

## FINDING OF NO SIGNIFICANT IMPACT/DECISION RECORD.

### Decision

I have reviewed this environmental assessment including the explanation and resolution of any potentially significant environmental impacts. I have selected the proposed action alternative with the mitigation measures described below for authorization and implementation. I have determined that the proposed project is in conformance with the approved land use plan. It is my decision to implement the project with the mitigation measures identified below.

### Finding of No Significant Impact

Based upon the analysis of potential environmental impacts contained in the EA, I have determined that the impacts are not expected to be significant, and that an EIS is not required.

### Rationale for Decision

Compared to the No Action Alternative, the Proposed Action Alternative best meets the Purpose and Need and guiding laws, regulations, and directives, including the Federal Land Policy and Management Act (FLPMA, 43 USC 35). The proposed action is in conformance with the Great Divide Resource Management Plan (RMP) and the Atlantic Rim Natural Gas Field Development Project EIS.

### Public Comments/BLM Responses

Appendix B to this Decision Record contains a summary of public comments received for this action, and corresponding BLM responses.

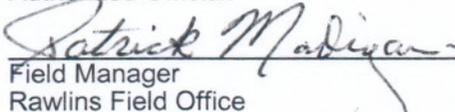
### Mitigation Measures/Remarks:

All needed mitigation is part of the proposed action and can be found in the Master Plan Elements and Conditions of Approval. At this time, a total of 44 federal APDs/wells (which includes six injection wells), as well as nine State wells (which includes one injection well) underlying BLM- administered surface within the Catalina Federal Unit, are authorized under this decision, along with appurtenant access roads, pipelines, utility corridors, and other described infrastructure. Two additional wells in Catalina POD E (31-30 and 44-31) and their associated infrastructure (well pads, access roads, utility lines) are analyzed within the EA, but are not being authorized at this time due to additional required consultation with, and the concurrence of, Native American tribes and the State Historic Preservation Officer on the two respective wells and their associated access roads, and utility lines. Once these requirements are met, this DR will also authorize these two additional wells (POD E 31-30 and 44-31), with any applicable and necessary additional mitigations, stipulations, or modifications from the current proposals.

### Monitoring and Compliance

Designated BLM personnel will monitor operations under authorizations for the proposed action as needed to ensure compliance with the Master Plan Elements and Conditions of Approval.

Authorized Official:

  
Field Manager  
Rawlins Field Office

DEC -4 2008  
Date

### Appeal

Under BLM regulation this decision is subject to appeal. Under BLM regulation, this decision is subject to administrative review in accordance with 43 CFR 3165. Any request for administrative review of this decision must include information required under 43 CFR 3165.3(b) (State Director Review), including all supporting documentation. Such a request must be filed in writing with the State Director, Bureau of Land Management, P.O. Box 1828, Cheyenne, Wyoming 82003 within 20 business days of the date this Decision Record is received or considered to have been received.

Appendix A to the Decision Record

ERRATA

Modifications and Corrections To The  
Catalina E & F Plan of Development (POD)  
Environmental Assessment (EA)

**Potential Environmental Impacts of the "Proposed Action" Alternative**

- 1) As this EA was submitted for public comment in an incomplete "draft" version, certain issues and response to public comments have been incorporated and/or changed, as applicable, into the text of the document.
- 2) The Wildlife Stipulation table for Catalina POD E on Page 9 of the EA and resultant Conditions of Approval erroneously listed "Rd only \*\*" for the raptor timing restriction instead of for the sage-grouse timing restriction for wells 24-36 and 44-36. The table has been changed accordingly, as have the Conditions of Approval.

*End Errata*

## Appendix B to the Decision Record

### Summary of EA Comments and BLM Responses

---

Two (2) comment letters were received (Biodiversity Conservation Alliance (BCA) on behalf of BCA and the Natural Resources Defense Council (NRDC), September 9, 2008, via email/hardcopy; and Husch, Blackwell, Sanders, LLP on behalf of the Theodore Roosevelt Conservation Partnership, September 9, 2008 via fax/hardcopy). The letters have been reviewed to determine whether the information they provided would warrant a determination other than a Finding of No Significant Impact (FONSI). Substantive comments are summarized below, with BLM responses to the comments in italics. The RFO would like to thank all who commented for taking the time to review the EA.

As noted in the EA (Page 3), information about the proposal was posted in the RFO public room for a 30-day period upon submittal by the proponent (beginning May 5, 2006). In addition, the BLM online NEPA register provides notice of actions for which NEPA documentation is prepared, including the proposal considered under this EA.

Also as noted in the ERRATA section above, this EA was submitted for public comment in an incomplete "draft" version. As such, certain issues and response to public comments have been incorporated and/or changed, as applicable, into the text of the document.

In reviewing the comments received, there were some instances where substantial comments were made but we could find no project-specific comments or any description of (1) new information, (2) why or how the analysis is flawed, (3) evidence of flawed assumptions, (4) evidence of error in data presented, or (5) requests for clarification that bear on conclusions presented in the analysis. This was the standard used to identify substantive comments for the following responses.

#### **Biodiversity Conservation Alliance, Comments:**

##### **I. Sage Grouse Leaks**

"Populations of sage grouse continue to decline. Yet, BLM persists in relying on mitigation measures that have already failed in other areas. The AR FEIS failed to adequately discuss whether its proposed mitigation measures for sage grouse are appropriate or scientifically defensible".... Indeed, BLM has determined that the quarter-mile NSO buffers and two-mile seasonal stipulations applied under this project are inadequate to sustain sage grouse populations in the Powder River Basin at identical CBM well densities.... Neither of these issues is addressed in the EA for the Catalina E and F...PODs. BLM is plowing ahead with more drilling permits before it has taken steps to prevent the steady and dramatic decline of the sage grouse. Contrary to the mandates of the BLM's own Sensitive Species policy and the Great Divide Resource Management Plan, BLM's approval of Catalina POD E and F will harm sage grouse leks and nesting habitat".

"Furthermore, the State of Wyoming has initiated a new sage grouse conservation policy by Executive Order, which depends on conservation of sage grouse in designated Core Areas. See Attachments 3 and 4. This policy constitutes significant new information that has become available subsequent to the issuance of the Atlantic Rim, ROD, and thus tiering to this NEPA analysis is unavailing. Supplemental NEPA will be required to address this issue.

"As a result of these impacts and considerations, significant impacts to sage grouse are likely and an EIS will be needed prior to project approval".

The BLM recognized significant impacts are likely to occur from the implementation of oil and gas projects in the area analyzed in the AR FEIS/ROD. Potential impacts to sage grouse (including wintering sage grouse) from activities such as those in the proposed action have been discussed in the FEIS (see Page 4-75 through 4-78). The subject ROD and tiered EA include both broad-based and site specific mitigation measures, respectively, to reduce or eliminate potential adverse environmental effects.

The BLMs analysis of the proposed action, and resultant moves, changes, and application of Conditions of Approval included interdisciplinary site-specific review of potential impacts to sage grouse, consideration of available guidance, experience, and expertise of the BLM biologists as well as data and knowledge collected by the Wyoming Department of Game and Fish, U.S. Fish & Wildlife Service, and other organizations. The seasonal restrictions applied are supported by programmatic BLM decisions (such as the Great Divide RMP and Atlantic Rim ROD, among others), and are consistent with BLM policies developed in consultation with agencies such as the Wyoming Department of Game and Fish.

The Catalina POD E and F do not lie within designated sage-grouse core areas. However, other agencies and organizations may acquire new information and develop new management practices (such as the State of Wyoming Core Population Areas) that may influence or compliment BLM's decisions and policies. However, as the Executive Order issued by the Governor of Wyoming acknowledges, existing rights need to be recognized and respected. BLM Wyoming continues to work toward establishing consistent policy and direction for sage-grouse management on BLM lands. However, until such time new BLM guidance is developed, the BLM RFO is committed to work with industry and our partners to reduce impacts to sage-grouse habitat from oil and gas development within our existing authority and approved land use planning and project decisions, while recognizing valid existing rights.

Specific sage-grouse lek locations are the property of the WGFD and therefore BLM cannot legally disclose this information. However lek locations, status, and history were considered in the project analysis and application of site-specific Conditions of Approval. If lek locations and data are requested, interested parties may contact the WGFD.

## II. Water Quality and Downstream Sensitive Fishes

"The EA fails to discuss the potential effects of the Catalina E and F PODs on water quality and downstream sensitive fish species. We are concerned that proposed activities, when occurring on highly saline, erodible, or unstable soils will contribute to significant impacts to the watershed and downstream native fishes." "The level of direct and cumulative salt loading to the Colorado River System also has not been disclosed, potentially leading to violations of the Colorado River Compact.

The Colorado River Basin Salinity Control Forum, with particular reference to salt loading, is discussed in the EIS (Volume 1, page 4-28). Its administration via the Wyoming Department of Environmental Quality (DEQ WYPDES), and compliance with the DEQ WYPDES Storm Water Program is an integral part of operator obligations; monitoring/reporting/mitigation are implicit in these permits.

While the Catalina POD E and F do not propose point source surface water discharges, all manner of possible best management practices are applied during project planning, development, interim reclamation, production, and final reclamation stages to control erosion/runoff and salt mobilization in sensitive catchments; the Atlantic Rim EIS/ROD and site-specific Conditions of Approval all address and minimize the project's potential erosional effects.

Again, project Best Management Practices are deemed to be protective of possible significant impacts to these populations (as applicable). As site-specific NEPA analysis is issue-driven, it is up to the BLM Authorized Officer to determine the scope of the proposed action and the analysis of impacts. If particular resources do not exist in the project area, or in the area identified as the cumulative impact analysis area, it is not necessary to analyze or discuss these resources in the EA (40 CFR 1500.1(b), 1502.20

&1508.28). BLM watershed and fisheries decisions are also consistent with BLM policies developed in consultation with agencies such as the Wyoming Department of Game and Fish.

The Catalina E and F project impacts are not considered to meet either surface or groundwater significance criteria as defined in the EIS (Volume 1, page 4-24). Similarly and at this time, the Rawlins BLM is not aware of NEPA analysis, planning decisions and/or existing on-the-ground conditions within its Field Office boundaries/jurisdiction that violate the Colorado River Basin Salinity Control Act.

### III.State Certifications Required by Section 401 of the Clean Water Act

"...BLM must require that project proponents have acquired certifications (or waiver) from the State of Wyoming, pursuant to Section 401 of the Clean Water Act. The EA should, but does not, indicate whether such certifications have been acquired."

*The proponent must comply with all laws, standards, and criteria set forth by all appropriate Federal, State, and Local authorities; which is a standard requirement included in BLM's Conditions of Approval.*

*This project does not involve point source discharges that may make their way to navigable waters of the United States, and therefore, the proponent is not required to have acquired certifications (or a waiver of such certifications) from the State of Wyoming, pursuant to Section 401 of the Clean Water Act, 33 U.S.C. §1341."*

*The BLM is aware that Section 401 of the Clean Water Act (33 USC 1341) requires applicants for a federal license or permit that would authorize discharge into waters of the United States to obtain a certification from the State in which the discharge originates. On March 20, 2007, the U.S. Army Corps of Engineers obtained certifications from the Wyoming Department of Environmental Quality for most Nationwide General Permits that authorize discharges pursuant to Section 404 of the Clean Water Act (33 USC 1344) in Wyoming. All certifications remain valid until March 18, 2012, for discharges authorized by nationwide permits and project proponents are not required to obtain separate certifications prior to undertaking those activities. Therefore, roads, pads, pipelines, produced water management structures, and other common activities that result in discharges are currently authorized because certification has been granted. Certifications of any other discharges that are not currently authorized cannot be acquired until the need for a permit arises. The BLM is confident that those certifications would be acquired by the project proponent as applicable and as certified in the Catalina POD E and F Water Management Plans.*

### IV.Methane

"The agency continues to approve more and more drilling permits without even beginning to collect data regarding the potential for methane seeps." "BLM should quantify potential emissions of methane."

*A cooperative working group, including operators and regulatory agencies (WY DEQ, WOGCC, WSGS, and the BLM) formed in March 2007 with the goals, in part, of surveying the project area for seep presence; understanding methane seep risks; considering actions (where applicable) to address the welfare, health, and safety of human and wildlife activity in the area; developing geological models to characterize seeps (including consideration of differing survey and gas and water sampling methodologies); ensuring methane seeps are not present prior to location construction; and monitoring methane seep activity during development of the field.*

*Methane (which is a greenhouse gas) emissions are not regulated (nor are there any national or state standards) by either the EPA or Wyoming DEQ. Currently the EPA has not established emissions*

thresholds for methane (or any other greenhouse gas). Without a method or meaningful metric established by EPA there are no jurisdictional or compliance responsibilities for the EPA or the State of WY.

The Atlantic Rim EIS analyzed potential impacts of various air quality pollutants. Under the current Rawlins RMP, analysis of potential greenhouse gas impacts is beyond the scope of the management; NEPA does not require agencies to address "remote and highly speculative consequences," such as the possibility that isolated, unknown, and/or impossible to predict phenomena such as methane seeps exist.

The BLM is not currently aware of any methane seeps within the Catalina POD E and F project area. Methane seeps (including the potential for their increase and associated impacts) are disclosed and addressed in the AR FEIS and Record of Decision (ROD), including: FEIS, Chapter 4, at Page 4-32, 4-33, 4-49, 4-52; and in the Record of Decision, Appendix B at Page B-10 and B-11.

#### V. Air Quality

"BLM is proceeding without the full picture it needs regarding ozone pollution. BLM relied on an obsolete method to predict ozone impacts and should not approve Catalina E and F PODs or any other drilling permits until it corrects and updates its air quality analysis of ozone impacts."

Please refer to Page E-9 of the Atlantic Rim Record of Decision.  
BLM is unaware of an exceedance of NAAQS standards at area air quality monitoring stations.

#### VI. Mule Deer Migration Corridors

"BLM recognizes the recently completed Atlantic Rim Mule Deer Study, which identifies a mule deer migration corridor running through the center of the Project area. EA at 9. This study constitutes new information, rendering the NEPA analysis in the larger Atlantic Rim EIS obsolete. BLM recognizes the recently completed Atlantic Rim Mule Deer Study, which identifies a mule deer migration corridor running through the center of the project area. EA at 9. This study constitutes new information, rendering the NEPA analysis in the larger Atlantic Rim EIS obsolete. The site-specific road and well [siting] for this project lies directly across this corridor. In addition, the nearby alignments of Doty Mountain A and B pods and Catalina Unit are now known, yet BLM has not attempted a direct or cumulative impact analysis of these CBM developments on the migrations of mule deer based on this newly available site-specific road and well site location information, in violation of NEPA. There is a likelihood of significant environmental impacts at the POD level for this project, rendering a full EIS with supplemented direct and cumulative impacts analysis a necessity."

The Catalina POD F contains 8 well locations and/or access roads that lie either within or near mule deer migration routes. However, the entire POD F is also within identified crucial winter range (CWR). These southerly migration routes within POD F all terminate either within or just beyond the delineated CWR boundary, indicating that POD F is generally the end point of the migration paths at the CWR, rather than a route towards CWR. As such, there is minimal, if any anticipated affect on migrating deer from development within the POD, as there are already protective timing restrictions for the CWR, and the migration routes generally do not extend beyond this area.

Also see EA (pages 10-11)

#### VII. Impacts to Raptors

"Yet nowhere in these EAs does the BLM provide a site-specific analysis of the direct and cumulative impacts of this large number of industrial intrusions on nesting raptors. Will these development, directly or cumulatively, result in reduced or eliminated nest success, abandonment of key habitats for the short or long term, and if so, what are the direct and cumulative impacts of these projects on the viability of raptor populations throughout the region?"

Over fifteen years of monitoring data has been acquired in Atlantic Rim and other EIS areas. Most of this data collection has been for highly developed areas. The data acquired within the adjoining Continental Divide/Greater Wamsutter II (CD/W II) EIS area indicates that raptor nest productivity has been maintained in areas of development through the use of BMPs and timing stipulations as compared to areas with little or no development.

The BLMs analysis of the proposed action included site-specific review of potential impacts to raptors, using the experience and expertise of the BLM biologists as well as data and knowledge collected by the BLM, Wyoming Department of Game and Fish, U.S. Fish & Wildlife Service, and other organizations. BLM biologists use Best Management Practices (BMPs) such as topography (locating well locations behind hills out of direct line-of-sight). In addition to BMPs specialists also considered nest condition and history, proximity to the nest(s), and other activities beyond control of the BLM (e.g. public access such as county, BLM and other existing roads). This analysis of site-specific impacts, with resultant site-specific Conditions of Approval, is addressed in the EA [Page 9-10], and also by reference ("Other site specific findings by the interdisciplinary review team are provided on the attached review documents..."). The EA and Conditions of Approval address BLM specialist's conclusions and required mitigation regarding potential impacts to wildlife.

**Theodore Roosevelt Conservation Partnership Comments:**

"Specifically, three wells identified as part of the Proposed Action would be located within a narrow (0.5 mile) mule deer migration corridor, the functionality of which must be maintained to connect key areas of crucial winter range in the Atlantic Rim Project Area ("ARPA")."

"In light of their extraordinary importance to the biological well being of mule deer, due care must be taken to protect migration corridors in the ARPA, as recognized by the ROD."

"...it is clear that the affected migration corridor is on its way to being severed altogether."

See response to BCA's comments above (Section VI), and EA (pages 10-11)