

## Appendix E - Responses to Public Comments

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1.	National Park Service	National Monuments	<p>We have concerns specifically related to Hovenweep National Monument because of the number and concentration of parcels located between 3 and 25 miles from the various Hovenweep National Monument units. Based on these concerns, we request that BLM defer parcels within approximately 15 miles of Hovenweep National Monument from this lease sale, specifically parcels 036, 037, 039, 040, 041, 042, 043, 044, 047, 048, 049, 050, and 051.</p>	<p>The BLM is obligated to consider leasing parcels nominated by the public and is currently analyzing nominated parcels available for leasing under the applicable RMP to determine if offering them for lease is appropriate. Your suggested deferral is noted.</p>
2.	National Park Service	Scoping Comments Not Addressed	<p>In our July 25, 2017 comments regarding scoping for this proposed lease sale, we identified several issues of concern and requested BLM address these in the EA. The issues include:</p> <ol style="list-style-type: none"> <li>1. A reduction in air quality and air quality related values (AQRVs), including higher ozone concentrations.</li> <li>2. An increase in roads and well pads and an increase in dust raised by vehicle traffic on those roads and from land surfaces disturbed by oil and gas activities.</li> <li>3. Adverse effects on visual resources, particularly on scenic views affected by dust, regional haze, and the visual impact of roads and well pads.</li> <li>4. Reduction in quality of dark night skies.</li> <li>5. Reduction in quality of natural soundscapes.</li> <li>6. Adverse effects on the quantity and quality of groundwater resources.</li> </ol> <p>We appreciate that BLM addressed air quality and</p>	<p>Due to the estimated limited level of oil and gas development activity predicted by the Appendix F RFD (11 wells and 122 acres of surface disturbance) and the absence of any amount of definitive development, BLM determined that additional consultations with the NPS Air Resources and the Utah BLM's air resources technical advisory group would not be appropriate at this time. This consultation would be more appropriate at the lease development stage when a proposal would be subject to site-specific NEPA analysis.</p>

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			<p>AQRVs in the EA; however, we feel our concerns were not fully evaluated. Our July 25, 2017 letter requested that BLM consult with the NPS Air Resources Division and the Utah BLM's air resources technical advisory group regarding appropriate air quality analyses. We understand our recommendation has not yet been acted upon.</p>	
3.	National Park Service	Air Quality	<p>The latest full assessment of air quality conditions and trends in proximity to these and other NPS units is the 2013 report prepared by the NPS Air Resources Division (NPS ARD 2013)<sup>3</sup>. Additional data through 2015 regarding air quality conditions and trends at Arches, Canyonlands, Hovenweep, and Natural Bridges are available at the NPS Air Resources Division website: <a href="https://www.nature.nps.gov/air/data/products/parks/index.cfm">https://www.nature.nps.gov/air/data/products/parks/index.cfm</a>. We suggest that information in the 2013 report and recent updates be used by BLM to clarify, update, and expand upon the description of existing conditions on pages 17 through 20 of the EA.</p>	<p>BLM used the information most readily available, which was the cumulative impact analysis from the Moab MLP EIS. Attempts to access the 2015 updated information provided by the commenter were unsuccessful.</p>
4.	National Park Service	Air Quality	<p>The statement on page 17 that "AQRV in both Arches and Canyonlands NP are statistically acceptable and good for most monitored pollutants" is unclear and we recommend revision. The NPS 2015 condition assessment for Canyonlands shows visibility (an AQRV) and ozone 8-hour and W126 concentrations to be of moderate concern, and nitrogen concentrations in wet deposition to be of significant concern. Although the park is in attainment for federal National Ambient Air Quality Standards, ozone concentrations are very close to the</p>	<p>BLM uses the information most readily available. Attempts to access the more updated information provided by the commenter were unsuccessful. The 2015 data is not yet readily available in publication.</p> <p>The EA has been modified as follows The statement in the EA at Chapter 3.3.1, page 18; "... is approaching the current 8-hr NAAQS of 75 ppb for ozone" has been changed to "... has exceeded the current 8-hr NAAQS of 70 ppb for ozone".</p>

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			standard. In addition, visibility is impaired by manmade pollutants.	
5.	National Park Service	Air Quality	The statement "The only pollutant of concern is ammonium concentrations in precipitation" is incorrect because ozone is also of concern at the park. The statement "All other AQRV's that the Canyon/ands NP clearly summarize the steady or decreasing level of monitored values" is unclear and should be revised.	The following change has been made to the EA: "The only pollutant of concern is ammonium concentrations in precipitation" has been changed to "The pollutants of concern are ammonium concentrations in precipitation and ozone."
6.	National Park Service	Air Quality	On page 18, the passage "Annual Deciview is becoming clearer when averaged over the years, and wet deposition, which are a major/actor from boundary condition sources, show 110 increase or decrease besides ammonium. Ammonium atmospheric deposition should be the only concern and this is a transport issue and seen increasing in the west compared to other National Park trends" is unclear and should be revised. For 2006- 2015, the trend in visibility at Canyonlands remained relatively unchanged (no statistically significant trend) on the 20% clearest days and improved on the 20% haziest days (IMPROVE Monitor ID: eANY1, UT). Trends in the fourth highest 8-hour ozone concentration and in the W 126 ozone exposure metric improved during the period 2006-2015. No trend was observed in wet nitrogen deposition over the same period.	Chapter 3 of the EA (Affected Environment) uses the most recent readily available information provided in: National Park Service, Air Resources Division. 2013. Air quality in national parks: trends (2000–2009) and conditions (2005–2009). Natural Resource Report NPS/NRSS/ARD/NRR—2013/683. National Park Service, Denver, Colorado.  As previously stated, updated 2015 information was not available. When available, this data will be used in future NEPA documents.
7.	National Park Service	Air Quality	On page 18, the reference to the current 8-hour NAAQS for ozone is incorrect (it should be 70 ppb not 75 ppb).	The EA has been modified as follows: The statement in the EA at Chapter 3.3.1, page 18; "... is approaching the current 8-hr NAAQS of 75 ppb for ozone" has been

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				changed to "... has exceeded the current 8-hr NAAQS of 70 ppb for ozone".
8.	National Park Service	Air Quality	<p>We request that BLM include in the EA an evaluation of air quality conditions at the other parks in the Southeast Utah Group and not restrict the discussion to Canyonlands National Park. Our concerns regarding the related issues of proliferation of roads and well pads, and the resultant increase in dust and regional haze caused by increased bare ground and vehicle traffic (traffic related both to oil and gas development and increased recreational/opportunistic travel by the public on roads constructed for oil and gas development), and effect of these on scenic views were not fully evaluated in the EA. We request that BLM conduct further analysis of dust emissions and visibility.</p>	<p>BLM uses Canyonlands National Park because air quality monitoring data is available. This data is used to describe the Affected Environment in Chapter 3 of the EA.</p> <p>Section 4.2.1 includes an evaluation of the effects of pollutants, including dust from construction of well pads and roads and is documented in the emissions inventory.</p>
9.	National Park Service	Night Skies, Noise	<p>We are disappointed that there is no recognition in the EA of the significant potential for degradation of dark night skies and soundscapes that would result from oil and gas exploration and development on the lease parcels... BLM has not acted on our most recent (July 25, 2017) comments regarding night skies and soundscapes, and has not applied UT-LN-125 to any of the parcels included in the proposed March 2018 lease sale. As in the past, we are providing information below regarding the importance of these resources to the NPS and public.</p> <p>Certification of Hoven (2014) and Natural Bridges (2007) national monuments, and Canyonlands National Park (2015) as International Dark Sky parks (IDSP) should have resulted in detailed analysis of</p>	<p>Additional analysis on noise and sound was added to the EA.</p> <p>The BLM determined that detailed analysis of the effect of night skies from oil and gas development was not necessary. The fact that parks in the region have been certified as dark sky parks does not in itself mean that "the potential for significant impact to the natural lightscape is high."</p> <p>Although development at the two largest oil fields in the United State (the Bakken Shale in North Dakota and the Permian Basin in Texas <a href="http://insideenergy.org/2015/10/22/oil-and-gas-development-dims-starry-skies/">http://insideenergy.org/2015/10/22/oil-and-gas-development-dims-starry-skies/</a>) have resulted in impacts to night skies in the surrounding areas, there's no</p>

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			<p>night sky resources in the EA. Based on the concentration of 18 lease parcels within 3 to 25 miles of Hovenweep national Monument, and several parcels (not including those within the Moab Master Leasing Plan area) the potential for significant impact to the natural lightscape is high. Therefore, we request that UT-LN-125 be applied to all parcels offered in this lease sale. Furthermore, as described on page one of this letter, we request that parcels within 15 miles of Hovenweep be deferred from the lease sale, in part because of probable detrimental impacts to night sky and soundscape qualities.</p>	<p>indication that San Juan County will experience anywhere near the level of development as those fields. The Mancos Shale deposit that could be exploited through new fracking techniques does not extend into San Juan County, and although the area around the Monument is rated as having a high potential for oil and gas development, there is no reason to think that the reasonably foreseeable development (RFD) projected in the 2008 RMP is not still valid. A RFD based on the 2008 RMP was generated specifically for the parcels analyzed in the EA. That RFD extrapolates out to the potential of eleven wells that would be drilled over all the parcels analyzed over 10 years. One well a year would be drilled that could potentially impact night skies. The maximum impact would occur during the drilling stage, which would last from two to three weeks. Since drilling is a 24-hour activity, there must be sufficient lighting for the crew to work safely, and the lights, or the glow from the lights, may be visible from the monument. After drilling is complete, the well site typically has no lighting, however, highly productive oil wells sometimes have temporary 24-hour staffing. Since the closest any one well would be located to the Hovenweep is 5000 meters, the effect on star gazing would be negligible.</p> <p>Gas flaring operations can affect dark sky conditions, particularly if high volumes of gas are being flared. However, high volumes of gas generally warrant pipeline construction to enable gas sales (rather than flaring). Generally, gas flaring should be limited to temporary gas pipeline service disruptions and the flaring of low volume of gas the capture of which is sub-</p>

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				<p>economic. In these instances flare pits can be designed to minimize fugitive light; however, due to gas surging, gas impurities and other flow rate variability, there is not a practical way to eliminate fugitive light.</p> <p>If a sizeable strike is made that would result in the drilling of enough wells to have a potential significant impact, a field development EA or EIS would be prepared, at which time impacts to night skies can be more thoroughly evaluated to determine what Conditions of Approval should be added to development actions to preserve night skies. Until then, lease notice 125 is being added to all lease parcels to inform potential lessees that all actions that might impact the night skies of the monuments and other sensitive resources may be subject to requirements to reduce those impacts.</p>
10.	National Park Service	Land Use Plan Adequacy	<p>In addition to lighting design, restrictions on the timing of drilling rig operations may be applied as lease stipulations as a means of further mitigating effects on dark night skies. ... In developing such stipulations, we suggest that BLM seek input from those with appropriate technical expertise, potentially including representatives of the NPS Natural Sounds and Night Skies Division (NSNSD). In considering this issue, BLM may determine that it is necessary to defer parcels from leasing to allow time for acquiring and analyzing additional information relating to night skies - consistent with guidance provided by BLM Instruction Memorandum 2010-117, Oil and Gas Leasing Reform.</p>	<p>Outside of a land use plan amendment, new lease stipulations normally cannot be developed. See response to comment 9</p>

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11.	National Park Service	Night Skies, Noise	Potential development impacts on soundscape resources were not adequately considered and addressed in the EA... Because the majority of the land in lease parcels 050 and 051 is located within 5 miles of the Square Tower Unit of Hovenweep National Monument (the most heavily visited portion of the Monument, and the location of the Monument's Visitor Center and campground), the noise propagation information provided in the past, combined with our July 25, 2017 scoping letter, should have triggered an evaluation of existing lease stipulations and lease notices in the Resource Management Plans for the Moab and Monticello field offices. The issue should have been analyzed in detail in the EA to determine the need for new stipulations and/or lease notices to mitigate potential noise impacts.	Noise and Soundscape analysis has been added to the EA. In addition, Lease Notice UT-LN-125 (Light and Sound – Sensitive Resources) has been added to all parcels which advises prospective lessees of the potential for additional mitigation for light and sound due to proximity to Sensitive Resources.
12.	National Park Service	Water Quality	We also recommended that BLM consult with the US Geological Survey and the State of Utah regarding potential effects of oil and gas exploration and development on groundwater quantity and quality. We understand this recommendation was not acted upon.	The BLM acknowledges the NPS's recommendation, but does not agree that consultation with the USGS and State of Utah is warranted. The EA identifies potentially impacted resources at a parcel level and projects direct and indirect impacts to those resources. Federal Oil and Gas Onshore Order No.2 <i>Drilling Operations on Federal and Indian Oil and Gas Leases (OOGO #2)</i> details the national standards for the minimum levels of performance expected from lessees and operators during drilling operations that occur on Indian and Federal lands. Additionally, this order includes provisions for enforcement actions for violations of minimum standards. Requirements are identified for Well Control, Casing and Cementing, Mud Program, Drill Stem Testing, Special

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				<p>Drilling Operations, Surface Use, Drilling Abandonment, and Variances from Minimum Standards.</p> <p>Specific to groundwater protection, Order No.2 requires that the proposed casing, cementing and abandonment programs shall be conducted as approved to protect and/or isolate all usable water zones and requires pressure testing the casing string. Known water bearing zones would be protected by drilling requirements and, with proper practices, contamination of ground water resources is highly unlikely.</p> <p>Following sale of lease parcels, a subsequent site specific NEPA analysis of groundwater resources may be completed when the lessee submits an Application to Drill.</p>
13.	National Park Service	Geology	<p>We are concerned about the potential for earthquakes that could result from lubrication of faults, bedding planes, formation contacts, and other subsurface geologic structures by injection of water during hydraulic fracturing or injection of produced water. Prehistoric structures at Hovenweep would be very susceptible to even extremely slight earth tremors initiated by fluid injection. Therefore, we request BLM address this issue in the EA.</p>	<p>The BLM is not aware of any increased earthquake activity within the proposed action area associated with oil and gas operations. The commenter has provided no specific information to the contrary. Information regarding induced seismic activity is located in the Moab IDT Checklist, Geology section.</p>
14.	SUWA	Purpose and Need	<p>BLM's stated purpose and need for the December 2017 lease sale is exceedingly broad:                      The purpose of the Proposed Action is to respond to the nominations or expressions of interest for oil and gas leasing on specific federal mineral estate through a competitive leasing process.                      Lease Sale EA at 3. This sweeping objective governs BLM's range of alternatives as well as dictates the</p>	<p>The BLM disagrees that the purpose of the proposed action is overly broad. It is limited as to how much it can change an externally proposed action before it no longer meets the goals and objectives of the proponents.</p> <p>However, the purpose needed to be expanded to say that the proposed action is to respond to the nominator's requests and offer parcels for lease in the first quarter of</p>



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			<p>reasonableness of proposed alternatives including those proposed herein by SUWA.2</p> <p>In the present case, BLM set an exceedingly broad purpose and need (<i>i.e.</i>, to “respond” to lease nominations) but then analyzed only an extremely narrow range of alternatives: the lease-everything (proposed action) and lease-nothing (no action) alternatives. <i>See</i> EA at 14-15. BLM received thirty-two lease parcel nominations for tracts of public land outside of the Moab Master Leasing Plan boundary. <i>See</i> EA at 2. Three split-estate parcels were removed from the sale list because the Navajo Nation and Bureau of Indian Affairs refused to concur with the leasing of those parcels. <i>Id.</i> at 3. As a result, twenty-nine parcels were then brought forward by BLM for consideration in the Lease Sale EA. <i>Id.</i> BLM then analyzed only the polar opposite leasing alternatives: lease twenty-nine parcels or lease no parcels. BLM did so because, allegedly, “[n]o other alternatives to the Proposed Action were identified that would meet the purpose and need of the Proposed Action.” EA at 15. This is a remarkable (and unsupportable) assertion in light of the exceedingly broad purpose and need of the Lease Sale EA.</p> <p>BLM has failed to “provide legitimate consideration to alternatives that fall between the obvious extremes.” BLM’s consideration of only the lease-everything or lease-nothing alternatives violates the “heart” of NEPA which requires the agency to explore middle-ground choices among various options. <i>New Mexico ex rel. Richardson</i>, 565 F.3d at 708. This failure is all the more evident, whereas here, BLM’s stated objective is so broad. BLM Handbook 1790 § 6.2.1 (“The broader the purpose</p>	<p>2018 as required by the Mineral Leasing Act. The change has been made in the EA.</p> <p>The term “respond” in the context of a leasing EA must be made in the context of the decision to be made. Due to the nature of the proposed action, the Decision could range from offering all parcels for lease, offering none, or any combination in between. With that in mind, there is no need for alternatives beyond the proposed action and the no action. It’s not that “no other alternatives to the Proposed Action were identified that would meet the purpose and need of the Proposed Action” it’s that no other alternatives are needed. The EA has been revised to reflect this.</p>

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			and need statement, the broader the range of alternatives that must be analyzed.”).	
15.	SUWA	NEPA Compliance, Lands with Wilderness Characteristics	<p>Second, the Moab and Monticello RMPs did not resolve the longstanding and ongoing conflict between oil and gas leasing and development and the protection of wilderness-caliber lands. Those RMP which are programmatic in nature made high-level management decisions for the entire field offices and, as acknowledged by BLM, did “not mandate leasing.” BLM, Instruction Memorandum No. 2010-117, <i>Oil and Gas Leasing Reform – Land Use Planning and Lease Parcel Reviews</i> § I.A (May 17, 2010) (IM 2010-117) (attached). As such, BLM needed to consider, at a minimum, three NEPA alternatives:</p> <p>The EA <i>will</i> analyze [1] a no action alternative (no leasing), [2] a proposed leasing action (leasing the parcel(s) in conformance with the land use plan, <i>and</i> [3] any alternatives to the proposed leasing action that may address unresolved resource conflicts. IM 2010-117 § III.E (emphases added). The EA highlights ongoing unresolved conflicts between oil and gas leasing and development and the protection of wilderness characteristics. The EA states that Parcels 37, 47, 48, 50, and 51 are located in lands determined to possess wilderness characteristics. EA at 25. Parcels 37, 47, and 48 are in the Monument Canyon wilderness characteristics inventory unit which “was inventoried after completion of the [Monticello] RMP [and] [t]herefore, the unit has not been analyzed through a land use planning process.” EA at 26. The same is true for Parcel 51 which is located in the Tin Cup Mesa wilderness characteristics inventory unit. EA at 26. Because the identified wilderness characteristics in these areas</p>	<p>The commenter relies on the statement in IM 2016-027 which states: “Include an alternative to the Proposed Action that is modified by appropriate protections, relocations, or design features to eliminate or considerably reduce the effects on wilderness characteristics, if possible” but ignores the last two words in the statement “if possible” It is not possible to respond to the nominator’s request, thus meet the purpose of the proposal by not offering parcels requested.</p> <p>Prior to analyzing parcels, the BLM conducts stakeholder and internal scoping for “unresolved conflicts”. In the case of the 2018 Canyon Country parcels, it found an unresolved conflict in that some of the parcels did not have up to date Lands with Wilderness Characteristics inventories. Internal discussion determined that the inventories could be complete prior to completion of the EA, thus resolving the resource conflict. No third alternative was needed.</p> <p>The BLM determined that the proposed action (lease all parcels) and no action (lease no parcels) satisfied an appropriate range of alternatives. The BLM has the ability to select part of each considered alternative in the Decision Record (lease all, portions, or none of the nominated parcels). Therefore, no additional alternatives were identified that would improve the range of alternatives or make it easier for BLM to respond to identified unresolved conflicts. As a result, no additional alternatives were considered in detail.</p>

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			<p>have never been analyzed through a land use planning process BLM should “implement reasonable measures to minimize impacts to wilderness characteristics . . . even when a [land use plan] decision does not offer de facto protection for wilderness characteristics in land use planning allocations.” BLM, Instruction Memorandum No. UT 2016-027, <i>Bureau of Land Management (BLM)-Utah Guidance for the Lands with Wilderness Characteristics Resource</i> at Attachment 2-2 (Sept. 30, 2016) (IM 2016-27) (attached). This requires BLM to do more than it has done here (<i>i.e.</i>, BLM did nothing more than attach the existing RMP lease stipulations without any additional consideration or analysis including NEPA alternatives analysis): Include an alternative to the Proposed Action that is modified by appropriate protections, relocations, or design features to eliminate or considerably reduce the effects on wilderness characteristics, if possible. In some instances, the No Action alternative may satisfy this criterion.</p> <p>IM 2016-27, Attachment 2-5.3 <i>See also</i> IM 2010-117 § I.A (“In such circumstances [<i>i.e.</i>, when new information is available regarding resource values including wilderness characteristics], additional review may better inform the decisionmaker. While an RMP may designate land as ‘open’ to possible leasing, such a designation does not mandate leasing.”). <i>But see</i> EA, Attachment A at *13, *19-20, *22-23 (Parcel List, Stipulations, and Notices).</p>	
16.	SUWA	NEPA Compliance, Lands with	<p>Finally, the No Action alternative is required by law and does not excuse BLM’s NEPA failure to provide legitimate consideration to alternatives that fall between the obvious extremes. <i>See S. Utah</i></p>	See response to comments 14 and 15.

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		Wilderness Characteristics	<p><i>Wilderness Alliance v. Norton</i>, 457 F.Supp.2d 1253, 1262 (D. Utah 2006) (“[A]n agency’s [NEPA document] must consider the ‘no-action’ alternative.”). The No Action alternative does not fall between the obvious extremes; rather, it <i>is</i> an obvious extreme, which, as BLM acknowledges, serves as nothing more than a baseline to which other alternatives can be compared. <i>See</i> EA at 14 (“The No Action Alternative provides a baseline for comparing environmental effects of the Proposed Action alternative.”). Here, BLM compared only the other obvious extreme (<i>i.e.</i>, the lease-everything alternative) to that baseline and did not consider any alternatives that fall between those extremes. <i>See id.</i> at 15 (“No other alternatives to the Proposed Action were identified that would meet the purpose and need of the Proposed Action.”).</p>	
17.	SUWA	NEPA Compliance	<p>The Lease Sale EA, as noted <i>supra</i>, makes the unsupported conclusions that the no action alternative “would not meet the purpose and need for the Proposed Action.” EA at 30. This is incorrect. The purpose of the EA is to “respond” to lease nominations. A decision to not lease any of the nominated parcels would indisputably satisfy that broad objective. BLM’s decision to reject the no action alternative on this basis is therefore arbitrary and capricious. BLM’s decision to reject this alternative, as discussed <i>infra</i> in Section IX, is unlawful also because it is based on the perfect substitution assumption which has been soundly rejected by the Tenth Circuit. In any manner, the fact that BLM has already rejected the No Action</p>	<p>The commenter has interchanged <i>EA</i> and <i>proposed action</i>. It is not the purpose and need of the <i>EA</i>, it is the purpose and need of the <i>proposed action</i>. The EA simply documents the analysis that supports the Decision to lease the parcels the BLM has decided is appropriate to lease.</p> <p>The BLM has made no “decision to reject the no action alternative”. Again, the EA simply documents the analysis that supports the Decision. However, the statement in question has been expanded to reflect the requirement of the Mineral Leasing Act to hold quarterly lease sales.</p>

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			<p>alternative is all the more reason for why the agency must consider a broader range of NEPA alternatives.</p>	
18.	SUWA	Alternatives	<p>SUWA proposes the following alternatives for BLM’s consideration in its revised Lease Sale EA:</p> <ul style="list-style-type: none"> <li>• Defer from leasing parcels in proposed and/or identified wilderness-caliber lands and in designated Areas of Critical Environmental Concern. This includes, but is not limited to, parcels 28, 30, 32, 33, 36, 37, 38, 39, 40, 47, 48, 49, 50, and 51;</li> <li>• Attach non-waivable NSO leasing stipulations to each parcel located in proposed or identified LWC and ACEC prior to offering them for leasing and development; and</li> <li>• Defer from leasing parcels in the viewshed, airshed, and soundscape of Hovenweep National Monument to protect important values including dark night skies.</li> </ul> <p>These alternatives will accomplish the purpose and need of the lease sale (<i>i.e.</i>, to respond to lease parcel nominations), are technically and economically feasible, would address unresolved resource conflicts, and will have a lesser impact to the environment including wilderness-caliber lands. There can be no legitimate dispute that the proposed alternatives are technically and economically feasible. BLM defers nominated lease parcels at most – if not all – of its lease sales. <i>See, e.g.</i>, BLM, Utah State Office – List of Deferred Lands (Sept. 18, 2017) (providing a long list of nominated parcels and the reason(s) for their deferral) (attached). It is likewise indisputable that SUWA’s recommended alternatives will have lesser impacts to resource</p>	<p>See response to comments 14 and 15.</p> <p>The No Action alternative satisfies the suggestion to consider an alternative that eliminates effects for the identified resources. Subsumed in a no action alternative is consideration of a no leasing alternative like the one SUWA proposed here. <i>See Biodiversity Conservation Alliance et al.</i>, 183 IBLA 97, 124 (2013).</p>

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			values including wilderness-caliber lands, the Alkali Ridge and San Juan River ACEC, and Hovenweep National Monument.	
19.	SUWA	NEPA Compliance	<p>In the alternative, BLM can attach non-waivable NSO stipulations to the lease parcels either through plan maintenance or a land use plan amendment. Plan maintenance would be an appropriate method here because BLM has already considered NSO leasing stipulations in the Moab and Monticello RMP as well as the Moab MLP:</p> <p>Resources on the ground change over time . . . . Prior to the lease sale, the field office will review its latest inventory information and apply protective lease stipulations to new leases as provided for in the RMP. Applying an existing RMP lease stipulation . . . to the proposed new lease, based on new inventory data . . . is considered to be in conformance with the RMP and is addressed through plan maintenance.</p> <p><i>Plan maintenance is the appropriate planning tool even if the land area where the new resource is found . . . had been designated in the RMP as covered by standard lease terms.</i></p> <p>IM 2010-117 § III.C.2 (emphasis added).</p>	<p>Plan maintenance is appropriate under certain circumstances. Lease stipulations normally cannot be developed through plan maintenance but generally require a plan amendment, which is beyond the scope of this EA. However, in the absence of existing lease stipulations to protect “wilderness-caliber lands” or specific ACECs, plan maintenance is not possible.</p>
20.	SUWA	Cultural	<p>BLM has dual obligations when considering the impacts of its undertakings on cultural resources. Pursuant to Section 106 of the NHPA and its implementing regulations, BLM must “make a reasonable and good faith effort” to identify cultural resources that may be affected by an undertaking. 36 C.F.R. § 800.4(b)(1). Pursuant to NEPA, BLM must take a “hard look” at the environmental effects of a proposed action and “must insure that environmental information is available to public officials and citizens before decisions are made and before actions</p>	<p>BLM has met its obligations to consider the effects of its undertakings to cultural resources under both laws.</p> <p>Using extant cultural resources data, GIS, and additional data gathered through consultation, the BLM considered whether reasonably foreseeable development could occur within each of the parcels without adverse effect to historic properties within a half mile of each parcel. The parcel-by-parcel analysis took into account parcel size, topography, and location, cultural resources data, existing land use planning decisions, leasing stipulations, and a thorough understanding of the potential effects of oil and</p>

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			<p>are taken.” 40 C.F.R. § 1500.1(b). BLM has failed to comply with both of these obligations.</p>	<p>gas operations in the area. Historic properties within this area were analyzed for potential direct, indirect, and cumulative effects caused by an exploratory well pad within parcel boundaries.</p> <p>In addition to records review and analysis, the BLM consulted with and sought additional information from fourteen Native American Tribes, the Utah State Historic Preservation Office (SHPO), and consulting parties.</p> <p>The above process has been consulted on and agreed to by the SHPO for previous and ongoing leasing undertakings; BLM is required to consult with SHPO regarding identification efforts (36 CFR. § 800.4). SHPO has agreed with BLM that these efforts meet a reasonable and good faith standard.</p> <p>The results of the above described analysis were also used in this EA. BLM also sought public input during the NEPA process, including public scoping and 30 days public comment period during which this EA was available through ePlanning.</p> <p>BLM has met both the “reasonable and good faith” and “hard look” standards and have offered multiple opportunities for public, consulting party, and Native American tribe input. Further, the Interior Board of Land Appeals (“IBLA”) has upheld BLM’s use of a literature review to meet the reasonable and good faith identification effort. See <i>SUWA</i>, 177 IBLA 89, 98 (2009).</p>
21.	SUWA	Cultural	<p>BLM Failed to Make a Reasonable Effort to Identify Cultural Resources...For the parcels in the Moab field office, BLM used only the composite model map to assess the potential location of undiscovered archaeological sites and potential effects to those sites. It did not incorporate or consider the individual</p>	<p>BLM made a reasonable effort to identify cultural resources.</p> <p>Regarding the use of the Monticello Field Office - Class I model or composite model or map is a GIS-derived compilations of all of the site type models intended to provide a landscape level representation of cultural</p>

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			<p>site type models. Those individual site type models provide BLM with significantly more detailed information about the potential resources on the ground, which would then allow the agency to better assess adverse effects from the lease sale...Accordingly, BLM should use the more precise site type models to inform its leasing decisions.</p> <p>For the lease parcels within the Monticello field office, BLM does not even use the recently-completed Class I inventory and associated models to inform its leasing decisions and better assess the likely nature and location of cultural sites in the parcels.</p> <p>...To comply with NHPA requirements to make a reasonable and good faith effort to identify cultural resources, BLM must at least take into account all of its existing information about the potential resources.</p>	<p>resources probability and sensitivity across the Moab Field Office. BLM manages for all site types and there are multiple historic and prehistoric site types present across the Moab parcels. Because it takes into account all site types, the composite model offers the best overall site probability within the parcels. BLM will continue using the composite models for these types of identification efforts.</p> <p>Regarding the Monticello Field Office - Class I model, the model was in draft form while BLM prepared its analysis for this EA. The Monticello Field Office Class I and model had been through considerable changes in the first nine months of this year. Changes, from both BLM staff and requests from consulting parties, were at least considered until the Monticello Field Office Class I - model when into final production mid-September. The draft form of the model would not have captured the final product as understood by BLM and its consulting parties. For these reasons, BLM did not include the draft model in its analysis.</p> <p>The final product has been delivered by the contractor and BLM has incorporated the final Monticello Field Office Class I model into its analysis for this EA and the cultural resources report.</p>
22.	SUWA	Cultural	<p>BLM's No Adverse Effect Determination is Unsupported and Arbitrary.</p> <p>...The Lease Sale EA makes clear that indeed there may be direct, indirect and cumulative impacts to cultural resources. It establishes that reasonably foreseeable development from the lease sale could lead to "partial or complete physical damage or destruction to sites and indirect effects, such as</p>	<p>The National Historic Preservation Act and its implementing regulations found at 36 CFR Part 800 do not state that high site density in an area equals an adverse effect. Rather,</p> <p>adverse effects are narrowly defined by NHPA and require specific detrimental changes to occur to specific types of sites (historic properties) in order to reach the threshold of adverse effect as defined at 36 CFR § 800.5(a)(1). The</p>



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			<p>changes in the integrity of a contributing component of the property’s significance (location, design, setting, materials, workmanship, feeling, or association.)” The Lease Sale EA also acknowledges that “indirect effects include visual impacts to sensitive rock art sites or to elements of the Old Spanish Trail.” <i>Id.</i>; <i>see also id.</i> (“[T]he development of a parcel may also lead to more roads in some areas, which could increase public access, potentially leading to increased vandalism and looting.”). For purposes of the NHPA there is no distinguishing between direct, indirect, or cumulative effects; they are all “effects.” Precisely because there <i>may be</i> adverse effects BLM must continue to follow the processes set forth in 36 C.F.R. §§ 800.5-800.6 to consult about these effects.</p> <p>BLM attempts to minimize the potential impacts from the lease sale by asserting that although the lease sale has the potential to impact cultural resources, “these impacts do not reach the significant, or adverse effects, threshold.” EA at 37. However, the distinction between impacts in the NEPA context and the NHPA context is not necessarily one of significance. Instead, the question is whether there <i>may be</i> impacts to historic properties – those cultural resources which are eligible for listing under the NRHP. <i>See</i> 36 C.F.R. § 800.5(a). Here, there is no reason to believe (and BLM has not offered one) that impacts would only affect those cultural resources that are not eligible for listing under the NRHP.</p>	<p>existence of a high potential area does not mean that an undertaking will have an adverse effect.</p> <p>In its Cultural Resources report, discussed above, BLM clearly justifies how reasonably foreseeable development could occur within each of the parcel without adverse effect to historic properties within a half mile of each parcel. The report takes into account available cultural resources data, additional data gathered through consultation, parcel characteristics, existing land use planning decisions, leasing stipulations, and professional judgment, including a thorough understanding of the potential effects of oil and gas operations in the area.</p> <p>For any future actions, lease stipulations assure that BLM retains discretion to prevent adverse effects to historic properties, or significant impacts, as a result of oil or gas activities related to a lease. The stipulations are: Cultural Resources Protection Stipulation, which is attached to all leases; UT-S-170 Controlled Surface Use – Cultural, which has been applied to all Monticello field office parcels, and the UT-S-17 Controlled Surface Use – Alkali Ridge Area of Critical Environmental Concern (ACEC), which has been applied to those parcels fully or partially within the ACEC. These stipulations apply to historic properties, rather than all cultural resources, and for this reason BLM has stated in this EA that there may be impacts to cultural resources.</p>

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23.	SUWA	Cultural	BLM must resolve The Hopi Tribe’s disagreements over this lease sale. <i>See</i> 36 C.F.R. § 800.5(c)(2)(iii).	Consultation with the Hopi Tribe, as required by Section 106 of the NHPA, is ongoing.
24.	SUWA	Cultural	<p>BLM failed to take the requisite “hard look” at impacts to cultural resources. First, BLM made its no adverse effect determination based on insufficient information...</p> <p>Second, BLM’s discussion of direct, indirect, and cumulative impacts is wholly insufficient. Rather than the required thoughtful and probing reflection of possible impacts, the EA includes only a cursory discussion of impacts to cultural resources. <i>See</i> EA at 37, 60. It merely lists several potential impacts from development on the lease sale impacts that may result from development on the lease parcels and asserts that those impacts will not be significant. EA at 37. This does not constitute a “hard look” at impacts to cultural resources.</p>	<p>As stated above, BLM’s determination of no adverse effect in its draft cultural resources report is based on available cultural resources data, additional data gathered through consultation, parcel characteristics, existing land use planning decisions, leasing stipulations, and professional judgment, including a thorough understanding of the potential effects of oil and gas operations in the area. Further, now that the Monticello Field Office Class I - model is final, it has been incorporated into BLM’s analysis as well.</p> <p>Regarding NEPA, NEPA requires that the BLM’s “effects analysis must demonstrate that the BLM took a ‘hard look’ at the impacts of the action.” NEPA Handbook H-1790-1, p. 55. The Tenth Circuit has held that the “hard look” test under NEPA is satisfied if “the BLM considers generally the potential environmental effects of its actions before issuing a lease and reserves a more detailed environmental analysis until a site specific drilling proposal is made. . . .” <i>Pennaco Energy, Inc. v. U.S. Department of the Interior</i>, 266 F.Supp.2d 1323 (D.Wyo. 2003) citing <i>Park County Resources Council, Inc. v. U.S. Department of Agriculture</i>, 817 F.2d 60, 624 (10th Cir. 1987). Additionally, the Tenth Circuit has stated that analysis of only reasonably foreseeable impacts must take place before an agency makes an irretrievable commitment of resources but an agency may wait to analyze impacts until “after the leasing stage if it lacks information necessary to evaluate them, ‘provided that it reserves both the authority to preclude all activities pending submission of site-specific proposals and the authority to prevent proposed activities if the environmental consequences are unacceptable.’” <i>New</i></p>

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				<p><i>Mexico ex rel. Richardson v. BLM</i>, 565 F.3d 683, 718 (10th Cir. 2009) citing <i>Sierra Club v. Peterson</i>, 717 F.2d 1409, 1415 (D.C. Cir. 1983).</p> <p>Leasing only conveys the rights to develop a parcel to a lessee but does not approve any surface disturbing activities. At the leasing stage, the BLM has no knowledge of when, if, and where development will occur within any of the parcels meaning that the BLM lacks information necessary to evaluate specific impacts to cultural resources at any specific location. To account for potential impacts from leasing, BLM uses a reasonably foreseeable development scenario to analyze potential impacts from leasing. Thus, based on the appropriate RFDs, BLM has provided a general analysis and discussion of potential impacts as a result of issuing a lease and a justification for why those impacts will not be significant.</p> <p>Finally, BLM retains the authority to modify or deny future proposed activities. The Cultural Resources Protection Stipulation is included on every lease and provides the BLM the authority modify or disapprove any lease activity that is likely to result in adverse effects.</p> <p>Using a level of analysis for a “hard look” upheld by the Tenth Circuit, the BLM has properly analyzed all reasonably foreseeable impacts to cultural resources at the leasing stage and retains the authority to not approve any ground disturbing activities that may result in adverse effects at the APD stage.</p>
25.	SUWA	NEPA Compliance	<b>Under Applicable Law and Policy, BLM Cannot Offer Oil and Gas Leases in the Vicinity of Alkali Ridge, Montezuma Canyon and Hovenweep</b>	The decisions of the Monticello RMP opened the areas in question to leasing. The EA tiers to the EIS prepared prior to making the decision to open the lands to leasing. The leasing EA has been prepared to address site specific

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			<p><b>National Monument Prior to Conducting Further Planning and Analysis... BLM must undertake additional land use planning and analysis, in order to comply with FLPMA and NEPA.</b></p> <p>The Monticello RMP, issued in 2008, cannot and does not support a decision to offer oil and gas leases on public lands included in the Proposed Action. This includes Parcels 29 through 51. In 2010 and 2015, BLM determined that additional land use planning and environmental analysis was needed in order to support future leasing on public lands east of Highway 191 – specifically, in in the vicinity of Alkali Ridge, Montezuma Canyon and Hovenweep National Monument. BLM based this determination on findings that the Monticello RMP inadequately evaluated oil and gas-related impacts on national park, cultural and wilderness values. Further, since 2008, “BLM-Utah has been provided substantial new information from a wide variety of public lands stakeholders. The new information necessitates” further planning and analysis. Memorandum from State Director, Utah, to Assistant Director, Minerals and Realty Management, <i>Revisions to the Glen Canyon – San Juan River Master Leasing Plan (MLP)</i> at 2 (May 29, 2015) (attached); <i>see also</i> Memorandum from Acting State Director, Utah, to Assistant Director, Energy, Minerals and Realty Management Directorate, <i>Updated Utah Master Leasing Plan (MLP) Strategy</i> at 6 (Aug. 14, 2015) (“During recent oil and gas lease sales, BLM-Utah has deferred several lease parcels [east of Highway 191] . . . because of determinations</p>	<p>impacts to the lease parcels and to provide additional analysis substantial new information and for resources and issues not addressed in the RMP EIS.</p> <p>The BLM is obligated to consider leasing parcels nominated by the public and is currently analyzing nominated parcels available for leasing under the applicable RMP to determine if offering them for lease is appropriate. The FONSI and Decisions Record for this EA will determine if the additional analysis is sufficient to support leasing parcels without the preparation of an RMP amendment, which would potentially change the leasing decisions and stipulations.</p> <p>The EA has provided additional analysis on impacts to viewsheds and noise of monuments and other sensitive areas, cultural resources and wilderness characteristics. For an explanation as to why no night sky analysis was conducted, please see the response to comment 9.</p>

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			<p>that additional analysis was needed in order to assess and address the potential impacts of oil and gas leasing on cultural resources.”) (August 2015 MLP Memo) (attached). Finally, BLM has acknowledged that Monticello RMP failed to account for resources, including night skies, which could be harmed by oil and gas leasing and development.</p> <p>Accordingly, under FLPMA and NEPA, BLM cannot proceed with leasing in the vicinity of Alkali Ridge, Montezuma Canyon and Hovenweep National Monument without completing the additional land use planning and analysis it deemed necessary in 2010 and 2015. This requirement is reinforced by current policy. <i>See generally</i> BLM, H-1624-1 – Planning for Fluid Mineral Resources § V.A (Jan. 28, 2013) (BLM Handbook 1624) (attached).</p> <p>...to summarize BLM has determined that (1) “[a]dditional analysis or information is needed to address likely resource or cumulative impacts” prior to the resumption of leasing in the vicinity of Alkali Ridge, Montezuma Canyon and Hovenweep National Monument; (2) it has received “substantial new information” relevant to the impacts of oil and gas leasing on public lands and resources east of Highway 191; and (3) resources within the area proposed for leasing, including night skies and a “broader cultural landscape” surrounding Alkali Ridge”, were “not addressed” or “properly considered” in the Monticello RMP. For all of these reasons, BLM must defer parcels 029 through 051 from the March 2018 lease sale and conduct further</p>	

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			<p>planning and analysis for public lands east of Highway 191.</p>	
26.	SUWA	Air Quality	<p>The Lease Sale EA Failed to Take a Hard Look at Impacts to Air Quality and Climate Change</p> <p>The EA acknowledges that the likely outcome of issuing the parcels at issue is that each parcel will be developed...</p> <p>BLM failed to make even the basic calculations to estimate the approximate pollution emissions resulting from the issuance and development of the lease parcels and, more importantly, failed to connect the all the dots by analyzing and disclosing the significance of those emissions</p>	<p>The commenter is referred to the air quality sections in chapter 3 and chapter 4 of the EA for the requisite "Hard Look" at air quality and climate change analysis in the EA.</p> <p>The EA did not state that "each parcel will be developed". The reasonably foreseeable development over all 29 parcels will be 11 wells.</p> <p>The commenter is referred to the emissions inventory contained in section 4.2.1 of the EA for the basic calculations to estimate the estimated pollution emissions resulting from the proposed action. This inventory has been updated since publication of the Preliminary EA. The emissions inventory is prepared to estimate emissions resulting from oil and gas development from the proposed action and the Appendix F RFD. As illustrated by the emissions inventory, these emissions are not significant when compared to all emission sources.</p> <p>Additionally, stipulation UT-S-01 and lease notices UT-LN-96, UT-LN-99, and UT-LN-102 are attached to each lease to disclose potential future restrictions and to facilitate the reduction of potential air quality impacts upon receipt of a site specific APD through application of best management practices (BMPs) and other technologies that may improve operational efficiency and reduce natural gas emissions. Neither the EPA nor the Utah Department of Environmental Quality, the regulatory authorities responsible for compliance with the Clean Air</p>

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				<p>Act, objected to the proposed lease terms nor requested that additional mitigation measures be added.</p> <p>The EA cites the Cane Creek Modeling Report, 2010 and the modeling analysis conducted for the Moab Master Leasing Plan, 2016. Both of these analyses concluded that the analyzed oil and gas development activities would not cause adverse impacts to Class I related AQRVs or otherwise contribute to any violation of any applicable air quality standards, and may only contribute a small amount to any projected future potential exceedance of any applicable air quality standards.</p> <p>The proposed action would not include oil and gas development activities in excess of those modeled in these two studies. Citation of these models is appropriate for this EA. To conduct a modeling analysis specifically for the Appendix F RFD estimated level of oil and gas development activity would not result in any meaningful results or conclusions and would not be an appropriate use of BLM resources.</p>
27.	SUWA	Air Quality	<p>First, the Tenth Circuit recently held that it is possible for BLM to perform such modeling air quality analysis. In overturning BLM’s issuance of several coal leases for inadequate climate change analysis the court explained:                      We do not owe the BLM any greater deference on the question at issue here because it does not involve “the frontiers of science.” The BLM acknowledged that climate change is a scientifically verified reality. . . . Moreover, <i>the climate modeling technology exists: the [National Energy Modeling System] is available for the BLM to use.</i></p>	<p>The court case cited involved the preparation of an Environmental Impact Statement involving a potential 382 million tons of just downstream annual carbon dioxide emissions. In Section 4.23 of the EA calculations reveal that the cumulative operational and downstream CO2 emissions of a well would be around 45,000 tons over ten years. Given the RFD of eleven wells to be drilled on the parcels, that would result in 49,500 metric tons annually. A model that may work for a project the size of the one discussed in the lawsuit would be useless for a project of the scale analyzed in the EA.</p>

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			<p><i>WildEarth Guardians v. BLM</i>, 870 F.3d 1222, 1236-37 (10th Cir. 2017) (emphasis added; citations omitted).<sup>8</sup> This ruling shuts the door on BLM’s claim that it cannot analyze the effects and impacts of increased greenhouse gas emissions from leasing and development at the lease sale stage. It plainly can and must do so.</p> <p>Second, BLM’s refusal to take the necessary hard look, under the guise of uncertainty, is entirely insufficient. “Speculation is recognized as being ‘implicit’ in NEPA, and judges ‘may reject any attempt by agencies to shirk their responsibilities under NEPA by labeling any and all discussions of future environmental effects as crystal ball inquiry.’” <i>Sierra Club v. U.S. Forest Serv.</i>, 857 F.Supp.2d 1167, 1177 (D. Utah 2012) (citations omitted). NEPA requires BLM to “consider every significant aspect of the environmental impact of a proposed action.” <i>Balt. Gas &amp; Elec. Co. v. Natural Res. Defense Council</i>, 462 U.S. 87, 107 (1983). And BLM must do so “at the earliest possible time.” <i>New Mexico ex rel. Richardson</i>, 565 F.3d at 707.</p>	
28.	SUWA	Air Quality	<p>Third, BLM’s decision to delay any meaningful air quality analysis until the APD stage has left many important questions unanswered including, but not limited to:</p> <ul style="list-style-type: none"> <li>• Will the issuance and development of the parcels have direct impacts on compliance with the National Ambient Air Quality Standards (NAAQS);</li> <li>• Will the issuance and development of the parcels result in a significant deterioration of air quality; and</li> </ul>	<p>Section 4.2.1 of the EA analyzes any potential impacts to air quality and includes the basic calculations to estimate the estimated pollution emissions resulting from the proposed action. This inventory has been updated since publication of the Preliminary EA. The emissions inventory is prepared to estimate emissions resulting from oil and gas development from the proposed action and the Appendix F RFD. As illustrated by the emissions inventory, these emissions are not significant when compared to all emission sources.</p> <p>Additionally, stipulation UT-S-01 and lease notices UT-LN-96, UT-LN-99, and UT-LN-102 are attached to each</p>



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			<ul style="list-style-type: none"> <li>• Will the issuance and development of the parcels have significant visibility impacts to the region including to Hovenweep National Monument.</li> </ul>	<p>lease to disclose potential future restrictions and to facilitate the reduction of potential air quality impacts upon receipt of a site specific APD through application of best management practices (BMPs) and other technologies that may improve operational efficiency and reduce natural gas emissions. Neither the EPA nor the Utah Department of Environmental Quality, the regulatory authorities responsible for compliance with the Clean Air Act, objected to the proposed lease terms nor requested that additional mitigation measures be added.</p> <p>The BLM did not state that “meaningful” air quality analysis would be left until the APD stage, but that “Prior to authorizing specific proposed projects on the subject lease parcels quantitative computer modeling using project specific emission factors and planned development parameters (including specific emission source locations) may be conducted to adequately analyze direct and indirect potential air quality impacts.” Individual APDs would not trigger computer modeling but field development plans may, if they are large enough to produce emissions that can be meaningfully analyzed by modeling. A lease sale EA with a projected 11 wells over a 10-year period would not result in a quantity of emissions that could be used for modeling.</p> <p>Until such time as it is appropriate to conduct robust analysis, the BLM relies on the stipulations and lease notices listed in the analysis.</p>
29.	SUWA	Air Quality	Based on BLM’s extensive history and experience with oil and gas leasing and subsequent site-specific development authorizations including the collection of data, monitoring of development activities, and partnerships with other federal and state agencies, the	The comment took the BLM’s statement out of context of the next sentence. Together they read: “The act of leasing would not result in impacts to air quality. However, should the leases be issued, development of those leases could impact air quality conditions.” However, the first

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			<p>agency has the knowledge and ability to answers these questions now. BLM failed to do so because it has taken the unsupportable position that leasing is only a paper transaction without any immediate on-the-ground impact. <i>See</i> EA at 31 (“The act of leasing would not result in impacts to air quality.”).</p> <p>Federal courts have long rejected the idea of deferring site-specific analysis of oil and gas impacts to the permitting stage. <i>See, e.g., Sierra Club</i>, 717 F.2d at 1415 (holding that when a federal agency charged with administering oil and gas leasing no longer “retain[s] the authority to preclude all surface disturbing activities” subsequent to issuing an oil and gas lease, “an EIS assessing the full environmental consequences of leasing must be prepared” before “commitment to any actions which might affect the quality of the human environment.”); <i>Wyoming Outdoor Council v. U.S. Forest Serv.</i>, 165 F.3d 43, 49 (D.C. Cir. 1999) (same); <i>Ctr. for Biological Diversity v. U.S. Dep’t of Interior</i>, 563 F.3d 466, 480 (D.C. Cir. 2009) (same); <i>New Mexico ex. rel. Richardson</i>, 565 F.3d at 718 (holding where “BLM could not prevent the impacts resulting from surface use after a lease issued, it was required to analyze any foreseeable impacts of such use before committing the resources” and that “NEPA require[s] an analysis of the site-specific impacts of [a lease sale] prior to its issuance, and BLM act[s] arbitrarily and capriciously by failing to conduct one.”); <i>Conner v. Burford</i>, 848 F.2d 1441, 1451 (9th Cir.1988) (holding “unless surface-disturbing activities may be absolutely precluded, the government must complete an EIS before it makes an irretrievable commitment</p>	<p>sentence has been modified to say: The act of leasing would not result in <i>direct</i> impacts to air quality. “</p> <p>Section 4.2.1 of the EA analyzes any potential impacts to air quality and includes the basic calculations to estimate the estimated pollution emissions resulting from the proposed action. This inventory has been updated since publication of the Preliminary EA. The emissions inventory is prepared to estimate emissions resulting from oil and gas development from the proposed action and the Appendix F RFD. As illustrated by the emissions inventory, these emissions are not significant when compared to all emission sources.</p> <p>Additionally, stipulation UT-S-01 and lease notices UT-LN-96, UT-LN-99, and UT-LN-102 are attached to each lease to disclose potential future restrictions and to facilitate the reduction of potential air quality impacts upon receipt of a site specific APD through application of best management practices (BMPs) and other technologies that may improve operational efficiency and reduce natural gas emissions. Neither the EPA nor the Utah Department of Environmental Quality, the regulatory authorities responsible for compliance with the Clean Air Act, objected to the proposed lease terms nor requested that additional mitigation measures be added.</p>

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			<p>of resources by selling non-[no surface occupancy] leases”).                      Consistent with case law, BLM’s own fluid minerals planning handbook specifically states: “By law, [direct, indirect, and cumulative] impacts must be analyzed before the agency makes a irreversible commitment. In the fluid minerals program, this commitment occurs at the point of lease issuance.”                      BLM Handbook 1624 § B.2.</p>	
30.	SUWA	Air Quality	<p>Fourth, the Lease Sale EA contains numerous inconsistencies and contradictions as well as relies on outdated information thereby rendering its analysis unhelpful and meaningless. For example, BLM correctly states that the NAAQS for ozone is 0.070 (ppm), <i>see</i> EA at 17, tbl. 3-1, but then in its analysis explains that monitored ozone data “demonstrates that the area encompassing the March 2018 lease sale is approaching the current 8-hr NAAQS of 75 pp[m] for ozone.” EA at 18 (emphasis added). BLM then cites to Figure 1 as evidence that monitored NAAQS for ozone are currently below the legal standard. <i>See</i> EA at 19, fig. 1. However, Figure 1 relies on the <i>outdated</i> standard of 0.075 and, in reality, shows that NAAQS for ozone are currently being exceeded (<i>i.e.</i>, are above the current legal standard of 0.070 (ppm)).<sup>9</sup> FLPMA prohibits BLM from authorizing any project that will lead or contribute to violations of air quality standards.</p>	<p>The BLM appreciates the commenter pointing out the oversight error in which the ozone standard is stated as 75 ppb. This has been changed to 70 ppb.</p> <p>The statement in the EA at Chapter 3.3.1, page 18; “... is approaching the current 8-hr NAAQS of 75 ppb for ozone” has been changed to “... has exceeded the current 8-hr NAAQS of 70 ppb for ozone”.</p> <p>The data in Figure 1 (page 19) is information displayed in support of the statement "Regional ozone concentrations are of concern in the lease area." The data are not intended to be a cutoff for oil and gas leasing.</p> <p>The National Park Service commented in their letter: “Although the park is in attainment for federal National Ambient Air Quality Standards, ozone concentrations are very close to the standard.”</p> <p>FLPMA states: In the development and revision of land use plans, the Secretary shall– provide for compliance with applicable pollution control laws, including State and Federal air, water, noise, or other pollution standards or implementation plans. By working in conjunction with</p>

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				the EPA and Utah DEQ when crafting COAs, it is complying with standards and implementation plans.
31.	SUWA	Air Quality	<p>In addition, the Lease Sale EA relies on the 2010 Cane Creek Modeling Report to predict that there will be no adverse impact to air quality related values. <i>See</i> EA at 19, 35.10 This report prepared in 2010 does not account for the updated NAAQS for ozone established in 2015. 80 Fed. Reg. 65292, National Ambient Air Quality Standards for Ozone (Oct. 26, 2015) (lowering the legal NAAQS for ozone to 0.070 (ppm)).<sup>11</sup> BLM also relies on the air quality analysis in the Moab MLP – which does not encompass the lease parcels at issue – to support its leasing decision. <i>See</i> EA at 35. The Moab MLP, as noted in SUWA’s comments on the Lease Sale Determination of NEPA Adequacy prepared for this same sale, did not analyze or perform numerous quantitative site-specific air quality analysis, analyzed only “speculative” air quality modeling, and did not conduct a near-field analysis. <i>See, e.g.</i>, Moab MLP FEIS at 4-2, 4-5, 4-10. In fact, the Moab MLP expressly anticipated that BLM would perform such analysis for site-specific proposals:</p> <p>Subsequent project-level NEPA documents will provide the opportunity to collect site specific data and analyze these data in quantitative terms.</p> <p>Moab MLP FEIS at 4-2. BLM cannot rely on the Moab MLP for analyses that were never performed. Instead, BLM must conduct that analysis now – at the point of irretrievable commitment of resource –</p>	See response to comment 28.

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			and cannot delay that analysis until some unknown date.	
32.	SUWA	Air Quality	<p>The Lease Sale EA also provides a Summary of Regional Conditions which provides brief notes on trends regarding visibility, nitrogen deposition, sulfur deposition, and ozone. <i>See</i> EA at 18, tbl. 3-2.</p> <p>However, BLM in the EA failed to take the logical – and required – next step to analyze how its leasing decision may impact these identified trends. <i>See id.</i> at 31-32 (declining to perform air quality impacts by computer modeling because, allegedly, it is not possible to do so). The information presented in the Summary of Regional Conditions is meaningless and has no context when, as is the case here, it is entirely untethered from BLM’s NEPA analysis. In fact, BLM has not even attempted to analyze potential direct, indirect, or cumulative impacts to Arches, Canyonlands, or Mesa Verde National Parks (listed on the Summary of Regional Conditions) or to Hovenweep and Canyons of the Ancients National Monuments from oil and gas leasing and development including for visibility and ozone.</p>	See response to comment 28.
33.	SUWA	Air Quality	<p>Finally, BLM prepared a Reasonable Foreseeable Development (RFD) for the Lease Sale EA. The RFD is designed to “serve as an analytical baseline for identifying and quantifying direct, indirect, and cumulative effects of oil and gas activity and forms the foundation for the analysis of the effects of oil and gas management decisions in planning and environmental documents.” EA at 9.12 However, BLM’s impact analysis inexplicably does not rely on this RFD but instead relies on the RFD prepared for</p>	<p>The Appendix F RFD for the lease sale was prepared to estimate the number of oil and gas wells and associated surface disturbance resulting for the leasing of the parcels in the proposed action. This Appendix F RFD has as its foundation the RFDs prepared for the Moab and Monticello RMPs, 2008. Appendix F RFD compares as a percentage proposed action acreage with total authorized lease acreage. This percentage is then applied to the RMP RFDs to estimate the level of development resulting only from the proposed action. It is appropriate for the</p>

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			<p>the Monticello RMP. For example, BLM explains that its emissions inventory is based on “an [Monticello field office] ‘typical well’ which in turn is based on “analysis assumptions contained in the MFO PRMP, the MFO RFD and previous oil and gas development in the MFO.” EA at 33. See also EA at 58 (relying on and incorporating the RFD from the Moab and Monticello RMPs for cumulative impact analysis). These previous assumptions are not the same as those set forth in the Lease Sale EA RFD.</p>	<p>Appendix F RFD and the RMP RFDs be used to analyze impacts from the proposed action to direct, indirect and cumulative impacts in the EA.</p> <p>Again, the commenters attention is directed to the Appendix F RFD, which predicts approximately one well to be drilled each year, 11 wells to be drilled over the next 10 years, up to 15 acres of surface disturbance each year, and 122 acres of surface disturbance over the next 10 years. This Appendix F RFD is an estimate of oil and gas development resulting only from the proposed action. The acres of surface disturbance and number of wells is used by the ID NEPA teams to determine if a resource is a PI (potentially impacted to the degree requiring detailed analysis in the EA), NI (Not Impacted to the degree requiring detailed analysis in the EA), or NP (Not present in the area impacted by the proposed action). This determination by the ID team is documented in the Appendix D NEPA Team Checklist.</p> <p>The reference to the incorporating the cumulative impact analysis contained in the Field Office RMPs is entirely appropriate as the proposed action is consistent with and included in the RMP analysis.</p>
34.	SUWA	Endangered and Sensitive Species	<p>BLM Failed to Address Impacts to Endangered and Sensitive Species in the Lease Sale EA, in violation of NEPA and the Endangered Species Act.</p> <p>The EA contains no site-specific analysis whatsoever of what the indirect and cumulative impacts of drilling will be on endangered species, both from direct mortality and habitat loss from drilling activity, and from water use associated with oil and gas development, and resulting depletions to the San Juan and/or Green River systems.</p>	<p>The effects of the leasing action on federally listed species was analyzed in detail in the Final EISs for the Moab and Monticello RMP and the Moab Master Leasing Plan and their associated Biological Opinions (Moab-pp. 21-101, Monticello-pp. 24-100, MLP-pp. 10-68). In addition, Moab and Monticello’s biologists detailed the effects of the specific leasing action, with the information currently available, on federally listed species in their respective Wildlife and Botany Resources Leasing Assessment Reports and summarized this information in their</p>

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			<p>The presence of endangered species and their critical habitat requires consultation (or, in the case of black-footed ferrets, conference) with FWS in order to avoid jeopardizing the species' continued existence or adversely modifying their critical habitat</p> <p>The EA reveals the presence of numerous threatened, endangered, and sensitive species present and their critical habitat within the areas proposed for leasing, but fails to provide any meaningful information regarding potential effects.</p> <p>According to UDWR data, parcels UT0318-0318-001, -002, -003, -004, -005, -006, -008, -029, -030, -031, -032, contain white-tailed prairie dog colonies. BLM must analyze whether habitat loss within white-tailed prairie dog colonies could affect black-footed ferret recovery and/or reintroduction efforts.</p>	<p>Interdisciplinary Team Checklists (Appendix D). They will conduct a site-specific analysis and consultation with USFWS if appropriate when the lessee applies for a permit to drill and supplies site-specific information about locations and methods of development and extraction.</p> <p>Leasing would not, by itself, authorize any water usage which would contribute to depletion. Site-specific effects cannot be analyzed until an APD is received after leasing has occurred. Any potential water depletion would be analyzed at the APD stage. As indicated in Appendix D (Interdisciplinary Team Checklists), additional consultation with USFWS will be required prior to the implementation of any project that "may affect" a listed species or habitat.</p> <p>According to the USFWS Environmental Conservation Online System, no population of black footed ferrets are known to occur in Grand County, Utah and there are no requirements to consult on this species. Additionally, the USFWS has not directed the Moab FO to consult on Black footed ferret habitat for any projects in Grand or San Juan county.</p>
35.	SUWA	Endangered and Sensitive Species	<p>BLM failed to address impacts to Colorado River Endangered Fish (all parcels, with habitat directly present in parcel UT0318-001, -036)</p> <p>All proposed sale parcels have the potential to impact the four Colorado River endangered fish species (bonytail chub, Colorado pikeminnow, humpback chub, and razorback sucker) through water depletions resulting from oil and gas development. In particular,</p>	<p>The effects of the leasing action on the Colorado River Endangered Fish was analyzed in detail in the Final EIS for the both RMPs and the associated Biological Opinions. In addition, the Wildlife and Botany Resources Leasing Assessment Reports detailed the effects of the specific leasing action on endangered fish. Lease notice T&amp;E 23: Colorado River Endangered Fish was developed during consultation with USFWS to protect the endangered fish and has been added to all parcels.</p>

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			<p>parcel UT-0318-012 contains habitat for the Colorado pikeminnow and razorback sucker.</p>	<p>Leasing would not, by itself, authorize any water usage which would contribute to depletion. Site-specific effects cannot be analyzed until an APD is received after leasing has occurred. Any potential water depletion would be analyzed at the APD stage. As indicated in Appendix D (Interdisciplinary Team Checklists), additional consultation with USFWS will be required prior to the implementation of any project that "may affect" a listed species or habitat.</p> <p>The BLM in coordination with the USFWS during EA development ensured all parcels contained adequate leases notices and stipulations to ensure ESA compliance. As recommended by the FWS, all parcels that the FWS identified as having potential to impact Critical Habitat for listed fish had the appropriate lease notices and stipulations attached.</p>
36.	SUWA	Lands with Wilderness Characteristics	<p>The EA Failed to Take a Hard Look at Impacts to Lands with Wilderness Characteristics, as Required by NEPA, as well as Violates FLPMA and IM 2016-27 Wilderness Resource Obligations.</p> <p>The Lease Sale EA does not comply with IM 2016-27's mandate to "implement reasonable measures to minimize impacts to wilderness characteristics that are consistent with the purpose and need for the project, even when a [land use plan] decision does not offer de facto protection for wilderness characteristics in land use planning allocations." BLM is treating the recently identified wilderness resource in these areas in the exact same manner as it</p>	<p>FLPMA Sec. 201. [43 U.S.C. 1711] directs the BLM to "prepare and maintain on a continuing basis an inventory of all public lands and their resource and other values... This inventory shall be kept current so as to reflect changes in conditions and to identify new and emerging resource and other values. <b>The preparation and maintenance of such inventory or the identification of such areas shall not, of itself, change or prevent change of the management or use of public lands</b> [emphasis added]."</p> <p>IM 2016-027 states, "BLM should implement reasonable measures <b>to minimize impacts to wilderness characteristics that are consistent with the purpose and need for the project</b> [emphasis added], even when a LUP decision does not offer de facto protection for</p>



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			<p>would/did if/when that resource had not been identified. This is approach is unlawful.</p>	<p>wilderness characteristics in land use planning allocations.” There is no requirement in law or policy to “protect” newly identified lands with wilderness characteristics. The IM also does not require BLM to append new NSO stipulations in response to a determination of the presence of lands with wilderness characteristics outside of a land use planning process. New stipulations not provided for in the RMP generally can only be added through an RMP Amendment.</p> <p>Further, BLM has clearly identified that under existing prescriptions in the Monticello RMP, the affected nominated lease parcel could be developed outside of lands with wilderness characteristics.</p> <p>The commenter is referred to Section 3.3.4, Section 4.2.4 and Section 4.3.3.4 for the requisite “Hard Look” at impacts from the proposed action to lands with wilderness characteristics.</p> <p>For clarification Section 4.3.3.4 was enhanced to include the following information:            There are areas in all parcels where development could occur while still avoiding areas including but not limited to NSO for steep slopes or riparian, CSU for fragile soils or slope and cultural resources as well as avoidance of lands with wilderness characteristics.</p> <p>Additional site-specific analysis would be completed if the parcels are leased and an Application for Permit to Drill (APD) is submitted. Additional reasonable measures to minimize impacts to wilderness characteristics, including Conditions of Approval, can be considered at that time.</p>

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37.	SUWA	Lands with Wilderness Characteristics	<p>BLM has not completed its wilderness characteristics inventory review for the Monument Canyon and Tin Cup Mesa areas. ... and lack important information and thus BLM must defer from leasing any parcels in the Monument Canyon and Tin Cup Mesa wilderness character areas until such information is completed. BLM's inventories for the Monument Canyon and Tin Cup Mesa wilderness character areas are incomplete and appear to have been rushed through to justify a leasing decision. This approach violates BLM's guidance as well as FLPMA and NEPA.</p>	<p>As noted above, BLM maintains an inventory of resources on public lands on a continuing basis. Each new signed determination constitutes BLM's most current and complete findings on record.</p> <p>The Tin Cup Mesa and Monument Canyon wilderness characteristics fieldwork review was initiated in July of 2017. A draft was provided for requisite State Office review in late August. The Summary of Analysis sheets were signed by the Authorized Officer on September 6, 2017, several weeks in advance of the release for public comment. Further, the Monticello Field Office updated maps based on a request from the commenter on 10/26. The final EA includes a map of the overlap of identified lands with wilderness characteristics and the nominated lease parcels and all acreage figures have been verified for accuracy. The requisite information for determining the presence or absence of wilderness characteristics and the status of wilderness inventory roads is included in BLM's administrative record, including, but not limited to, field notes, photographs and GIS data.</p>
38.	SUWA	ACEC	<p>BLM has Failed to Give Priority to the Protection of the Alkali Ridge and San Juan River ACEC and has Failed to Take a Hard Look at Impacts to each ACEC</p> <p>The Lease Sale EA does not analyze the direct, indirect, or cumulative impacts to the Alkali Ridge ACEC or the San Juan River ACEC</p> <p>BLM has never analyzed the site-specific impacts to the identified relevant and important values in the Alkali Ridge ACEC or San Juan River ACEC, in violation of NEPA. Instead, the agency has</p>	<p>The commenter fails to support the implication that the BLM is mandated to "Give Priority to the Protection of the Alkali Ridge and San Juan River ACEC" beyond those protections provided in the decisions in the RMP.</p> <p>As indicated in Section 4.2.1.2, all parcels fully or partially within the Alkali Ridge ACEC would be leased with a controlled surface use stipulation (UT-S-17-Alkali Ridge ACEC); and, a no surface occupancy stipulation (UT-S-16-16-San Juan River ACEC) would be applied to</p>

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			<p>concluded – without any record evidence – that the values will be protected by the existing lease stipulations.</p>	<p>those portions of parcel 036 that are within the San Juan River ACEC.</p> <p>The BLM disagrees that site specific impacts to the relevant and important values of the ACECs have not been analyzed. The 2008 Monticello Field Office RMP EIS devoted pages 4-485 to 4-489 specifically to impact analysis, including oil and gas development, of the Alkali Ridge ACEC and pages 4-504 to 4-506 specifically to impact analysis, including oil and gas development, of the San Juan ACEC.</p>
39.	SUWA	IM 2010-117 Compliance	<p>The Canyon Country District BLM Failed to Coordinate With The Colorado BLM and Colorado State Agencies.</p> <p>IM 2010-117 states that BLM in the oil and gas leasing context “will” coordinate and communicate with other BLM field offices and sister agencies (including state agencies) when oil and gas leasing and development “may” affect shared landscapes such as airsheds, viewsheds, watersheds, and soundscapes.</p>	<p>Via email dated 8/31/17 the Tres Rios Field Office and Canyons of the Ancients NM in Colorado were advised of the location of two parcels near or next to their administrative boundaries. On 10/6/17, additional information was requested by and provided to the CANM manager. These contacts are now reflected in Table 5-1 of the EA.</p>
40.	SUWA	NEPA Compliance	<p>BLM’s Rejection of the No Action Alternative Is Arbitrary and Capricious.</p> <p>BLM has taken the extraordinary (and unlawful) approach of rejecting the No Action alternative in the Lease Sale EA rather than giving that alternative the hard look it requires under NEPA. In so doing, BLM also has unlawfully predetermined its leasing outcome because it considered only one other NEPA</p>	<p>See response to comment 17. The BLM has not made a decision to reject the No Action Alternative.</p>

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			alternative (i.e., the lease-everything (proposed action) alternative).	
41.	SUWA	National Monuments	The EA Failed to Take a Hard Look at Impacts to Canyons of the Ancients National Monument. BLM has not conducted even this basic amount of analysis or collected this information for the Canyons of the Ancients National Monument, in violation of NEPA.	See response to comment 39. The Colorado BLM did not identify any resources of concern within the monument when contacted. There is no policy requiring the BLM to analyze impacts to BLM monuments themselves from oil and gas development outside the monument. However, the BLM has added maps that depict viewshed and soundscape analyses for parcels 50 and 51, the parcels closest to the Hovenweep and Canyon of the Ancients Monuments. All parcels in the lease sale have had LN 125- Light and Sound – Sensitive Resources added to them to inform potential lessees that all actions that might impact the night skies of the monuments and other sensitive resources may be subject to requirements to reduce those impacts.
42.	National Parks Conservation Association	NEPA Compliance	The BLM is obligated under the National Environmental Policy Act (NEPA) to analyze the impacts of its leasing on national parks and other sensitive area. The BLM has not fulfilled that obligation here.	Comment noted.
43.	National Parks Conservation Association	San Juan MLP	We urge you to defer parcels 050, 051 and remove the parcels within 15-miles of Hovenweep National Monument (036, 037, 039, 040, 041, 042, 043, 044, 047, 048) from the March 2018 lease sale. We request that the BLM permanently withdraw these parcels from any future leasing or until the Resource Management Plan is revised to include a comprehensive analysis and strong mitigation measures for natural and cultural resources.	See response to comment 1.

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44.	National Parks Conservation Association	National Monuments	<p>Parcel 050 and 051:</p> <p>This parcel is approximately four miles from the boundary of the Square Tower unit of Hovenweep National Monument, the main visitor attraction at the monument that includes the visitor center and campground along with the Square Tower ruins.</p> <p>Parcel 050 is also immediately adjacent to Colorado’s Canyon of the Ancients National Monument, and within a hundred yards of the Pedro Point Ruin inside the national monument. ... could result in impacts to the intensely dark night skies. Development on this parcel could also result in impacts to the natural sounds of the area and within the boundaries of Hovenweep. ...</p> <p>The EA for the March 2018 oil and gas lease sale does not include any lease notices or stipulations for mitigating impacts on the night skies, natural sounds or visual intrusions within this lease parcel.</p>	<p>Impacts to visual resources were addressed in Section 4.2.6. Sound was addressed in the IDT Checklist. All parcels would be leased with a lease notice (UT-LN-125: Light and Sound – Sensitive Resources);</p>
45.	National Parks Conservation Association	National Monuments	<p>In addition, access to both parcel 050 and 051 would be from County Road 212, which is also the road that visitors entering Hovenweep from the west would travel. Increased truck traffic from oil and gas drilling and production activities would have an additional impact on the visitor experience, the night skies and natural quiet as well as the air quality.</p>	<p>Truck traffic is included in the development scenario in Chapter 2 of the EA, and is considered in the impact analysis. Access to parcels 050 and 051 would likely include County Roads B213, B214, B2031 and B213 (the primary Hovenweep NM access road). Should the BLM lease these parcels and receive an APD site specific NEPA analysis would include potential impacts and mitigation in the form of Best Management Practices and Conditions of Approval. The parcels would be leased with a lease notice (UT-LN-125: Light and Sound – Sensitive Resources).</p>

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46.	National Parks Conservation Association	National Monuments	<p>Parcels within 15 miles of Hovenweep NM: NPCA is also concerned about all parcels within at least 15 miles of the boundary of the Square Tower unit of Hovenweep National Monument due to potential impacts on the night skies and the lack of adequate mitigation included in the BLM's EA. That includes the following parcels: 036, 037, 039, 040, 041, 042, 043, 044, 047, 048.</p> <p>Without adequate stipulations for mitigating the impacts of lighting, flaring and other light sources related to oil and gas drilling and production, it is irresponsible to move forward with leasing in this area.</p>	See responses to comments 9 and 44.
47.	National Parks Conservation Association	National Monuments	In the BLM's February 2015 Canyon Country Oil and Gas Lease Sale, NPCA protested all parcels within 15 miles of the boundary of Hovenweep NM based on potential impacts on night skies from oil and gas production and development activities.	Comment noted.
48.	National Parks Conservation Association	National Monuments	NPCA also has concerns with viewshed impacts based on NPS analysis and location of key features like Pedro Point Ruin ... Maintaining the integrity of the viewshed is important to the living religious practices of indigenous people, the visitor experience, and to preservation of the ongoing and still unfolding understanding of the Native American's complex and dynamic history. The viewshed impacts underscore the need for deferral of Parcel 050 and 051 and comprehensive land planning that accounts for sound, light, and viewshed concerns	Impacts to visual resources were addressed in Section 4.2.6. A viewshed analysis was conducted from a KOP near Pedro Point Ruin. The following parcels can be seen from this KOP 039, 041, 042, 044, 048, 050, and 051. Please refer to the table in the EA for acres viewable from Pedro Point Ruin and parcel percentages available that cannot be seen from the KOP.

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			outside of what is prescribed in stipulations and lease notices.	
49.	National Parks Conservation Association	San Juan MLP	Lease parcels currently included in the March 2018 sale lie within the same area ... NPCA and others protested a total of eighteen parcels, ... The BLM deferred all eighteen of those parcels, along with ten others protested by other entities... NPCA and other local stakeholders looked forward to the BLM taking the opportunity to collect new information and work with stakeholders ... We urge the BLM to undergo the kind of inclusive collaborative planning process they recognized as necessary when they deferred the Feb. 2015 lease, and when the San Juan MLP was announced.	The Canyon Country District has the responsibility to analyze proposed lease parcels identified as available for leasing under the applicable RMPs.
50.	National Parks Conservation Association	NEPA Compliance	<p>Failure to Comply with NEPA:</p> <p>The EA fails to consider a reasonable range of alternatives BLM Did Not Take a “Hard Look” at the Impacts of its Proposed Action on National Park Service Lands. The Preliminary EA fails to explore light and noise impacts on Hovenweep National Monument. The Preliminary EA fails to explore visitation impacts to Hovenweep National Monument. Section 4.2.3.2. GHG emissions ... BLM’s analysis of the downstream GHG effects of its proposed sale is woefully inadequate. Section 3.3.1 – Air Quality ... BLM’s conclusion of “little” air quality impacts is unwarranted.</p>	<p>The BLM determined that the proposed action (lease all parcels) and no action (lease no parcels) satisfied an appropriate range of alternatives. The BLM has the ability to select part of each considered alternative in the Decision Record (lease all, portions, or none of the nominated parcels). Therefore, no additional alternatives were identified that would improve the range of alternatives or make it easier for BLM to respond to identified unresolved conflicts. As a result, no additional alternatives were considered in detail.</p> <p>Impacts to Hovenweep National Monument are analyzed in Sec. 4.2.6.</p> <p>Downstream GHG emissions were quantified and analyzed in Sec. 4.2.3.</p>

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51.	National Parks Conservation Association	IM 2010-117 Compliance	The BLM Failed to Comply with IM 2010-117. the monument's (Hovenweep) recent designation as a "dark sky park." ... information was obviously not available, and it is potentially significant in that it underscores the importance of managing oil and gas activity on public lands around the monument with increased sensitivity to the internationally significant night sky resources. ... BLM was required by IM 2010-117 to defer the protested parcels from the lease sale and perform a more thorough analysis of potential impacts on night skies and mitigation alternatives, including possible lease stipulations.	See responses to comments 9 and 25.
52.	National Parks Conservation Association	IM 2010-117 Compliance	Coordination with Colorado BLM Outreach from NPCA has confirmed that BLM in Utah has not, to date, consulted or informed the BLM leadership in Colorado at the state or district level.	See response to comment 39.
53.	National Parks Conservation Association	RMP Revision	Inadequate Protection through Stipulations and Conditions of Approval In the EA, the BLM uses lease stipulations as the primary solution to conflicts. ... Using stipulations as a solution to resource conflicts with the national monuments and other non-drilling uses is a shortsighted effort to truly mitigate the impacts of development ... Leasing before the BLM fully accounts for the range of potential impacts from oil and gas drilling conflicts with common sense and the spirit of the National Environmental Policy Act.	Stipulations for resource protection were developed for lands available for leasing during the RMP and MLP planning processes. These stipulations, in conjunction with appropriate Lease Notices, are the mechanism available to BLM to mitigate potential resource impacts.
54.	Utah Rock Art Research Association	Cultural	We understand that the BLM must determine a reasonably foreseeable development (RFD) scenario ... we understand that the acreage of the RFD is based on past development in the area, we believe	The RFD accounts for expected surface disturbance associated with a single exploratory well, this includes access roads and pipelines. RFD is not an analysis of impacts, whether direct, indirect or cumulative. That



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			<p>that the BLM’s current assumptions do not adequately predict the potential for adverse effect in culturally rich areas. The criterion does not weigh the cumulative impact of exploration, seismic testing, well drilling, pipe construction, and transportation corridors on cultural resources both inside and outside the lease parcel. ... We believe that the impact on cultural resources from the development of access roads and pipelines to the lease parcels has not been sufficiently considered in the current EA.</p>	<p>analysis is accomplished for leasing in this EA and will be accomplished again with a site specific, detailed analysis of impacts if the lease is sold and BLM receives a development plan.</p> <p>BLM’s parcel-by-parcel analysis of effects took into account parcel size, topography, and location, along with cultural resources data and data brought forward by consulting parties. Historic properties within this area were analyzed for potential direct, indirect, and cumulative effects caused by the development of a single exploratory well pad somewhere within parcel boundaries. Again, this includes access roads and pipelines.</p>
55.	Utah Rock Art Research Association	Cultural	<p>The EA does not adequately take into account the cultural importance of setting.</p>	<p>Please see BLM’s response to SUWA comment 24 above for a discussion of the appropriate level of analysis for leasing.</p> <p>The Cultural Resources section of Chapter 4 includes a discussion of the potential to cause indirect impacts to cultural resources, including impacts to setting. This section provides a general discussion of impacts that could result from the development of an exploratory well. BLM has added more language regarding setting.</p> <p>BLM further states that lease stipulations assure that BLM retains discretion to prevent adverse effects to historic properties, or significant impacts, as a result of oil or gas activities related to a lease. This includes adverse effects related to degraded site setting.</p>
56.	Utah Rock Art Research Association	Cultural	<p>We recommend that the EA be revised to include information from the Class II Statistical Model recently completed for the MtFO.</p>	<p>Now that the model is no longer draft, BLM has incorporated the final planning (composite) Monticello Field Office Class I and model into its analyses.</p>

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57.	Utah Rock Art Research Association	Cultural	We recommend that the BLM include information from the detailed separate models for each site type in this EA.	Regarding the use of Monticello Field Office Class I and model (composite model) versus site type models, the composite model is GIS-derived compilations of all of the site type models intended to provide a landscape level representation of cultural resources probability and sensitivity across a field office. BLM manages for all site types and there are multiple historic and prehistoric site types present across these parcels. Because they takes into account all site types, the composite model offers the best overall site probability within the parcels. Using the separate models that were used to build the composite model, would be using only part of the best available information. BLM will continue using the composite model for these types of identification efforts.
58.	ePlanning - Name withheld at request of commenter	Cultural	This environmental assessment does not adequately assess impacts on night skies, natural sound, clean air, cultural resources.	Comment noted. Please see responses to comments specifically identifying perceived inadequacies of the analyses of the identified issues.
59.	Form Letter 3; 4,333 submissions	Cultural	In 2015 the BLM deferred 36 parcels from a lease sale in the same area due to sensitive cultural resources and the need to complete a cultural inventory. To date, that inventory has not been completed. The Utah BLM also agreed to engage local citizens, business owners, and tribes in thoughtful planning to determine which areas should or should not be leased as part of the San Juan Master Leasing Plan. Now the BLM is ignoring that agreement, and is again offering leases close to the boundary of the park.	The BLM is obligated to consider leasing parcels nominated by the public, and is currently analyzing nominated parcels available for leasing under the applicable RMP to determine if offering them for lease would be appropriate.

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60.	Friend of Cedar Mesa	NEPA Compliance	We request the BLM consider an alternative that would protect truly significant cultural resources by 1) permanently withdrawing from leasing 11 parcels until landscape level planning can be completed, including assessment of National Historic Register District eligibility for three potential districts, 2) withdrawing parcel 50 near Hovenweep National Monument, and 3) making a boundary adjustment on Parcel 36.	See response to comment 18.
61.	Friend of Cedar Mesa	Cultural	The EA and associated Cultural Resources Review fail to assess the impact or effect to the setting of any of these important sites and essentially ignores the existence of a cultural landscape. By analyzing only the very limited question of whether or not a small well pad could be located on each lease without physically disturbing archaeological sites, the analysis puts the larger cultural landscape in real jeopardy.	<p>Thank you for your comment, the discussion of indirect effects to cultural resources has been expanded.</p> <p>However, please note that this EA as well as the Cultural Resources report does not limit itself to direct (physically disturbing) sites. BLM's analysis considers indirect impacts as well, including visual impacts to sites sensitive to these types of impacts.</p> <p>Nor is the larger landscape in jeopardy. Lease stipulations empower BLM to modify or deny future proposed activities. The Cultural Resources Protection Stipulation is included on every lease and provides the BLM the authority modify or disapprove any lease activity that is likely to result in adverse effects. The additional CSU stipulations on leases with the Monticello Field Office give BLM the authority to move future development to avoid adverse effects. Adverse effects are adverse whether direct, indirect or cumulative.</p>
62.	Friend of Cedar Mesa	Cultural	The cultural resources review of the area was incomplete, especially given that it did not include the draft or final Monticello Field Office Class I & Class II predictive models.	Regarding the Monticello Field Office Class I and model, the model was in draft form while BLM prepared its analysis for this EA. The model had been through considerable changes over the last six months. The draft form of the model would not have captured the final

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				<p>product as understood by BLM and its consulting parties. Because of this, BLM made the choice to not use the draft model in this draft EA.</p> <p>The final product has been delivered by the contractor and BLM has incorporated the final planning (composite) Monticello model into its analyses.</p>
63.	Friend of Cedar Mesa	New Information	<p>In the Canyon Country 2015 Oil &amp; Gas Lease Sale, several parcels were deferred in the Alkali Ridge, Montezuma Canyon, and Hovenweep vicinities because of BLM determinations in both 2010 and 2015 of the need for additional analysis and information on impacts to cultural resources prior to leasing. (BLM, Master Leasing Plan (MLP) Assessment Glen Canyon-San Juan River 5 (Nov. 2010))</p>	<p>The BLM is obligated to consider leasing parcels nominated by the public, and is currently analyzing nominated parcels available for leasing under the applicable RMP to determine if offering them for lease would be appropriate.</p>
64.	Friend of Cedar Mesa	New Information	<p>Memorandum from State Director, Utah, to Assistant Director, Minerals and Realty Management                      Memorandum from State Director, Utah, to Assistant Director, Minerals and Realty Management (May 29, 2015) the BLM stated that “BLM-Utah has been provided substantial new information from a wide variety of public lands stakeholders. The new information necessitates” further planning and analysis.” This analysis has not yet been completed.</p>	<p>The BLM is obligated to consider leasing parcels nominated by the public, and is currently analyzing nominated parcels available for leasing under the applicable RMP to determine if offering them for lease would be appropriate.</p>
65.	Friend of Cedar Mesa	Cultural	<p>Section 4.2.2. Cultural Resources in the EA, ... failed to fully analyze impacts to cultural resources in the APE. The NHPA requires that when there may be adverse effects on historic properties eligible for the NRHP, the BLM must analyze and consider direct effects, indirect effects ... and cumulative effects on cultural resources. Specifically, they must look for</p>	<p>Thank you for your input. Please note that the document provided was a draft document intended to provide the public the opportunity to comment on BLM’s analysis, the results, and BLM’s conclusion based on that analysis. It is entirely appropriate for BLM to include its draft conclusion.</p>

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			<p>adverse effects ... The EA found that, “While this lease sale has the potential to impact cultural resources, these impacts do not reach the significant, or adverse effect, threshold.” (EA 37) This conclusion was drawn before the BLM had even met with the Section 106 Consulting Parties. ... We argue this is not a reasonable conclusion based on the number of eligible sites and their location on the landscape.</p>	
66.	Friend of Cedar Mesa	Cultural	<p>Site identification requirements not met per 36 C.F.R. § 800.4.b.1.</p> <p>The National Historic Preservation Act requires that “The agency official shall take the steps necessary to identify historic properties within the area of potential effects.” (36 C.F.R. § 800.4.b.1) While we acknowledge the diligent and time-consuming work undertaken by BLM archaeologists on this project, we nonetheless believe sufficient efforts have not yet been taken to identify historic properties within the APE.</p> <p>In 9 out of the 12 leases we have suggested for withdrawal, less than one third of the lease area has seen rigorous professional survey. Included in these survey percentage numbers are very old surveys, not up to modern standards. We also believe the amount of survey coverage is exaggerated by the assumption that linear surveys ... cover a 15 meter buffer on either side of the survey line. While this 30 meter buffer is fairly standard practice today, this was by</p>	<p>There is nothing in 36 CFR § 800 that requires survey and the BLM has conducted a reasonable and good faith effort to identify historic properties for this undertaking as defined in the Identification of Historic Properties 36 CFR. § 800.4(b)(1). This regulation sets out several factors the agency must consider in determining what is a “reasonable and good faith effort” to identify historic properties. “Take into account past planning, research and studies; the magnitude and nature of the undertaking and the degree of federal involvement; the nature and extent of potential effects on historic properties; and the likely nature and location of historic properties within the APE. The Secretary of the Interior’s standards and guidelines for identification provide guidance on this subject. The agency official should also consider other applicable professional, state, tribal, and local laws, standards, and guidelines. The regulations note that a reasonable and good faith effort may consist of or include “background research, consultation, oral history interviews, sample field investigation, and field survey.” 36 CFR § 800.4(b)(1). The Interior Board of Land Appeals (“IBLA”) has upheld BLM’s use of a literature review to meet the reasonable and good faith identification effort. “BLM correctly notes that the Board in <i>Mandan</i> rejected the argument that BLM was required to survey the lease</p>

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			<p>no means the standard 20 or 30 years ago, when many of the surveys in this area were undertaken.</p>	<p>sale lands and found that BLM’s review of available information (including cultural resources records, previous information from tribal consultations, existing ethnographic data, and archaeological and historic literature specific to the area) was sufficient NHPA analysis at the lease sale stage in that case.” <i>SUWA</i>, 177 IBLA 89, 98 (2009).</p> <p>Regarding linear surveys, 30 meters for a linear survey is not a current “standard.” It is a reasonable average for linear survey coverage; whether done 20 years ago or last year, linear surveys vary widely in width based on the APE of their respective undertakings. Typically, linear surveys vary from 1 to multiple parallel 15 m transect widths or, in some cases, 30 meter transect widths.</p>
67.	Friend of Cedar Mesa	Cultural	<p>Section 106 Analysis ignores past planning, research from Monticello Field Office Class I &amp; II Model</p> <p>Given the high number of known sites in this area and the lack of comprehensive, modern survey, a “reasonable and good faith effort to carry out appropriate identification efforts” would go beyond the relatively simple analysis included in the Cultural Resources Review that only considers sites and surveys in the BLM’s GIS databases and a single in-person meeting with consulting parties. ... NHPA says “... the agency official shall take into account past planning, research and studies, the magnitude and nature of the undertaking and the degree of Federal involvement, the nature and extent of potential effects on historic properties, and the likely nature and location of historic properties within the area of potential effects.”</p>	<p>BLM did not explicitly ignore the Monticello Field Office Class I and model.</p> <p>The Class I and model was in draft form while BLM prepared its analysis for this EA. The Monticello model had been through considerable changes in the first nine months of this year. Changes, from both internal and external consulting parties, were at least considered until the Class I document when into final production mid-September. The draft form of the model would not have captured the final product as understood by BLM and its consulting parties. Further, it would have been outside the scope of the contract to ask the contractor to provide the model (the GIS data) before the end of the contract. Because of this, BLM made the choice to not use the draft model in this draft EA. The final product has been delivered by the contractor and BLM has incorporated the final planning model into its analyses.</p>

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			<p>It's hard to argue the agency official has taken into account "past planning efforts" and the "likely nature and location of historic properties" when the Cultural Resource Review explicitly ignored the recent probability model the BLM itself created to predict the likelihood of sites within the APE. When overlapped with the Area of Potential Effects for the lease sale, the individual site type models of the Monticello Field Office Class II would have been highly instructive in the Section 106 analysis.</p> <p>Likewise, it's difficult to argue the agency has taken into account "research and studies" on the area, when there is no bibliography of past research in the Cultural Resources Review or any mention of key studies, such as the 2013 "A Summary of the Archaeological Resources of Montezuma Canyon" by Ray Matheny and Fumiyasu Arakawa. Due to the nature of this undertaking, much greater efforts could be considered "reasonable," such contacting researchers (e.g. Fumi Arakawa) and asking for their database of sites within the APE.</p>	<p>Regarding the use of Monticello Field Office Class I (composite model) versus the site type models, the composite map is a GIS-derived compilations of all of the site type models intended to provide a landscape level representation of cultural resources probability and sensitivity across a field office. BLM manages for all site types and there are multiple historic and prehistoric site types present across these parcels. Because they takes into account all site types, the composite models offer the best overall site probability within the parcels. Only using the site type models that were used to create the composite model, would be using only part of the best available information.</p>
68.	Friend of Cedar Mesa	Visual, Cultural	<p>Sensitive viewsheds need additional analysis</p> <p>As indicated by the BLM, many of the parcels in the project impact zone will have their viewsheds impacted by oil and gas development. ... Viewsheds are integral to the setting, feeling and association of prehistoric community centers and large occupational sites. Adverse effects to viewsheds are an important component to the setting, feeling and association protected in the NHPA, ... We request that additional</p>	<p>A viewshed analysis for parcels near Recapture Canyon, the San Juan River, and Hovenweep National Monument is included in Sec. 4.2.6.</p> <p>Regarding cultural resources, BLM has amended its documents to more clearly account for indirect and cumulative effects to setting with viewshed analyses <u>where appropriate</u>.</p>

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			<p>viewshed analysis be completed as to how community centers, large pueblos and major rock art sites would have their setting, feeling and association, and therefore Criteria C &amp; D eligibility for the NRHP impacted.</p>	<p>Please note that any impact to setting is not the same as an adverse effect to a site due to degraded setting. The same goes for feeling and association.</p> <p>Adverse effects occur when an undertaking may directly or indirectly alter characteristics of a historic property that qualify it for inclusion in the Register. The majority of sites mentioned are eligible under criterion D, typically for their artifact assemblages or subsurface deposits' potential to provide important information about prehistory. If an undertaking were to potentially effect such a site's setting or feeling, it would not be any less able to provide data.</p> <p>For those sites sensitive to changes these types of effects, BLM's lease stipulations assure that BLM retains discretion over future development and can prevent adverse effects to historic properties as a result of oil or gas activities related to a lease. This includes adverse effects related to degraded site setting, feeling, and association.</p>
69.	Friend of Cedar Mesa	Cultural	<p>Impacts of dust insufficiently analyzed</p> <p>FCM remains concerned that adverse effects on rock art from fugitive dust emissions from operation traffic and development are reasonably foreseeable and were not analyzed in the EA. ... the Emissions Inventory would consider impacts to archaeology, in particular rock art, from particulate matter. By dismissing these types of emissions, they are allowing impacts from dust that have been shown to occur to roadside archaeology in Nine Mile Canyon from oil and gas traffic.</p> <p>The significant potential for adverse cumulative</p>	<p>Potential impacts from dust have been added to the cultural resources section of Chapter 4.</p> <p>The comparison to Nine Mile Canyon is inappropriate. Nine Mile Canyon is a major transportation corridor for Utah's busiest area of oil and gas exploration and development, including large areas of full field development.</p> <p>At the leasing stage, BLM does not know if, when, or where development will take place within these large parcels. If the parcels in question are sold, and if Montezuma Canyon road will be used as a primary means of access in a future development plan, the required site specific Section 106 process will capture potentially affected historic properties. Future development's Section</p>



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			<p>impacts to rock art sites from dust is highest along the Montezuma Canyon road, where Register eligible sites are sometimes just a few feet from the roadway. As such, we contend a reasonable effort to assess adverse effects to rock art would require a field survey of the major rock art panels within 100 meters of the roadway and a related mitigation plan for impacts on roadside archaeology in the zone.</p>	<p>106 would also include consultation as well as public input through the NEPA process.</p> <p>A mitigation plan will only be necessary if there is a determination that the proposed development may lead to adverse effects which will not be avoided or minimized.</p>
70.	Friend of Cedar Mesa	RFD Adequacy	<p>Reasonable Foreseeable Development Critique</p> <p>FCM contends the BLM’s current Reasonably Foreseeable Development Scenario (RFDS) is out-of-date and inconsistent with modern technologies, such as hydraulic fracturing. The RFDS included in the current RMP essentially assumes no developer will hit producing quantities of oil or gas and development will be restricted to exploratory wells. ... North Dakota’s Bakken Field had very low production until the advent of fracking. Obviously, if a developer hits oil on a lease, they will want to drill more than one well pad. As such, we believe a serious analysis of impacts requires an update to the RFDS that takes into account modern technologies.</p> <p>To illustrate this, the proposed lease sale represents 18% of the leasable lands in the MtFO. However, the EA predicts only 8 acres/disturbance a year, and 1 well a year is anticipated. One well in the MtFO has the average footprint of 9.6 acres, so even one well pad would be greater than 8 acres of disturbance a year. ... its very easy to foresee a scenario where much more development occurs than is analyzed in</p>	<p>The RFDs for the Monticello and Moab RMPs remain valid. These RFDs were prepared to predict levels of oil and gas development activities for analysis in the RMP EIS. The level of oil and gas development subsequent to the RMP, 2008 has been lower than predicted. The RMP RFD make no distinction between exploratory and field development wells. The prediction is for all oil and gas development.</p> <p>The commenter’s illustration that the proposed lease sale represents 18% of leasable lands is in error. Assuming the 18% comes from the Appendix F RFD prepared for the proposed action, the 18% (revised to 15% since publication of the Preliminary EA) is the fraction of total federal authorized leased lands in the Monticello Field Office area at the time the RFD was prepared. The proposed action acreage would be a far smaller percentage of all lands available for leasing as there remains significant acreage of unleased federal lands in the planning area.</p>

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			the EA, with even greater potential adverse effects to Register-eligible sites.	
71.	Friend of Cedar Mesa	NEPA Compliance	<p>Recommended alternative to proposed action for leases</p> <p>FCM provide information regarding parcel withdrawal and proposed National Historical District nominations. These comments relate to additional alternative development and do not address the analysis of the EA.</p>	See response to comment 18.
72.	Friends of Cedar Mesa	Lands with Wilderness Characteristics	<p>Some of the lands with wilderness characteristics in the proposed sale, like Monument Canyon wilderness characteristics inventory unit and Tin Cup Mesa wilderness characteristics inventory unit were created after the 2008a RMP and therefore have not been analyzed through a land use planning process. If drilling were to occur in these areas, the wilderness characteristics would be reduced, potentially removing the ability for these lands to qualify as Wilderness Characteristics Inventory Units....Because these natural areas have not gone through the planning process, they have not yet been scrutinized for proper management.</p>	<p>FLPMA Sec. 201. [43 U.S.C. 1711] directs the BLM to “prepare and maintain on a continuing basis an inventory of all public lands and their resource and other values... This inventory shall be kept current so as to reflect changes in conditions and to identify new and emerging resource and other values. <b>The preparation and maintenance of such inventory or the identification of such areas shall not, of itself, change or prevent change of the management or use of public lands</b> [emphasis added].”</p> <p>Instruction Memo 2016-027 states, “BLM should implement reasonable measures <b>to minimize impacts to wilderness characteristics that are consistent with the purpose and need for the project</b> [emphasis added], even when a LUP decision does not offer de facto protection for wilderness characteristics in land use planning allocations.” There is no requirement in law or policy to “protect” newly identified lands with wilderness characteristics. The IM also does not require BLM to append new NSO stipulations in response to a</p>

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				<p>determination of the presence of lands with wilderness characteristics outside of a land use planning process.</p> <p>Section 4.2.4 of the EA discloses that if development were to occur within these areas, there would be resultant losses of naturalness and outstanding opportunities for solitude and/or primitive and unconfined recreation. Table 4-6 discloses the calculated potential disturbance within each of the three lands with wilderness characteristics units.</p> <p>Further, BLM has clearly identified that under existing prescriptions in the Monticello RMP, these areas could be developed outside of lands with wilderness characteristics.</p> <p>Additional site-specific analysis would be completed if the parcels are leased and an Application for Permit to Drill (APD) is submitted. Additional reasonable measures to minimize impacts to wilderness characteristics, including Conditions of Approval, can be considered at that time.</p>
73.	Michele Martin	Cultural	<p>As an archaeologist that has worked and recreated in the areas in question, for over 25 years, I can attest to the high volume of significant archaeological sites (recorded and unrecorded) in the areas proposed for this sale, especially the Recapture Canyon, Mustang Mesa, Alkali Ridge and Montezuma Creek areas. There are numerous undocumented Chacoan sites, Basketmaker sites and PIII sites that would be impacted, if not destroyed. The proposed leases contain some of San Juan County's most vulnerable, and valuable archaeological sites. In my professional opinion, it would be irresponsible to go forward with leasing these parcels, without at least a 100% ground survey and thorough documentation of EVERY site</p>	<p>The EA identifies potentially impacted resources at a parcel level and projects direct and indirect impacts to those resources. Should the parcels be leased, and should they be developed, a site-specific analysis would be completed at the APD stage and appropriate mitigation measure would be applied. Prior to authorizing development operations, the BLM would review an APD for compliance with all laws and regulations including those that protect cultural resources. In addition, all parcels leased would contain lease notices (UT-LN-67: Historical and cultural Resource Values and UT-LN-68: Notification &amp; Consultation Regarding Cultural Resources) to advise potential lessees of requirements associated with cultural resources.</p>

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			within the area of potential impact, avoiding/protecting any eligible sites.	
74.	Multiple Commenters	Lands with Wilderness Characteristics	I am particularly concerned that some of the proposed lease parcels are located in proposed wilderness areas including Goldbar Canyon, Hatch Point/Hatch Canyon, Labyrinth Canyon, Cross Canyon, Monument Canyon, and Tin Cup Mesa areas. There is no good reason to sacrifice these wilderness-quality landscapes for oil and gas development when currently less than 40 percent of land already under lease in Utah is being actively developed – this glut of undeveloped leases clearly shows there is no pressing need to issue new ones in the sensitive areas.	<p>The BLM is obligated to respond to valid expressions of interest in oil and gas leasing submitted by the public regardless of the number of undeveloped existing leases.</p> <p>There are no parcels proposed analyzed in the EA within the Goldbar Canyon, Hatch Point/Hatch Canyon, or Labyrinth Canyon proposed wilderness units. Section 4.2.4 of the EA discloses impacts to the Cross Canyon, Monument Canyon and Tin Cup Mesa lands with wilderness characteristics units. BLM has clearly identified that under existing prescriptions in the Monticello RMP, these areas could be developed outside of lands with wilderness characteristics.</p>
75.	National Outdoor Leadership School	NEPA Compliance, Recreation, Visual	Although there is explicit acknowledgement of environmental attributes that have made this region an increasingly popular outdoor recreation destination (EA pg. 29), the EA does not specifically take into consideration the impacts of the proposed leasing actions on the outdoor recreation community. This impact must be addressed before leasing takes place. The outdoor recreation user group has the potential to bring economic development to the region and build Utah’s outdoor recreation industry to support business and sustainable economic growth into the future.	Appendix D (Interdisciplinary Team Checklists) provides rationale indicating recreation would not be affected to a degree requiring detailed analysis during the leasing stage. Please note that Table 3-7 identifies the acreages of each visual resource management (VRM) classification and their corresponding resource management plan (RMP) objectives. As indicated in section 4.2.6.2 of the EA, although there could be impacts associated with oil and gas development to visual resources, proposed development and modifications to exiting landscape would be allowable so long as it conforms to the VRM class objectives established in the 2008 Approved Monticello RMP. In addition, a variety of best management practices, design features, and stipulations for this development would likely mitigate, limit, and/or prevent unacceptable impacts to visual resources. The EA identifies potentially impacted resources at a parcel level

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				<p>and projects direct and indirect impacts to those resources. Should the parcels be leased, and should they be developed, a site-specific analysis would be completed at the APD stage and appropriate mitigation measure would be applied.</p>
76.	National Outdoor Leadership School	Recreation, Visual	<p>The NOLS’ Rocky Mountain Program offers rafting courses on the Green River into Labyrinth Canyon, approximately 30 miles south of the Town of Green River. We are concerned that leasing and oil and gas development on parcels UT-0318-001, UT-0318-003, and UT-0318-004 would have a negative impact for our students by degrading their aesthetic and acoustic experience along the river. This has been the case with operating areas further North on the Green River, where we have had students complain of difficulty sleeping because of the magnified sounds of drilling along the river corridor. In light of these concerns, we ask that BLM, at a minimum, place an NSO stipulation UT-S-112 (River Corridors including suitable wild and scenic river segments) on these parcels to keep development away from the river corridor and have any surface disturbing activities meet VRM II class objects and use the best technologies available to reduce sound and noise pollution.</p>	<p>The EA identifies potentially impacted resources at a parcel level and projects direct and indirect impacts to those resources. Should the parcels be leased, and should they be developed, a site-specific analysis would be completed at the APD stage and appropriate mitigation measure would be applied. Parcels 001 and 003 contain an NSO stipulation (UT-S-112- River Corridors, Including Suitable Wild and Scenic River Segments) requiring no surface disturbance within the area of the Three Rivers and Westwater mineral withdrawals which includes suitable Wild and Scenic River segments.</p> <p>In addition, a CSU stipulation (S-158) is applied to lands managed as VRM Class II. This stipulation requires that any surface-disturbing activities must meet the objectives of VRM Class II objectives (to have only a low level of change to the landscape). The Green River corridor is managed as VRM Class II.</p>
77.	National Outdoor Leadership School	Recreation, ACEC, Visual, Noise	<p>NOLS also operates rafting trips along the San Juan River in Southern Utah. We are concerned that the development of parcel UT-0318-036 located along the riparian area of the San Juan River approximately 10 miles east of the town of Bluff, UT would provide visual and auditory impacts to recreational users while degrading an important Area of Critical</p>	<p>Section 4.2.6 analyzes impacts to visual resources from the San Juan River. Applied to parcel 036 are two no surface occupancy stipulations (UT-S-16: San Juan River ACEC and UT-S-45: San Juan River SRMA (except segment #5WSR)) requiring no surface disturbing activities within the San Juan River ACEC and the San Juan River SRMA, respectively. An exception could be</p>

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			<p>Environmental Concern (ACEC) along the river. As stated in the EA, approximately 944 acres (61%) of the parcel is visible from key observation points along the river, but no acres have been classified in the RMP as VRM I and only 154 acres have been classified as VRM II. This leaves the remaining ~1,350 acres (approximately 90% of the parcel acreage) split between VRM classes III and IV. If developed, this would allow for “moderate” to “major” developments to the existing character of the landscape. The EA acknowledges this concern by stating that “introduced changes on is parcel from future mineral resource development could affect the experiences of recreational visitors to those local, regional, national, and/or international outdoor recreation destinations.” Given the potential visual and acoustic impacts that development on this parcel would have to NOLS and other recreational users of the river, and the sensitivity of this riparian area as an ACEC, we ask that BLM withdraw this parcel from the sale entirely or only propose to lease areas north of highway 163 which are away from the river and out of sight/sound.</p>	<p>granted only if analysis can show benefit to recreational experiences. The EA identifies potentially impacted resources at a parcel level and projects direct and indirect impacts to those resources. Should the parcels be leased, and should they be developed, a site-specific analysis would be completed at the APD stage and appropriate mitigation measure would be applied.</p>
78.	National Outdoor Leadership School	Lands with Wilderness Characteristics	<p>Parcels UT-0318-037, UT-0318-047, UT-0318-048, UT-0318-050, and UT-0318-051 are all proposed in areas that have wilderness characteristics. If drilling and development were to occur on lands with wilderness characteristics, these characteristics would be degraded, impairing any future designation as a wilderness. The EA acknowledges this by saying that these impacts include "loss of naturalness and loss of opportunities for solitude or primitive</p>	<p>Lease stipulations normally cannot be developed through plan maintenance but generally require a plan amendment, which is beyond the scope of this EA. The No Action alternative satisfies the suggestion to consider an alternative that eliminates effects for the identified resources.</p>

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			<p>unconfined recreation." The NOLS business model requires naturalness and opportunities for solitude and primitive unconfined recreation in order to be successful and provide the educational opportunities that our students demand. As such, we request that parcels with wilderness characteristics be subject to NSO stipulations that would limit surface disturbing activities in these areas. Such a stipulation would be directly supported by the primary goals of all federal plans, programs, and policies, discussed in the RMP. Specifically, these include (1) Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations and (2) Assuring for all Americans safe, healthful, productive, and aesthetically and culturally pleasing surroundings (BLM Monticello Field Office, Approved Resource Management Plan 2008. pg. 14).</p>	
79.	National Trust for Historic Preservation	Cultural	<p>We continue to have significant concerns with the direct and indirect effects of oil and gas leasing in the planning area, particularly on historic and cultural properties where setting, feeling and association is a defining aspect of their significance. The footprints of seismic lines, well pads, pipelines, and associated access roads and ancillary facilities may be relocated to avoid direct harm to specific sites, but the auditory and visual harm to landscape level resources, districts, and traditional cultural places is often impossible to avoid, particularly where heavy site densities occur within specific parcels. Further, increased vandalism and looting may result from road development and improvements.</p>	<p>BLM's Cultural Resources Protection Stipulation is included on every lease and provides the BLM the authority modify or disapprove any lease activity that is likely to result in adverse effects. The additional CSU stipulations on leases with the Monticello Field Office give BLM the authority to move future development to avoid adverse effects.</p> <p>Currently, there are no cultural landscapes, districts, or TCPs identified and evaluated in this area.</p>

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80.	National Trust for Historic Preservation	Cultural	Updated Land Use Planning is Necessary to Avoid Impacts to Cultural Resources. Consistent with these significant concerns, we urge BLM to complete a cultural resources management plan prior to offering for sale the leases in sensitive areas.	Your comment is noted.
81.	National Trust for Historic Preservation	San Juan MLP	All New Leases Should be Deferred Pending Completion of the San Juan Master Leasing Plan. As recognized by the BLM State Director in 2015, significant new information about the historic resources within the Monticello planning area has emerged since the RMP was completed in 2008. We urge the Monticello Field Office to defer new leases pending completion of the San Juan Master Leasing Plan (MLP), a landscape-level approach which can establish a guiding framework for the development of an area and provide a vision for how future development will proceed.	The Canyon Country District has the responsibility to analyze proposed lease parcels identified as available for leasing under the applicable RMPs.
82.	National Trust for Historic Preservation	Cultural	The Conclusion that Leasing Will Have No Significant Impacts on Cultural Resources is Unsupported and Misinterprets Applicable Law. BLM uses terminology from Section 106 of the National Historic Preservation Act (NHPA) in assessing the degree of harm that will occur to historic and cultural resources as a result of the lease sale. Its “no adverse effects” conclusion is not only inappropriate, it contains a flawed interpretation of the NHPA regulations (available at 36 C.F.R. Part 800). BLM correctly states that indirect adverse effects have the potential to cause visual impacts to sensitive rock art sites. It also acknowledges that more roads in the remote areas may lead to vandalism and looting. But rather than seeking to	<p>BLM’s conclusion is supported and BLM does not misinterpret applicable law. Regarding BLM’s analysis and conclusion:</p> <p>Leasing only conveys the rights to develop a parcel to a lessee but does not approve any surface disturbing activities. At the leasing stage, the BLM has no knowledge of when, if, and where development will occur within any of the parcels meaning that the BLM lacks information necessary to evaluate specific impacts to cultural resources at any specific location. To account for potential impacts from leasing, BLM uses a reasonably foreseeable development scenario to analyze potential impacts from leasing. Thus, based on the appropriate RFDs, BLM has provided a general analysis and discussion of potential impacts as a result of issuing a</p>



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			<p>resolve these impacts, BLM merely states that the impacts “do not reach the significant, or adverse effects, threshold” (EA at 37). The NHPA regulations, unlike NEPA, do not contain a “significance threshold.” Either an effect diminishes the integrity of a property (and must be resolved) or does not. BLM cannot rely on NHPA terminology for its own purposes and then impugn on it a standard that does not exist in the regulations.</p> <p>Further, BLM offers no data to support its conclusion that indirect impacts will be insignificant. Its reasonably foreseeable development scenario of 9.6 acres of surface disturbance does not consider indirect impacts. Merely focusing on the “judicious placement of a well pad” and calculations of site density in the abstract do not account for the auditory and visual impacts of oil and gas exploration and development or the enhanced likelihood of vandalism and looting. It also fails to recognize the interconnectedness of sites within a given parcel that enhance their National Register eligibility as archaeological districts or traditional cultural properties.</p> <p>Finally, we are concerned that the lack of analysis in the EA supporting the determination of no adverse effect will prejudice BLM’s judgement during site-specific review. It is preferable that BLM take a more cautionary approach, particularly given the national significance of resources within the planning area.</p>	<p>lease and a justification for why those impacts will not be significant. (See BLM’s response to SUWA comment #24 for a discussion of the case law regarding appropriate level of analysis at the leasing stage.)</p> <p>BLM’s justification rests on its stipulations which empower BLM to modify or deny future proposed activities. The Cultural Resources Protection Stipulation is included on every lease and provides the BLM the authority modify or disapprove any lease activity that is likely to result in adverse effects. The additional CSU stipulations on leases with the Monticello Field Office give BLM the authority to move future development to avoid adverse effects, whether direct or indirect.</p> <p>BLM has properly analyzed reasonably foreseeable impacts to cultural resources at the leasing stage and retains the authority to not approve any ground disturbing activities that may result in adverse effects at the APD stage.</p> <p>Regarding misinterpretation of the law:</p> <p>NHPA has an “adverse” threshold and clearly differentiates between effects and adverse effects. As stated in this EA, BLM uses Section 106 language for cultural resources throughout this EA. This includes using the adverse effects threshold in its cultural resources analysis to determine whether this lease sale will have significant impacts.</p> <p>In addition to the response above, there are several specific points that need to be addressed:</p> <p><b>Paragraph #2:</b> That is not BLM’s statement. BLM states that leasing has the potential to indirectly impact cultural</p>

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				<p>resources and those impacts could include visual impacts to sensitive rock art sites.</p> <p><b>Paragraph #4:</b> The NHPA has no provision for characteristics that “enhance” a site’s eligibility. Either a characteristic is determined integral to a site’s eligibility or it is not. For this undertaking BLM is relying on eligibility determinations made by BLM and concurred upon by SHPO. For those sites significant for more than data potential (or are unevaluated) BLM has incorporated more setting.</p> <p>Currently, there are no districts or TCPs identified and evaluated in this area.</p> <p><b>Paragraph #5:</b> Your concern is noted. During the site specific review, BLM will fully follow the Section 106 process, which includes consultation.</p>
83.	National Trust for Historic Preservation	Cultural	<p>Added Protections are Needed for the Alkali Ridge ACEC. Alkali Ridge ACEC is a 35,196-acre area designated in 1991 which incorporates a National Historic Landmark. According to the RMP the area has “high scientific and conservation use values” and contains “[s]ignificant diversity of cultural sites and large Pueblo I sites” as part of the Alkali Ridge NHL (RMP at 4-20). Large pueblos with complex architecture and connecting prehistoric roads are included in this diverse cultural landscape. Despite its significance, the Controlled Surface Use stipulation (UT-S-17) proposed for parcels within the ACEC boundary does not guarantee protection for cultural resources within Alkali Ridge. No Surface Occupancy only extends to parcels specifically within the National Historic Landmark boundaries.</p>	<p>Regarding the protection of the NHL, the regulations state at 36 CFR § 800.10(a): “Section 110(f) of the act requires the agency official, to the maximum extent possible, undertake such planning and actions as may be necessary to minimize harm to any National Historic Landmark that may be <u>directly</u> and adversely affected by an undertaking.”” [emphasis added]</p> <p>The Alkali Ridge National Historic Landmark (NHL) is protected from direct effects by being NSO as decided in the Monticello RMP. The NHL, and the cultural resources in the surrounding landscape, are further protect by the UT-S-17 Controlled Surface Use – Alkali Ridge ACEC stipulation, which lets BLM move development to avoid direct and indirect impacts to eligible and listed sites. This more than satisfies the requirements laid out in the regulations to protect the NHL.</p>

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			<p>In other areas of the ACEC surface occupancy and accompanying disturbance is permitted. Further, the stipulation gives BLM the authority to issue a waiver from its terms “if the BLM authorized officer determines that avoidance of direct and indirect impacts to historic properties is not feasible.” The relationship of the ACEC to the National Historic Landmark (NHL) should be considered in light of BLM’s elevated duty to under Section 110(f) of the NHPA. The law instructs that BLM “to the maximum extent possible, undertake such planning and actions as may be necessary to minimize harm to such landmark” (54 U.S.C. § 306107). We urge BLM to extend the same protections in the ACEC as it does in the NHL to account for impacts beyond its immediate boundaries. At a minimum this should include a No Surface Occupancy stipulation.</p>	<p>While the CSU stipulation has a waiver, waivers are not decisions that are made lightly. As stated in the Monticello RMP, “The documented environmental analysis for site specific proposals would need to address proposals to exempt, modify, or waive a surface stipulation.” (Appendix B, p. 2). Any future decision to waive would have to be thoroughly analyzed through NEPA and Section 106. Both processes require outside input, including tribal, public, and consulting party input.</p> <p>It is further necessary to point out that the Cultural Resource Protection Stipulation has no exceptions, modifications, or waivers. BLM retains the authority to modify or disapprove development plans if potential adverse effects relating to future authorizations cannot be satisfactorily resolved.</p> <p>The decision to extend NSO to the entire ACEC would be part of a formal RMP planning process and is not within the authority of this lease sale. A formal RMP amendment, or a new RMP, would be needed to make this change. The Monticello field office is not considering any changes to the RMP at this time.</p>
84.	Public Lands Policy Coordinating Office	Night Skies	<p>The State does request that the BLM include additional lease notices for parcels 050 and 051 that would minimize light pollution from oil and gas development and maintain the existing quality of the dark night skies in the area.</p>	<p>Lease Notice LN-UT-125 has been added to all parcels, which advises prospective lessees of the potential for additional mitigation for light and sound impacts to sensitive resources.</p>
85.	San Juan County	NEPA Compliance	<p>Section 1.6 of the EA, Relationship to Statutes, Regulations or Other Plans should also list Utah H.B. 393. Energy Zones Amendments. This legislation established an Energy Zone (primarily the eastern half of San Juan County) in which energy and</p>	<p>Reference to H.B. 393 has been added to Section 1.6 of the EA.</p>

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			<p>mineral exploration and production would be emphasized and expedited. All 2018 sale parcels within San Juan County are within this energy zone. Leasing of the proposed parcels would be consistent with direction in this legislation. Reference should also be made to the San Juan County Resource Management Plan (RMP) of July 18, 2017. Leasing of the proposed parcels would be consistent with guidance in the County RMP. County policy supports balanced and responsible natural resource development. Lands with mineral and energy potential should be open to development with stipulations providing for reasonable mitigation of impacts to other resources. (Policy #1, page 54 of the RMP). County policy also emphasizes consistency with H.B. 393, Energy Zones Amendments.</p>	
86.	Marv Poulson	NEPA Compliance	<p>Because the order to increase the pace of leasing BLM and Forest Service administered lands violates previous policy, The Agency must enter a separate NEPA process prior to execution of any increase in frequency of leasing. The October 23, 2017 comment deadline must be extended until at least 30 days following completion of the NEPA process evaluating the consequences of increasing the pace of resource leasing. "No other alternatives to the Proposed Action were identified that would meet the purpose and need of the Proposed Action." If this is The Agencies Environmental Assessment position, I demand a full Environmental Impact Statement process be opened and full scoping and proper evaluation of Every possible alternative be studied as required in a NEPA-EIS process. Anything less</p>	<p>The BLM determined that the Proposed Action and No Action alternatives satisfied an appropriate range of alternatives. The BLM has the ability to select part of each considered alternative in the Decision Record (lease all, portions, or none of the nominated parcels). Therefore, no additional alternatives were identified that would improve the range of alternatives or make it easier for BLM to respond to any identified unresolved conflicts. As a result, no additional alternatives were considered in detail.</p>

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			represents a failure of The Agencies fiduciary responsibility.	
87.	WildEarth Guardians	NEPA Compliance	The BLM’s EA, DNA, and the Moab Master Leasing Plan/FEIS Violate NEPA. The BLM’s analyses in support of the March 2018 lease sale fall short of complying with NEPA for six reasons. First, the BLM cannot defer its NEPA analyses to the APD stage because leasing confers a right to develop. Fifth, the BLM’s EA and DNA/MMLP fail to fully consider using the social cost of carbon protocol to analyze the costs and significance of carbon emissions. Finally, the BLM completely fails to even acknowledge the impacts of the lease sale on the newly created Bears Ears National Monument.	The EA identifies potentially impacted resources at a parcel level and projects direct and indirect impacts to those resources. Should the parcels be leased, and should they be developed, a site-specific analysis would be completed at the APD stage. Prior to authorizing development operations, the BLM would review an APD for compliance with all laws and regulations. An appropriate level of analysis is presented in the leasing EA, and each of the applicable land use plans all of which also considered a No Action alternative. Oil and gas leasing is a feature of the selected alternative of each of the land use plans. The closest parcel to the Bears Ears National Monument is more than 3 miles from the monument boundary. Any effects to sensitive resources as a result of proposed development would be addressed on a site-specific (APD) basis.
88.	WildEarth Guardians	NEPA Compliance	The BLM’s Estimate of Reasonably Foreseeable Development for the Lease Sale Parcels is Inaccurate and Misleading. Here, the BLM predicts that 15 wells will result from 29 parcels. EA at 9. This means that 14 parcels will experience no development at all, assuming that development on the other parcels results in at least one well. <sup>5</sup> Unfortunately, this assumption runs contrary to the BLM’s own data on development. For example, the BLM states in the EA that: “The RFD for the proposed action (Appendix E) estimates 16 oil and gas wells could be constructed and drilled in the next 10 years. [But,] [c]urrently, the CCDO has 20 approved APDs that have not yet been drilled and 44	The Appendix F RFD was prepared based on acreage in the proposed action lease sale compared to authorized leases in the Monticello and Moab planning areas outside of the Moab MLP area. The RFD estimates the number of wells and the acres of surface disturbance that could result from exploration and development on the proposed action leased parcels over the next 10 years.  The commenter is correct in the number of APDs both approved and in process. It is noted here that some approved APDs expire without being drilled and the BLM never receives an APD for some leased parcels. It is for

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			<p>pending APDs that are currently being processed but have not yet been approved.” EA at 58 (emphasis added). This indicates that development in the area is more intense than anticipated by the RFD and is likely increasing. This conclusion is further supported by the large number of expressions of interest for the March 2018 lease sale. The purpose of site-specific analysis at the project level is to ensure that BLM is incorporating accurate, current data.</p>	<p>this reason that the RFD cannot be based on APDs submitted or approved.</p>
89.	WildEarth Guardians	Air Quality	<p>The BLM’s EA and DNA Fail to Analyze the Reasonably Foreseeable Air Emissions and Greenhouse Gas Emissions that Would Result from Issuing the Proposed Lease Parcels. The BLM’s conclusion that site-specific air emissions are not possible to calculate at the lease sale stage is belied by the fact that the BLM has calculated such emissions before. In the Royal Gorge Field Office of Colorado, the BLM contracted with URS Group Inc. to prepare an analysis of air emissions from the development of seven oil and gas lease parcels. The BLM has the capability to analyze these emissions and must do so. Because BLM relies on this untenable assumption to conclude that no significant impacts will result to air resources, the BLM’s EA and FONSI are inaccurate and cannot support the approval of the proposed action. Finally, the BLM’s air emissions analysis is also inaccurate because the agency relies on two air emission modeling reports for different areas and different levels of development to summarily conclude that “the proposed action is not likely to violate, or otherwise</p>	<p>The BLM prepared an emissions inventory based on the Appendix F RFD to estimate the emissions that could result from oil and gas exploration and development resulting from leasing the parcels contained in the proposed action. See Sections 4.2.1. and 4.2.3.</p> <p>The EA cites the Cane Creek Modeling Report, 2010 and the modeling analysis conducted for the Moab Master Leasing Plan, 2016. Both of these analysis concluded that the analyzed oil and gas development activities would not cause adverse impacts to Class I related AQRVs or otherwise contribute to any violation of any applicable air quality standards, and may only contribute a small amount to any projected future potential exceedance of any applicable air quality standards.</p> <p>The proposed action would not include oil and gas development activities in excess of those modeled in these two studies. Citation of these models is appropriate for this EA. To conduct a modeling analysis specifically for the Appendix F RFD estimated level of oil and gas development activity would not result in any meaningful</p>

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			<p>contribute to any violation of the applicable air quality standards.” The BLM cannot assume that these studies are representative of the lease parcels. The BLM also ignores the cumulative impacts from ozone and greenhouse gas emissions that will result from past and future lease sales in Utah and surrounding states. And, the BLM’s air emissions analysis relies on reports from 2013 to conclude that the 2015 NAAQS standard for ozone will not be exceeded. The BLM’s lack of due diligence is particularly alarming because, as shown by the map below, there are a larger number of leases parcels from the March 2018 sales in Utah, Colorado, and New Mexico in the same geographic area. Finally, to top it all off, the BLM admits that the Four Corners area is very close to exceeding the 2015 National Ambient Air Quality Standard for ozone. This perfect storm of leases occurring in the same area is precisely why NEPA requires a cumulative impacts analysis. Even assuming that this particular lease sale does not exceed the 2015 NAAQS ozone standard, the sum total of the leases occurring in the Four Corners very likely will. The scale of leasing from 2017 supports the conclusion that the BLM must complete a full cumulative impacts analysis.</p>	<p>results or conclusions and would not be an appropriate use of BLM resources.</p>
90.	WildEarth Guardians	Social Cost of Carbon	<p>The BLM Fails to Analyze the Costs of Reasonably Foreseeable Carbon Emissions Using Well-Accepted, Valid, Credible, GAO-Endorsed, Interagency Methods for Assessing Carbon Costs. It is also particularly disconcerting that the agency completely dismisses use of the social cost of carbon protocol, EA at 42, a valid, well-accepted, credible,</p>	<p>The BLM finds that including monetary estimates of the Social Cost of Carbon (SCC) in its NEPA analysis for this Proposed Action would be of limited use in analyzing and selecting between alternatives. The SCC reflects the monetary cost incurred by the emission of one additional metric ton of carbon dioxide. The Proposed Action would not result in any direct emissions, and although indirect</p>

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			<p>and interagency endorsed method of calculating the costs of greenhouse gas emissions and understanding the potential significance of such emissions, while touting the economic benefits of oil and gas development.</p>	<p>emissions are estimated for the EA's future development scenario, there is no guarantee in this EA that, if the parcels are leased, development will occur at all, let alone as forecast in the reasonably foreseeable development scenario, due to changes in commodity price, supply and demand, regulatory controls, and development technology. Additional NEPA analysis would be necessary if future development is proposed. Also, the NEPA analysis for this Proposed Action does not include monetary estimates of any benefits or costs for any resources. Unlike rulemaking, project-level NEPA analysis does not require a cost-benefit analysis, although CEQ NEPA regulations allow agencies to use it in NEPA analyses in certain circumstances (40 CFR § 1502.23). The CEQ regulation states (in part), "...for the purposes of complying with the Act, the weighing of the merits and drawbacks of various alternatives need not be displayed in a monetary cost-benefit analysis and should not be when there are important qualitative considerations." No socioeconomic analysis was included in the EA as per the Interdisciplinary Checklist (Appendix D).</p>
91.	WildEarth Guardians	National Monuments	<p>The BLM Fails to Discuss the Impacts to Bears Ears National Monument from Leasing the Proposed Parcels. Neither the EA nor the DNA (and the overlying MMLP or RMPs) discuss the impacts that will result from leasing parcels directly next to the southeastern corner of Bears Ears National Monument.</p>	<p>DNA-See response to SUWA's comment</p> <p>EA- There is no policy requiring the BLM to analyze impacts to BLM monuments from oil and gas development outside the monument. However, the parcel closest to the monument boundary is classified mostly as No surface occupancy. The closest point in a parcel where drilling could occur is 2.8 miles away. LN 125 Light and Sound – Sensitive Resources has been added to all parcels informing potential lessees that all actions that might impact the night skies and soundscape of the monuments</p>



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				and other sensitive resources may be subject to requirements to reduce those impacts.