

5.0 Consultation and Coordination

This document was prepared in consultation and coordination with various federal, state, and local agencies, organizations, and individuals. Agency consultation and public participation have been accomplished through a variety of formal and informal methods, including scoping meetings, responses to e-mails, and meetings with individual public agencies and non-governmental organizations. This chapter summarizes the agency and public consultation and coordination conducted in support of this Environmental Impact Statement (EIS) process.

5.1 Public Participation and Scoping

The Council on Environmental Quality regulations require that agencies “make diligent efforts to involve the public in preparing and implementing their National Environmental Policy Act procedures” (40 Code of Federal Regulations [CFR] 1506.6(a)). Public involvement in the EIS process includes the steps necessary to identify and address public concerns and needs. The public involvement process assists agencies in: 1) broadening the information base for decision making; 2) informing the public about proposed actions and potential long-term impacts that could result from reaffirming, modifying, or canceling existing leases; and 3) ensuring that public needs are understood by the agencies.

5.1.1 Public Scoping Period

The scoping comment period began April 2, 2014, with the publication of the Notice of Intent (NOI) to prepare an EIS in the Federal Register (FR). The NOI notified the public of the Bureau of Land Management’s (BLM’s) intent to prepare an EIS for Previously Issued Oil and Gas Leases in the White River National Forest and the beginning of a 30-day scoping period. The BLM subsequently extended the comment period an additional 14 days. The scoping comment period ended on May 16, 2014.

5.1.1.1 Scoping Announcements

The public scoping period and scoping meetings were announced through the following methods:

- FR NOI published April 2, 2014 (Vol. 79, No. 63, pages 18576 to 18577).
- News release to local media on April 1, 2014, announcing the beginning of a 30-day scoping period.
- Follow-up email to local media on April 2, 2014, identifying the dates and venues for three scoping meetings.
- News release to local media on April 11, 2014, announcing a comment period extension (until May 16), and identifying the venue and date for a fourth public scoping meeting in De Beque, Colorado.
- Project website postings of the NOI, news releases, and scoping meeting dates (http://www.blm.gov/co/st/en/fo/crvfo/existing_leases_on.html).

Additionally, the BLM mailed scoping notification letters to 23 stakeholders on or about April 2, 2014:

- Two cities or towns (Glenwood Springs and Carbondale);
- Four counties (Garfield, Mesa, Pitkin, and Rio Blanco);
- Two interested parties (Thompson Divide Coalition, and Wilderness Workshop);

- 12 Operators/Leaseholders (Axia Energy, LLC, Black Diamond Minerals, Dejour Energy [USA] Corporation, Encana Oil & Gas [USA] Inc., Knight Technical Services, LLC, Noble Energy, Inc., OXY USA WTP LP, Piceance Energy, LLC, SG Interests I, Ltd., URSA Operating Co., LLC, Willsource Enterprises, LLC, and WPX Energy Rocky Mountain, LLC); and
- Three tribes (Ute Indian Tribe [Uintah and Ouray Reservation], Ute Mountain Ute Tribe, and Southern Ute Indian Tribe).

The letter notified stakeholders of the BLM's intent to prepare an EIS, identified each of the 65 leases by lease number, provided a list of methods for commenting, noted the comment due date, and provided the BLM project website. Tribal scoping letters also extended an offer for government-to-government consultation (also see Section 6.3, Government-to-Government Consultation).

5.1.1.2 Scoping Meetings

The BLM hosted four scoping meetings in April and May 2014 with a signed-in attendance of 772 people. Chapter 1.0, **Table 1-4** identifies the dates, location, and sign-in attendance of each meeting. The meetings were an opportunity for the BLM to inform those in attendance about the Proposed Action and alternatives and the EIS process and to solicit input on the scope of the analysis and potential issues. Each meeting was held from 4:00 PM to 7:00 PM. The 3-hour meetings included a combination of open house, presentation, formal question-and-answer, and oral comment periods.

5.1.1.3 Scoping Submittals

Members of the public were able to submit comments via the following methods: filling out comment cards and/or providing formal oral comments at scoping meeting(s); emailing comments; mailing comments via the U.S. Postal Service; or faxing comments. All comments were considered equally regardless of submittal method.

The BLM received a total of 32,318 submittals. Most comments were submitted through emails sent to the BLM. Of this total, 31,772 were form letters (i.e., standardized and duplicated submissions containing the same text or portions of text and comments) or “form pluses” (form submissions modified to contain additional unique comments). The majority (32,239) of submissions were provided by individuals. The remaining submittals were provided by non-government organizations or special interest groups (39), counties or local agencies (20), businesses (18), state agencies (1) and federal agencies (1). Of the 32,318 comment documents received by the BLM, 3,275 were from commenters in Colorado; 25,929 were from other states or countries; and 2,643 were from unknown locations (i.e., they did not contain an address).

After initial processing, each unique submittal, form “master,” and form-plus submission was reviewed for the specific comments it contained. Each submittal contained one or more comments, and each comment was categorized and coded by primary resource issue or topic. A total of 3,428 comments were identified and coded. Of this total, 730 comments also were coded to a second primary resource, for a total of 4,158 comments to be considered in developing the EIS. A summary of key issues is contained in Chapter 1.0, Section 1.6.2.

5.1.2 Public Review of the Draft EIS

A 45-day public comment period on this Draft EIS will begin upon publication of the Notice of Availability of the Draft EIS in the FR. This allows the public to review and provide comment on the alternatives considered and the impact analysis in the Draft EIS. These public comments will be combined with comments from lead and cooperating agencies to form the basis for revising the Draft EIS into the Final EIS. Responses to comments will be contained in the Final EIS.

5.2 Agency Participation and Coordination

Specific regulations require the BLM to coordinate and consult with federal, state, and local agencies about the potential of the proposed action and alternatives to affect sensitive environmental and human resources. The BLM initiated these coordination and consultation activities through the scoping process and has maintained them through regular meetings regarding key topics with cooperating agencies throughout the National Environmental Policy Act (NEPA) process.

5.2.1 Cooperating Agencies

The BLM invited 23 federal and state agencies, counties, tribes, and municipalities to become cooperating agencies in letters sent to each organization on July 3, 2014. To date, 13 agencies and local governments have accepted the invitation to be a cooperating agency, listed below

- U.S. Environmental Protection Agency, Region 8
- Colorado Division of Natural Resources, Colorado Parks and Wildlife
- U.S. Forest Service (Forest Service or USFS) (White River National Forest)
- Garfield County
- Mesa County
- Pitkin County
- Rio Blanco County
- City of Glenwood Springs
- City of Rifle
- Town of Carbondale
- Town of New Castle
- Town of Parachute
- Town of Silt

Cooperating Agency meetings have been held at the Colorado River Valley Field Office (CRVFO) every few months or as needed to obtain input from the cooperating agency representatives. This input includes comments on the types of information and data they can provide to support the NEPA process, comments on the preliminary range of alternatives, and reviews of sections of the EIS related to their special expertise. Key issues related to agency consultation include air quality, biological resources, socioeconomics, and land and water management.

5.2.2 Section 106 Consultation

The Advisory Council on Historic Preservation (ACHP) is authorized by Section 211 of the National Historic Preservation Act (NHPA) to issue regulations to govern the implementation of Section 106 of the NHPA. These regulations, “Protection of Historic Properties” (36 CFR Part 800), establish the process that federal agencies must follow in order to take into account the effects of their undertakings on historic properties and provide the ACHP its required opportunity to comment. Section 106 establishes a four-step review process by which historic properties are given consideration during the conduct of federal undertakings.

The four steps are as follows:

1. Initiate the Section 106 process by establishing the undertaking, defining the Area of Potential Effect (APE), and consulting with the appropriate parties, including federal agencies, State Historic Preservation Office (SHPO), ACHP, Native American Tribes, local governments, interested parties, and the public;
2. Identify historic properties through inventory and evaluation;
3. Determine effects to historic properties using the criteria of adverse effects found in 36 CFR 800.5; and
4. If adverse effects occur, take appropriate measures to avoid, minimize, or mitigate those effects.

The procedural requirements for compliance with Section 106 of the NHPA are set forth in the ACHP's Section 106 regulations at 36 CFR Part 800. The BLM will fully initiate the Section 106 process after the Preferred Alternative is identified. As part of this process, the BLM will initiate consultation with the SHPO, tribes, and other consulting parties; review existing information on historic properties within the APE; and incorporate information gathered through consultation with the consulting parties.

It is important to note that any decision to reaffirm, modify, or cancel existing leases would not approve any on-the-ground activities and does not restrict any managers' authority to fully consider the potential effects on historic properties prior to development, including the ability to approve, modify, or deny a development proposal based on consideration of such effects.

Any future development would be subject to full compliance with Section 106 at the time of development. This would include a comprehensive identification (e.g., field inventory), evaluation, protection, and mitigation, following the policies and procedures contained within the 2012 BLM National Programmatic Agreement and as indicated in any lease stipulations; government-to-government consultation with tribes to determine whether the plan of development would have an effect on properties of concern; and consultation with interested parties. Regulations in 36 CFR 800.14 allow federal agencies to adopt program alternatives to 36 CFR 800 and to tailor the Section 106 process to better fit agency procedures or a specific project. The most common program alternative is a Programmatic Agreement, which is negotiated between the proponent, federal agency, SHPO, and ACHP (if they choose to participate). A Programmatic Agreement for a complex project lays out the steps the proponent, agency, SHPO, Native American Tribes, and other consulting parties agree to take to consider and resolve any adverse effects an undertaking might have on historic properties.

The BLM does not approve any ground-disturbing activities that may affect any historic properties, sacred landscapes, and/or resources protected under the NHPA, American Indian Religious Freedom Act, Native American Grave protection and Repatriation Act, Executive Order (EO) 13007 (U.S. President 1996), or other statutes and EOs 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 it may disapprove any activity that is likely to result in adverse effects that cannot be successfully avoided, minimized, or mitigated.

5.2.3 Government-to-Government Consultation

It is the responsibility of all federal agencies to comply with the requirements of Section 106 of the NHPA and the ACHP's regulations when planning and carrying out their undertakings. In doing so, they are required to consult with Native American Tribes, SHPOs, local government entities, and other interested parties, depending on the specifics of the undertaking. Such consultation with Native American Tribes is central to the Section 106 process.

Tribal consultation for the Project began in April 2014 when the BLM Field Manager sent a scoping letter via certified mail to the Ute Indian Tribe (Uintah and Ouray Reservation), Ute Mountain Ute Tribe, and Southern Ute Indian Tribe. The letter extended an offer for government-to-government consultation, informed the Tribes of the proposed undertaking, and solicited their concern/comments regarding possible historical and/or traditional ties to the area or the presence of properties of traditional religious and cultural importance.

On May 5, 2014, the Southern Ute Indian Tribe Cultural and Preservation Department responded that they had identified properties of cultural and religious significance within the APE that are eligible for listing in the National Register that would be adversely affected. No site-specific information or locational data was provided with the response.

On July 3, 2014, the BLM Field Manager sent certified letters to the Ute Indian Tribe (Uintah and Ouray Reservation), Ute Mountain Ute Tribe, and Southern Ute Indian Tribe inviting them to participate as a cooperating agency in the development of the EIS. The letters included a draft memorandum of understanding for cooperating agency status. The letter suggested scheduling a meeting in August 2014 to discuss the memorandum of understanding and how the tribes might want to be involved in the project. No responses were received from the Tribes.

On June 1, 2015, the BLM Acting Field Manager sent certified letters to the Ute Indian Tribe (Uintah and Ouray Reservation), Ute Mountain Ute Tribe, and Southern Ute Indian Tribe requesting continuation of government-to-government consultation. The letter acknowledged the concern outlined in the May 5, 2014 letter from the Southern Ute Indian Tribe, requested that the Tribes provide comments or concerns regarding the effects of the alternatives to cultural resources or areas of traditional or religious concern, and offered the Tribes the opportunity for a face-to-face meeting with the Forest Service or BLM. To date, no responses have been received.

The BLM will continue to offer opportunities for the Tribes to identify properties of possible traditional religious and cultural importance that may be affected by the alternatives and to express their concerns throughout the Project as stipulated under EO 13175, November 6, 2000.

5.2.4 Biological Coordination and Consultation

Under the provisions of section 7(a)(2) of the Endangered Species Act, a federal agency that carries out, permits, licenses, funds, or otherwise authorizes an activity must consult with the U.S. Fish and Wildlife Service (USFWS) as appropriate to ensure the action is not likely to jeopardize the continued existence of any species listed under the Endangered Species Act or result in the destruction or adverse modification of designated critical habitat.

The White River National Forest consulted with the USFWS when the 65 leases were originally issued. In its Biological Opinion, the USFWS issued a “No Effect” determination for peregrine falcons and bald eagles, and a “May Effect” determination for the four endangered Colorado River Fishes. The Biological Opinion included mitigation measures that were incorporated into the Record of Decision (USFS 1993). Since that time the Bad Eagle has been delisted and other species are federally listed. A total of four federally listed and candidate wildlife species (western yellow-billed cuckoo, Mexican spotted owl, greater sage-grouse, Canada lynx and boreal toad) have potential to occur within the special status wildlife analysis area. Additionally, there is critical habitat for the four endangered Colorado River Fishes downstream from the leases.

The BLM is currently consulting informally with the USFWS to determine the appropriate steps for protection of these species. If formal consultation is required, the BLM would initiate formal consultation after selection of the preferred alternative.

5.3 EIS Distribution List

In an effort to reduce printing costs and materials, individuals on the mailing list will receive email or postcard notifications directing them to download the EIS from the Project website at http://www.blm.gov/co/st/en/fo/crvfo/existing_leases_on.html.

The EIS will be distributed to all cooperating agencies (see Section 5.2.1), who may make it available to constituents. Additionally, the EIS will be available on CD and as a limited number of hardcopy versions available at the BLM and Forest Service locations listed below:

- BLM Colorado State Office Reading Room, Denver, Colorado
- BLM Colorado River Valley Field Office, Silt, Colorado
- White River National Forest Supervisor's Office, Glenwood Springs, Colorado
- White River National Forest Aspen-Sopris Ranger District, Carbondale, Colorado
- White River National Forest Rifle Ranger District, Rifle, Colorado

The EIS also will be provided to the following public libraries to be made available:

- Glenwood Springs Branch Library
- Carbondale Branch Public Library
- Parachute Branch Library
- Silt Branch Library
- Mesa County Libraries – Central Library (Grand Junction)
- Mesa County Libraries – De Beque Library
- Pitkin County Library

A list of federal, state, and local agencies and representatives, Indian tribes, organizations, media, libraries, and individuals is being maintained throughout the NEPA process. The initial Project mailing list was developed by the BLM CRVFO and has been supplemented as individuals express interest in the Project. Individuals are provided with the opportunity to be added to the mailing list either through the Project website, registration at public meetings, or by contacting the BLM CRVFO.

5.4 Preparers and Reviewers

As required by NEPA regulations (40 CFR 1502.17), **Table 5-1** lists the BLM specialists responsible for preparing, reviewing and disseminating this Draft EIS. The BLM has retained AECOM as a third-party consultant to assist with the preparation of this EIS (**Table 5-2**). AECOM has certified that it does not have any financial or other interest in the decisions to be made pursuant to this EIS.

Table 5-1 List of Reviewers and Technical Specialists

Specialist	Responsibility/Resource
BLM CRVFO	
Gregory Larson	Project Manager
David Boyd	Public Affairs Specialist
John Brogan	Cultural, Historic, and Native American Cultural Concerns
Jim Byers	Forestry Resources; Transportation and Traffic
Vanessa Caranese	Geology; Groundwater; Paleontology; Fluid Minerals; Other Minerals; Renewable Energy
Forrest Cook	Air Resources, Air Quality, Climate Change
Allen Crockett	Wetlands, Floodplains, and Riparian Habitat; Public Health and Safety
Faith Dziedzic	GIS Support
Tom Fresques	Aquatic Wildlife; Threatened, Endangered, and Sensitive Species Aquatic Wildlife
Martin Hensley (SO)	Socioeconomics and Social Impacts; Public Health and Safety
Alan Kraus (GJFO)	Hazardous Materials; Waste (Non-hazardous)
Julie McGrew	Visual Resources; Recreation and Visitor Services; Comprehensive Trails and Travel Management; Realty Authorizations, Existing Permits, and Land Use
Laura Millard	Administrative Record
Kimberly Leitzinger	Wilderness and Special Management Areas; Wild and Scenic Rivers; Cave and Karst Resources
Judy Perkins	Vegetation and Plant Communities; Noxious Weeds and Invasive Species; Threatened, Endangered, and Sensitive Species Plants; Areas of Critical Environmental Concern
John Pittman	Range Resources (Livestock Grazing)
Sylvia Ringer	Terrestrial Wildlife; Avian Wildlife; Threatened, Endangered, and Sensitive Species Wildlife
Rusty Stark	Wildland Fire Management
Carmia Woolley	Soil Resources; Water Resources; Sound Resources and Noise

Table 5-2 Contractor: AECOM

AECOM Team Member	Responsibility/Resource	Degree/Certification	Experience (years)
Ellen Dietrich	Project Manager, Senior NEPA Review, Chapters 1.0 and 2.0	Graduate Study, Soil Science B.A. Anthropology	40
Janet Guinn	Assistant Project Manager; NEPA Review, Cumulative Impacts, Human Health and Safety, Public Involvement	B.S. Psychology/Anthropology	12
Marco Rodriguez	Air Resources, Air Quality, Climate Change	Ph.D. Mechanical and Aerospace Engineering	11
Bill Berg	Geology and Minerals, incl. Paleontology; Groundwater; Hazardous Materials and Solid Waste	M.S. Geology B.S. Geology	34
David Fetter	Surface Water Quality and Quantity	B.S. Watershed Science	10
Terra Mascarenas	Soils	B.S. Soil and Crop Science Concentration in Environmental Science Certificate of Technology	16
Rachel Puttman	Vegetation Resources, Invasive and Non-native Species, Special Status Species	M.S. Environmental Sciences B.S. Biology	8
Patricia Lorenz	Terrestrial Wildlife, Special Status Wildlife Species	B.S. Wildlife Biology	13
Rollin Daggett	Aquatic Species, Special Status Aquatic Species	M.S. Freshwater and Marine Biology B.S. Zoology	36
Stacy Bumback	Cultural Resources and Native American Traditional Values	M.A. Cultural Resources Management B.S. Anthropology	19
James Mayer	Cultural Resources and Native American Traditional Values	Ph.D. Geosciences M.S. Geography B.A. Anthropology	19
Chris Dunne	Livestock Grazing	B.S. Natural Resources Management	15
Steve Graber	Land Use, Transportation, Special Designations, Recreation, Human Health and Safety	B.S. Natural Resources Management B.A. Economics	8
Merlyn Paulson	Scenic Resources	M.L.A. Landscape Architecture B.L.A. Landscape Architecture and Environmental Planning	36
Alexa Molthen	Scenic Resources	B.S. Conservation and Environmental Science	4
Nik Carlson	Socioeconomics	M.P.P. (Public Policy) M.A. Philosophy, Politics, and Economics	23
Guyton Durnin, PE	Socioeconomics	M.S. Environmental Engineering B.S. Civil and Environmental Engineering B.A. Economics	8

Table 5-2 Contractor: AECOM

AECOM Team Member	Responsibility/Resource	Degree/Certification	Experience (years)
Sean Rudden	Environmental Justice	B.A. Economics	8
Rich Chamberlain	Geographic Information Systems	B.S. Geography M.S. Geography Geographic Information Systems Professional Certification	19
Joseph Rigley	Geographic Information Systems	B.S. Rangeland Resource Science Certificate of Study – Geographic Information Systems	20
Ruth Idler	Document Production	General Business Education	29
Sue Coughenour	Document Production	General Business Education	29

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