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, public comments, and errata to this EA (see Appendix A to this Decision Record, "Errata"). 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 substantive public comments received for this action, and corresponding BLM responses.

Mitigation Measures/Remarks:

All needed mitigation is a part of the proposed action and is found in the Master Surface Plan, and accompanying attachments and appendices, with the Conditions of Approval for the MSUP and APD's. A total of 14 well APDs, unless specified otherwise in the COA, are authorized under this decision, along with associated well pads, access roads, pipelines, power-lines and utility corridors.

Monitoring and Compliance

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

Authorized Official:

D J Carpenter

Field Manager
Rawlins Field Office

10/23/07

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
Sun Dog Unit C Plan of Development (POD)
Environmental Assessment

To clarify the BLM consideration of alternatives for this project, additional discussion was added (Page 8):

Development of Alternatives

In reviewing the proponent's submitted proposal (APDs, Master Surface Use Plan, Master Drilling Plan, Water Management Plan, etc.), the BLM conducted onsite reviews and considered known and potentially-occurring resources and conditions in the project area. As a result of this review, project components were moved, added, or eliminated in order to reduce potential environmental impacts, and in accordance with BLM policy and accepted Best Management Practices (BMPs). This resulted in the alteration of the proponent's submitted proposal to yield the Proposed Action, which incorporates the changes from the onsite inspections, BLM review, and mandated BLM mitigations (Conditions of Approval). The Proposed Action, then, differs from the original proposal submitted by the proponent. Since the proponent has agreed, by re-submission of the applications and POD plans, to the changes agreed upon as a result of the onsite inspections and BLM review, the Proposed Action represents a de facto alternative to the original submittal.

The EIS considered several alternatives to development of the oil & gas resources in the project area (see DEIS, Pages S2-S3 and FEIS Page 1-20).

The BLM interdisciplinary team, in review of this Proposed Action (as modified during onsite inspections and subsequent review), identified no unresolved resource conflicts that would necessitate development of additional alternatives.

Potential Environmental Impacts of the "Proposed Action" Alternative

A map was added to the EA to display known wildlife resources in the project vicinity. Add map and:

A map showing the known wildlife resources in the project vicinity is attached.

Change:

Numerous well locations, roads and corridors were relocated outside these areas or buffer zones where practical, and several were relocated on the outside or edge of "No Surface Occupancy" (NSO) or "Controlled Surface Use" (CSU) areas or zones for these wildlife resources. The NSO or CSU is a one mile radius from the lek perimeter for sage-grouse and one-quarter mile from the nest for ferruginous hawks. Mountain plover habitat was identified for a few locations. Mountain plover habitat was identified for a few locations.

To:

Numerous well locations, roads and corridors were relocated outside these areas or buffer zones where practical, and several were relocated on the outside or edge of "Controlled Surface Use" (CSU) areas or zones for these wildlife resources. The CSU is a one-quarter mile radius from the lek perimeter for sage-grouse and is variable depending upon raptor species.

Add reference: *Sawyer, Hal. 2006. Progress Report for the Atlantic Rim Mule Deer Study.*

End Errata

Appendix B to the Decision Record

Summary of EA Comments and BLM Responses

A total of two comment letters were received. 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 2), information about the proposal was posted in the RFO public room for a 30-day period upon submittal by the proponent. In addition, the BLM online NEPA register provides notice of actions for which NEPA documentation is prepared, including the proposal considered under this EA.

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.

1. Theodore Roosevelt Conservation Partnership

a. "The EAs and FONSIs are inconsistent with the EIS from which they allegedly tier. Neither the ROD, nor the EIS… contemplates an exclusion from seasonal drilling restrictions."

As provided on page 1-9 of the Atlantic Rim FEIS, "the BLM's Great Divide RMP and its Record of Decision (ROD) (USDI-BLM 1990) directs management of the federal lands within the project area. The proposed project is in conformance with management objectives and actions provided for in the ROD..." The RMP provides direction applicable to BLM consideration of requests for exceptions to seasonal wildlife restrictions: "…Exception, waiver, or modification of this [wildlife] limitation in any year may be approved in writing, including documented supporting analysis, by the Authorized Officer"… (page 48-49, Appendix I, Great Divide Resource Area Record of Decision and Approved Resource Management Plan). As such, case-by-case consideration of exceptions to seasonal restrictions is in compliance with the decisions and analysis to which the EA is tiered.

b. "The EAs consider only two alternatives: "no action" and the proponent's proposed development. This is not the reasonable range of alternatives NEPA demands be analyzed."

Modifications, or alternatives, to the original proposal received from the operator were identified as the result of the pre-approval onsite inspections. Clarification that the proposal was modified and subsequently analyzed as a de facto alternative has been added (see "Errata").

2. Biodiversity Conservation Alliance

a. "…the EA makes no representations about the potential impacts of this POD on any other species, including BLM Sensitive Species. A full analysis of site-specific impacts to wildlife is needed."

The BLMs analysis of the proposed action included site-specific review of potential impacts to sensitive species, 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. This analysis is referred to in the EA on page 8 ("Other site specific findings by the interdisciplinary review team are provided in the review documents that accompany… …this EA in the BLM RFO lease/well and POD/Unit files."). Potential site-specific impacts to wildlife are addressed in the EA (see Pages 7-8).

b. "Using lower-standard jeep trails for all access purposes could dramatically reduce these impacts, but does not appear to have been considered."

As provided for in the fourth edition of the BLM Gold Book (containing BLM guidance for consideration of oil & gas activities on BLM-administered public lands), "The appropriateness of primitive roads or routes is both site-specific and use specific and is typically based on many factors...." Nonconstructed roads were not mandated for this POD due to a lack of unresolved resource conflicts. Should the BLM determine that alternate road designs are appropriate or necessary, the BLM could mandate the use of a reviewed and approved alternate design. In this instance, such a design was not determined to be necessary.

c. "BLM needs to provide a site specific cumulative impacts analysis of the impacts of these operations on the affected migration corridors, their permeability to mule deer, and the ultimate impact on the population dynamics of the herd."

In our review, we considered recently obtained data (Sawyer, 2006. Progress Report for the Atlantic Rim Mule Deer Study) regarding mule deer migration routes in the project area. At this time, no migration corridors have been identified within the POD boundaries. This Report has been added as a reference to the EA (see "Errata").

d. "In Sun Dog C, nesting habitat for mountain plover (a BLM Sensitive Species) was identified at several well locations."

There is no identified mountain plover habitat in this POD. This error has been corrected; see Errata, Appendix A to this Decision Record. Where potential mountain plover habitat has been identified (i.e., Sun Dog POD D), seasonal restrictions have been applied to protect mountain plover.

e. "For raptor nests and sage grouse leks, BLM indicates that 'The NSO or CSU is a one mile radius from the lek perimeter for sage-grouse and one-quarter mile from the nest for ferruginous hawks'... Which is it[?]"

The buffer descriptions and distances were in error and have been corrected; see Errata.

f. "It has been definitively demonstrated that mere seasonal moratoria on construction and drilling activities is insufficient to prevent major [sage grouse] population declines."

Potential impacts to sage grouse from activities such as those in the proposed action have been discussed in the programmatic EIS (see FEIS at Page 4-76). Site-specific mitigation measures have been applied to the proposed action (see Conditions of Approval and EA at Page 7) to reduce potential impacts to sage grouse as the result of the site-specific analysis. You provided no data or substantiation for your opinion that seasonal restrictions are insufficient, and so we can not judge your conclusion. 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.

g. "The EAs do not mention in any way the potential impacts of the projects on the [pygmy rabbit, Wyoming pocket gopher, & White-tailed prairie dogs]... BLM Sensitive Species."

See above response to #2(a).

h. "These viewsheds, which formerly were unimpaired by human intrusions... will be badly degraded by the cumulative impacts of these three new PODs if usual road and wellpad construction techniques are used."

The EA acknowledges that the proposal would result in impacts to the visual setting of the project area (see EA at Page 9). Mitigations to protect visual resources consistent with its Visual Resource Management (VRM) setting have been applied (see Conditions of Approval). See also #2(b).

i. "We are concerned that the proposed activities, when occurring on highly saline, erodible, or unstable soils will contribute to significant impacts to the watershed, and in particular to downstream native fishes."

The EA addresses BLM specialist conclusions regarding potential impacts to sensitive fisheries ("…no additional mitigation or monitoring requirements for the proposed action were necessary." EA at Page 8). In addition, the mitigation measures voluntarily committed to by the proponent, compliance with other requirements including State water quality regulations, and mitigation applied by the BLM as Conditions of Approval, will reduce potential impacts from erosion and sedimentation. No impacts to sensitive fisheries are anticipated.

j. "…BLM must require that the project proponents have acquired certifications (or a waiver of such certifications) [under Section 401 of the Clean Water Act] from the State of Wyoming…"

The proponent has certified that they "will comply with all laws, standards, and criteria set forth by all appropriate Federal, State, and Local authorities…" (Master Surface Use Plan). This is also a requirement of the BLM's Conditions of Approval.

k. "The Rawlins to Baggs Wagon Road is known to be affected by a number of wells in these PODs…"

The impacts to cultural resources from the proposal are discussed on Pages 6-7 of the EA, including impacts to the Rawlins-Baggs Road. Additional mitigation measures have been applied to reduce potential impacts to this feature. No Section 106 consultation for this proposal was deemed necessary; the BLM has entered into a programmatic agreement with the State Historic Preservation Office (SHPO) regarding the protection of cultural resources.

l. "BLM's proposed methodology to allow the operators to report archaeological and paleontological resources passively if they happen to notice them is unacceptable."

The BLM conducted a site-specific review of the potential for archaeological and paleontological resources. In this review, it was determined that potential impacts to resources would be avoided or mitigated (cultural) or that impacts were unlikely due to absence of significant resources (paleontological). Operator-reporting of potential archaeological or paleontological resources encountered is provided as a standard Condition of Approval by the BLM out of an abundance of caution.