

Attachment 2
Public Comments and Agency Response
Wind River / Bighorn Basin District (WR/BBD)
WY-181Q First Quarter 2018 Competitive Oil & Gas Lease Sale
DOI-BLM-WY-R000-2017-0002-EA

#	Comment By	Comment	Agency Response
n/a	WR/BBD	<p>The 30-day public comment period for Version 1 of the Wind River / Bighorn Basin District EA for the First Quarter 2018 Competitive Oil & Gas Lease Sale (DOI-BLM-WY-R000-2017-0001-EA) began July 24, 2017, and closed August 23, 2017. Comments received after the close of the public comment period will be handled in accordance with BLM’s NEPA Handbook (H-1790-1), which states that the Authorized Officer: “is not required to respond to comments that are not substantive or comments that are received after the close of the comment period, but you may choose to reply.”</p> <p>In accordance with BLM’s NEPA Handbook H-1790-1 at 6.9.2.2 and 8.3.3, and CEQ regulations at 40 CFR 1503.4: Similar comments may be summarized and one response given to each group of similar comments. Referring to H-1790-1 at 6.9 and 13.4, the public comments and information submitted in their entirety regarding this project including names, email addresses, street addresses, and phone numbers of the respondents are available for public review and disclosure at the Wind River / Bighorn Basin District Office during regular business hours (7:45 a.m. to 4:30 p.m.) weekdays, except holidays. Comments submitted are retained in the Administrative Record.</p>	
01	Wyoming Game and Fish Department (WGFD)	<p>Quote: “The staff of the Wyoming Game and Fish Department (Department) has reviewed the proposed Wind River/Big Horn Basin District Portion of the First Quarter 2018 Competitive Oil and Gas Lease Sale. We support the Proposed Action Alternative of the Environmental Assessment.”</p>	<p>Thank you for your review and comment.</p> <p>The Wyoming Game and Fish (WGFD) as part of the State of Wyoming is a cooperating agency in all planning processes and decisions. WGFD continues to be involved in the leasing process as well, in accordance with the Memorandum of Understanding (MOU) between the WGFD and BLM-Wyoming (MOU No. WY131 part III., dated September 3, 2013).</p>

Attachment 2
Public Comments and Agency Response
Wind River / Bighorn Basin District (WR/BBD)
WY-181Q First Quarter 2018 Competitive Oil & Gas Lease Sale
DOI-BLM-WY-R000-2017-0002-EA

02	The Wilderness Society (WS)	<p>As summarized in their seventeen page letter, WS offered the following comments:</p> <p>I. BLM Has Failed To Consider A Reasonable Range Of Alternatives.</p> <p>WS requests an alternative to not offer lease parcels in high-quality sage-grouse habitat.</p>	<p>Impacts from an alternative that would consider not leasing in core or sage-grouse habitats are imbedded within the No Action alternative and its impacts are within the scope of the analysis. In addition, the BLM considered alternatives in the Final EISs for the Bighorn Basin and Lander RMPs that would have closed Greater sage-grouse Priority Habitat Management Areas (PHMAs) or Core Areas to oil and gas leasing. These alternatives were not selected.</p> <p>Appropriate stipulations in conformance with the approved land use plans have been applied to the parcels, including seasonal limitations protecting breeding and nesting areas and other prescriptions within Core Area or habitat areas. Outside of Designated Development Areas, these seasonal limitations are applied to operations and maintenance activities as well as drilling. Required Design Features and best management practices are applied to limit the adverse impacts of oil and gas development on Greater Sage-Grouse.</p>
03	WS	<p>II. Prioritizing Oil And Gas Leasing Above Other Multiple Uses Violates The Federal Land Policy and Management Act.</p> <p>WS asserts: “BLM proposes to offer all nominated oil and gas lease parcels for sale in the March 2018 lease sale, regardless of other values present on these public lands that could be harmed by oil and gas development such as greater sage-grouse habitat. This proposed action indicates a preference for oil and gas leasing and development over other</p>	<p>The FLPMA’s multiple use mandate is carried out primarily through the land use planning process. Section 202 of the FLPMA directs the Secretary of the Interior, with public involvement and consistent with the terms and conditions of the Act, to develop, maintain, and, when appropriate, revise land use plans which provide by tracts or areas for the use of the public lands. The proposed action and alternatives are in conformance with the RMPs for the affected public lands proposed for lease sale.</p> <p>The BLM’s responsibility under the FLPMA is to ensure that public lands are managed “under principals of multiple use and sustained yield.” 43 USC§1732(a): "Multiple use management’ is a deceptively simple term that describes the enormously complicated task of striking a balance among the many competing uses to which lands be put, ‘including, but not limited to, recreation, range, timber, minerals, watershed, wildlife and fish, and [uses serving] natural scenic, scientific and historical values.’ “ Norton v. S. Utah Wilderness Alliance, 542 US 55, 58</p>

Attachment 2
Public Comments and Agency Response
Wind River / Bighorn Basin District (WR/BBD)
WY-181Q First Quarter 2018 Competitive Oil & Gas Lease Sale
DOI-BLM-WY-R000-2017-0002-EA

		<p>multiple uses, in contravention of the Federal Land Management and Policy Act (FLPMA), which establishes a multiple use and sustained yield mandate for the agency. ”</p>	<p>(2004) (quoting 43 USC §1702(c). BLM’s second goal, sustainable yield, “requires BLM to control depleting uses over time, so as to ensure a high level of valuable uses in the future.” Id.)(citing 43 USC 1702§ (h)). Accordingly, BLM is not required, under FLPMA, to adopt the practices best suited to protecting wildlife, but instead to balance the protection of wildlife with the nation’s immediate and long-term need for energy resources. (See TRCP vs. Salazar, No. 08 Civ. 1047 (RJL) (C.A. D.C., Sept. 29, 2010)).</p> <p>FLPMA Sec. 302. [43 U.S.C. 1732] (b), in part: Except as provided in section 314, section 603, and subsection (f) of section 601 of this Act and in the last sentence of this paragraph, no provision of this section or any other section of this Act shall in any way amend the Mining Law of 1872 or impair the rights of any locators or claims under that Act, including, but not limited to, rights of ingress and egress. In managing the public lands the Secretary shall, by regulation or otherwise, take any action necessary to prevent unnecessary or undue degradation of the lands.</p> <p>The Mineral Leasing Act of 1920, as amended [30 U.S.C. § 181 et seq.], and the Mineral Leasing Act for Acquired Lands of 1947, as amended, give the BLM responsibility for oil and gas leasing on about 564 million acres of BLM, national forest, and other federal lands, as well as State and private surface lands where mineral rights have been retained by the federal government. The BLM works to ensure that mineral resources are developed in an environmentally responsible manner.</p> <p>Title 43 CFR §3100.0-3 states "Oil and gas in public domain lands...are subject to lease under the Mineral Leasing Act of 1920..." These parcels are located in areas identified as open to oil and gas leasing in the existing land use plans. Stipulations have been added to these parcels to mitigate for resource impacts, as appropriate. The stipulations are based on the current RMPs.</p>
--	--	--	---

Attachment 2
Public Comments and Agency Response
Wind River / Bighorn Basin District (WR/BBD)
WY-181Q First Quarter 2018 Competitive Oil & Gas Lease Sale
DOI-BLM-WY-R000-2017-0002-EA

04	WS	<p>III. BLM Failed To Prioritize Leasing Outside Of Greater Sage-Grouse Habitat.</p> <p>WS questions the leasing sequence of parcels within GSG habitat.</p>	<p>The RMPs in the WR/BBD were full revisions and were not part of the Sage Grouse Plan Amendments you are referencing. Areas designated as open or closed to leasing are determined through the RMP process. Point of clarification: the WR/BBD EA did not tier to the ‘nine-plan’ as stated by the Wilderness Society.</p> <p>Referencing DOI-BLM-WY-R000-2017-0002-EA, 3.7.7 Greater Sage-Grouse: “The LUPs in BLM Wyoming direct the priority for leasing of fluid mineral resources to be outside of sage-grouse habitat areas. If leasing occurs in sage-grouse habitat areas, all leasing is consistent with stipulations developed during land use planning, which may include No Surface Occupancy (NSO) and timing limitations for surface disturbing activities. The leases in core or priority habitat will be offered subject to the appropriate sage-grouse protective stipulations. These include seasonal timing limitations protecting breeding and nesting areas and other prescriptions within PHMAs. Outside of Designated Development Areas, these seasonal limitations are applied to operations and maintenance activities as well as drilling. Required design features and best management practices are applied to limit the adverse impacts of oil and gas development on greater sage-grouse.”</p> <p>and</p> <p>“Parcels offered for sale are subject to the stipulations shown in Attachment 1, for protection of sage-grouse habitat, and all leases have the added protection of Standard Lease Notice 3. The disturbance density & cap stipulation WY_SW_CSU_PHMA (LFO 4109, WFO 4109, and CYFO 4110), notifies the potential bidder, in part, ‘This lease does not guarantee the lessee the right to occupy the surface of the lease for the purpose of producing oil and natural gas within Greater Sage-Grouse designated PHMA (Core only).’”</p>
----	----	--	---

Attachment 2
Public Comments and Agency Response
Wind River / Bighorn Basin District (WR/BBD)
WY-181Q First Quarter 2018 Competitive Oil & Gas Lease Sale
DOI-BLM-WY-R000-2017-0002-EA

05	WS	IV. BLM Failed To Ensure A Net Conservation Gain For Greater Sage-Grouse.	There is no habitat loss through the administrative act of leasing. Site specific NEPA analysis will occur at the development stage (should a lease be issued, and if operations are proposed on the lease) that will analyze resource conflicts and identify mitigation for specific potential impacts.
06	WS	V. BLM Must Ensure Any Leases Issued Require Reduction Of Wasted Gas.	Beyond the scope of this document. In accordance with current regulations, the BLM requires submittal of a waste management plan and the BLM will continue to comply with our regulatory requirements. In addition, operations on Federal oil and gas leases in Wyoming must comply with the Wyoming Oil and Gas Conservation Commission and Wyoming Department of Environmental Quality rules.
07	WS	<p>A. BLM has the legal obligation and authority to require waste reduction measures and has a mandate to reduce waste.</p> <p>B. The Methane Rule highlights the need for and benefits of methane waste capture requirements.</p> <p>C. BLM has exercised its authority regarding capture of wasted gas prior to issuance of the current Methane Rule.</p> <p>D. BLM should develop and include waste minimization stipulations in the lease terms.</p>	<p>Beyond the scope of this document.</p> <p>The Competitive Oil and Gas Lease Sale is an administrative action. Issuance of an oil and gas lease does not result in a land use authorization that directly results in resource impacts; the lessee will be required to obtain a land use authorization prior to taking actions on the lease. All parcels for the Competitive Oil and Gas Lease Sale are in compliance with the existing land use plans as required by 43 CFR 1610.5, and are in compliance with FLPMA and MLA. Site specific NEPA analysis will occur at the development stage that will analyze resource conflicts and identify mitigation for specific impacts.</p> <p>Oil and gas stipulations are developed through the Resource Management Plan EIS process, including allocation decisions, in accordance with FLPMA. Changes to allocation decisions (or lease stipulations) require a planning amendment or maintenance action. Subsequently, all implementation decisions must be in conformance with the approved RMP. Areas open or closed to leasing, and leasing stipulations, are developed during Land Use Planning, which includes public participation. Stipulations applied to these parcels are consistent with the Approved</p>

Attachment 2
Public Comments and Agency Response
Wind River / Bighorn Basin District (WR/BBD)
WY-181Q First Quarter 2018 Competitive Oil & Gas Lease Sale
DOI-BLM-WY-R000-2017-0002-EA

		E. The uncertain status of BLM’s current Methane Rule increases the likelihood of waste.	RMPs. The FEIS’ have full discussions of the methodology of stipulation development and application.
08	WS	<p>VI. Addressing Management and Impacts from Well Completion Operations</p> <p>WS makes specific reference to the hydraulic fracturing rule and repeal of the rule.</p>	<p>Beyond the scope of this document.</p> <p>The Competitive Oil and Gas Lease Sale is an administrative action. Issuance of an oil and gas lease in itself does not cause hydraulically fracturing and/or horizontal drilling to occur. The lessee will be required to obtain a land use authorization prior to taking actions on the lease.</p> <p>Since development cannot be reasonably determined at the leasing stage, many site specific impacts cannot realistically be analyzed at this time. Hydraulic fracturing and/or horizontal drilling are specific development scenarios. Should the parcels be sold and development proposed, an analysis of hydraulic fracturing and/or horizontal drilling would be completed and the impacts to resources affected will also be analyzed under that site specific NEPA document.</p> <p>Referencing Federal Register Vol. 82, No. 141, Tuesday, July 25, 2017, pages 34464-34471: SUMMARY: On March 26, 2015, the Bureau of Land Management (BLM) published in the Federal Register a final rule entitled, “Oil and Gas; Hydraulic Fracturing on Federal and Indian Lands” (2015 final rule). The BLM is now proposing to rescind the 2015 final rule because we believe it is unnecessarily duplicative of state and some tribal regulations and imposes burdensome reporting requirements and other unjustified costs on the oil and gas industry. This proposed rule would return the affected sections of the Code of Federal Regulations (CFR) to the language that existed immediately before the published effective date of the 2015 final rule.</p> <p>Under current law and regulation, the State of Wyoming requires and regulates</p>

Attachment 2
Public Comments and Agency Response
Wind River / Bighorn Basin District (WR/BBD)
WY-181Q First Quarter 2018 Competitive Oil & Gas Lease Sale
DOI-BLM-WY-R000-2017-0002-EA

			<p>hydraulic fracturing under Wyoming Oil and Gas Regulation, Ch. 3, Section 45 (September 2010): ‘Approval must be sought to acidize, cleanout, flush, fracture, or stimulate a well. The sundry notice must include depth to perforations or the openhole interval, the source of water and/or trade name of fluids, type of proppants, as well as estimated pump pressures.’</p>
09	Wyoming Outdoor Council (WOC)	<p>As summarized in their seventeen page letter, WOC offers the following comments:</p> <p>I. Deferral of sage-grouse priority habitat management area parcels</p> <p>a. Leasing in Sage-grouse Core Habitat</p> <p>b. Range of Reasonable Alternatives</p> <p>“In the Lander Field Office, we ask that 62 parcels located in Greater sage-grouse priority habitat management areas be deferred.” and, “we are also concerned that the EA does not reflect a reasonable range of alternatives and that deferral of these parcels is warranted until a full range of alternatives is evaluated.”</p>	<p>Referencing DOI-BLM-WY-R000-2017-0002-EA, 3.7.7 Greater Sage-Grouse: “The LUPs in BLM Wyoming direct the priority for leasing of fluid mineral resources to be outside of sage-grouse habitat areas. If leasing occurs in sage-grouse habitat areas, all leasing is consistent with stipulations developed during land use planning, which may include No Surface Occupancy (NSO) and timing limitations for surface disturbing activities. The leases in core or priority habitat will be offered subject to the appropriate sage-grouse protective stipulations. These include seasonal timing limitations protecting breeding and nesting areas and other prescriptions within PHMAs. Outside of Designated Development Areas, these seasonal limitations are applied to operations and maintenance activities as well as drilling. Required design features and best management practices are applied to limit the adverse impacts of oil and gas development on greater sage-grouse.”</p> <p>and</p> <p>“Parcels offered for sale are subject to the stipulations shown in Attachment 1, for protection of sage-grouse habitat, and all leases have the added protection of Standard Lease Notice 3. The disturbance density & cap stipulation WY_SW_CSU_PHMA (LFO 4109, WFO 4109, and CYFO 4110), notifies the potential bidder, in part, ‘This lease does not guarantee the lessee the right to occupy the surface of the lease for the purpose of producing oil and natural gas within Greater Sage-Grouse designated PHMA (Core only).’”</p>

Attachment 2
Public Comments and Agency Response
Wind River / Bighorn Basin District (WR/BBD)
WY-181Q First Quarter 2018 Competitive Oil & Gas Lease Sale
DOI-BLM-WY-R000-2017-0002-EA

			See also our response to item no. 2, above.
10	WOC	<p>II. Deferral of all parcels offered in the EA until the BLM ensures “all reasonable precautions” to prevent waste</p> <p>(Request is made for stipulations to prevent methane waste; venting; flaring)</p>	<p>Beyond the scope of this document.</p> <p>The Competitive Oil and Gas Lease Sale is an administrative action. Issuance of an oil and gas lease does not result in a land use authorization that directly results in resource impacts; the lessee will be required to obtain a land use authorization prior to taking actions on the lease. All parcels for the Competitive Oil and Gas Lease Sale are in compliance with the existing land use plans as required by 43 CFR 1610.5, and are in compliance with FLPMA and MLA. Site specific NEPA analysis will occur at the development stage that will analyze resource conflicts and identify mitigation for specific impacts.</p> <p>Oil and gas stipulations are developed through the Resource Management Plan EIS process, including allocation decisions, in accordance with FLPMA. Changes to allocation decisions (or lease stipulations) require a planning amendment or maintenance action. Subsequently, all implementation decisions must be in conformance with the approved RMP. Areas open or closed to leasing, and leasing stipulations, are developed during Land Use Planning, which includes public participation. Stipulations applied to these parcels are consistent with the Approved RMPs. The FEIS’ have full discussions of the methodology of stipulation development and application.</p>
11	WildEarth Guardians (WEG)	As summarized in their ten page letter, WEG offered the following comments:	<p>The EA discloses: There are no direct impacts to air quality or climate change through the administrative action of leasing. Indirect effects from leasing may occur to air quality or climate change if development were to occur.</p> <p>There is substantial uncertainty that exists at the time the BLM offers a lease for sale regarding crucial factors that will affect potential GHG emissions, including: well</p>

Attachment 2
Public Comments and Agency Response
Wind River / Bighorn Basin District (WR/BBD)
WY-181Q First Quarter 2018 Competitive Oil & Gas Lease Sale
DOI-BLM-WY-R000-2017-0002-EA

	<p>I. The BLM’s Environmental Assessment Violates the National Environmental Policy Act.</p> <p>A. The BLM Fails to Properly Analyze the Direct and Indirect Impacts of Greenhouse Gas Emissions that Would Result from Issuing the Proposed Lease Parcels</p> <p>B. The BLM Fails Analyze the Cumulative Impacts of Greenhouse Gas Emissions that Would Result from Issuing the Proposed Lease Parcels.</p> <p>C. 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.</p>	<p>density; geological conditions; development type (vertical, directional, horizontal); hydrocarbon characteristics; equipment to be used during construction, drilling, production, and abandonment operations; and potential regulatory changes pertaining to GHGs over the life of the 10-year primary lease term. However, the BLM will have a point in time when such information is much less speculative and certain: when actual operations are proposed on an issued lease through an Application for Permit to Drill (APD) or Sundry Notice (SN). In this case, that is the appropriate point in time to estimate GHG emissions, if necessary and appropriate.</p> <p>GIS data as of April 2014 indicates that almost two-thirds (64%) of Federal oil and gas leases in Wyoming do not have any active wells located within their boundaries. As these data demonstrate, not all leases are eventually fully developed, and thus it would be speculative to assume lease development will occur on the proposed leases for purposes of estimating greenhouse gas emissions.</p> <p>The BLM also has acknowledged that climate science does not allow a precise connection between project-specific GHG emissions and specific environmental effects of climate change. This approach is consistent with the approach that federal courts have upheld when considering NEPA challenges to BLM federal coal leasing decisions. <i>WildEarth Guardians v. Jewell</i>, 738 F.3d 298, 309 n.5 (D.C. Cir. 2013) <i>WildEarth Guardians v. BLM</i>, , 8 F. Supp. 3d 17; 34 (D.D.C. 2014)</p> <p>Since a leasing EA or EIS does not propose a plan of development nor authorize any emission generating activities to occur, the BLM appropriately analyzes air quality impacts and climate change impacts through analysis at the time a site-specific plan of development is submitted for consideration, when warranted. Any analysis completed prior to this is purely speculative and not likely to represent the impacts that would occur based on analysis of a site-specific development proposal.</p>
--	--	---

Attachment 2
Public Comments and Agency Response
Wind River / Bighorn Basin District (WR/BBD)
WY-181Q First Quarter 2018 Competitive Oil & Gas Lease Sale
DOI-BLM-WY-R000-2017-0002-EA

			This EA has tiered to, and incorporated by reference, the projected GHG emissions calculated for each FO's Reasonably Foreseeable Development scenario which is the expected number of wells based on reservoir potential.
12	General Public	<p>The Cody Field Office received a phone call from a private surface owner questioning the mineral status of his property.</p> <p>This individual did not make specific comments regarding the leasing EA.</p>	<p>The parcel in question was patented with oil and gas, coal, ditches and canals reserved to the United States; patent information is available to the public through the GLO website (described below). This parcel area has been leased before, with the most recent lease expiring in 2013; this information is available to the public from the LR2000 website, information below.</p> <p>Individuals often contact the BLM with questions about surface and mineral ownership. Land Status maps with Mineral Status are available to the public for purchase at BLM offices. The BLM website provides Federal Land Records information for free to the public. https://www.blm.gov/services/land-records</p> <p>The State of Wyoming was created out of the public domain lands. The General Land Office Records (GLO) website provides historical and land patent information. The land patent will describe what was conveyed to the private landowner, and what, if anything, was retained by the Federal government (example: ditches and canals). https://gloreCORDS.blm.gov/default.aspx</p> <p>Another resource for the public, is the Land & Mineral Legacy Rehost 2000 System (LR2000). LR2000 provides reports on BLM land and mineral use authorizations for oil, gas, and geothermal leasing, rights-of-ways, coal and other mineral development, land and mineral title, mining claims, withdrawals, classifications, and more on federal lands or on federal mineral estate. https://www.blm.gov/lr2000/</p>

Attachment 2
Public Comments and Agency Response
Wind River / Bighorn Basin District (WR/BBD)
WY-181Q First Quarter 2018 Competitive Oil & Gas Lease Sale
DOI-BLM-WY-R000-2017-0002-EA

			<p>Each County Clerk's office holds information regarding mineral rights and oil and gas leases for private lands in unincorporated area of the county. Each County Clerk's Office also holds land records, such as deeds.</p> <p>Please contact your location BLM office for more information or assistance.</p>
--	--	--	---