. An acceptable inventory report is to be submitted to the BLM for review and approval at the time a surface-disturbing plan of operation is submitted. 2. Implement mitigation measures required by the BLM to preserve, avoid, or recover vertebrate paleontological resources. Mitigation may include relocation of proposed facilities or other protective measures. All costs associated with the inventory and mitigation will be borne by the lessee or operator. 3. The lessee or operator shall immediately bring to the attention of the BLM any vertebrate paleontological resources discovered as a result of surface operations under this lease, and shall leave such discoveries intact until directed to proceed by the BLM.	Protect key paleontological resources from disturbance, or mitigate the effects of disturbance to conserve scientific and interpretive values, and the interests of the surface owner.
LN 14-31	Sprague's Pipit	A lease notice will be attached to all leases in	-

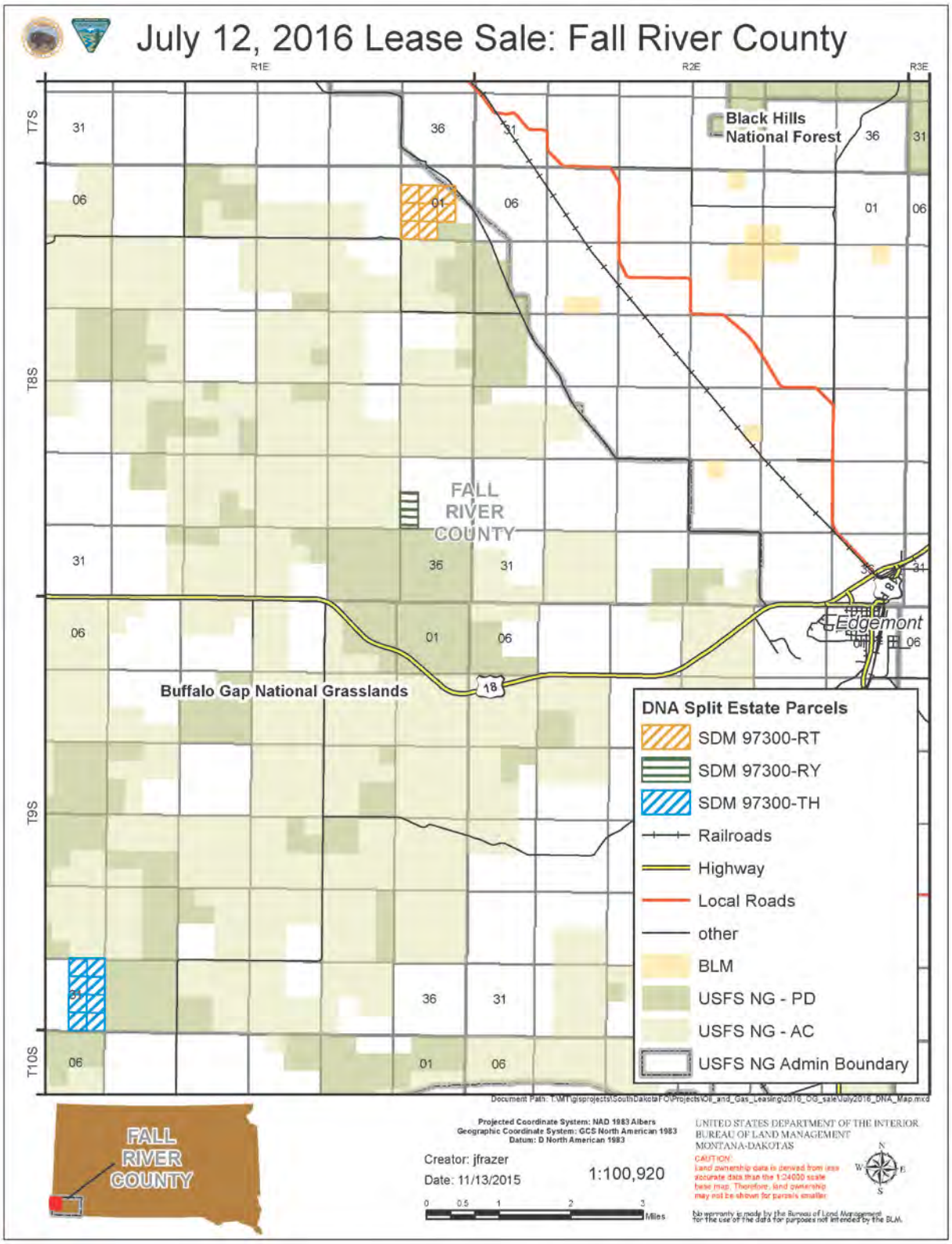
Sprague's Pipit Habitat	Habitat	documented or potential habitat* for Sprague's Pipit. The lease notice will notify the lease holder that mitigation and conservation actions may be required including a limit on exploration and development from April 15 to July 15. *Currently habitat is present but not well identified in western South Dakota.	

APPENDIX C: Maps

Descriptions for following map attachments:

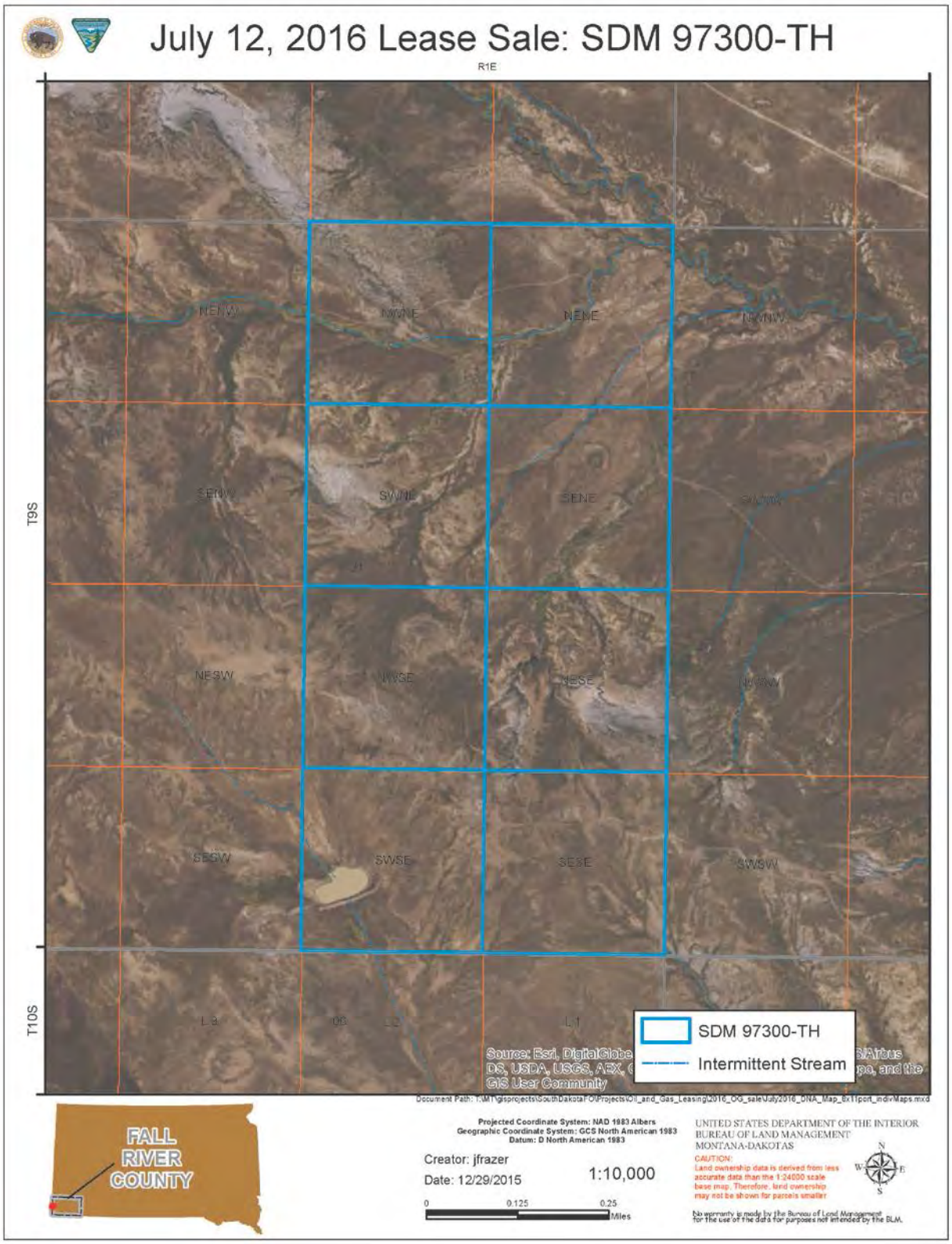
Map 1:
Detail map of parcels west of Edgemont near Highway 18 near the South Dakota-Wyoming border. Map features the following parcels: SDM 97300- RT, RY, and TH.

Map 2,3,4:
Aerial Imagery of the three parcels.


July 12, 2016 Lease Sale: Fall River County
R1E
R2E
R3E
T7S
T8S
T9S
T10S
Black Hills National Forest
FALL RIVER COUNTY
Edgemont
Buffalo Gap National Grasslands
18
DNA Split Estate Parcels
SDM 97300-RT
SDM 97300-RY
SDM 97300-TH
Railroads
Highway
Local Roads
other
BLM
USFS NG - PD
USFS NG - AC
USFS NG Admin Boundary
Document Path: T:\MT\gisprojects\SouthDakotaFO\Projects\Oil_and_Gas_Leasing\2016_O&G_sale\July2016_DNA_Map.mxd
FALL RIVER COUNTY
Projected Coordinate System: NAD 1983 Albers
Geographic Coordinate System: GCS North American 1983
Datum: D North American 1983
Creator: jfrazer
Date: 11/13/2015
1:100,920
0 0.5 1 2 3 Miles
UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
MONTANA-DAKOTAS
CAUTION:
Land ownership data is derived from less accurate data than the 1:24000 scale base map. Therefore, land ownership may not be shown for parcels smaller.
No warranty is made by the Bureau of Land Management for the use of the data for purposes not intended by the BLM.

July 12, 2016 Lease Sale: SDM 97300-RT
R1E
T7S
T8S
L4
L3
L2
L1
RIVER RD
SENE
SWNW
SENW
SWNE
FALL RIVER COUNTY
NESE
NWSW
NESW
NWSE
SESE
SWSW
SESW
SWSE
MOSS AGATE RD
NENE
NWNW
NENW
SDM 97300-RT
Perennial Stream or River
Intermittent Stream
USFS NG Admin Boundary
Source: Esri, DigitalGlobe, DS, USDA, USGS, AEX, GIS User Community
Projected Coordinate System: NAD 1983 Albers
Geographic Coordinate System: GCS North American 1983
Datum: D North American 1983
Creator: jfrazer
Date: 12/29/2015
1:10,000
0 0.125 0.25 Miles
UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
MONTANA-DAKOTAS
CAUTION:
Land ownership data is derived from less accurate data than the 1:24000 scale base map. Therefore, land ownership may not be shown for parcels smaller
No warranty is made by the Bureau of Land Management for the use of the data for purposes not intended by the BLM.
FALL RIVER COUNTY

July 12, 2016 Lease Sale: SDM 97300-RY
R1E
T8S
SWNE
SENE
SWNW
SENW
NWSE
NESE
NWSW
NESW
SESE
SWSW
SESW
SWSE
NENE
NWNW
NENW
NWNE
SDM 97300-RY
Perennial Stream or River
Intermittent Stream
Source: Esri, DigitalGlobe
DS, USDA, USGS, AEX,
GIS User Community
Document Path: T:\MT\gisprojects\SouthDakotaFO\Projects\Oil_and_Gas_Leasing\2016_OG_sale\July2016_DNA_Map_8x11port_indiv\Maps.mxd
FALL RIVER COUNTY
Projected Coordinate System: NAD 1983 Albers
Geographic Coordinate System: GCS North American 1983
Datum: D North American 1983
Creator: jfrazer
Date: 12/29/2015
1:10,000
0
0.125
0.25
Miles
UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
MONTANA-DAKOTAS
CAUTION:
Land ownership data is derived from less accurate data than the 1:24000 scale base map. Therefore, land ownership may not be shown for parcels smaller
No warranty is made by the Bureau of Land Management for the use of the data for purposes not intended by the BLM.
N
W
E
S


July 12, 2016 Lease Sale: SDM 97300-TH
R1E
T9S
T10S
NENW
NWNE
NENE
NWNW
SENW
SWNE
SENE
SWNW
NESW
NWSE
NESE
NWSW
SESW
SWSE
SESE
SWSW
SDM 97300-TH
Intermittent Stream
Source: Esri, DigitalGlobe
GIS User Community
Document Path: T:\MT\gisprojects\SouthDakotaFO\Projects\Oil_and_Gas_Leasing\2016_OG_sale\July2016_DNA_Map_8x11port_indivMaps.mxd
FALL RIVER COUNTY
Projected Coordinate System: NAD 1983 Albers
Geographic Coordinate System: GCS North American 1983
Datum: D North American 1983
Creator: jfrazer
Date: 12/29/2015
1:10,000
0 0.125 0.25 Miles
UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
MONTANA-DAKOTAS
CAUTION:
Land ownership data is derived from less accurate data than the 1:24000 scale base map. Therefore, land ownership may not be shown for parcels smaller
No warranty is made by the Bureau of Land Management for the use of the data for purposes not intended by the BLM.

		PUBLIC COMMENTS RECEIVED - July 2016 Oil-Gas Leasing DNAs		
No.	**Letter Author**	**Privacy Request .Y/N**	**Summary of Comment**	**RESPONSE - identify changes made to EA if appropriate**
1	Timothy J. Ream, Climate and Energy Campaign Director, Wild Earth Guardians (WEG)	N	BLM should adopt a no action alternative. This NEPA analysis is too inadequate to support project approval without suplemental analysis.	The purpose of a DNA or Determination of NEPA Adequacy is to confirm that an action is adequately analyzed in an existing document and in conformance with a land use plan. The DNA itself would not contain new environmental analysis. The act of leasing an oil and gas lease on the proposed parcels is in conformance with the RMP and associated amendments and within areas determined to be open to oil and gas leasing subject to identified stipulations in the RMP. IM No. 2010-117 Section.E. NEPA Compliance Documentation, allows BLM to use a DNA to document NEPA compliance for leasing decisions if the proposed leasing action is adequately analyzed in an existing NEPA document. BLM references one lease sale EA that adequately analyzed the proposed action on a similar parcel in a nearby area. The referenced EA addressed climate change impacts and greenhouse gas emissions within Sections 3.2 and 4.2 and Section 4.18.2. Incremental GHG emissions from downstream use of oil cannot be reasonably estimated. Oil may be used as fuel, as a lubricant, or as feedstock for chemical or plastic production. If used as a lubricant or feedstock, the oil would not be combusted and GHG emission estimates based on combustion would be incorrect. Attempts to estimate GHG emissions from downstream activities also lead to overestimation of global GHG emissions by counting combustion emissions at the production stage and again in GHG inventories of vehicular, residential, and industrial sources, which are already inventoried at end user sites. Estimating GHG emissions occurring at their sources allows reasonable estimates based on known uses and on equipment and operations expected at the source.

2	WEG	N	BLM Montana continues to ignore most of the requirements set forth in CEQ Revised Draft Guidance for Greenhouse Gas Emissions and Climate Change Impacts.	The Council on Environmental Quality (CEQ), which oversees NEPA compliance for all federal agencies, has issued "Draft NEPA Guidance on Consideration of the Effects of Climate Change and Greenhouse Gas Emissions" (Dec. 18, 2014). Federal courts considering legal challenges to BLM decisions have found this draft guidance useful in interpreting NEPA's requirements for considering climate change. WildEarth Guardians v. Jewell, 738 F.3d 298, 309 n.5 (D.C. Cir. 2013) (West Antelope II). Consistent with the CEQ draft guidance, the BLM has used estimated greenhouse gas (GHG) emissions associated with the proposed action as a reasonable proxy for the effects of climate change in its NEPA analysis for oil and gas lease parcel sales. Specifically, the BLM has provided quantitative estimates of the GHG emissions in NEPA documents that cover the propsed action, including the projected annual emissions of CO2, CH4, and N2O associated with oil and gas exploration and development activity in the NDFO. The BLM has placed those emissions in the context of relevant state and national emissions. The BLM also has acknowledged that climate science does not allow a precise connection between project-specific GHG emissions and specific environmental effects of climate change. This approach is consistent with the approach that federal courts have upheld when considering NEPA challenges to BLM federal coal leasing decisions. West Antelope II, 738 F.3d at 309; WildEarth Guardians v. BLM, Civ. Case No. 1:11-cv-1481 (RJL) (D.D.C. filed Mar. 31, 2014).
3	WEG	N	BLM Fails to describe or analyze climate impacts from its oil and gas program and these DNAs and documents are no exception. Only programmatic analysis at national level can address shortcomings. Is exactly what DEQ calls for. The lack of climate analysis demonstrate that BLM is unwilling or incapable to	The purpose of a DNA or Determination of NEPA Adequacy is to confirm that an action is adequately analyzed in an existing document and in conformance with a land use plan. The DNA itself would not contain new environmental analysis. The act of leasing an oil and gas lease on the proposed parcels is in conformance with the RMP and associated amendments and within areas determined to be open to oil and gas leasing subject to identified stipulations in the RMP. IM No. 2010-117 Section.E. NEPA Compliance Documentation, allows BLM to use a DNA to document NEPA compliance for leasing decisions if the proposed leasing action is adequately analyzed in an existing NEPA document. Incremental GHG emissions from downstream use of oil cannot be reasonably estimated. Oil may be used as fuel, as a lubricant, or as feedstock for chemical or plastic production. If used as a lubricant or feedstock, the oil would not be combusted and GHG emission estimates based on combustion would be incorrect. Attempts to estimate GHG emissions from downstream activities also lead to overestimation of global GHG emissions by counting combustion emissions at the production stage and again in GHG inventories of vehicular, residential, and industrial sources, which are already inventoried at end user sites. Estimating GHG emissions occurring at their sources allows reasonable estimates based on known uses and on equipment and operations expected at the source.

			adequately review of greenhouse gas emissions or climate change effects.	
4	WEG	N	Hard look required by NEPA has not been taken and is no different than an admission that BLM's current DNAs are not legally sufficient to support project approval. Absent an PEIS to tier to, BLM should perform equivalent analysis or deny project approval.	The purpose of a DNA or Determination of NEPA Adequacy is to confirm that an action is adequately analyzed in an existing document and in conformance with a land use plan. The DNA itself would not contain new environmental analysis. The act of leasing an oil and gas lease on the proposed parcels is in conformance with the RMP and associated amendments and within areas determined to be open to oil and gas leasing subject to identified stipulations in the RMP. IM No. 2010-117 Section.E. NEPA Compliance Documentation, allows BLM to use a DNA to document NEPA compliance for leasing decisions if the proposed leasing action is adequately analyzed in an existing NEPA document. Incremental GHG emissions from downstream use of oil cannot be reasonably estimated. Oil may be used as fuel, as a lubricant, or as feedstock for chemical or plastic production. If used as a lubricant or feedstock, the oil would not be combusted and GHG emission estimates based on combustion would be incorrect. Attempts to estimate GHG emissions from downstream activities also lead to overestimation of global GHG emissions by counting combustion emissions at the production stage and again in GHG inventories of vehicular, residential, and industrial sources, which are already inventoried at end user sites. Estimating GHG emissions occurring at their sources allows reasonable estimates based on known uses and on equipment and operations expected at the source.

5	WEG	N	BLM has not adequately analyzed climate impacts and applied fundamental NEPA principles to the analysis of climate change through assessing GHG emissions, in the the EA, land use plans, or DNAs.	The commentor is referred to the following documents where the BLM has analyzed climate impacts and applied NEPA principles by addressing GHG emissions: - Climate Change Supplementary Information Report for Montana, North Dakota, and South Dakota, Bureau of Land Management, October 2010. - Draft Miles City Field Office Resource Management Plan Revision and Environmental Impact Statement, Air Resource Technical Support Document for Emission Inventories and Near-Field Modeling, March 7, 2013. - Draft South Dakota Resource Management Plan and Environmental Impact Statement, Draft Air Resource Technical Support Document for Emission Inventories and Near-Field Modeling, April 11, 2013. - Oil and Gas Emissions Inventory Project: ND-SD-MT Williston and MT North Central (Great Plains) Basins, Western Regional Air Partnership, 2014. - Competitive Oil and Gas Lease Sale EA, Jan. 27, 2015, DOI-BLM-MT-C030-2014-189-EA. - South Dakota Proposed RMP/EIS, 2015: Chapter 3, Air Resources p 373 to 381, Climate Change p 385 to 392; Chapter 4, Air Resources p 575 to 590, Climate Change p 590 to 598; Appendix S-2, South Dakota Field Office Emission Summaries p 15-23. - South Dakota Approved RMP, September 21, 2015: Appendix Q, Air Resource Management Plan. p Qi – Q 12.

6	WEG	N	BLM does not have the discretion to ignore existing information and tools and wave away emissions as insignificant.	The commentor is referred to the following documents where the BLM has analyzed climate impacts and applied NEPA principles by addressing GHG emissions: - Climate Change Supplementary Information Report for Montana, North Dakota, and South Dakota, Bureau of Land Management, October 2010. - Draft Miles City Field Office Resource Management Plan Revision and Environmental Impact Statement, Air Resource Technical Support Document for Emission Inventories and Near-Field Modeling, March 7, 2013. - Draft South Dakota Resource Management Plan and Environmental Impact Statement, Draft Air Resource Technical Support Document for Emission Inventories and Near-Field Modeling, April 11, 2013. - Oil and Gas Emissions Inventory Project: ND-SD-MT Williston and MT North Central (Great Plains) Basins, Western Regional Air Partnership, 2014. - Competitive Oil and Gas Lease Sale EA, Jan. 27, 2015, DOI-BLM-MT-C030-2014-189-EA. - South Dakota Proposed RMP/EIS, 2015: Chapter 3, Air Resources p 373 to 381, Climate Change p 385 to 392; Chapter 4, Air Resources p 575 to 590, Climate Change p 590 to 598; Appendix S-2, South Dakota Field Office Emission Summaries p 15-23. - South Dakota Approved RMP, September 21, 2015: Appendix Q, Air Resource Management Plan. p Qi – Q 12.

7	WEG	N	BLM is relying on outdated and inapplicable boilerplate text to cover gaps in analysis.	The purpose of a DNA or Determination of NEPA Adequacy is to confirm that an action is adequately analyzed in an existing document and in conformance with a land use plan. The DNA itself would not contain new environmental analysis. The act of leasing an oil and gas lease on the proposed parcels is in conformance with the RMP and associated amendments and within areas determined to be open to oil and gas leasing subject to identified stipulations in the RMP. IM No. 2010-117 Section.E. NEPA Compliance Documentation, allows BLM to use a DNA to document NEPA compliance for leasing decisions if the proposed leasing action is adequately analyzed in an existing NEPA document. Incremental GHG emissions from downstream use of oil cannot be reasonably estimated. Oil may be used as fuel, as a lubricant, or as feedstock for chemical or plastic production. If used as a lubricant or feedstock, the oil would not be combusted and GHG emission estimates based on combustion would be incorrect. Attempts to estimate GHG emissions from downstream activities also lead to overestimation of global GHG emissions by counting combustion emissions at the production stage and again in GHG inventories of vehicular, residential, and industrial sources, which are already inventoried at end user sites. Estimating GHG emissions occurring at their sources allows reasonable estimates based on known uses and on equipment and operations expected at the source. See the South Dakota Proposed RMP/EIS, 2015: Chapter 3, Air Resources p 373 to 381, Climate Change p 385 to 392; Chapter 4, Air Resources p 575 to 590, Climate Change p 590 to 598; Appendix S-2, South Dakota Field Office Emission Summaries p 15-23. And see the South Dakota Approved RMP, September 21, 2015: Appendix Q, Air Resource Management Plan. p Qi – Q 12.

8	WEG	N	Actual emissions must be used for lease sales. There is no attempt in the DNA to convert the EA estimate to project emissions. There is no projection of emissions from combustion of the products produced. South Dakota makes no attempt to estimate emissions whatsoever. BLM failed to estimate project emissions and failed to discuss why.	Actual emissions, in most cases, are not calculated for lease sales because essential parameters for calculating emissions are not known at this stage. BLM relies on emissions estimates at a regional scale for lease sales to disclose the potential for impacts to air quality. Actual air emissions can be determined when actual development occurs and can be calculated with an APD.

9	WEG	N	To estimate emissions would not be difficult and has been done by other offices. Instead BLM Montana simply ignores the requirement.	Actual emissions, in most cases, are not calculated for lease sales because essential parameters for calculating emissions are not known at this stage. BLM relies on emissions estimates at a regional scale for lease sales to disclose the potential for impacts to air quality. Actual air emissions can be determined when actual development occurs and can be calculated with an APD. The commentor is refered to the documents included in the response to comment 6.
10	WEG	N	GHG emissions and climate impacts should be analyzed in a RMP which was not done here, at the leasing stage, and at the APD stage.	The commentor is referred to the following documents where the BLM has analyzed climate impacts and applied NEPA principles by addressing GHG emissions: - Climate Change Supplementary Information Report for Montana, North Dakota, and South Dakota, Bureau of Land Management, October 2010. - Draft Miles City Field Office Resource Management Plan Revision and Environmental Impact Statement, Air Resource Technical Support Document for Emission Inventories and Near-Field Modeling, March 7, 2013. - Draft South Dakota Resource Management Plan and Environmental Impact Statement, Draft Air Resource Technical Support Document for Emission Inventories and Near-Field Modeling, April 11, 2013. - Oil and Gas Emissions Inventory Project: ND-SD-MT Williston and MT North

				Central (Great Plains) Basins, Western Regional Air Partnership, 2014. - Competitive Oil and Gas Lease Sale EA, Jan. 27, 2015, DOI-BLM-MT-C030-2014-189-EA. - South Dakota Proposed RMP/EIS, 2015: Chapter 3, Air Resources p 373 to 381, Climate Change p 385 to 392; Chapter 4, Air Resources p 575 to 590, Climate Change p 590 to 598; Appendix S-2, South Dakota Field Office Emission Summaries p 15-23. - South Dakota Approved RMP, September 21, 2015: Appendix Q, Air Resource Management Plan. p Qi – Q 12.
11	WEG	N	Comment applies to North Dakota DNA only	N/A

12	WEG	N	Reasonably foreseeable effects on climate must be analyzed under NEPA inlude those that come from using the resource. The analysis of emissions from buring oil and gas must be included. BLM chose to ignore estimate of climate emissions from production. Until BLM completes a quantitative analysis of emissions of its oil and gas leasing program at the programmatic level, emissions from individual lease sales warrant a quantitative estimate.	The purpose of a DNA or Determination of NEPA Adequacy is to confirm that an action is adequately analyzed in an existing document and in conformance with a land use plan. The DNA itself would not contain new environmental analysis. The act of leasing an oil and gas lease on the proposed parcels is in conformance with the RMP and associated amendments and within areas determined to be open to oil and gas leasing subject to identified stipulations in the RMP. IM No. 2010-117 Section.E. NEPA Compliance Documentation, allows BLM to use a DNA to document NEPA compliance for leasing decisions if the proposed leasing action is adequately analyzed in an existing NEPA document. Incremental GHG emissions from downstream use of oil cannot be reasonably estimated. Oil may be used as fuel, as a lubricant, or as feedstock for chemical or plastic production. If used as a lubricant or feedstock, the oil would not be combusted and GHG emission estimates based on combustion would be incorrect. Attempts to estimate GHG emissions from downstream activities also lead to overestimation of global GHG emissions by counting combustion emissions at the production stage and again in GHG inventories of vehicular, residential, and industrial sources, which are already inventoried at end user sites. Estimating GHG emissions occurring at their sources allows reasonable estimates based on known uses and on equipment and operations expected at the source. See the South Dakota Proposed RMP/EIS, 2015: Chapter 3, Air Resources p 373 to 381, Climate Change p 385 to 392; Chapter 4, Air Resources p 575 to 590, Climate Change p 590 to 598; Appendix S-2, South Dakota Field Office Emission Summaries p 15-23. And see the South Dakota Approved RMP, September 21, 2015: Appendix Q, Air Resource Management Plan. p Qi – Q 12.

13	WEG	N	Rule of reason demands BLM ensure professional and scientific integrity. Calling climate science formative to dismiss the need for analysis or claiming the standard for analysis is certainty lacks the required level of integrity in the EA. DNAs in question are legeally insufficient.	The purpose of a DNA or Determination of NEPA Adequacy is to confirm that an action is adequately analyzed in an existing document and in conformance with a land use plan. The DNA itself would not contain new environmental analysis. The act of leasing an oil and gas lease on the proposed parcels is in conformance with the RMP and associated amendments and within areas determined to be open to oil and gas leasing subject to identified stipulations in the RMP. IM No. 2010-117 Section.E. NEPA Compliance Documentation, allows BLM to use a DNA to document NEPA compliance for leasing decisions if the proposed leasing action is adequately analyzed in an existing NEPA document. Incremental GHG emissions from downstream use of oil cannot be reasonably estimated. Oil may be used as fuel, as a lubricant, or as feedstock for chemical or plastic production. If used as a lubricant or feedstock, the oil would not be combusted and GHG emission estimates based on combustion would be incorrect. Attempts to estimate GHG emissions from downstream activities also lead to overestimation of global GHG emissions by counting combustion emissions at the production stage and again in GHG inventories of vehicular, residential, and industrial sources, which are already inventoried at end user sites. Estimating GHG emissions occurring at their sources allows reasonable estimates based on known uses and on equipment and operations expected at the source.

14	WEG	N	Estimates of climate emissions need to be put in context and the social cost of carbon is a tool for doing so. CEQ guidance recognizes that SCC estimates vary over time, are associated with different discount rates and risks, and are intended to be updated as scientific and economic understanding improves. These shortcomings do not disqualify the methodology from use under NEPA or render useless. Failure to cast emission estimates in terms of the costs to society from resulting climate change is a failure to provide decision makers and public with context for understanding the importance of a particular amount of emissions.	The BLM appreciates the comment suggesting the use of the social cost of carbon (SCC) in NEPA analyses for its proposed land and resource management actions. SCC estimates the monetary cost incurred by the emission of one additional metric ton of carbon dioxide (CO2). The BLM finds that including monetary estimates of the Social Cost of Carbon (SCC) in its NEPA analysis for this proposed action would not be useful. There is no court case or existing guidance requiring the inclusion of SCC in the NEPA context. Estimating SCC is challenging because it is intended to model effects at a global scale on the welfare of future generations caused by additional carbon emissions occurring in the present. A federal Interagency Working Group on the Social Cost of Carbon, convened by the Office of Management and Budget, developed estimates of the SCC, which reflect the monetary cost incurred by the emission of one additional metric ton of carbon dioxide (CO2). However for this decision, the BLM finds that including meaningful monetary estimates of the SCC is difficult and would not provide additional pertinent information to the decision maker.

15	WEG	N	A complete estimate and analysis of climate emissions and impacts from this project is required but missing. The DNAs must be supplemented to include an analysis of climate change and project effects on climate change following agency and government wide guidance and law.	The purpose of a DNA or Determination of NEPA Adequacy is to confirm that an action is adequately analyzed in an existing document and in conformance with a land use plan. The DNA itself would not contain new environmental analysis. The act of leasing an oil and gas lease on the proposed parcels is in conformance with the RMP and associated amendments and within areas determined to be open to oil and gas leasing subject to identified stipulations in the RMP. IM No. 2010-117 Section.E. NEPA Compliance Documentation, allows BLM to use a DNA to document NEPA compliance for leasing decisions if the proposed leasing action is adequately analyzed in an existing NEPA document. Incremental GHG emissions from downstream use of oil cannot be reasonably estimated. Oil may be used as fuel, as a lubricant, or as feedstock for chemical or plastic production. If used as a lubricant or feedstock, the oil would not be combusted and GHG emission estimates based on combustion would be incorrect. Attempts to estimate GHG emissions from downstream activities also lead to overestimation of global GHG emissions by counting combustion emissions at the production stage and again in GHG inventories of vehicular, residential, and industrial sources, which are already inventoried at end user sites. Estimating GHG emissions occurring at their sources allows reasonable estimates based on known uses and on equipment and operations expected at the source. See the South Dakota Proposed RMP/EIS, 2015: Chapter 3, Air Resources p 373 to 381, Climate Change p 385 to 392; Chapter 4, Air Resources p 575 to 590, Climate Change p 590 to 598; Appendix S-2, South Dakota Field Office Emission Summaries p 15-23. And see the South Dakota Approved RMP, September 21, 2015: Appendix Q, Air Resource Management Plan. p Qi – Q 12.

16	WEG	N	Any NEPA analysis of a fossil fuel project that fails to use government wide protocal for assessing the costs to society of carbon emissions from the proposed action has failed to take the legally required hard look.	The BLM appreciates the comment suggesting the use of the social cost of carbon (SCC) in NEPA analyses for its proposed land and resource management actions. SCC estimates the monetary cost incurred by the emission of one additional metric ton of carbon dioxide (CO2). The BLM finds that including monetary estimates of the Social Cost of Carbon (SCC) in its NEPA analysis for this proposed action would not be useful. There is no court case or existing guidance requiring the inclusion of SCC in the NEPA context. Estimating SCC is challenging because it is intended to model effects at a global scale on the welfare of future generations caused by additional carbon emissions occurring in the present. A federal Interagency Working Group on the Social Cost of Carbon, convened by the Office of Management and Budget, developed estimates of the SCC, which reflect the monetary cost incurred by the emission of one additional metric ton of carbon dioxide (CO2). However for this decision, the BLM finds that including meaningful monetary estimates of the SCC is difficult and would not provide additional pertinent information to the decision maker.

17	WEG	N	Comment applies to North Dakota DNA only	N/A

18	WEG	N	BLM fails to draw the connection between the project and increased climate impacts and costs. BLM declines to assess the impacts of climate change. BLM violates the hard look doctrine.The project fails to take a hard look at climate impacts to society as contextualized in the social cost of carbon protocal.DNAs must be modified to analyze the social cost of carbon.	The BLM appreciates the comment suggesting the use of the social cost of carbon (SCC) in NEPA analyses for its proposed land and resource management actions. SCC estimates the monetary cost incurred by the emission of one additional metric ton of carbon dioxide (CO2). The BLM finds that including monetary estimates of the Social Cost of Carbon (SCC) in its NEPA analysis for this proposed action would not be useful. There is no court case or existing guidance requiring the inclusion of SCC in the NEPA context. Estimating SCC is challenging because it is intended to model effects at a global scale on the welfare of future generations caused by additional carbon emissions occurring in the present. A federal Interagency Working Group on the Social Cost of Carbon, convened by the Office of Management and Budget, developed estimates of the SCC, which reflect the monetary cost incurred by the emission of one additional metric ton of carbon dioxide (CO2). However for this decision, the BLM finds that including meaningful monetary estimates of the SCC is difficult and would not provide additional pertinent information to the decision maker.
19	WEG	N	BLM ignores the DOI October 2015 landscape scale mitigation policy 600 DM 6. BLM has not undertaken to implement any aspect of this policy in the project at hand.	The policy states that "the Department will effectively avoid, minimize, and compensate for impacts to Department-managed resources and their values, services, and functions." The BLM has applied stipulations to the proposed parcel that avoids or minimizes impacts. The policy covers the full mitigation hierarchy, not just compensatory mitigation. Therefore it is incorrect to say we didn't apply "any aspect" of the policy since we did avoid and minimize impacts.

20	WEG	N	DNAs must analyze the impacts from fracking wastewater, including the possibility of earthquakes produced by underground injection. BLM must in a supplemental analysis analyze the likelihood of impacts in Wyoming before they occur.	Upon receipt of an APD, the BLM would initiate a more site-specific NEPA analysis with opportunities to fully analyze and disclose site-specific effects of specifically identified activities. In the event of exploration and development, measures would be taken to reduce, avoid, or minimize potential impacts to water resources including application of appropriate mitigation. Appropriate well completion, the implementation of Spill Prevention Plans, and Impacts from underground injection and impacts to water resources are considered.
21	WEG	N	DNAs do not attempt to analyze the degree or frequency of waste water injection. Likewise no stipulations on such practices are included in the proposed leases. This impact must be studied and stipulations included to preven these impacts in WY.	Upon receipt of an APD, the BLM would initiate a more site-specific NEPA analysis with opportunities to fully analyze and disclose site-specific effects of specifically identified activities. In the event of exploration and development, measures would be taken to reduce, avoid, or minimize potential impacts to water resources including application of appropriate mitigation. Appropriate well completion, the implementation of Spill Prevention Plans, and Impacts from underground injection and impacts to water resources are considered.

22	WEG	N	DNAs fail to adequately analyze the impacts to Sage Grouse. The 3 SD parcels are in potential SG habitat. Should sage grouse populations continue to rebound. It is possible the habitat will become occupied in the future, during the term of the lease. Leases should contain stips maintaining development levels at or below intensity threshholds in case SG becomes reestablished.	As part of the effort to revise the SDFO Resource Management Plan, BLM developed maps of priority habitat management areas in 2010 by considering Schroeder's potential presettlement distribution of sage-grouse distribution as discussed in the publication Range-Wide Patterns of Sage-Grouse Persistence (Aldridge et al. 2008). While the Schroeder map does show that sage-grouse were present in the areas south of the Black Hills in Fall River and Custer Counties, the initial BLM priority habitat and general habitat management areas did not include any of these lands because no active leks are present, habitat is marginal, and the potential for a stable sage grouse population was low. The initial BLM sage-grouse habitat maps were reviewed by SD Game, Fish and Parks (GFP) and US Fish and Wildlife Service, SD Field Office (USFWS, SDFO) during meetings with these agencies. The possibility of including portions of Fall River and Custer Counties as PHMAs or GHMAs was discussed several times with the agencies listed above but the general consensus was that the potential for a stable population in this area was too low to warrant inclusion into the habitat maps. BLM's analysis of sage grouse habitat continued during the RMP planning process and included a thorough review of all available information about sage grouse in western SD, including additional discussions with SD GFP, USFWS, cooperating agencies, the BLM Field Office in Newcastle, Wyoming, stakeholders and a review of public comments about the draft RMP/EIS in 2013. Based on this information, BLM did not include lands in Custer and Fall River County in subsequent refinements to the habitat maps because there are no active leks present in these counties and the most recently active lek in Fall River County has not been used by sage grouse since 2006, at which time only 1 male was counted on the lek. No males had been counted on that lek previously since 2002. All leks in Fall River County are classified as inactive. In 2014, SD GFP revised the State Wildlife Action Plan for sage grouse. During this revision, GFP delineated additional habitat areas that included BLM PHMAs and additional areas in Butte and Harding Counties. The GFP core areas did not include any lands south of the Black Hills in Fall River or Custer Counties because of the low potential for sage grouse. When their plan was released, GFP recommended that BLM adopt the GFP core areas as PHMAs for sage grouse. Based on comments from GFP and additional review of the available data, BLM adopted the SD GFP core areas as its PHMA in the Final Decision for the SD RMP. While the BLM recognizes that sage grouse once used areas south of the Black Hills the potential for fully reproducing, stable population is very low due to marginal habitat.

				Aldrige et al. 2008. Journal compilation in Diversity and Distributions 14, 983–994, Journal compilation © 2008 Blackwell Publishing Ltd SD GFP Sage Grouse Action Plan. (2014 South Dakota Game Fish and Parks 2014)
23	WEG	N	BLM has not done an adequate job of analyzing the potential distribution of the GSG in the area and additional analysis is needed to satisfy baseline information.	As part of the effort to revise the SDFO Resource Management Plan, BLM developed maps of priority habitat management areas in 2010 by considering Schroeder's potential presettlement distribution of sage-grouse distribution as discussed in the publication Range-Wide Patterns of Sage-Grouse Persistence (Aldridge et al. 2008). While the Schroeder map does show that sage-grouse were present in the areas south of the Black Hills in Fall River and Custer Counties, the initial BLM priority habitat and general habitat management areas did not include any of these lands because no active leks are present, habitat is marginal, and the potential for a stable sage grouse population was low. The initial BLM sage-grouse habitat maps were reviewed by SD Game, Fish and Parks (GFP) and US Fish and Wildlife Service, SD Field Office (USFWS, SDFO) during meetings with these agencies. The possibility of including portions of Fall River and Custer Counties as PHMAs or GHMAs was discussed several times with the agencies listed above but the general consensus was that the potential for a stable population in this area was too low to warrant inclusion into the habitat maps. BLM's analysis of sage grouse habitat continued during the RMP planning process and included a thorough review of all available information about sage grouse in western SD, including additional discussions with SD GFP, USFWS, cooperating agencies, the BLM

				Field Office in Newcastle, Wyoming, stakeholders and a review of public comments about the draft RMP/EIS in 2013. Based on this information, BLM did not include lands in Custer and Fall River County in subsequent refinements to the habitat maps because there are no active leks present in these counties and the most recently active lek in Fall River County has not been used by sage grouse since 2006, at which time only 1 male was counted on the lek. No males had been counted on that lek previously since 2002. All leks in Fall River County are classified as inactive. In 2014, SD GFP revised the State Wildlife Action Plan for sage grouse. During this revision, GFP delineated additional habitat areas that included BLM PHMAs and additional areas in Butte and Harding Counties. The GFP core areas did not include any lands south of the Black Hills in Fall River or Custer Counties because of the low potential for sage grouse. When their plan was released, GFP recommended that BLM adopt the GFP core areas as PHMAs for sage grouse. Based on comments from GFP and additional review of the available data, BLM adopted the SD GFP core areas as its PHMA in the Final Decision for the SD RMP. While the BLM recognizes that sage grouse once used areas south of the Black Hills the potential for fully reproducing, stable population is very low due to marginal habitat. Aldrige et al. 2008. Journal compilation in Diversity and Distributions 14, 983–994, Journal compilation © 2008 Blackwell Publishing Ltd SD GFP Sage Grouse Action Plan. (2014 South Dakota Game Fish and Parks 2014)

24	WEG	N	Current standard SG stipulations that apply outside PHMA are biologically inadequate and effectiveness has not been established by the BLM. BLM should not issue parcels unless stipulations far stronger (ie NSO) than those provided in the EA are applied. Include a 4 mile NSO stip around active leks	As part of the effort to revise the SDFO Resource Management Plan, BLM developed maps of priority habitat management areas in 2010 by considering Schroeder's potential presettlement distribution of sage-grouse distribution as discussed in the publication Range-Wide Patterns of Sage-Grouse Persistence (Aldridge et al. 2008). While the Schroeder map does show that sage-grouse were present in the areas south of the Black Hills in Fall River and Custer Counties, the initial BLM priority habitat and general habitat management areas did not include any of these lands because no active leks are present, habitat is marginal, and the potential for a stable sage grouse population was low. The initial BLM sage-grouse habitat maps were reviewed by SD Game, Fish and Parks (GFP) and US Fish and Wildlife Service, SD Field Office (USFWS, SDFO) during meetings with these agencies. The possibility of including portions of Fall River and Custer Counties as PHMAs or GHMAs was discussed several times with the agencies listed above but the general consensus was that the potential for a stable population in this area was too low to warrant inclusion into the habitat maps. BLM's analysis of sage grouse habitat continued during the RMP planning process and included a thorough review of all available information about sage grouse in western SD, including additional discussions with SD GFP, USFWS, cooperating agencies, the BLM Field Office in Newcastle, Wyoming, stakeholders and a review of public comments about the draft RMP/EIS in 2013. Based on this information, BLM did not include lands in Custer and Fall River County in subsequent refinements to the habitat maps because there are no active leks present in these counties and the most recently active lek in Fall River County has not been used by sage grouse since 2006, at which time only 1 male was counted on the lek. No males had been counted on that lek previously since 2002. All leks in Fall River County are classified as inactive. In 2014, SD GFP revised the State Wildlife Action Plan for sage grouse. During this revision, GFP delineated additional habitat areas that included BLM PHMAs and additional areas in Butte and Harding Counties. The GFP core areas did not include any lands south of the Black Hills in Fall River or Custer Counties because of the low potential for sage grouse. When their plan was released, GFP recommended that BLM adopt the GFP core areas as PHMAs for sage grouse. Based on comments from GFP and additional review of the available data, BLM adopted the SD GFP core areas as its PHMA in the Final Decision for the SD RMP. While the BLM recognizes that sage grouse once used areas south of the Black Hills the potential for fully reproducing, stable population is very low due to marginal habitat.

				Aldrige et al. 2008. Journal compilation in Diversity and Distributions 14, 983–994, Journal compilation © 2008 Blackwell Publishing Ltd SD GFP Sage Grouse Action Plan. (2014 South Dakota Game Fish and Parks 2014)
25	WEG	N	BLM has repeatedly failed to provide any analysis examining the effectiveness of the standard quarter-mile buffers where disturbance would be "avoided."	As part of the effort to revise the SDFO Resource Management Plan, BLM developed maps of priority habitat management areas in 2010 by considering Schroeder's potential presettlement distribution of sage-grouse distribution as discussed in the publication Range-Wide Patterns of Sage-Grouse Persistence (Aldridge et al. 2008). While the Schroeder map does show that sage-grouse were present in the areas south of the Black Hills in Fall River and Custer Counties, the initial BLM priority habitat and general habitat management areas did not include any of these lands because no active leks are present, habitat is marginal, and the potential for a stable sage grouse population was low. The initial BLM sage-grouse habitat maps were reviewed by SD Game, Fish and Parks (GFP) and US Fish and Wildlife Service, SD Field Office (USFWS, SDFO) during meetings with these agencies. The possibility of including portions of Fall River and Custer Counties as PHMAs or GHMAs was discussed several times with the agencies listed above but the general consensus was that the potential for a stable population in this area was too low to warrant inclusion into the habitat maps. BLM's analysis of sage grouse habitat continued during the RMP planning process and included a thorough review of all available information about sage grouse in western SD, including additional discussions with SD GFP, USFWS, cooperating agencies, the BLM

				Field Office in Newcastle, Wyoming, stakeholders and a review of public comments about the draft RMP/EIS in 2013. Based on this information, BLM did not include lands in Custer and Fall River County in subsequent refinements to the habitat maps because there are no active leks present in these counties and the most recently active lek in Fall River County has not been used by sage grouse since 2006, at which time only 1 male was counted on the lek. No males had been counted on that lek previously since 2002. All leks in Fall River County are classified as inactive. In 2014, SD GFP revised the State Wildlife Action Plan for sage grouse. During this revision, GFP delineated additional habitat areas that included BLM PHMAs and additional areas in Butte and Harding Counties. The GFP core areas did not include any lands south of the Black Hills in Fall River or Custer Counties because of the low potential for sage grouse. When their plan was released, GFP recommended that BLM adopt the GFP core areas as PHMAs for sage grouse. Based on comments from GFP and additional review of the available data, BLM adopted the SD GFP core areas as its PHMA in the Final Decision for the SD RMP. While the BLM recognizes that sage grouse once used areas south of the Black Hills the potential for fully reproducing, stable population is very low due to marginal habitat. Aldrige et al. 2008. Journal compilation in Diversity and Distributions 14, 983–994, Journal compilation © 2008 Blackwell Publishing Ltd SD GFP Sage Grouse Action Plan. (2014 South Dakota Game Fish and Parks 2014)

26	WEG	N	WEG references a few studies on p16 stating that this new information is significant and requires an RMP Amendment before leasing can move forward.	As part of the effort to revise the SDFO Resource Management Plan, BLM developed maps of priority habitat management areas in 2010 by considering Schroeder's potential presettlement distribution of sage-grouse distribution as discussed in the publication Range-Wide Patterns of Sage-Grouse Persistence (Aldridge et al. 2008). While the Schroeder map does show that sage-grouse were present in the areas south of the Black Hills in Fall River and Custer Counties, the initial BLM priority habitat and general habitat management areas did not include any of these lands because no active leks are present, habitat is marginal, and the potential for a stable sage grouse population was low. The initial BLM sage-grouse habitat maps were reviewed by SD Game, Fish and Parks (GFP) and US Fish and Wildlife Service, SD Field Office (USFWS, SDFO) during meetings with these agencies. The possibility of including portions of Fall River and Custer Counties as PHMAs or GHMAs was discussed several times with the agencies listed above but the general consensus was that the potential for a stable population in this area was too low to warrant inclusion into the habitat maps. BLM's analysis of sage grouse habitat continued during the RMP planning process and included a thorough review of all available information about sage grouse in western SD, including additional discussions with SD GFP, USFWS, cooperating agencies, the BLM Field Office in Newcastle, Wyoming, stakeholders and a review of public comments about the draft RMP/EIS in 2013. Based on this information, BLM did not include lands in Custer and Fall River County in subsequent refinements to the habitat maps because there are no active leks present in these counties and the most recently active lek in Fall River County has not been used by sage grouse since 2006, at which time only 1 male was counted on the lek. No males had been counted on that lek previously since 2002. All leks in Fall River County are classified as inactive. In 2014, SD GFP revised the State Wildlife Action Plan for sage grouse. During this revision, GFP delineated additional habitat areas that included BLM PHMAs and additional areas in Butte and Harding Counties. The GFP core areas did not include any lands south of the Black Hills in Fall River or Custer Counties because of the low potential for sage grouse. When their plan was released, GFP recommended that BLM adopt the GFP core areas as PHMAs for sage grouse. Based on comments from GFP and additional review of the available data, BLM adopted the SD GFP core areas as its PHMA in the Final Decision for the SD RMP. While the BLM recognizes that sage grouse once used areas south of the Black Hills the potential for fully reproducing, stable population is very low due to marginal habitat.

				Aldrige et al. 2008. Journal compilation in Diversity and Distributions 14, 983–994, Journal compilation © 2008 Blackwell Publishing Ltd SD GFP Sage Grouse Action Plan. (2014 South Dakota Game Fish and Parks 2014)
27	WEG	N	Timing Limitation stips are ineffective. The .25mile NSO buffer and Timing limitations have been found to result in significant negative impacts. Reference MCFO EA. BLM cannot rely on scientifically unsound and invalid stipulations for the issuance of leases in GHMA.	As part of the effort to revise the SDFO Resource Management Plan, BLM developed maps of priority habitat management areas in 2010 by considering Schroeder's potential presettlement distribution of sage-grouse distribution as discussed in the publication Range-Wide Patterns of Sage-Grouse Persistence (Aldridge et al. 2008). While the Schroeder map does show that sage-grouse were present in the areas south of the Black Hills in Fall River and Custer Counties, the initial BLM priority habitat and general habitat management areas did not include any of these lands because no active leks are present, habitat is marginal, and the potential for a stable sage grouse population was low. The initial BLM sage-grouse habitat maps were reviewed by SD Game, Fish and Parks (GFP) and US Fish and Wildlife Service, SD Field Office (USFWS, SDFO) during meetings with these agencies. The possibility of including portions of Fall River and Custer Counties as PHMAs or GHMAs was discussed several times with the agencies listed above but the general consensus was that the potential for a stable population in this area was too low to warrant inclusion into the habitat maps. BLM's analysis of sage grouse habitat continued during the RMP planning process and included a thorough review of all available information about sage grouse in western SD, including additional discussions with SD GFP, USFWS, cooperating agencies, the BLM

				Field Office in Newcastle, Wyoming, stakeholders and a review of public comments about the draft RMP/EIS in 2013. Based on this information, BLM did not include lands in Custer and Fall River County in subsequent refinements to the habitat maps because there are no active leks present in these counties and the most recently active lek in Fall River County has not been used by sage grouse since 2006, at which time only 1 male was counted on the lek. No males had been counted on that lek previously since 2002. All leks in Fall River County are classified as inactive. In 2014, SD GFP revised the State Wildlife Action Plan for sage grouse. During this revision, GFP delineated additional habitat areas that included BLM PHMAs and additional areas in Butte and Harding Counties. The GFP core areas did not include any lands south of the Black Hills in Fall River or Custer Counties because of the low potential for sage grouse. When their plan was released, GFP recommended that BLM adopt the GFP core areas as PHMAs for sage grouse. Based on comments from GFP and additional review of the available data, BLM adopted the SD GFP core areas as its PHMA in the Final Decision for the SD RMP. While the BLM recognizes that sage grouse once used areas south of the Black Hills the potential for fully reproducing, stable population is very low due to marginal habitat. Aldrige et al. 2008. Journal compilation in Diversity and Distributions 14, 983–994, Journal compilation © 2008 Blackwell Publishing Ltd SD GFP Sage Grouse Action Plan. (2014 South Dakota Game Fish and Parks 2014)

28	WEG	N	Current stipulations to protect SG from oil and gas related noise are inadequate.	As part of the effort to revise the SDFO Resource Management Plan, BLM developed maps of priority habitat management areas in 2010 by considering Schroeder's potential presettlement distribution of sage-grouse distribution as discussed in the publication Range-Wide Patterns of Sage-Grouse Persistence (Aldridge et al. 2008). While the Schroeder map does show that sage-grouse were present in the areas south of the Black Hills in Fall River and Custer Counties, the initial BLM priority habitat and general habitat management areas did not include any of these lands because no active leks are present, habitat is marginal, and the potential for a stable sage grouse population was low. The initial BLM sage-grouse habitat maps were reviewed by SD Game, Fish and Parks (GFP) and US Fish and Wildlife Service, SD Field Office (USFWS, SDFO) during meetings with these agencies. The possibility of including portions of Fall River and Custer Counties as PHMAs or GHMAs was discussed several times with the agencies listed above but the general consensus was that the potential for a stable population in this area was too low to warrant inclusion into the habitat maps. BLM's analysis of sage grouse habitat continued during the RMP planning process and included a thorough review of all available information about sage grouse in western SD, including additional discussions with SD GFP, USFWS, cooperating agencies, the BLM Field Office in Newcastle, Wyoming, stakeholders and a review of public comments about the draft RMP/EIS in 2013. Based on this information, BLM did not include lands in Custer and Fall River County in subsequent refinements to the habitat maps because there are no active leks present in these counties and the most recently active lek in Fall River County has not been used by sage grouse since 2006, at which time only 1 male was counted on the lek. No males had been counted on that lek previously since 2002. All leks in Fall River County are classified as inactive. In 2014, SD GFP revised the State Wildlife Action Plan for sage grouse. During this revision, GFP delineated additional habitat areas that included BLM PHMAs and additional areas in Butte and Harding Counties. The GFP core areas did not include any lands south of the Black Hills in Fall River or Custer Counties because of the low potential for sage grouse. When their plan was released, GFP recommended that BLM adopt the GFP core areas as PHMAs for sage grouse. Based on comments from GFP and additional review of the available data, BLM adopted the SD GFP core areas as its PHMA in the Final Decision for the SD RMP. While the BLM recognizes that sage grouse once used areas south of the Black Hills the potential for fully reproducing, stable population is very low due to marginal habitat.

				Aldrige et al. 2008. Journal compilation in Diversity and Distributions 14, 983–994, Journal compilation © 2008 Blackwell Publishing Ltd SD GFP Sage Grouse Action Plan. (2014 South Dakota Game Fish and Parks 2014)
29	WEG	N	Proposal to apply timing stips to winter concentration areas is insufficient.	As part of the effort to revise the SDFO Resource Management Plan, BLM developed maps of priority habitat management areas in 2010 by considering Schroeder's potential presettlement distribution of sage-grouse distribution as discussed in the publication Range-Wide Patterns of Sage-Grouse Persistence (Aldridge et al. 2008). While the Schroeder map does show that sage-grouse were present in the areas south of the Black Hills in Fall River and Custer Counties, the initial BLM priority habitat and general habitat management areas did not include any of these lands because no active leks are present, habitat is marginal, and the potential for a stable sage grouse population was low. The initial BLM sage-grouse habitat maps were reviewed by SD Game, Fish and Parks (GFP) and US Fish and Wildlife Service, SD Field Office (USFWS, SDFO) during meetings with these agencies. The possibility of including portions of Fall River and Custer Counties as PHMAs or GHMAs was discussed several times with the agencies listed above but the general consensus was that the potential for a stable population in this area was too low to warrant inclusion into the habitat maps. BLM's analysis of sage grouse habitat continued during the RMP planning process and included a thorough review of all available information about sage grouse in western SD, including additional discussions with SD GFP, USFWS, cooperating agencies, the BLM

				Field Office in Newcastle, Wyoming, stakeholders and a review of public comments about the draft RMP/EIS in 2013. Based on this information, BLM did not include lands in Custer and Fall River County in subsequent refinements to the habitat maps because there are no active leks present in these counties and the most recently active lek in Fall River County has not been used by sage grouse since 2006, at which time only 1 male was counted on the lek. No males had been counted on that lek previously since 2002. All leks in Fall River County are classified as inactive. In 2014, SD GFP revised the State Wildlife Action Plan for sage grouse. During this revision, GFP delineated additional habitat areas that included BLM PHMAs and additional areas in Butte and Harding Counties. The GFP core areas did not include any lands south of the Black Hills in Fall River or Custer Counties because of the low potential for sage grouse. When their plan was released, GFP recommended that BLM adopt the GFP core areas as PHMAs for sage grouse. Based on comments from GFP and additional review of the available data, BLM adopted the SD GFP core areas as its PHMA in the Final Decision for the SD RMP. While the BLM recognizes that sage grouse once used areas south of the Black Hills the potential for fully reproducing, stable population is very low due to marginal habitat. Aldrige et al. 2008. Journal compilation in Diversity and Distributions 14, 983–994, Journal compilation © 2008 Blackwell Publishing Ltd SD GFP Sage Grouse Action Plan. (2014 South Dakota Game Fish and Parks 2014)
30	Susan R. Henderson	N	Concerned about the parcel in the E2 of Section 31, which is 3.5 miles WNW of the Black Hills Army Depot. Dangerous to drill there due to great quantities of buried chemical warfare agents on BHAD. There is boiling hot water in the Madison acquifer. Drillers	The US Army Corps of Engineers (COE) has been investigating the BHAD for evidence of chemical contamination. Trenches were dug in much smaller quantities than referenced. Chemical warfare agents were burned in the trenches. Investigative trenches, some deep and shallow borings, as well as testing of the few deep wells have been done by the COE. They have found little detection of chemical warfare agents or byproducts. Chemicals of Potential Concern to human health and the environment have been found on site. They tend to be heavy metals and explosive agents. There are localized contaminants largely at shallow depths. Contamination has not been found to have reached deep wells, or migrated off of the BHAD facilities. Water hotter than surface temperature is the norm below a relatively shallow depth, and is taken into account by regulators and drillers. Caustic chemicals are generally used for their desirable effects on the physical characteristics of drilling fluids, but are used less for that purpose than in the past. Oil and gas bearing structures, as most underground

			use caustic chemicals. Oil and gas bearing rock structures are redioactive, so radioactive contamination results from production, and could produce water acquifers. We are awash in oil and gas fields being abandoned. Developing more near BHAD is a risk that is not worth it.	formations are typically not particularly radioactive, but can produce small amounts of radon, as well as uranium and radium. Radon is vented or sent to a gas plant to be processed. The tiny quantity of radon vented has no effect on the natural concentration in the ambient air. Uranium can be concentrated in tank sludge which would need to be handled carefully. Radium tends to be concentrated in scale in pipes that would need to be handled carefully. It is not typical to find detectible quantities.
31	Ryan Brunner Commissioner of School and Public Lands	N	Supports leasing of federal minerals. This may add interest in nearby state parcels and increase the possibility of exploration. Would then also benefit the state and federal government and our beneficiaries.	Thank you for your comment.
32	Cindy Brunson	N	Opposes Leasing. Concerned about trade-offs between the environment and environmental damage, especially related to Greater	No Greater Sage Grouse have been observed in the area west of Edgemont for many years. According to the SD GFP sage-grouse action plan (GFP 2014) and BLM's research and coordination with other agencies and stakeholders that was completed for the SD Resource Management Plan (BLM 2014), no habitat exists on or near these parcels. It is highly unlikely that any of the parcels would become occupied by sage-grouse in the future.

			sage-grouse. Concerned about the low price of oil not being worth it. Concerned about negative impacts to local employment, roads, traffic, dust, damage, and fires.	Oil prices rise and fall on a regular basis, and whether or not a parcel is available for leasing is not determined by the price of oil; it is determined through the land use planning process considering all potential resources. When we receive an expression of interest for leasing a parcel, we first determine if that parcel is available for leasing according to the applicable land use plans, and if so, what special stipulations may apply. The parcel may, or may not receive bids. Generally, it is less likely to receive bids if the price of oil is low. Best management practices can help mitigate some of the impacts on roads, traffic levels, dust, as well as fire danger. Increased tax revenues will assist the county with road impacts.
33	Katie Brunson	N	Concerned about sharp tailed grouse, ecosystems, and landscape.	The impacts to sharp-tailed grouse were considered. Stipulations to protect sharp-tailed grouse are included in the proposed lease sale.
34	Center for Biological Diversity Michael Saul Senior Attorney, Public Lands	N	Concerned about Sprague's Pipit not being fully analyzed at the lease stage.	BLM's ID team reviewed the proposed lease parcels and took a hard look at any potential indirect effects associated with leasing the nominated parcels. The three parcels are located in Fall River County where currently there is little or no drilling or seismic activity in the oil and gas field. A direct examination of the parcels indicates the habitat is marginal for Sprague's pipits (Biological Assessment and Evaluation, Appendix H FEIS, 2001) and a research review indicates zero records confirming that it is being utilized for nesting. Tallman et al (2002) reported a confirmed sighting in Fall River County in 1997 during the fall migration; however no nesting has been documented. At this stage, the leasing process, the act of leasing parcels would have no direct impacts on surface resources or alter any habitat for any migratory birds, including Sprague's Pipits. Even if lease parcels are leased, it remains unknown whether development would actually occur, and if so, where specific wells would be drilled and where facilities would be placed. As indicated in the DNA, the Sprague's pipit lease notice, LN 14-15, is stipulated on all three nominated parcels. The lease notice ensures that the successful bidder is fully aware that restrictions, modifications, or denial of permits could result at the time of the NEPA anaylsis when the BLM receives an application for a permit to drill (APD). If the nominated parcels are sold and if BLM receives an APD or an NOS the agency

				would again take a hard look at the proposed action for any stressors the action would place on potential habitat the Sprague's Pipit or other migratory birds may utilize. If Sprague's pipits are determined to be utilizing the habitat, protective measures could/would be applied as conditions of approval to minimize impacts to Sprague's pipits and their habitat. In addition, at the APD stage BLM would conference with the USFWS pursuant to section 7(a)(4) of ESA, or if the Sprague's pipit has been listed as threatened or endangered, BLM would consult with the USFWS pursuant to section 7(a)(2) to seek assist in developing protective measures. Furthermore, the MBTA prohibits the take, capture or kill of any migratory bird, any part, nest or eggs of any such bird (16 U.S.C 703 (a)). NEPA analysis pursuant to Executive Order 13186 (January 2001) requires BLM to ensure that MBTA compliance and the effects of Bureau actions and agency actions on migratory birds are evaluated, to reduce or eliminate the take of migratory birds and contribute to their conservation.