

Appendix G
Billings March 13, 2018 Oil and Gas Lease Sale EA
Response to Comments

Scoping Comments submitted from:

Individuals

1. Bainter, Sage
2. Bell, Avery Davis
3. Beug, Susann, Carbon County Resource Council
4. Christensen, Nina
5. Davis Bell, Avery
6. Edmiston, Marni
7. Elmy, Ronnie
8. Erickson, JoAnne
9. Falcione, Amy
10. Gray, Becky
11. Joki, Peggy
12. Hook, Stacy
13. Katz, David
14. Kemp, Joel and MaryAnne
15. Keup, Kristeen
16. Lalstead-Acharya, Linda
17. Larson, Diana (Jeanie)
18. Lorash, Michael, Manager 4K Ranch
19. Meeker, Lisa
20. Miller, M Ann
21. Moses, Anne B
22. Moses, Laurie
23. Moses, Susan
24. Nash, Carol & Jerry

25. O'Connor, Mike
26. Paul, Wayne and Arlene
27. Ross, Christine
28. Silverstein, Mark
29. Sutton, Dave
30. Wallace, Anne
31. Westrum, Rita
32. Wilson-Moses, Charlie
33. Wilson-Moses, Margaret

Environmental Groups:

1. Beartooth Front Zoning Committee
2. Carbon County Resource Council
3. Center for Biological Diversity
4. Greater Yellowstone Coalition
5. Northern Plains Resource Council
6. Stillwater Protective Association

Government / Tribal

1. Confederated Tribes of the Colville
2. Nez Perce
3. US Army Corps of Engineers
4. US Fish and Wildlife Service

EA Comments submitted from:

1. Army Corps of Engineers
2. Beartooth Front Citizen Initiated Zoning Group
3. Center for Biological Diversity, with Wild Earth Guardians (add)
4. Earth Justice, with Northern Plains Resource Council, David Katz, and Jack and Bonnie Martinell
5. Halstead-Acharya, Linda
6. McMullen, Linda
7. Meek, Emily
8. Montana Fish, Wildlife and Parks (Barb Beck)
9. Montana Jack's Bar and Grill (Caroline Scott)
10. Northern Cheyenne (Teanna Limpy)
11. Northern Plains Resource Council, with Stillwater Protective Association and Carbon County Resource Council
12. O'Connor, Mike
13. Confederated Salish and Kootenai Tribes (Kyle Felsman)
14. Silverstein, Mark
15. The Wilderness Society
16. Trout Unlimited
17. Wild Earth Guardians, with 350 Montana, Center for Biological Diversity, Earthworks, Montana Environmental Information Center, Park County Environmental Council, Preserve the Beartooth Front, and Western Environmental Law Center
18. Wild Earth Guardians constituents (over 5,000 nearly identical form letters)

NEPA

Comment Number	Name	Comment Period	Comment Summary
1	Nash, Carol & Jerry Bell, Avery Davis Beug, Susann, Carbon County Resource Council Gray, Becky Joki, Peggy Katz, David Keup, Kristeen Miller, M Ann Moses, Anne Sutton, Dave Westrum, Rita Wilson-Moses, Charlie Wilson-Moses, Margaret	Scoping	Would like more time and better maps to understand project and provide comments. 15-day scoping was inadequate. Leases must not be considered without going through a full environmental statement to consider potential environments, social, and economic impacts. The geographical and anthropological significance of the region should be considered in an EIS that considers the long-term impacts to the land, air, wildlife, surface and ground water, social and cultural resources, and the areas's rural agricultural economy.
<p>BLM Response: The comment periods for this EA included a 15-day scoping period (August 14 – 28, 2017) and a 30-day comment period for a preliminary EA (September 30-October 30, 2017). However, the BLM considered all scoping comments submitted prior to the release of the EA on September 29th. The public comment periods are consistent with applicable laws, regulations, and BLM policies. This EA is tiered to the Billings Approved Resource Management Plan (2015) and associated Final EIS, which analyzed the impacts of oil and gas development across the Billings Field Office. At the leasing stage, there is nothing site-specific proposed. The location of all the lease parcels were identified on maps in Appendix A. Appendix B contained maps that identified where timing limitations, no surface occupancy and controlled surface use stipulations applied. Appendix E contained maps that identified wetlands/riparian areas, big game crucial winter range and greater sage-grouse habitat. No specific mapping requests were identified. Maps showing all parcels nominated for leasing are available on the website, and include Appendix C- Parcel Maps, Appendix D- Stipulations Maps, and Appendix E- Wildlife Maps; no specific mapping issues were identified by the commenter.</p>			
2	Edmiston, Marni Erickson, JoAnne Kemp, Joel Larson, Diana (Jeanie) Lorash, Michael, Manager 4K Ranch Meeker, Lisa Miller, M Ann Paul, Wayne and Arlene	Scoping	Ask BLM to deny leases. The majority of comments were to deny the leases near Dean (MTM 105431-HW, MTM 79010-8R) and East Fiddler Creek (MTM 79010-JJ).

Comment Number	Name	Comment Period	Comment Summary
	Sutton, Dave Wallace, Anne		
<p>BLM Response: Areas open or closed to leasing, and leasing stipulations were identified during the Resource Management Plan revision, which was completed in 2015. An EIS was prepared for the RMP revision, which included public participation. Oil and gas leasing is in compliance with all Federal rules, regulations, and laws, including NEPA, MLA, and FLPMA.</p>			
3	Keup, Kristeen Ross, Christine	Scoping	BLM lease parcel MTM 105431-HW is adjacent to other non-federal minerals and private oil and gas leases that have already seen the establishment of a pad for a presumed drilling location. The potential for drainage problems notwithstanding, BLM should make its decision based on impacts to the resources. Other methods exist to address drainage besides a positive lease decision, even with NSO imposed, on a parcel that affects the important resource values.
<p>BLM Response: The BLM will self-nominate a parcel if an existing well is draining federal minerals. The BLM does not nominate based on the possibility a fee or state well may be drilled and may drain Federal minerals. Parcel MTM 105431-HW was nominated by the public, not the BLM. The BLM assigned 22 stipulations to MTM 105431-HW to avoid/minimize impacts to resources on the parcel. Refer to Appendix A and B.</p>			
4	Halstead-Acharya, Linda	Scoping	Oppose any new oil leases along the Beartooth Front until the Stillwater County Commissioners have made a decision on the citizen-petitioned zoning district that would provide residents protection for their property in the event of leases and drilling. (It does not ban leases and drilling.)
<p>BLM Response: BLM must comply with statutory and policy requirements with respect to the timing of lease sales. In accordance with the Federal Onshore Oil and Gas Leasing Reform Act of 1987 and BLM Manual 3120, each BLM state office will hold sales at least quarterly if lands are available for competitive leasing. Stillwater County commissioners were notified of the pending lease sale but did not submit comments.</p>			
5	Wild Earth Guardians	EA	<p>The BLM Improperly Segments the March 2018 Lease Sale into Four Environmental Assessments.</p> <p>NEPA provides that to adequately assess the environmental impacts of a proposed action, BLM must assess three types of actions: (1) connected actions, (2) cumulative actions, and (3) similar actions. 40 C.F.R. § 1508.25. The purpose of this requirement [40 C.F.R. § 1508.25] is to prevent an agency from dividing a project into multiple actions, each of which individually has an insignificant environmental impact, but which collectively have a substantial impact. Unfortunately, that is precisely what the BLM is doing here. For example, the Butte and Billings Field Office lease sale parcels are directly adjacent to each other geographically. Additionally, the BLM admits in its EAs that wells from these parcels could be drilled into the same formation—the Crazy Mountains Basin. See Billings FO EA at 15–16; Butte FO EA at 12. Thus, at a minimum, the lease parcels for the Butte and Billings FO’s are cumulative, similar actions based on the on-the-ground impacts, geographic location, and timing. Furthermore, all of the lease parcels, not just those in the Butte and Billings FO, must be analyzed in a single NEPA document to properly assess the cumulative impacts of greenhouse gas emissions.</p>

Comment Number	Name	Comment Period	Comment Summary
<p>BLM Response: The BLM prepared four EAs for the March 2018 primarily due to workload considerations (i.e., ID Teams from each Field Office worked on their specific EAs). All EAs tier to the respective RMPs, and these RMPs contain cumulative impacts at the appropriate scales for the full RFDs done in each FO. The decisions on what areas to not lease, lease with standard, moderate, or major stipulations is done at the RMP level in order to look at the larger picture of impacts (including cumulative impacts). There are no ground-disturbing activities authorized at the leasing stage.</p>			
6	<p>Wild Earth Guardians</p> <p>Northern Plains Resource Council</p> <p>Beartooth Front Citizen Initiated Zoning Group</p>	EA	<p>The BLM Improperly Defers Its Site-Specific NEPA Analyses to the Application Permit to Drill Stage, which fails to provide any meaningful analysis of connected actions, and fails to adequately consider cumulative effects.</p> <p>Wild Earth: the BLM attempts to further segment its analysis by claiming that it will conduct site-specific NEPA analyses at the Application Permit to Drill (“APD”) stage. NEPA is not designed to postpone analysis of an environmental consequence to the last possible moment.” This is especially the case if postponing analysis results in a piecemeal look at the impacts. <i>See</i> 40 C.F.R. § 1508.27 (“Significance cannot be avoided by terming an action temporary or by breaking it down into small component parts.”). Because drilling cannot occur without the BLM first leasing the minerals, leasing and drilling are interdependent, connected actions. Thus, the BLM must estimate the impacts of drilling these wells at the lease sale stage. Leasing also conveys a right to develop and is thus considered an irretrievable commitment of resources. NEPA requires that agencies prepare an EIS before there is “any irreversible and irretrievable commitment of resources.” The need to do a full NEPA at the lease sale stage is further supported by the fact that the BLM frequently approves APDs without further NEPA analysis. For example, on September 27, 2017, the Billings FO approved an APD for an oil well and pipeline through a categorical exclusion. Exhibit 1, Vanguard EBET2-390 APD, DOI-BLM-MT-A010-2G17-0058-CX.</p> <p>Northern Plains: Appreciates the BLMs attention to placing stipulations such as No Surface Occupancy on parcels of particular concern to resources. However, such stipulations do not resolve the greater issue of cumulative impacts. On the contrary, such stipulations ensure even more development in the proposed region via surface occupancy on adjacent state or private lands in order to reach leased federal minerals. Failing to consider cumulative impacts until applications for permit to drill (APDs) are submitted misses the window to review impacts holistically. APDs are submitted by individual operators, not necessarily as a unit, and not as part of any kind of region wide development plan. To postulate that cumulative impacts could be assessed or mitigated at the APD level does not reflect oil and gas development as it currently operates.</p> <p>Beartooth Zoning Group: The EA states that leasing creates a valid existing right, that quantities of impacts cannot be determined, but uses statistics to establish the extent of average short-term and</p>

Comment Number	Name	Comment Period	Comment Summary
			<p>long-term impacts as a result of leasing. Instead of addressing impacts, it postpones all analysis and suggested mitigations to site specific actions. Thus this lease sale how not meaningful analysis of short and long term impacts, and the degree to which they can be mitigated, nor does it address the NEPA and CEQ regulatory requirements for a conclusion about cumulative impacts and irreversible or irretrievable commitment of environmental resources. Examples include: lack of analysis of consequences for scarcity of water and groundwater adjacent to the Beartooth Mountains, discussion of the overthrust belt and geological impact on water quantity, limitations on groundwater availability or recharge, analysis of what development of two parcels within one-half mile of Fishtail Butte (a scared cultural site) and incorporation of tribal consultation for this site.</p>
<p>BLM Response: BLM is tiering to and incorporating by reference all impacts from the Billings RMP (2015) and associated Final EIS. BLM completes an EA if the analysis supports a FONSI, then there is no need for an EIS. In addition, surface disturbance is not part of the proposed action. At the time of this review it is unknown whether or not a particular parcel will be sold and a lease issued and what potential impacts to those resources may occur. The EA uses a reasonable foreseeable development scenario based on the RMP to estimate potential effects.</p> <p>A detailed site-specific analysis and mitigation of activities associated with any particular lease would occur when a lease holder submits an application for permit to drill (APD). This could include re-evaluating the area for protected species and habitat, additional conditions of approval (COAs) and involvement of external entities (e.g. USFWS), as necessary, based on the proposed action. The level of NEPA completed for future APDs (categorical exclusion, EA, or EIS) would be based on site-specific considerations and the significance of effects.</p>			
7	The Wilderness Society	EA	<p>The Draft EA lacks a reasonable range of alternatives.</p> <p>An EA offering a choice between leasing every parcel nominated, and leasing nothing at all, does not present a reasonable range of alternatives. For example, BLM did not consider an alternative that deferred parcels in areas that have low oil and gas potential the development of which could impact important fish, wildlife and other multiple use values. See Draft EA at 16-18 (listing numerous parcels in Sweetgrass County that have “low” development potential). This includes numerous parcels in Sweetgrass County near the Yellowstone River, some of which are located along a stretch of the Yellowstone River designated by the State of Montana as a “blue ribbon fishery” and others that are adjacent to tributaries of the Yellowstone “that contain Montana Core or Conservation populations of Yellowstone Cutthroat trout (YCT).” Draft EA at 55, 60. Nor did BLM evaluate any additional deferrals for the proposed leases in PHMAs and GHMAs, in spite of a legal obligation to do so under the Billings Approved Resource Management Plan (ARMP) and associated policy guidance. See Billings Field Office Greater Sage-Grouse ARMP 2-6 (“Prioritize the leasing and development of fluid mineral resources outside GRSg habitat.”); Record of Decision and Approved RMP Amendments for the Rocky Mountain Region 1-25.</p>

Comment Number	Name	Comment Period	Comment Summary
<p>BLM Response: There is no legal requirement to defer parcels based on development potential. This EA tiers to the Billings ARMP (2015) and associated FEIS. The FEIS for the ARMP identifies areas a low, moderate, or high development potential, and the ARMP made management decisions for areas open or closed to leasing. See response to Comment 8.</p> <p>The EA (Section 2.2) includes discussion of alternatives considered but eliminated. The BLM did not identify any parcels that should be deferred. During the public scoping period, numerous public interest groups and individuals submitted comments asking for specific parcels to be dropped for various reasons (concerns related to effects to sage-grouse, water quality, cultural resources, big game winter range, etc). The BLM reviewed all of the public comments and identified no surface occupancy or other stipulations that protect resources and address public concerns.</p> <p>With respect to sage-grouse, three of the parcels (MTM 105431-KG, 105431-KQ and 105431-WK) were deferred from previous lease sales prior to BLM’s approval of the 2015 sage-grouse amendments in the ARMP. Now that RMP level standards are in place to conserve sage grouse habitat, these parcels were included in the March 13, 2018 lease sale. See Response for #60. Appendix F was added to the EA that describes the results of the prioritization review.</p>			
8	Wild Earth Guardians	EA	<p>The BLM fails to analyze and asses a reasonable range of alternatives.</p> <p>BLM admits through its Reasonably Foreseeable Development scenarios for the lease parcels that many of the proposed lease parcels may never see development, it appears the proposed leasing would simply be a major giveaway to the oil and gas industry. While we object to the BLM’s proposal to lease, given the situation, we at least request the agency give detailed consideration to alternatives that address the likelihood that industry is only seeking the proposed leases in order to stockpile reserves and not actually produce oil and gas. We request the BLM give detailed consideration to the following alternative actions:</p> <ol style="list-style-type: none"> 1) An alternative that imposes a minimum bonus bid higher than \$2.00 per acre to ensure that only serious industry interest in the proposed oil and gas leasing parcels and help to prevent companies from stockpiling federal oil and gas leases as a means to increase their assets and enhance their own financial bottom line. 2) An alternative that defers offering the proposed lease parcels for sale until at least 50% of all leased federal oil and gas acres in Nevada are put into production.
<p>BLM Response: BLM must comply with statutory and policy requirements with respect to the timing of lease sales. In accordance with the Federal Onshore Oil and Gas Leasing Reform Act of 1987 and BLM Manual 3120, each BLM state office will hold sales at least quarterly if lands are available for competitive leasing. There is no legal requirement to defer parcels based on development potential.</p> <p>This EA tiers to the Billings ARMP (2015) and associated FEIS. The FEIS for the ARMP identifies areas a low, moderate, or high development potential, and the ARMP made management decisions for areas open or closed to leasing. The ARMP also allows development of oil and gas resources and put suitable constraints on these development activities. There is a large portion of the RMP area that has major constraints on activities (e.g., exclusion areas for wind or other rights-of-ways, no surface occupancy for oil and gas, etc.). This RMP was developed under the FLMPA and NEPA requirements and follows multiple</p>			

Comment Number	Name	Comment Period	Comment Summary
use and sustained yield requirements. This lease sale analyzed and attached all the appropriate stipulations to allow both development of minerals and protection of resources. An alternative that sets the cost of the minimum bonus bid or defers parcels in Montana based on what is being leased/produced in Nevada is outside the scope of this analysis.			
9	Wild Earth Guardians	EA	<p>The BLM Fails to Analyze the Impacts of Hydraulic Fracturing and Horizontal Drilling.</p> <p>The BLM fails to fully analyze the impacts of hydraulic fracturing (“fracking”) coupled with horizontal drilling in its EAs or the underlying RMPs/FEISs. Fracking coupled with horizontal drilling is now used in the majority of oil and gas wells. According to the U.S. Energy Information Administration (“EIA”), as of 2015, 67% of the U.S.’s natural gas comes from wells that use fracking, and 50% of the U.S.’s oil comes from wells that use fracking. Thus, it is very likely, that the oil and gas industry will use fracking to develop the lease parcels.</p> <p>The BLM fails to analyze these increased impacts in either the EAs for the lease sales or the RMP/FEISs for the field office. All of the EAs for the four areas of the lease sale tier to broader RMPs and Final EISs. The Billings FO EA tiers to the 2015 Billings Field Office Resource Management Plan Amendment and accompanying FEIS.⁵ The Butte FO EA tiers to the 2009 Butte Approved RMP and accompanying FEIS.⁶ The Hi-Line EA tiers to the 2016 Hi-Line RMP and accompanying FEIS. Out of the four RMPs and FEISs referenced above, only the Hi-Line RMP/FEIS comes close to fully analyzing the impacts of fracking coupled with directional drilling. The Billings RMP/FEIS, summarily dismisses the possibility of fracking in its response to comments. See, e.g., Billings RMP/FEIS, Vol. 3, Ch. 5, at 5-87 (“There is no fracking currently occurring in the Billings Field Office and it is unlikely to occur.”) Although the RMP/EIS still includes a description of the process of fracking, it fails to include an analysis of the impacts of fracking and horizontal drilling. See Billings RMP/FEIS Vol. 1, Ch. 3, at 3-188 to 3-190; see generally Chapter 4: Environmental Impacts. This is in spite of evidence that fracking and horizontal drilling has occurred and will likely continue to be used in Carbon County. The Butte RMP/FEIS is even more devoid of any discussion of impacts from fracking and horizontal drilling. Wells that use hydraulic fracturing and horizontal drilling to stimulate production have been drilled into the Cody Shale formation in the Park County area. See Exhibit 2. In sum, none of the BLM’s four EAs for the lease parcels, and only three of the underlying RMPs/FEISs, come close to fully addressing the impacts of fracking and horizontal drilling despite evidence that such techniques have been used and are likely to be used in the future. As a result, the BLM’s FONSI for the lease sale cannot stand, and the BLM must remove all of the lease parcels from consideration.</p>
BLM Response: A discussion on the effects of fracking was added to the EA. Refer to Section 3.3 and 3.8.			

Comment Number	Name	Comment Period	Comment Summary
10	Wild Earth Guardians	EA	<p>The BLM’s Reasonably Foreseeable Development Scenarios for the Billings, Butte, and Hi-Line Parcels Are Not Accurate.</p> <p>The BLM must also analyze the reasonably foreseeable development of the lease parcels in context with current, on-the-ground information. While we appreciate BLM’s attempts to calculate the reasonably foreseeable development scenario for the proposed lease parcels, the agency’s numbers appear grossly underestimated and completely unrealistic. For example, for the Billings FO parcels, the BLM estimates that out of 76 parcels, only 5.4 wells per year will be developed. See Billings FO EA at 16.9 BLM’s assessment of reasonably foreseeable oil and gas wells is based on an overly simplistic assessment of the percentage of lease acreage within the total acreage of a “potential” area. A more logical approach would be one similar to that taken by the Vernal Field Office in Utah. For example, for the December 2017 sale, the Vernal FO presumed that, at a minimum, one well would be developed on every lease parcel offered for sale. The Vernal FO also considered whether the parcel in question was within 2 miles of a well which had produced oil or gas within the past 6 years. This approach addresses the fact that industry has nominated the lease parcels, and therefore, the likelihood of development is higher.</p>
<p>BLM Response: BiFO is tiering to and incorporating by reference all impacts from the BiFO Final EIS 2013. Anticipated exploration and development activities associated with the lease parcels considered in this EA are within the range of assumptions used and effects described in the EIS. The method used to determine a potential Reasonably Foreseeable Development scenario for the lease sale is described in Section 3.2 of the EA, which states, "The RFD for this EA is based on information contained in the RFD developed for the BiFO FEIS. The RFD contains the number of potential oil and gas wells that could be drilled and produced in the BiFO area, and was used to analyze the potential number of wells drilled for the nominated lease parcels. These well numbers are only an estimate based on historical drilling, geologic data, resource expertise, and current development in the area.</p> <p>It would be inaccurate to assume that one well would be developed on every lease parcel offered for sale. In the last 10 years (2007-2016), the BLM has offered 1,765 competitive oil and gas leases for sale in Montana. Of the 1,765 leases offered, 1,027 leases sold (58%). During the same time period, the BLM approved 576 Applications for a Permit to Drill (APD) (56% of the leases sold). Another way to look at it – of all the leases offered for sale in Montana in the last 10 years, only one-third of them have approved APDs. Source: Public Land Statistics, US Department of the Interior, BLM. A RFD that assumes one well per parcel would over-estimate the development potential across Montana.</p> <p>In the last 10 years, there have been nine APDs approved within the Billings Field Office boundary, including eight APDs in Carbon County and one in Stillwater County (personal communication with Jim Sparks, Billings Field Manager). The RFD scenario for Billings, which assumes 5.4 wells drilled per year is most likely an over estimate of drilling potential.</p> <p>To assume a minimum of one well to be drilled on every lease parcel within the BiFO boundary, as the Vernal FO did, would overestimate the drilling activity in the BiFO region. The Vernal FO historically receives the third most APDs compared to all other BLM field offices (approximately 42 BLM oil and gas field offices, Miles city 18th, and Great Falls 25th)." These numbers are from a WO report on APDs for FY15. Since BiFO and Butte FO are not an O&G offices they are not included on this list, however, BiFO would be close to the bottom if it averaged 1 APD a year over 10 years.</p>			

Comment Number	Name	Comment Period	Comment Summary
11	The Wilderness Society	EA	<p>BLM has failed to take the necessary “hard look” at potential environmental impacts.</p> <p>BLM has not taken the required “hard look” at potential environmental impacts. Under NEPA, BLM must evaluate the “reasonably foreseeable” site-specific impacts of oil and gas leasing, prior to making an “irretrievable commitment of resources.” Here, BLM is in fact making an “irretrievable commitment of resources” by offering leases without reserving the right to prevent future development. Further, the site-specific impacts are “reasonably foreseeable” and may not wait until “a leaseholder submits an application for permit to drill (APD)”, as claimed by BLM in the Draft EA. Draft EA at 7. Yet, BLM expressly defers a site-specific analysis on key resource values, including YCT and the “blue ribbon fishery” on the Yellowstone River. Draft EA at 56, 60. This approach violates NEPA, and BLM must take the site-specific impacts of leasing into account at this stage.</p>
<p>BLM Response: This EA is tiered to the information and analysis and conforms to the decisions contained in the 2015 Rocky Mountain Region Record of Decision (ROD), Billings Approved Resource Management Plan (BiFO RMP) and associated FEIS. The ROD, RMP, and FEIS are in compliance with all Federal laws, regulations, and policy.</p> <p>At the leasing stage, site-specific drill locations are unknown. See response to comment # 10. The BLM reviews proposed parcels and identifies stipulations based on what is known about the parcels such as presence of streams, wetlands, steep slopes, known nest sites, or designated habitat. These stipulations are essentially incorporated as design criteria in any future proposal. These stipulations were developed during the last RMP revision. Site specific NEPA analysis cannot occur until there is an APD.</p>			
12	Beartooth Zoning Group	EA	<p>The document is not comprehensive in terms of the areas of likely impact. For example summary potential amounts of impact are noted for the Crazy Mountain Basin, the Bull Mountain Basin, and the Central Montana Uplift, but not for the Nye-Bowler Lineament.</p>
<p>BLM Response: Commenter is referring to characterization of the reasonably foreseeable development scenario (RFD) that is summarized in Section 3.2 of the EA. This EA, and characterization of the drilling regions for the Billings Field Office comes straight out of the FEIS for the ARMP. The FEIS notes that the Big Horn Basin includes Big Horn, Carbon, southern Stillwater and southern Yellowstone Counties. The Crazy Mountains Basin includes Sweet Grass and southern Wheatland Counties. The Central Montana Uplift/Bull Mountain Basin includes Golden Valley, Musselshell and northern Yellowstone Counties (FEIS, page 4-423).</p>			
13	Beartooth Zoning Group	EA	<p>BLM fails to adequately consider public comment and coordinate on issues of local, regional, or national concern.</p> <p>In spite of previous discussions about a planned zoning regulation with BLM several times, there is no mention that the 80,000 acres along the Beartooth Front have a great deal of human environmental sensitivity and the residents are making an effort to create a zoning district for the entire area. Our principal interests for regulation include water quality and quantity, air quality, visual resources, habitat quality, and county infrastructure, measured against the need for hydraulic fracturing to</p>

Comment Number	Name	Comment Period	Comment Summary
			produce petroleum products in the Nye-Bowler Lineament along with its special environmental impact situation. We have satisfied the Montana regulatory requirement and have the support of 60% of the over 900 land owners in the area, and are awaiting County action on the zoning proposal. We believe that this effort deserves special consideration in BLM's oil and gas program efforts, due to the amount of split estate federal mineral holdings within our area and the overwhelming support from residents for being careful about how resources are developed.
<p>BLM Response: The proposed parcels were designated open for leasing in the last Resource Management Plan planning process. The Record of Decision was approved in 2015. BLM must comply with statutory and policy requirements with respect to the timing of lease sales. In accordance with the Federal Onshore Oil and Gas Leasing Reform Act of 1987 and BLM Manual 3120, each BLM state office will hold sales at least quarterly if lands are available for competitive leasing. Stillwater County commissioners were notified of the pending lease sale but did not submit comments. In this EA, the BLM assigned stipulations to parcels to avoid/minimize impacts to resources, which are incorporated as design criteria for any future oil and gas development.</p>			

Resource Management Plan / FLPMA

Comment Number	Name	Comment Period	Comment Summary
14	Mike O'Conner	EA	<p>I feel the BLM failed to consider all of the resources and failed to show the parcel warrants an NSO (No Surface Occupancy) and therefore, didn't properly protect my parcel. The BLM failed to fully analyzed and take a hard look at: erosive soils and sands, steep slopes, water resources and water tables, drinking water, cultural resources and ancient artifacts, Native American concerns, wild and scenic streams, crucial grizzly bear, mule deer, white tailed deer, elk and moose winter range, etc, lands/ access and right of way, ephemeral drainages and low water crossings, timber, (over 90 percent of this parcel is timbered land.) I would like to request to have a BLM interdisciplinary team (ID Team) have a look at this parcel. I believe that the parcel should be protected with an NSO.</p> <p>My concerns are the primary threats from oil and gas development to big game populations. Example, habitat loss, fragmentation and disturbance from all activities involving surface drilling. All big game mentioned above will be severely impacted by any surface drilling. His parcel along with the Greater Yellowstone Ecosystem, is managed for Lynx recovery. Wolverine are also documented to travel between the East and West Rosebud drainages. This parcel is home to Bald Eagles, Golden Eagles, Great Grey Owls, Northern Pigmy Owls, Sharptailed Grouse, Roughed (Dusky) Grouse, Wild Turkey, Hungarian Partridges, Canada Geese, Sandhill Cranes, Blue Herons, Sharp-Shinned Hawks, Coopers Hawks, and Goshawks. This is also home to badgers and flying squirrels, etc.</p>

Comment Number	Name	Comment Period	Comment Summary
			<p>According to the Billings Field Office RMP, "Stipulation NSO 11-130 prohibits surface occupancy and use for oil and gas development within 0.6 miles of a sharp-tailed grouse lek. Stipulation TL 13-41 prohibits surface occupancy and use for oil and gas development within 2 miles of a sharp-tailed grouse lek from April 1 through July 15." We frequently see sharp-tailed grouse on our right of way. According to the Billings Field Office RMP, "Stipulation NSO 11-113 prohibits surface occupancy and use for oil and gas exploration and development within bighorn sheep lambing areas. Bighorn sheep lambing areas were designated in cooperation with MT FWP." According to the Billings Field Office RMP, "Stipulation NSO 11-136 prohibits surface occupancy and use for oil and gas exploration and development within crucial winter range for antelope, elk, moose, bighorn sheep, mule deer, whitetail deer and greater sage-grouse .. " This property contains 4 of the 6 listed in this stipulation.</p>
<p>BLM Response: BLM contacted this individual and informed him that his property is covered with NSO stipulations for badlands/rock (NSO 11-69), NSO 11-113 (bighorn sheep lambing) and NSO 11-125 (riparian, wetlands, floodplains streams), as well as numerous other stipulations. As part of this correspondence, the BLM gave this individual a minerals plat map and a big horn sheep lambing map showing that the entire parcel lies within the boundary of designated big horn sheep lambing habitat, and therefore the entire parcel is NSO. The commenter responded acknowledging the fact that his entire parcel is covered with NSO stipulations. A copy of this email correspondence is in the project record.</p>			
15	The Wilderness Society	EA	<p>BLM is not complying with FLPMA’s multiple-use mandate. Under FLPMA, BLM is required to manage the public lands on the basis of multiple use and sustained yield. 43 U.S.C. § 17732 (2012). In recognition of the environmental components of the multiple use mandate, courts have repeatedly held that under FLPMA’s multiple use mandate, development of public lands is not required, but must instead be weighed against other possible uses, including conservation to protect environmental values. Development is a possible use, which BLM must weigh against other possible uses — including conservation to protect environmental values, which are best assessed through the NEPA process.” The multiple use framework’s emphasis both on environmental resources and on the need to balance between present and future generations are highly relevant to consideration of climate change-related impacts. Here, the BLM appears to be grounding the analysis and decisions proposed in the Draft EA on recent presidential and executive actions on “American energy independence” or “dominance.” Such a decision would clearly violate the multiple-use mandate of FLPMA, which states in no uncertain terms that BLM “shall manage public lands under principles of multiple use and sustained yield” and contains specific provisions and procedures for broadly “excluding” principal uses of the public lands, including outdoor recreation and fish and wildlife development and utilization, none of which have been followed here and more broadly by the Interior Department. 43 U.S.C. §§ 1732(a), 1712(e)(2).</p>
<p>BLM Response: The BiFO ARMP does incorporate the full multiple use policy of FLMPA. The BiFO RMP has areas prioritized for ACEC management, management of visual resources and/or National Scenic and Historic Trails, areas prioritized for the management of recreation and various wildlife species. The RMP also allows development of oil and gas resources and put the suitable constraints on these development activities. There is a large portion of the</p>			

Comment Number	Name	Comment Period	Comment Summary
			<p>RMP area that has major constraints on activities (e.g., exclusion areas for wind or other rights-of-ways, no surface occupancy for oil and gas, etc.). This RMP was developed under the FLMPA and NEPA requirements and follows multiple use and sustained yield requirements. This lease sale analyzed and attached all the appropriate stipulations to allow both development of minerals and protection of resources.</p> <p>It is the policy of the BLM to make mineral resources available for use and to encourage development of mineral resources to meet national, regional, and local needs. This policy is based on various laws, including the Mineral Leasing Act of 1920 and the Federal Land Policy and Management Act of 1976 (FLPMA). The Federal Onshore Oil and Gas Leasing Reform Act of 1987 Sec. 5102(a)(b)(1)(A) directs the BLM to conduct quarterly oil and gas lease sales in each state whenever eligible lands are available for leasing.</p> <ul style="list-style-type: none"> • 43 C.F.R. § 3120.1-2. Each proper BLM State Office shall hold sales at least quarterly if lands are available for competitive leasing. • Mineral Leasing Act of 1920 as amended- Subtitle B Federal Onshore Oil and Gas Leasing Reform Act of 1987 (FOOGLRA). Lease sales shall be held for each State where eligible lands are available at least quarterly.... • Washington Office Instruction Memorandum 2010-117 Oil and Gas Leasing Reform. State offices will continue to hold lease sales four times per year, as required by the Mineral Leasing Act, section 226(b)(1)(A) when eligible lands are determined by the state office to be available for leasing. • Montana State Office Oil and Gas Leasing Reform Implementation Plan August 2010. All Montana Oil and Gas Competitive Lease Sales are subject to the following laws, regulations and policies: Required by law and regulation to hold lease sales at least quarterly if lands are available (Public Law 100-203, Sec. 5102, dated 12/22/87 (FOOGLRA)). <p>MLA statements</p> <ul style="list-style-type: none"> • MLA page 40- Sec. 16- "That all leases of lands containing oil or gas, made or issued under the provisions of this Act, shall be subject to the condition that the lessee will...use all reasonable precautions to prevent waste of oil or gas developed in the land..." • MLA page 15- Sec. 30- "Each lease shall contain provisions for the purpose of insuring...and for the prevention of undue waste..." <p>No surface disturbance would occur as a result of issuing leases. Upon receipt of an APD, the BLM would coordinate with the appropriate Surface Management Agency (SMA) and initiate a more site-specific NEPA analysis with public review opportunities to more fully analyze and disclose site-specific effects of specifically identified activities. This analysis would include resources and resource uses proposed on or adjacent to the lease parcel lands. The BLM analyzes all proposed federal actions in a NEPA document (whether they are for range, vegetation treatments, recreation, etc.). All actions are reviewed for compliance with the land use plan at the start of the NEPA process. Having areas available for oil and gas leasing does not mean that this activity is prioritized over other uses or that it is the only use on BLM lands. The RMP has areas closed and/or avoided for certain resource uses, prioritized for ACEC designation, wilderness study areas, etc.</p>

Comment Number	Name	Comment Period	Comment Summary
16	Center for Biological Diversity	Scoping & EA	<p>BLM must not violate FLMPA by causing unnecessary or undue degradation. BLM must prevent degradation that is “unnecessary” and degradation that is “undue.” The protective mandate applies to BLM’s planning and management decisions. Greenhouse gas pollution for example causes “undue” degradation. Even if the activity causing the degradation may be “necessary,” where greenhouse gas pollution is avoidable, it is still “unnecessary” degradation. 43 U.S.C. § 1732(b).</p>
<p>BLM Response: It is the policy of the Bureau of Land Management (BLM) to make mineral resources available for use and to encourage development of mineral resources to meet national, regional, and local needs. This policy is based on various laws, including the Mineral Leasing Act of 1920 and the Federal Land Policy and Management Act of 1976. The Federal Onshore Oil and Gas Leasing Reform Act of 1987 Sec. 5102(a)(b)(1)(A) directs the BLM to conduct quarterly oil and gas lease sales in each state whenever eligible lands are available for leasing. This EA is tiered to the information and analysis and conforms to the decisions contained in the 2015 Rocky Mountain Region Record of Decision (ROD) and Billings Approved Resource Management Plan (BiFO RMP). A decision to offer parcels for lease would not cause unnecessary or undue degradation and is consistent with existing laws, regulations, and policies, including the HiLine ARMP, NEPA, MLA, and FLPMA. Upon receipt of an Application for a Permit to Drill (APD), the BLM would initiate a site-specific NEPA analysis with public review opportunities. Any conditions of approval for permits to drill, including measure necessary to prevent unnecessary and undue degradation, will be evaluated at the project level.</p>			
17	McMullen, Linda	EA	<p>We have a conservation easement with the Montana Land Reliance on parcel 108952-GT that prohibits oil and gas exploration. Parcels 108952-GT and 108952-GB are within throwing distance of our personal residences and drinking water sources, in addition to sensitive riparian zones. Parcel 108952-GA is located uphill from our old homestead building and important livestock watering springs, wells, riparian areas, and used by sage-grouse. Oil and gas exploration on any of these parcels would irreparably damage our lives and livelihoods, exposing our homes, clean water, cattle, wildlife, and us to unknown risks from industrial pollutants.</p>
<p>BLM Response: It is the policy of the Bureau of Land Management (BLM) to make mineral resources available for use and to encourage development of mineral resources to meet national, regional, and local needs. This policy is based on various laws, including the Mineral Leasing Act of 1920 and the Federal Land Policy and Management Act of 1976. The Federal Onshore Oil and Gas Leasing Reform Act of 1987 Sec. 5102(a)(b)(1)(A) directs the BLM to conduct quarterly oil and gas lease sales in each state whenever eligible lands are available for leasing.</p> <p>After a lease has been issued no drilling operations or related surface disturbance can occur until the leaseholder submits an application for permit to drill (APD) to the BLM. The BLM will then preform a detailed site-specific analysis and provide conditions of approval (COA’s) for the activity that reflect necessary mitigation measures to comply with federal laws such as NEPA and ESA. (See the Surface Operating Standards and Guidelines for Oil and Gas Exploration and Development - The Gold Book for a description of the land use rules lease operators must follow.) BLM will conduct onsite inspections to ensure full compliance with the COA’s after an APD has been approved. In addition a bond of no less than \$10,000 is required to ensure that the operator performs all obligations of the lease contract including plugging, surface reclamation, and cleanup of abandoned operations. It is the responsibility of the oil and gas operator to obtain access to all split estate parcels.</p>			

Comment Number	Name	Comment Period	Comment Summary
<p>Please visit https://www.blm.gov/programs/energy-and-minerals/oil-and-gas/leasing/split-estate for more information on how the BLM administers federal mineral resources when the surface land is privately-owned. The brochure titles <i>Split Estate Rights, Responsibilities, and Opportunities</i>, found https://www.blm.gov/sites/blm.gov/files/documents/files/SplitEstate07.pdf, contains important and relevant information on this topic.</p> <p>In the case of a split-estate, where the surface property is owned by a private party and the subsurface minerals are owned by the United States, a conservation easement tied to the surface land will not prevent a mineral lessee from accessing this property to explore for or develop the federal minerals below this land. This is because as part of the Stock-Raising Homestead Act of 1916 the original land deeds for these properties stipulated that the federal government maintained jurisdiction over the subsurface property rights and held the right to access, for mineral exploration and development, the surface lands above the minerals estate. Since the surface owner doesn't own the underlying mineral estate, the surface owner cannot sell the rights to access it in a conservation easement.</p>			
18	Wild Earth Guardians constituents (> 5000 letters)	EA	I urge you to abandon your plans to auction off more than 60,000 acres of public lands and minerals for fracking in March 2018. I am especially troubled that the Bureau of Land Management is considering leasing public lands and minerals along the Beartooth Front, next to the town of Livingston, and in other sensitive and undeveloped landscapes across the region. There is no need to lease public lands to the oil and gas industry in Montana or North Dakota. Industry is not even developing the oil and gas leases it already has. Only 34% of leased lands in the region are actually producing oil and gas.
<p>BLM Response: Beyond the scope of this document. Oil and gas leasing is in compliance with all Federal rules, regulations, and laws, including NEPA, MLA, and FLPMA. Areas open or closed to leasing, and leasing stipulations were developed during the last Resource Management Plan revision, which was completed in 2015 and included public participation.</p>			

Access/Roads/Community Infrastructure

Comment Number	Name	Comment Period	Comment Summary
19	Beartooth Zoning Committee; Edmiston, Marni	Scoping	An increase in oil and gas development, particularly one dependent on hydraulic fracturing, will put major stresses on county infrastructure. Ensure there is sufficient bonding to ensure that local taxpayers to not have to pay for infrastructure failure due to the increase and type of traffic involved in modern oil and gas development.
<p>BLM Response: The regulations at 43 CFR 3162.5-1(b) state "The operator shall exercise due care and diligence to assure that leasehold operations do not result in undue damage to surface or subsurface resources or surface improvements." BLM Montana/Dakotas works with all federal lessees and their operators to ensure they comply with the lease terms, and with current federal regulations and policy regarding oil and gas operations.</p>			

There are numerous requirements that must be followed by the lessee/operator that serve to minimize conflicts with the surface owner. First, the operator is required to certify to BLM that they have contacted the surface owner and either: (1) secured written consent or waiver in the form of a “surface use agreement” (SUA); or, if the surface owner cannot be located or an agreement cannot be reached, (2) provide a bond for the benefit of the surface owner to secure payment for damage to certain crops and/or tangible improvements. (Instruction Memorandum No. 2003-131¹). This requirement ensures that the surface owner is fully aware of all surface disturbance actions proposed by the oil and gas lessee/operator, and that the surface owner’s input is given careful consideration by the BLM.

After a lease has been issued no drilling operations or related surface disturbance can occur until the leaseholder submits an application for permit to drill (APD) to the BLM. The BLM will then perform a detailed site-specific analysis and provide conditions of approval (COA’s) for the activity that reflect necessary mitigation measures to comply with federal laws such as NEPA and ESA. (See the Surface Operating Standards and Guidelines for Oil and Gas Exploration and Development - The Gold Book for a description of the land use rules lease operators must follow.)

20	Bainter, Sage Hook, Stacy	Scoping	Access to the parcels will be a challenge to development of the parcels due to topography in the area. There is no public access to lease parcels
BLM Response: No surface disturbance would occur as a result of issuing leases. Upon receipt of an APD, the BLM would coordinate with the appropriate Surface Management Agency (SMA) and initiate a more site-specific NEPA analysis with public review opportunities to more fully analyze and disclose site-specific effects of specifically identified activities. For split-estate leases, the BLM would notify the private landowners that oil and gas exploration or development activities are proposed on their lands and they are encouraged to attend the onsite inspection to discuss the proposed activities. In the event of activity on such split estate leases, the lessee and/or operator would be responsible for adhering to BLM requirements as well as reaching an agreement with the private surface landowners regarding access, surface disturbance, reclamation, and/or providing a surface owner damages bond. It is the responsibility of the oil and gas operator to obtain access to all split estate parcels.			
21	Paul, Wayne and Arlene	Scoping	Do not give permission to access property. Need to protect buried electrical cables (supporting a well)
BLM Response: See Comment 20.			

Air Quality / Climate

Comment Number	Name	Comment Period	Comment Summary
22	Beartooth Zoning Committee Nash, Carol & Jerry	Scoping	Concerned about impacts to air quality. Wind could carry dangerous emissions to the Clarks Fork Valley. New roads and increased traffic would generate dust, which could affect air quality. Would like to see safeguards in the production, storage and transmission of petroleum produced to ensure leakage of fumes is prevented.

¹ Permitting Oil and Gas on Split Estate Lands and Guidance for Onshore Order No. 1, Issued April 2, 2003

Comment Number	Name	Comment Period	Comment Summary
<p>BLM Response: Two oil and gas stipulations LN 14-18 (Air Resource Analysis) and CSU 12-23 (Air Resources) were applied to all lease parcels (see Appendix A). As stated in Section 4.1: "No surface disturbance would occur as a result of issuing leases." "Upon receipt of an APD, the BLM would coordinate with the appropriate Surface Management Agency (SMA) and initiate a more site-specific NEPA analysis with public review opportunities to more fully analyze and disclose site-specific effects of specifically identified activities."</p>			
23	Northern Plains Resource Council	EA	<p>The EA's review of air quality and climate change is inadequate. Cumulative impacts to regional air quality are also not considered thoroughly by the lease sale EA. The risks of damage to regional air quality as a result of the March 13th, 2018 oil and gas lease sale, are magnified and thrown into significant uncertainty as a result of the Bureau of Land Management's proposed one year implementation delay of its own Methane and Waste Prevention Rule. The implementation delay of the BLM Methane and Waste Prevention Rule also significantly increases the impacts of potential development on climate change. Methane is a potent greenhouse gas, with a warming power about 25 times that of carbon dioxide.⁷ With methane protections no longer applying to development on the proposed parcels, the action's prospective impact to climate has substantially increased.</p> <p>It is unclear whether the March 13th, 2018 oil and gas lease sale EA was drafted assuming the protections of the BLM Methane and Waste Prevention rule would be in place. Considering the significant diminishment in air quality protections as a result of the delay of the BLM Methane and Waste Prevention rule, the potential cumulative air quality impacts of developing the parcels in the March 13th, 2018 oil and gas lease sale need to be reviewed in depth in a comprehensive Environmental Impact Statement.</p> <p>Neither are there stringent protections on the state level. Unfortunately, the state of Montana has no restrictions on wells that flare more than an average of 100 MCF (one thousand cubic feet) of gas per day. ⁸ Wells exceeding the 100 MCFG limit are habitually and repeatedly granted long (six months to a year) exceptions by the Montana Board of Oil and Gas Conservation without stipulations of any kind to promote reduction of the waste and pollution. This gap in substantive state oversight of oil and gas impacts to air quality further justifies the need for a cumulative review of negative impacts to air quality.</p>
<p>BLM Response: The direct, indirect, and cumulative impacts from oil and gas development on air resources were analyzed in Chapter 4 of the BiFO Proposed RMP and FEIS, June 2015. Detailed information on estimated greenhouse gas (GHG) emissions can be found in the Air Resource Technical Support Document (ARTSD) for Emission Inventories and Near-Field Modeling, October 21 2014. Estimated criteria pollutant, hazardous air pollutant, and greenhouse gas (GHG) emissions attributable to projected oil and gas development within the planning area are disclosed in both of these documents. In addition, an estimate of GHGs from the consumption of potentially produced oil and gas is included in the EA. The BLM followed established procedures for analyzing GHGs as prescribed in guidance available at the time of the analysis.</p>			

Comment Number	Name	Comment Period	Comment Summary
<p>BLM acknowledges that the estimated increase in GHG emissions, based on projected development, may contribute to an increase in global atmospheric GHG concentration which may result in exacerbating impacts associated with global climate change. However, BLM is not able to predict actual local impacts from the projected level of increased GHG emissions associated with the proposed lease sale. The application of stipulation CSU 12-23 and lease notice LN 14-18 (see below) to the proposed lease parcels will provide for conservation of air resources by ensuring that reduced emissions engine technology is used as the leases are developed, and by allowing BLM to conduct additional air analyses at the time of development if methodologies become available to determine local impacts of project level GHG emissions.</p> <p>CSU 12-23- Controlled Surface Use Stipulation- Air Resources: Surface occupancy and use is subject to the requirement that each diesel-fueled non-road engine with greater than 200 horsepower design rating to be used during drilling or completion activities meets one of the following two criteria: (1) the engine was manufactured to meet USEPA NOx emission standards for Tier 4 non-road diesel engines, or (2) the engine emits NOx at rates less than or equal to USEPA emission standards for Tier 4 non-road diesel engines.</p> <p>LN 14-18- Lease Notice- Air Resource Analysis: The lessee/operator is given notice that prior to project-specific approval, additional air resource analyses may be required in order to comply with the NEPA, FLPMA, and/or other applicable laws and regulations. Analyses may include equipment and operations information, emission inventory development, dispersion modeling or photochemical grid modeling for air quality and/or air quality related value impact analysis, and/or emission control determinations. These analyses may result in the imposition of additional project-specific control measures to protect air resources.</p>			
24	Wild Earth Guardians	EA	<p>The BLM Fails to Assess the Direct and Indirect Impacts of Air and Greenhouse Gas Emissions that Would Result from Issuing the Proposed Lease Sale Parcels.</p> <p>First, the BLM fails to actually calculate site-specific air emissions that will occur from issuing the proposed lease parcels. Second, although the BLM calculates downstream greenhouse gas emissions from combustion of any produced oil and gas, the BLM fails to assess the greenhouse gas emissions that will result from construction and production of the proposed leases. See, e.g., Billings FO EA at 29–30; Butte FO EA at 24–28; Hi-Line EA at 28–31.10.</p>
<p>BLM Response: See response to Comment 23.</p>			
25	Wild Earth Guardians	EA	<p>The BLM Fails to Fully Analyze and Assess the Cumulative Impacts from Greenhouse Gas Emissions that Would Result from Issuing the Proposed Lease Parcels.</p> <p>Similarly, the BLM’s analyses in all four EAs fail to account for greenhouse gas emissions from cumulative and similar actions. The BLM fails to take into account the greenhouse gas emissions resulting from other proposed BLM lease sales in Montana, North Dakota, and surrounding Western states. The BLM has leased or is proposing to lease approximately 859 parcels or 620,548.17 acres of</p>

Comment Number	Name	Comment Period	Comment Summary
			<p>publically-owned land in the states listed above in 2017. The BLM is also proposing to lease 208 parcels (191,708.13 acres) in March 2018 in Colorado, Montana, and Wyoming.</p> <p>Finally, the need to take into account “similar” and “cumulative” actions is underscored by the fact that the BLM acknowledges that the proper geographic area for analyzing and assessing the impacts of greenhouse gas emissions is on a national scale. Both the Billings FO EA and Butte FO EA in fact assess downstream greenhouse gas emissions from the proposed leasing in the context of both statewide and national greenhouse gas emissions. Although this assessment was apparently prepared to try to mislead the public into believing that emissions from the proposed leasing are not significant, it actually emphasizes the need for the BLM to not simply account for emissions from the proposed leasing, but likely for all greenhouse gas emissions associated with BLM-approved oil and gas leasing nationwide.</p>
<p>BLM Response: Potential emissions of air pollutants from the exploration, development, and onsite production phases associated with the RFD for these parcels have been addressed in the BiFO Proposed RMP and FEIS, June 2015. In addition, Table 8 of the EA shows the estimated downstream GHG emissions due to 100% combustion of product based on the potential RFD for this lease sale proposal. The direct, indirect, and cumulative impacts from oil and gas development on air resources were further analyzed in Chapter 4 of the BIFO Approved Resource Management Plan and Final Environmental Impact Statement, 2015. Additional detailed information on estimated air pollutant emissions (including GHGs) can be found in the Air Resource Technical Support Document (ARTSD) for Emission Inventories and Near-Field Modeling, October 21, 2014 (BLM ARTSD, 2014). The air resources analysis includes a discussion of short term and long term impacts to air quality from reasonably foreseeable oil and gas development.</p> <p>Application of CSU 12-23 and LN 14-18 would provide for conservation of air resources. Estimated emissions of GHGs based on RFD potential are used as a proxy for assessing potential climatic effects. No further analysis is required.</p>			
26	Wild Earth Guardians	EA	<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.</p> <p>In addition to the lack of cumulative impacts analysis for GHGs, it is particularly disconcerting that the agency discusses the economic benefits of the proposed leases, Billings FO EA at 80–81, Butte FO EA at 52, Hi-Line EA at 71–72, North Dakota FO at 42, but completely omits a discussion on the social cost of carbon protocol, a valid, well-accepted, credible, and interagency-endorsed method of calculating the costs of greenhouse gas emissions and understanding the potential significance of such emissions.</p>
<p>BLM Response: BLM Response: BiFO is tiering to and incorporating by reference all impacts from the BiFO Final EIS 2015. No additional analysis is required at this time. There are different approaches that an agency can take to examine climate impacts associated with greenhouse gas emissions, with the social cost of carbon/greenhouse gases estimates being just one metric that could be used. The BLM examined the possible use of social cost of carbon/greenhouse gas estimates and determined to use a different approach for this EA that quantified greenhouse gas emissions as the common metric used and then qualitatively discussed potential climate impacts. The BLM took this approach for several reasons. First, climate change and potential climate impacts, in and of themselves, are often not well understood by the general public (Etkin and Ho 2007, National Research Council 2009). This is in part due to the challenges associated with communicating about climate change and climate impacts, stemming in part from the fact that most causes are invisible</p>			

Comment Number	Name	Comment Period	Comment Summary
			<p>factors (such as greenhouse gases) and there is a long lag time and geographic scale between causes and effects (National Research Council 2010). Research indicates that for difficult environmental issues such as climate change, most people more readily understand if the issue is brought to a scale that is relatable to their everyday life (Dietz 2013); when the science and technical aspects are presented in an engaging way such as narratives about the potential implications of the climate impacts (Corner, Lewandowsky, Phillips, and Roberts 2015); use examples and make information relevant to the audience while also linking the local and global scales (National Research Council 2010). In order to more effectively convey the potential climate impacts, the BLM quantified greenhouse gas emissions as a common metric and discussed narratively climate impacts. This approach presents the data and information in a manner that follows many of the guidelines for effective climate change communication developed by the National Academy of Sciences (National Research Council 2010) by making the information more readily understood and relatable to the decision-maker and the general public. The projected climate impacts to the regional area that covers the parcels offered for lease provides a narrative in a scale that is more relevant to the decision-maker and the general public since it provides more detailed specifics on potential implications to their everyday life--such as warmer temperatures and less snowfall, more frequent more severe droughts, and increased chance of stressed ecosystems, etc.</p> <p>This does not discount the quantified greenhouse gas emissions nor the qualitative discussions of global, US and state level impacts, but provides a meaningful and engaging way to connect the reader to more relevant impacts that then allow them to make the connections to the state, US and global impacts. The approach taken by the BLM for this EA to discuss climate change provides impacts at several scales whereas the social cost of carbon metric only provides an impact metric at the global scale. This limits the usefulness for the decision-maker given the lack of information on more localized impacts.</p> <p>Second, as articulated in the response to comments the economic impact analysis conducted as part of this lease sale EA assessed potential federal revenues that could be collected from bonus bids and annual rental payments on nominated parcels leased in this upcoming lease sale. Revenues associated with leasing these parcels would stimulate economic activity as these dollars are disbursed and/or spent, and the resulting economic impacts of these dollars are analyzed and expressed in terms of their effect on employment; personal income; or economic output in the economic analysis of oil and gas development in the BiFO Final EIS 2015 regional economic impact analysis. Economic impact analyses, such as was done for the BiFO Final EIS 2015, describe effects that agency activities may have on economic conditions and local economic activity, generally expressed as projected changes in employment, labor income, and economic output (Watson, Wilson, Thilmany, and Winter 2007). It is important to note that results from an economic impact analysis should not be considered as benefits or costs (Watson et al. 2007).</p> <p>Whereas an economic impact analysis evaluates changes in economic activity, a cost-benefit analysis is an approach used to determine economic efficiency by focusing on changes in social welfare by comparing whether the monetary benefits gained by people from an action/policy are sufficient in order to compensate those made worse off and still achieve net benefits (Watson et al. 2007, Kotchen 2011). To summarize, cost-benefit analyses and regional economic impact analyses are very different methods that are focused on quantifying/monetizing different measures (social welfare and economic activity respectively) and are based upon differing assumptions and terminology and are not interchangeable. Furthermore, Watson et al. (2007) explicitly stated that an economic impact does not equate to any measure of net welfare change and that an economic impact analysis is not the same as a benefit-cost analysis, and the term 'economic benefit' should be used only in the context of cost-benefit analysis. As such, nowhere in this EA does the BLM refer to the potential revenue associated with this lease sale as an economic benefit since that would be incorrect since a cost-benefit analysis was not conducted. Consequently, the increased economic activity, discussed in terms of revenue, employment, labor income, total value added, and output are simply the economic impacts associated with the alternatives. People, based upon their views and values, may perceive this increased economic activity as a 'positive'</p>

Comment Number	Name	Comment Period	Comment Summary
			<p>impact that they desire to have occur; however, that is very distinct from being an “economic benefit” as defined in economic theory and methodology (Watson et al. 2007, Kotchen 2011). Additionally, another person may perceive increased economic activity as a ‘negative’ impact due to potential in-migration of new people, competition for jobs, and concerns that newcomers will change the sense of community and community qualities that are important to herself/himself. Therefore, it is critical to distinguish that how people may perceive an economic impact is not the same as, nor should be interpreted as, a cost or a benefit as defined in a cost-benefit analysis.</p> <p>Moreover, a recent Executive Order (EO) entitled, “Promoting Energy Independence and Economic Growth,” issued March 28, 2017, directed that the Interagency Working Group (IWG) be disbanded and that technical documents issued by the IWG on social costs of carbon be withdrawn as no longer representative of governmental policy (Section 5 of the EO).</p> <p>Finally, protesters have provided no information as to how presenting GHG emissions in a singularly monetary fashion without accounting for the cost from not developing these minerals in the context of FLPMA’s mandate to provide for the nation’s energies needs, provides information BLM has not already considered in disclosing the expected impacts from climate change and GHGs resulting from the offering of parcels for sale. Without any other monetized benefits or costs reported, monetized estimates of the SCC would be presented in isolation, without any context for evaluating their significance. This limits the usefulness of such estimates to the decision maker. The approach taken for this EA provides quantitative GHG emissions as a common metric across alternatives and qualitatively discusses climate impacts, thus effectively informing the decision-maker and the public of potential climate impacts at global, US, state, and regional scales. This approach allows the BLM to meet the “hard look” requirement by presenting the environmental impacts of the proposal and the alternatives in comparative form (quantified greenhouse gas emissions), and discusses cumulative climate impacts, providing for the definition of issues and environmental consequences ensuring that an informed decision can be made.</p> <ul style="list-style-type: none"> • Corner, A., Lewandowsky, S., Phillips, M. and Roberts, O. (2015). The uncertainty handbook-A practical guide for climate change communicators. Bristol: University of Bristol. • Dietz, T. (2013). Bringing values and deliberation to science communication. Proceedings of the National Academy of Sciences (PNAS) 110(3): 14081-14087. • Etkin, D. and Ho, E. (2007). Climate change: Perceptions and discourses of risk. Journal of Risk Research 10(5): 623-641. • Kotchen, M.J. (2011). Cost-benefit analysis. Chapter in: Encyclopedia of climate and weather, Second edition. Schneider, S.H., editor-in-chief. New York, Oxford University Press: pp 312-315. • National Research Council. (2009). Informing decisions in a changing climate: Washington D.C., The National Academies Press. • National Research Council. (2010). Informing an effective response to climate change: Washington D.C., The National Academies Press. • Watson, P., Wilson, J., Thilmany, D., and Winter, S. (2007). Determining economic contributions and impacts: What is the difference and why do we care? The Journal of Regional Analysis and Policy 37(2):140–146.
27	Center for Biological Diversity	Scoping and EA	<p>BLM Must Evaluate Potential Impacts to Air Quality. BLM must analyze air quality impacts from new development in conjunction with the existing air quality landscape for the proposed lease parcels (including fracking). BLM must analyze increased emissions</p>

Comment Number	Name	Comment Period	Comment Summary
			<p>from foreseeable oil and gas development for these lease parcels in order to prevent further degradation of local air quality, respiratory illnesses, premature death, hospital visits, as well as missed school and work days.</p> <p>Any leasing EIS must take steps to analyze the impacts of all foreseeable future air emissions from induced oil and gas development and operations on these lease parcels, and cumulatively with future lease parcel sales in the Montana/Dakotas region.</p> <p>BLM's must identify environmental impact mitigation methods for controlling air pollution emissions, under NEPA's requirement that the agency identify mitigation measures, 40 C.F.R. § 1508.25, and consider all reasonable alternatives.</p>
<p>BLM Response: This EA is tiered to the information and analysis and conforms to the decisions contained in the 2015 Rocky Mountain Region Record of Decision (ROD) and BiFO Approved Resource Management Plan (BiFO ARMP). The ROD and ARMP are in compliance with all Federal laws, regulations, and policy. Potential emissions of air pollutants from the exploration, development, and onsite production phases associated with the RFD for these parcels (see Appendix C) have been addressed in the BiFO Proposed RMP and FEIS, June 2015. Air pollutant control measures were included as part of the air resource analysis in the BiFO RMP Final EIS. Additional detailed information on control measures included in the analysis can be found in the Air Resource Technical Support Document (ARTSD) for Emission Inventories, Near-Field Modeling, and Visibility Screening, October 2014 (BLM ARTSD, 2014). As a result, two oil and gas stipulations LN 14-18 (Air Resource Analysis) and CSU 12-23 (Air Resources) have been applied to all lease parcels (see Appendix A) for the conservation of air resources. No additional analysis is required at this time.</p>			
28	Center for Biological Diversity	Scoping and EA	<p>Types of Air Emissions</p> <p>BLM must disclose the type, extent, or source of emissions from unconventional oil and gas extraction methods, such as fracking. The rapid expansion of unconventional oil makes the impacts associated with fracking foreseeable.</p> <p>The EIS should study the potential for oil and gas operations sites in the planning area to emit such air toxics and any other pollutants that may pose a risk to human health, paying particular attention to the impacts of air pollution on environmental justice communities that already bear the burden of disproportionately high levels of air pollution.</p>
<p>BLM Response: See response to Comment 25.</p>			
29	Center for Biological Diversity	Scoping and EA	<p>Sources of Air Emissions</p> <p>Harmful air pollutants are emitted during every stage of unconventional oil and gas recovery, including drilling, completion, well stimulation, production, and disposal. The EIS must provide an adequate analysis and disclosure of the effects the lease sale could have on air quality, including the impacts that would result from fracking. BLM cannot postpone the discussion of air pollution and climate change impacts until site-specific plans are proposed.</p>
<p>BLM Response: See response to Comment 25.</p>			

Comment Number	Name	Comment Period	Comment Summary
30	Center for Biological Diversity	Scoping and EA	<p>Impact of Increased Air Pollution</p> <p>The EIS should incorporate a literature review of the harmful effects of each of these chemicals known to be used in fracking and other unconventional oil and gas extraction methods. Without knowing the effects of each chemical, the EIS cannot accurately project the true impact of unconventional oil and gas extraction.</p>
BLM Response: See response to Comment 25.			
31	Center for Biological Diversity	Scoping and EA	<p>Air Modeling</p> <p>BLM must employ readily-available air quality modeling tools to understand what areas and communities will most likely be affected by air pollution in any environmental review of this lease parcel sale. It is crucial to gather independent data rather than relying on industry estimates, which may be inaccurate or biased. Wind and weather patterns, and atmospheric chemistry, determine the fate and transport of air pollution over a region, over time.</p>
BLM Response: The BLM did conduct air modeling for potential oil and gas development as part of the air analysis included in the BiFO RMP Final EIS (BLM, 2015). Additional detailed information on estimated air pollutant emissions (including GHGs) can be found in the Air Resource Technical Support Document (ARTSD) for Emission Inventories and Near-Field Modeling, October 2014 (BLM ARTSD, 2014). The air resources analysis includes a discussion of short term and long term impacts to air quality from reasonably foreseeable oil and gas development.			
32	Center for Biological Diversity	Scoping and EA	<p>BLM Must Disclose Greenhouse Gas Emissions and Impacts to Climate From Oil and Gas Drilling, Processing, Transport, and Combustion</p> <p>BLM must analyze the impacts of increased oil and gas development on GHG emissions and climate change based on the proposed Montana and Dakota lease sales. Although BLM's Climate Change Supplementary Information Report for Montana, North Dakota, and South Dakota (Climate Change SIR, 2010) provides a useful broad-based analysis of climate impacts to Montana and the Dakotas, because of the readily foreseeable emissions consequences of additional leasing, BLM must provide site-specific emissions analyses for the proposed lease parcels.</p> <p>The final CEQ <i>Guidance on Consideration of Greenhouse Gas Emissions and the Effects of Climate Change in NEPA Reviews</i> remains persuasive on the issue of federal agency review of greenhouse gas emissions as foreseeable direct and indirect effects of the proposed action. Although the 2016 CEQ guidance has been "withdrawn for further consideration," 82 Fed. Reg. 16,576 (April 5, 2017), the underlying requirement to consider climate change impacts under NEPA, including indirect and cumulative combustion impacts foreseeably resulting from fossil fuels leasing decisions, has not changed.</p> <p>The volume of potential oil and gas from these lease parcels is knowable and calculating the direct emissions impact from development of these lease parcels is also quantifiable. BLM must make reasonable efforts to quantify foreseeable GHG emissions that could result from new leasing within the</p>

Comment Number	Name	Comment Period	Comment Summary
			<p>Montana and North Dakota regions proposed for lease—including emissions from construction, operating fossil-fuel powered equipment during production, reclamation, transportation, processing and refining, and combustion of the extracted product.</p> <p>Only by conducting a comprehensive EIS can BLM accurately weigh the climate change costs and benefits of alternatives and address sources of greenhouse gases and effects of climate change. A no new leasing alternative is, therefore, not only reasonable but also imperative. As BLM has not yet had a chance to consider a no new leasing and no fracking alternative as part of its planning processes, BLM should suspend new leasing until it properly considers this alternative in an updated RMP or in the EIS.</p>
<p>Response: This EA is tiered to the information and analysis and conforms to the decisions contained in the 2015 Rocky Mountain Region Record of Decision (ROD), the Billings Approved Resource Management Plan (BiFO RMP), September 2015, and the Billings and Pompeys Pillar National Monument Proposed Resource Management Plan and Final Environmental Impact Statement, June 2015. The ROD, ARMP and FEIS comply with all Federal laws, regulations, and policy.</p> <p>The BiFO ARMP and FEIS includes an assessment of the direct, indirect, and cumulative impacts from oil and gas development on air resources. It includes quantification and analysis of air pollutants of concern including GHGs and an Adaptive Management Strategy for Oil and Gas Resources (see Appendix P) which outlines a multifaceted approach for addressing oil and gas emissions, monitoring, modeling, and mitigation. The Billings ARMP is a 'landscape level' look at leasing. The Reasonably Foreseeable Development Scenario analyzed impacts from oil and gas development over the next 20 years within the Field Office boundary.</p> <p>Air pollutant control measures were included as part of the air resource analysis in the BiFO RMP Final EIS. Additional detailed information on control measures included in the analysis can be found in the Air Resource Technical Support Document (ARTSD) for Emission Inventories, Near-Field Modeling, and Visibility Screening, October 2014 (BLM ARTSD, 2014). As a result, two oil and gas stipulations LN 14-18 (Air Resource Analysis) and CSU 12-23 (Air Resources) have been applied to all lease parcels (see Appendix A) for the conservation of air resources.</p> <p>The EA includes an assessment of air quality and climate for the lease parcels, including an assessment of potential emissions of air pollutants from the exploration, development, and onsite production phases associated with the RFD for these parcels. Table 8 on page 31 of the EA shows estimated air pollutant emissions based on the potential RFD for this lease sale proposal. Calculations are based on typical development and production scenarios within the Billings planning area.</p> <p>CSU 12-23 and LN 14-18 have been applied to all parcels, and would provide for conservation of air resources. CSU 12-12 states: <i>Surface occupancy and use is subject to the requirement that each diesel- fueled non-road engine with greater than 200 horsepower design rating to be used during drilling or completion activities meets one of the following two criteria: (1) the engine was manufactured to meet USEPA NOx emission standards for Tier 4 non-road diesel engines, or (2) the engine emits NOx at rates less than or equal to USEPA emission standards for Tier 4 non-road diesel engines.</i></p> <p>LN 14-18 states: <i>The lessee/operator is given notice that prior to project-specific approval, additional air resource analyses may be required in order to comply with the NEPA, FLPMA, and/or other applicable laws and regulations. Analyses may include equipment and operations information, emission</i></p>			

Comment Number	Name	Comment Period	Comment Summary
<i>inventory development, dispersion modeling or photochemical grid modeling for air quality and/or air quality related value impact analysis, and/or emission control determinations. These analyses may result in the imposition of additional project- specific control measures to protect air resources.</i>			

Cultural Resources

Comment Number	Name	Comment Period	Comment Summary
33	Nash, Carol & Jerry O'Connor, Mike Beug, Susann, Carbon County Resource Council	Scoping	Concerned about impacts to Native American cultural resources and fossils. Parcels MTM 105431 KG and KQ and 108952 FE, FF, FG, FH, FJ, FK, and FL are located on land that was home to the Absaalooke tribe.
34	Gray, Becky Katz, David Keup, Kristeen Moses, Anne Moses, Laurie Ross, Christine Westrum, Rita Wilson-Moses, Charlie Wilson-Moses, Margaret	Scoping	Fishtail Butte should be preserved. The site is important to the Crow Indians because of vision quests by Chief Medicine Crow. BLM should analyze this area as a potential Traditional Cultural landscape.
35	Moura, Guy, THPO, Confederated Tribes of the Colville Reservation Baird, THPO, Nez Perce Tribe	Scoping	The proposed leases are in the vicinity of the Nez Perce National Historic Trail. The Tribe expects the BLM to honor its trust responsibility to protect the NPNHT and any associated sites and burials from oil and gas drilling operations. Provisions will be included in the lease agreement for no surface occupancy with ½ mile of the NPNHT and 300 feet of any NRHP eligible property. This buffer may not be sufficient as the NPNHT is often much wider than the official designation and the parcels have not been surveyed for cultural resources. I also expect the BLM will include ethnographic research with the Nez Perce Tribe to identify traditional cultural properties and sacred sites so the agency can consider effects to these resources in its decision making.
BLM response to 33, 34, and 35: This EA is tiered to the information and analysis and conforms to the decisions contained in the 2015 Rocky Mountain Region Record of Decision (ROD) and Billings Approved Resource Management Plan (BiFO ARMP). The ROD and ARMP are in compliance with all Federal laws, regulations, and policy. The direct, indirect, and cumulative effects of oil and gas leasing across the Billings field office were evaluated in the FEIS for the ARMP.			

Comment Number	Name	Comment Period	Comment Summary
This EA disclosed the effects to cultural resources on the 76 proposed parcels (See Sections 3.15, 16, and 17). Cultural resources are protected via No Surface Occupancy Stipulation 11-120 and cultural inventory requirements (Lease Notice 14-33). There are no parcels that overlay Fishtail Butte. Those closest parcels are approximately one-third to one-half mile away. The Nez Perce National Historic Trail is covered by Stipulation NSO 11-120 as well as NSO 11-119. Although the NPNHT is depicted as a line on maps, the managed trail corridor is one mile wide, with the addition of a ½ mile buffer generated by stipulation NSO 11-119. Lease Notice 14-33 would apply to any portions of leased parcels not covered by the trail buffer.			
36	Salish Kootenai	EA	After conducting research through our CSKT Database and the MT SHPO Database, there are sites within or near some of these leases. I would defer to any other comments that the other area tribes may have made if any. Please let me know the latest regarding this project.
BLM Response: The Tribe's request to be kept informed is noted and will be followed. The Nez Perce Tribe, the Confederated Tribes of the Colville Reservation on behalf of member tribe the Chief Joseph Band of Nez Perce, and the Northern Cheyenne Tribe have also requested to be informed as the lease process moves forward. Tribal governments would be notified if an APD is submitted that has more specific information about proposed well locations.			
37	Northern Cheyenne	EA	What are the protection efforts for "Sites that have been determined not eligible for the National Register are no longer managed by the BLM", if the permit was to be approved? Will mitigation measures still be enforced with unmanaged sites as the NRHP eligible sites?
BLM Response: None of the parcels selected for the lease sale by the Billings Field Office contain cultural resources that have been determined not eligible for the National Register. All unevaluated cultural resources would be treated as if they had been determined eligible for the National Register of Historic Places so all necessary stipulations would apply.			

Water Resources (see also FONSI)

Comment Number	Name	Comment Period	Comment Summary
38	Burt Williams; Beartooth Front Citizens Initiated Zoning Committee	Scoping	Expect to see careful consideration of water issues and aquatic and riparian areas as oil and gas is developed. Ensure that development does not adversely affect our water and water-based resources. <i>See combined response</i>
39	Elmy, Ronny Paul, Wayne and Arlene	Scoping	Ensure private wells on split estate are protected <i>See combined response</i>
40	Falcione, Amy	Scoping	Concerned about risk of groundwater contamination <i>See combined response</i>
41	Kemp, Joel	Scoping	Concerned about contamination to Meadow Creek and damage to soil and wetland resources.

Comment Number	Name	Comment Period	Comment Summary
<p>BLM Response to 38 - 41: MTM-108952-DU has CUS 12-59 applied. 79010-JJ has both CUS12-59 and NSO 11-69 stipulations applied. Parcel numbers 105431-HW and 79010-8R do not contain and mapped BLM listed sensitive soils or rock outcrops. CSU 12-59 controls surface occupancy and use on sensitive soils, and requires a reclamation to reduce impacts to soil and water resources. NSO 11-69 prohibits surface occupancy and use on badlands and rock outcrop.</p>			
42	Beug, Susann, Carbon County Resource Council, Greater Yellowstone Coalition	Scoping	<p>Concerned about adverse impacts to surface waters from oil and gas development on the parcels. Impacts to water could potentially have negative impacts on human health, wildlife and vegetation in Carbon and Sweet Grass Counties.</p> <p>Ask the BLM to consider water quality regarding MTM 108952-FS. Mendenhall Creek is just south of this parcel and could be negatively impacted.</p> <p>Parcels MTM 105431- KQ, 108952-FE and FF border the Clarks Fork of the Yellowstone River, which is used by farmers and ranchers for irrigation and a water sources for many Montanans downstream.</p>
<p>BLM Response: BLM requires state and federal environmental laws to be followed and adhered to. The BLM does identify areas specifically for surface water, ground water, wetlands, and riparian areas, such stipulations are as follows: NSO 11-71 which looks at Source Water Protection Areas and states that “Surface occupancy and use is prohibited within State-designated Source Water Protection Areas.” NSO 11-125 which looks at Riparian, Water, Wetlands, and Floodplains and states that “Surface occupancy and use is prohibited for oil and gas exploration and development within perennial or intermittent streams (as indicated by obligate wetland species or hydric soils), lakes, ponds, and reservoirs, 100-year floodplains, wetlands, and riparian areas.” CSU 12-25 which looks at Riparian, Wetlands and states that “Surface occupancy and use is subject to the following operating constraints: prior to surface occupancy and use within 300 feet of riparian and/or wetland areas, a plan must be approved by the AO with design features that demonstrate how all actions would maintain and/or improve the functionality of riparian/wetland area. The plan would address: 1. Potential impacts to riparian and wetland resources, 2. Mitigation to reduce impacts to acceptable levels (including timing restrictions), 3. Post-project restoration, and 4. Monitoring (the operator must conduct monitoring capable of detecting early signs of changing riparian/or wetland conditions.”</p>			
43	Bush, Jodi; USFWS	Scoping	<p>We recommend that the EA discuss anticipated unavoidable impacts to wetlands and streams and measures proposed to avoid, minimize, and compensate for impacts to these resources. Wetlands should be delineated in the field per U.S. Army Corps of Engineers (Corps) procedures, and appropriate permits acquired from the Corps, prior to disturbance of such areas. We also recommend that compensatory stream and wetland mitigation that appropriately replaces lost stream and wetland functions is implemented and functional prior to disturbance of such areas in conjunction with the project(s).</p>
<p>BLM Response: No additional analysis is required at this time. As stated in Section 3.8, offering 76 parcels for lease would have no direct impacts on water resources. Any potential effects on water from the sale of lease parcels would occur at the time the leases are developed at the APD stage. Consequently, there are no anticipated and unavoidable impacts to wetlands and streams as a result of the leasing of these parcels. During subsequent development at the APD stage, no surface disturbance is allowed in wetlands, riparian areas, floodplains, rivers, streams, and waterbodies due to a no surface occupancy stipulation being applied at this leasing stage (NSO 11-125).</p>			

Comment Number	Name	Comment Period	Comment Summary
<p>Upon receipt of an APD, the BLM would coordinate with the appropriate Surface Management Agency (SMA) and initiate a site-specific NEPA analysis with public review opportunities to more fully analyze and disclose site-specific effects of specifically identified activities. At that time, alternatives would be considered and any additional conditional of approval/mitigation would be applied to address potential future impacts that may arise in the site specific analysis. This analysis would include identification of any jurisdictional or non-jurisdictional wetlands and waterbodies/streams which may be impacted, corresponding mitigation, and requisite permits.</p>			
44	Northern Plains Resource Council	EA	<p>The EA’s review of impacts to water quality is inadequate. Oil and gas developers in Montana are not required to conduct baseline water testing on nearby water sources either before, during, or after development. As a result, there is no assurance that the many water resources nearby the parcels proposed for lease in the March 13th, 2018 oil and gas. Disposal of liquid wastes associated with oil and gas development also pose a severe risk to the groundwater and surface water near the proposed parcels. The state of Montana falls far short of industry best practices when it comes to required well casings that ensure oil and gas wells do not leak oil, water, gas, or other materials into the strata through which an oil or gas well is bored. Montana also does not require pressuring testing of wells. Pressure testing wells confirms that well casings are not leaking.</p> <p>This lack of protections for surface and groundwater in Montana is particularly problematic as regards the March 13th, 2018 oil and gas lease sale. The majority of the parcels in Sweet Grass, Stillwater, and Carbon Counties are within the watershed of major rivers, critical for domestic drinking water and irrigation, namely, the Yellowstone River and the Clarks Fork Yellowstone River. Any negative impact to surface waters from oil and gas development in the region poses a significant risk to human health and public safety by endangering both groundwater and surface domestic and municipal water supplies. The cumulative impacts of development on the scale made possible by the scope of the March 13th, 2018 oil and gas lease sale are potentially severe and require a full Environmental Impact Statement for all the parcels included in the lease sale before the BLM moves forward with the sale.</p>
<p>BLM Response: Additional analysis of potential impacts to water resources from future fluid mineral development (potential development at the APD stage) were added to the EA (Sections 3.3 and 3.8). However, as stated in Section 3.8, offering 76 parcels for lease would have no direct impacts on water resources. Any potential effects on water from the sale of lease parcels would occur at the time the leases are developed at the APD stage. Consequently, there are no anticipated and unavoidable impacts to wetlands and streams as a result of the leasing of these parcels. NSO 11-125 prohibits surface disturbance in allowed in wetlands, riparian areas, floodplains, rivers, streams, and waterbodies.</p> <p>Upon receipt of an APD, the BLM would coordinate with the appropriate Surface Management Agency (SMA) and initiate a site-specific NEPA analysis with public review opportunities to more fully analyze and disclose potential effects of specifically identified activities. At that time, any additional mitigation and</p>			

Comment Number	Name	Comment Period	Comment Summary
<p>conditions of approval would be identified to address potential future impacts that arise in the site specific analysis. This would include a thorough inventory of any water resources that may be impacted and a more in depth, site specific analysis of potential impacts to those resources.</p>			
45	Northern Plains Resource Council	EA	<p>The EA’s review of water quantity is inadequate. Water quantity in the regions impacted by the lease sale also deserves consideration within a full Environmental Impact Statement reviewing cumulative impacts. While impossible to know precisely what methods operators will use to develop the nominated parcels, many development techniques require the use of significant amounts of water. Where this water might be sourced presents another major concern regarding the lease sale’s cumulative impacts as local sourcing of drilling water could put severe strain on local and regional water resources.</p>
<p>BLM Response: Additional analysis of potential impacts to water resources (at the APD stage) from future fluid mineral development was added to the EA (Sections 3.3 and 3.8). Oil and Gas drilling operations could impact available quantities of surface water and groundwater. The potential for impacts depends on the combination of water withdrawals and water availability at a given withdrawal location. Where water withdrawals are relatively low compared to water availability, adverse impacts are unlikely to occur. Where water withdrawals are relatively high compared to water availability, impacts are more likely. Compliance with state regulations would help mitigate the impacts of water withdrawals on surface and groundwater by ensuring that water rights are established for all beneficial uses of water, ensuring that water resources are not over-appropriated, and considering the impacts of water withdrawals to groundwater wells and hydraulically connected surface waters.</p> <p>As stated in Section 3.8, offering 76 parcels for lease would have no direct impacts on water resources. Any potential effects on water from the sale of lease parcels would occur at the time the leases are developed at the APD stage. Consequently, there are no anticipated and unavoidable impacts to water quantity as a result of the leasing of these parcels.</p> <p>Upon receipt of an APD, the BLM would coordinate with the appropriate Surface Management Agency (SMA) and initiate a site-specific NEPA analysis with public review opportunities to more fully analyze and disclose potential effects of specifically identified activities. At that time, alternatives would be considered and any additional conditions of approval/mitigation would be identified to address potential future impacts that arise in the site specific analysis. This would include a thorough inventory of any water resources that may be impacted and a more in depth, site specific analysis of potential impacts to those resources, including water availability.</p>			
46	Center for Biological Diversity	Scoping and EA	<p>BLM Must Evaluate Potential Impacts to Water Quality, Including From Hydraulic Fracturing, Waste Disposal, Spills, and Pipeline and Road Construction.</p> <p>NEPA regulations and case law require that BLM evaluate all “reasonably foreseeable” direct and indirect effects of its leasing. 40 C.F.R. § 1508.8; <i>Davis v. Coleman</i>, 521 F.2d 661, 676 (9th Cir. 1975); <i>Center for Biological Diversity, et al. v. Bureau of Land Management, et al.</i>, 2013 U.S. Dist. LEXIS 52432; 43 ELR 20076 (N.D. Cal. March 31, 2013) (holding that oil and gas leases were issued in violation of NEPA where BLM failed to prepare an EIS and unreasonably concluded that the leases would have no</p>

Comment Number	Name	Comment Period	Comment Summary
			<p>significant environmental impact because the agency failed to take into account all reasonably foreseeable development under the leases).</p> <p>BLM must fully disclose and analyze the indirect and cumulative impacts of increased oil and gas leasing (including hydraulic fracturing, horizontal drilling, and multi-stage fracking) and resulting development on water quality, including, in particular, water quality in the Clark Fork of the Yellowstone River. BLM must give close attention to indirect effects including potential future pipelines that cross the river. On the west side of the Clark Fork, groundwater is very shallow and part of a fluvial aquifer with fast groundwater migration. No leasing should occur without full consideration of potential pathways for contamination of that groundwater, and the health, economic, and other effects on the people and wildlife that rely on ground and surface water in the area.</p>
<p>BLM Response: Additional analysis of potential impacts to water quality from future fluid mineral development was added to the EA (Section 3.3 and 3.8). As stated in Section 3.8, offering 76 parcels for lease would have no direct impacts on water resources. Any potential effects on water from the sale of lease parcels would occur at the time the leases are developed at the APD stage. Upon receipt of an APD, the BLM would coordinate with the appropriate Surface Management Agency (SMA) and initiate a site-specific NEPA analysis with public review opportunities to more fully analyze and disclose potential effects of specifically identified activities. At that time, alternatives would be considered and any additional conditions of approval / mitigation would be identified to address potential future impacts that arise in the site-specific analysis. This would include a thorough inventory of any water resources that may be impacted and a more in depth, site specific analysis of potential impacts to those resources, including water quality.</p> <p>The use of any specific water source on a federally administered well requires review and analysis of the proposal through the NEPA process, which will be completed at the APD stage. The Gold Book, Surface Operating Standards and Guidelines for Oil and Gas Exploration and Development (BLM and USFS 2007), would be followed, and site-specific mitigation measures, BMPs, and reclamation standards would be implemented and monitored in order to minimize effects to water resources. All proposed actions must comply with local, state, and federal regulations, including Montana water laws.</p>			
47	Earth Justice	EA	<p>The four EAs addressing the sale fail to analyze and disclose the reasonably foreseeable impacts to groundwater from oil and gas development on those leases, as required by the National Environmental Policy Act (NEPA). Since 1988, BLM’s Onshore Order No. 2 has required operators to construct wells to isolate and protect aquifers containing “usable water,” defined as having up to 10,000 ppm total dissolved solids (TDS). 53 Fed. Reg. 46,798, 46,801, 46,805 (Nov. 18, 1988). BLM adopted the 10,000 ppm standard because it matched the definition of “underground source of drinking water” used by EPA in administering the Safe Drinking Water Act (SDWA). See id. at 46,798 (citing 40 C.F.R. § 144.3). When BLM issued its 2015 hydraulic fracturing rule, it made a housekeeping change amending the applicable provision in the Code of Federal Regulations to conform with the Onshore Order No. 2 usable water requirement. 80 Fed. Reg. 16,128, 16,141–42 (Mar. 26, 2015). But in opposing the hydraulic fracturing rule, several industry trade associations and states informed the court that there has been</p>

Comment Number	Name	Comment Period	Comment Summary
			<p>widespread non-compliance with the 10,000 ppm standard, despite the fact that Onshore Order No. 2 is a legally-binding regulation promulgated by notice-and-comment rulemaking. See 53 Fed. Reg. at 46,798; 43 C.F.R. § 3164.1(b). WEA has explained that requiring companies to protect all underground sources of drinking water would result in substantial additional costs for “casing and cementing associated with isolating formations that meet the numerical definition of usable water under the [Onshore Order No. 2 standard], but which are located at depths deeper than the zones that state agencies and BLM field offices have previously designated as requiring isolation.”</p> <p>Industry’s admissions raise a significant environmental concern that BLM must address before issuing new leases. Accepting WEA’s statements as true, BLM and energy companies have been putting numerous underground sources of drinking water at risk. In its 2016 hydraulic fracturing study, the Environmental Protection Agency (EPA) noted that “the depth of the surface casing relative to the base of the drinking water resource to be protected is an important factor in protecting the drinking water resource.” While water with salinity approaching 10,000 ppm TDS is considered “brackish,” such aquifers are increasingly being used for drinking water. In fact, EPA adopted the 10,000 ppm standard based on the 1974 legislative history of SDWA, which explained that Congress intended SDWA to “protect not only currently-used sources of drinking water, but also potential drinking water sources for the future.” H.R. Rep. No. 93-1185 (1974), 1974 U.S.C.C.A.N. 6454, 6484.</p> <p>Our concerns are underscored by recent research showing that it is very common in this region for hydraulic fracturing and oil and gas production to occur in shallow formations that have only limited vertical separation from underground sources of drinking water. Fracturing and production also sometimes occur within an aquifer that represents an underground source of drinking water. WEA’s description of widespread non-compliance with Onshore Order No. 2, and the evidence of shallow production and fracturing, raise a significant environmental issue that must be addressed as a reasonably foreseeable effect of the lease sale. Moreover, BLM’s analysis must “state how alternatives considered in it and decisions based on it will or will not achieve the requirements of [NEPA] and other environmental laws and policies.” 40 C.F.R. § 1502.2(d). The Council on Environmental Quality regulations also require a discussion of possible conflicts with the objectives of state, local and federal land use plans, policies and controls for the area concerned. 40 C.F.R. § 1502.16(c). An assessment of this problem requires an EIS because the cumulative effects of such widespread noncompliance plainly may have a significant impact on groundwater and public health. The fact that BLM proposes to use four separate EAs for the same lease sale further illustrates how the existing analyses fail to address such cumulative impacts.</p>

Comment Number	Name	Comment Period	Comment Summary
			Ignoring evidence of widespread noncompliance with BLM's standards for protecting underground sources of drinking water would violate NEPA. To make an informed decision on whether to lease these lands BLM needs to know whether doing so will put underground sources of drinking water at risk, and what additional stipulations or other steps are needed to prevent such contamination.
<p>BLM Response: Additional analysis of potential impacts to water resources from future fluid mineral development were added (See Sections 3.3 and 3.8). As stated in Section 3.8, offering 76 parcels for lease would have no direct impacts on water resources. Any potential effects on water from the sale of lease parcels would occur at the time the leases are developed at the APD stage. Upon receipt of an APD, the BLM would coordinate with the appropriate Surface Management Agency (SMA) and initiate a site-specific NEPA analysis with public review opportunities to more fully analyze and disclose potential effects of specifically identified activities. At that time, alternatives would be considered and any additional conditions of approval / mitigation would be identified to address potential future impacts that arise in the site specific analysis. This would include a thorough inventory of any water resources that may be impacted and a more in depth, site specific analysis of potential impacts to those resources, including water quality. As stated in the EA, All proposed actions must comply with local, state, and federal regulations, including Montana water laws (EA, p 50).</p>			
48	US Army Corps of Engineers	EA	<p>The Corps understands that this EA is programmatic in nature and analysis includes sales within nominated parcels of Mussleshell, Sweet Grass, Stillwater, Golden Valley, Wheatland and Carbon counties, Montana. Upon development of the leased parcels, additional National Environmental Policy Act (NEPA) would be conducted on the proposed actions of leased parcels at that time when a lease holder submits an Application for Permit to Drill (APO). It is noted within this EA that the combined parcels contain 5.16 miles of perennial stream and 86.57 miles of intermittent stream, as well as 1,072.5 acres of waterbodies and wetlands. The Corps requests to remain informed on those NEPA analyses in the event that a Section 404 permit is needed, even if Stipulation NSO 11-125 and Stipulation CSU 12-25 are implemented.</p> <p>Currently, a moratorium is on parcels for Corps-owned and Corps-managed properties. None of these parcels appear to be located beneath Corps-owned or operated surfaces; nor do the Federal minerals of this parcel fall under the jurisdiction of the Corps.</p>
<p>BLM Response: Thank you for your comments. The BLM would conduct additional NEPA at the APD stage, and project proponents would be required to obtain all necessary permits prior to site disturbance.</p>			
49	Emily Meek	EA	<p>As a member of the family owned surface rights, and shareholder in the LLC Tony Creek Minerals rights surrounding the parcel number MTM 108952-GM to be found on our property in Sweet Grass County, T5N, R15E Section 24, I am deeply troubled that exploration and extraction of oil and gas will result in irreparable harm, not only to the steep and varied terrain, but to the aquifer which extends throughout the Musselshell basin and beyond. As we all have been made acutely aware, extraction from oil shales uses immeasurable quantities of water, and destroys the aquifers that have sustain d our farming and ranching communities for generations. We are also acutely aware of the ongoing and sustained drought conditions of the central plains region. Rivers and streams that used to flow with enough volume back in</p>

Comment Number	Name	Comment Period	Comment Summary
			the mid-20th Century to sustain ample fish and wildlife populations, as well as domestic production, are either completely dried up, or trickles of their former imprint. It is for these reasons that those of us who own the mineral rights surrounding these 80 acre parcels, will never lease to any mineral extraction company.
BLM Response: See response to Comment #42.			

Threatened / Endangered Species

Comment Number	Name	Comment Period	Comment Summary
50	Bush, Jodi; USFWS	Scoping	<p>Listed and proposed threatened and endangered species, candidate species, and designated critical habitat that may be present in counties containing the proposed lease parcels (are listed below). If a federal agency authorizes, funds, or carries out a proposed action, the responsible federal agency, or its delegated agent, is required to evaluate whether the action “may affect” listed species or critical habitat. If the federal agency or its designated agent determines the action “may affect, is likely to adversely affect” listed species or critical habitat, the responsible federal agency shall request formal section 7 consultation with this office. If the evaluation shows a “may affect, not likely to adversely affect” determination, concurrence from this office is required. If the evaluation shows a “no effect” determination for listed species or critical habitat, further consultation is not necessary.</p> <p>Carbon County: Canada lynx, Wolverine, Wester Glacier Stonefly, Whitebark pine Golden Valley: Canada lynx, Red knot, Whitebark pine Musselshell: None Stillwater: Canada lynx, Piping plover, Red knot, Wolverine, Whitebark pine Sweet Grass: Canada lynx, Wolverine, Whitebark pine Wheatland: Canada lynx, Grizzly bear, Wolverine, Whitebark pine</p>
BLM Response: Piping plover and western glacier stonefly were added to Table 10 in the EA, and the discussion of listed species was updated to include discussion of all of the listed species potentially present in the lease parcels. Offering parcels for lease would have no effect to listed species because the parcels do not contain suitable habitat or are covered with a no surface occupancy stipulation. Additional site-specific NEPA would be conducted at the time an APD is submitted and consultation with FWS would be completed, if necessary.			

Fisheries

Comment Number	Name	Comment Period	Comment Summary
51	Gray, Becky; Katz, David; Keup, Kristeen; Moses, Anne; Moses, Laurie; Ross, Christine; Hand, William, Stillwater Protective Association; Westrum, Rita; Wilson-Moses, Charlie; Wilson-Moses, Margaret	Scoping	Provide a thorough assessment of YCT and ensure protection of Yellowstone cutthroat trout. Enforce the NSO within ½ mile of YCT habitat. MTM 105431-HW, MTM 79010-8R, MTM 79010-JJ could violate this requirements at Meadow Creek, Fishtail Creek, Fiddler Creek, and West Rosebud Creek.
<p>BLM Response: Parcels MTM 105431-HW, MTM79010-8R and MTM79010-JJ have NSO stipulations as well as others. Parcels within ½ mile of YCT conservation or core populations have NSO stipulations applied. The BLM uses YCT data provided by MT FWP to delineate these populations/habitats. The streams mentioned in the comment do not contain these core/conservation populations.</p>			
52	Warden, Darcie; Greater Yellowstone Coalition	Scoping	The BLM is a signatory partner to the Cooperative Conservation Agreement for Yellowstone Cutthroat Trout (YCT) in Montana. The BLM should consult with its partner agencies and review the conservation priorities under the current CCA plan of work to assure these prospective lease areas do not impair present and future YCT conservation efforts. Given the probability of road construction and the resulting sedimentation along with possible permanent habitat loss from pad development and spill pollution, the BLM review may find several additional prospective parcels are unsuitable for further consideration.
<p>BLM Response: The Billings FO consulted with partners, with regard to the CCA when developing the 2015 ARMP. The ARMP adopted conservation measures consistent with the agreement to protect cold water streams and YCT populations, habitat and potential future habitat. Any lease within ½ mile of a YCT Core or Conservation population has an NSO stipulation applied that prohibits surface use to protect aquatic resources. Perennial streams with potential for YCT expansion, NSO stipulations are applied within the waterbody and riparian area; a CSU is applied to these streams that requires an approved plan of development within 300' of the waterbody/riparian area. In addition, if an APD was applied for on a lease, Conditions of Approval would be applied on a case by case scenario along with site specific NEPA analysis of potential effects to sensitive resources, including YCT habitat.</p>			
53	Trout Unlimited	EA	Proposed stipulations to not adequately protect fisheries in Stillwater and Sweet Grass Counties. Stillwater County #2: Parcels MTM108952-FN and MTM108952-FV.

Comment Number	Name	Comment Period	Comment Summary
			<p>This portion of the Yellowstone River is considered a critical or important spawning area for rainbow trout, has been identified by Montana Fish, Wildlife and Parks (MWFP) as Yellowstone cutthroat trout (YCT) expansion habitat, and east of Reed Point, the river is a popular blue ribbon brown trout fishery, particularly in the fall.</p> <p>Trout Unlimited has concerns that the lease parcels south of the river (identified as “FN”) do not have any stipulations attached to them. Sectionhouse Creek, a tributary to the Yellowstone River, is a perennial coldwater stream that contains important trout waters and is identified as expansion habitat for YCT downstream from the parcels at the confluence of the Yellowstone (see Map 1). These parcels are located less than one-quarter mile from the creek and we recommend more protection stipulations be applied, such as NSO, to these parcels. Any parcels on or near tributaries (such as this lease) should take special precautions against any drilling activity impacts that could harm the integrity of this tributary and downstream impacts to the Yellowstone River.</p> <p>For Parcels MTM 108952-FV located north of the Yellowstone River, we appreciate that timing limitations have been applied; however, we also recommend the BLM apply NSO stipulations to the one parcel located just north of the Yellowstone River and along the Lewis and Clark National Historic Trail.</p> <p>Finally, the remaining lease parcels shown on Map 1 for this area that are located on or adjacent to streams, including intermittent streams, we request the application of minimal buffer requirements attached to the lease to protect the integrity of the watershed, soils, and minimize sedimentation potential from the impacts of mining activities.</p>
<p>BLM Response: MTM108952-FN adjacent to Section House Creek has two Controlled Surface Use stipulations applied that help minimize or avoid impacts to aquatic resources: 12-25 (Development within 300’ of a riparian area would not be allowed without an approved plan that demonstrates the minimization of impacts to aquatic and riparian resources); 12-47 (Big Game Winter Range conservation measure to ensure low densities of development and an approved plan that demonstrates impacts to resources would be minimized or avoided). Other portions of FN, east of Section House Creek, have NSO 11-136 applied (Surface occupancy and use is prohibited due to Crucial Winter Range).</p> <p>MTM108952-FV has three CSUs applied, including CSU 12-25; and three NSOs, prohibiting surface occupancy and use, including 11-119 (National Historic Trails), 11-125 (Riparian, Water, Wetlands) and 11-136 (Crucial Winter Range).</p> <p>The Billings FO ARMP established regulations to protect and conserve water and riparian resources, which are applied to any parcel within a designated distance from said resources. CSU 12-25 was approved and is applied to parcels if within 300’ of a riparian area or waterbody lease sale wide. Additional stipulations are applied where resources are identified, such as blue ribbon fisheries and YCT core/conservation populations.</p>			

Comment Number	Name	Comment Period	Comment Summary
54	Trout Unlimited	EA	<p>Proposed stipulations to not adequately protect fisheries in Stillwater and Sweet Grass Counties. Sweet Grass County #1: Parcels MTM108952-GJ and MTM1952-F9.</p> <p>The parcel located adjacent to Sweet Grass Creek (MTM 108952-GJ), a tributary of the Yellowstone River, has concerns for TU (see Map 2). This small parcel, located within one-quarter of a mile on the west side of Sweet Grass Creek, should contain NSO stipulations rather than the CSU stipulations applied in the EA. Identified as both a trout stream with blue and red ribbon access, Sweet Grass Creek has also been identified as YCT expansion habitat. In order to protect the integrity of this cold, clear water for its sports fisheries importance (containing brown, brook, rainbow trout and mountain whitefish) and its future potential for YCT, we request a stronger stipulation. Lease stipulations for drilling on these parcels adjacent to important trout watersheds should have rigorous standards for effluent and other materials that have the potential to impact not just the important fisheries on Sweet Grass Creek but further downstream to the Yellowstone, one of Montana's most important fisheries with brown trout, mountain whitefish and burbot.</p> <p>We appreciate that Parcel MTM 108952-F9, located northwest of the North Fork Big Coulee Creek, has had both timing and NSO stipulations applied to it. We understand its importance to the Northern Redbelly Dace and can only request that the same standards for protection be applied to those previously mentioned parcels located adjacent to important fisheries watersheds.</p>
<p>BLM Response: Parcel GJ is identified in Appendix A as being covered by an NSO stipulation, except for one portion that is located approximately .74 miles from Sweet Grass Creek. The Billings Field Office recognizes the importance of cold water stream habitat and the sensitive nature of aquatic life associated with these streams, therefore appropriate stipulations are applied to the lease parcels with given proximities to these resources. In addition, during the APD process, when site specific NEPA is conducted to identify impacts to resources, conditions of approval are identified to further protect resources. Furthermore, all waterbodies and riparian areas are afforded stipulations designed (during RMP development, with input from interested parties including Trout Unlimited) to minimize the potential of adverse impacts to sensitive resources from BLM authorized activities.</p>			
55	Trout Unlimited	EA	<p>Proposed stipulations to not adequately protect fisheries in Stillwater and Sweet Grass Counties. Sweet Grass County # 4: Parcels MTM108952-GT.</p> <p>Parcels within the Bridger Creek drainage have the potential for inflicting significant impacts from drilling activities if not supplied with strong and protective stipulations (Map 3). While the EA provides NSO stipulations on several parcels in this drainage, TU supports NSO on all parcels that are headwaters and which drain into the Bridger Creek watershed. Bridger Creek enters the Yellowstone River near Greycliffs, an important and popular MFWP fishing access site. The river here is known as a trophy blue ribbon brown trout fishery and contains a robust population of mountain whitefish. In addition, YCT expansion habitat occurs throughout this drainage and in the Yellowstone River</p>

Comment Number	Name	Comment Period	Comment Summary
			downstream from the confluence of Bridger Creek and the Yellowstone. Finally, the Yellowstone in this section of river is known as a critical trout spawning area and any effluent residue from drilling activities or sedimentation deposition from the increased road and dust activities would impact fish rearing capabilities. We ask that timing limitations be applied during fish spawning periods and strong buffers are attached to these lease parcels.
BLM Response: The Billings Field Office has set parameters for applying NSO stipulations as per the 2015 ARMP. The act of leasing these parcels will have no impact to fisheries or any aquatic resources in the project area. At the time of APD and site specific NEPA analysis, if a lease was to be developed, actions and mitigation measures to minimize adverse impacts to aquatic resources would be considered and applied where and when appropriate.			

Sage-Grouse (see also FONSI)

Comment Number	Name	Comment Period	Comment Summary
56	Nash, Carol & Jerry Beug, Susann, Carbon County Resource Council Greater Yellowstone Coalition	Scoping	Concerned about adverse impacts that development of oil and gas parcels will have on sage grouse / sage-grouse ecosystems. Development of parcels pose a significant threat to core habitat, general habitat, and the connectivity of greater sage-grouse habitat. Recommend eliminating the following parcels from the sale until there can be more certainty on protections and management requirements for this sensitive species: MTM 105431-KG and KQ, MTM 108952 FF and FG.
BLM Response: The Billings FO ARMP, finalized in 2015, includes extensive information concerning sage-grouse habitat conservation. With regard to oil and gas development, sage-grouse Priority Habitat Management Areas are protected from potential impacts by an No Surface Occupancy stipulation, which states "Surface occupancy and use is prohibited". Sage grouse habitat in MTM 105431-KG and KQ, MTM 108952 FF and FG is protected by this NSO stipulation. See Appendix A.			
57	Bush, Jodi; USFWS	Scoping	Although no longer considered a candidate for listing under the ESA, the Service maintains great interest in this species and associated habitat and has committed to reviewing its status in 2020. The EA should discuss whether project parcels occur within core sage-grouse habitat as mapped by the State of Montana (Executive Orders 10-2014 and 12-2015), Priority Habitat Management Areas (PHMAs), or Restoration Habitat Management Areas (RHMA) as identified in the applicable BLM Resource Management Plan (RMP), or general habitat as delineated under both the EOs and RMPs.
BLM Response: As noted in Chapter 3, 17 of the lease parcels are within GRSG PHMA; 2 parcels are within 0.6 miles of a GRSG lek within GHMA; 1 parcel is within 0.6 miles of a GRSG lek within RHMA. Stipulation NSO 11-127 prohibits surface occupancy and use within greater sage-grouse Priority Habitat Management Areas. Stipulation NSO 11-128 prohibits surface occupancy and use within 0.6 miles of a greater sage-grouse lek. TL 13-40 prohibits surface use from March 1 through June 30 within three miles of sage-grouse leks in Restoration Habitat Management Areas and General Habitat Management Areas. Stipulation NSO 11-129 prohibits surface occupancy and use within 0.6 miles of a greater sage-grouse lek in Restoration Habitat Management Areas.			

Comment Number	Name	Comment Period	Comment Summary
58	Bush, Jodi; USFWS	Scoping	<p>Where applicable, the EA should discuss and analyze sage-grouse use and habitat quality on proposed lease parcels, and discuss how compliance with sage-grouse goals, objectives, management decisions, and procedures specified in the applicable RMP and appendices would be achieved. If State permitting is required for the project(s), we recommend that coordination (including sequential impact avoidance, minimization, reclamation, and compensation) with the DNRC, Conservation and Resource Development Division, regarding any applicable required compliance with Montana Executive Order 12-2015 and the Montana sage-grouse conservation strategy be clearly documented in the EA.</p> <p>Clear descriptions of impact avoidance and minimization measures (including lek buffers, construction timing, noise standards, etc.) would greatly facilitate the understanding of anticipated impacts and should also be provided where applicable. We recommend that any required or voluntary compensatory mitigation and proposed means of achieving this mitigation be specifically described in the EA. We recommend that any applicable compensatory mitigation proposal be commensurate with the degree of impacts and offset any unavoidable impacts remaining after application of avoidance and minimization measures. We refer you to the EOs, applicable RMPs, and the Service's September 2014 Greater Sage-Grouse Range-wide Mitigation Framework for further guidance regarding mitigation.</p>
<p>BLM Response: At the leasing stage, the location and extent of development is unknown. The EA evaluated effects based upon a Reasonably Foreseeable Development scenario (RFD), which predicted a total of 54 wells over 10 years (189-297 acres of short term surface disturbance and 94.5-148.5 acres of long term disturbance after reclamation). The development of a lease parcel undergoes a complete NEPA analysis during the Application for Permit to Drill (APD) stage of development, which is when site-specific analysis, identification of mitigation sequencing including compensatory mitigation, and coordination with MT DNRC would occur.</p>			
59	The Wilderness Society	EA Comment	<p>BLM has failed to consider the cumulative impacts of leasing in greater sage-grouse habitat. NEPA requires BLM to evaluate the cumulative impacts of this lease sale "resulting from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions." 40 C.F.R. § 1508.27(b)(7); Kern v. Bureau of Land Management, 282 F.3d 1062, 1075-77 (9th Cir. 2002). To satisfy this requirement, BLM's NEPA analysis must consider the cumulative impact of all the recent and currently-planned auctions in which BLM has offered hundreds of leases affecting sage grouse habitat protected under the RMPs. These sales include, but are not limited to:</p> <ul style="list-style-type: none"> December 2017 Montana sale: 187 out of 204 parcels offered; December 2017 Wyoming sale: of 45 parcels to be offered, 26 parcels are partly or entirely in PHMA, and 24 parcels are partly or entirely in GHMA;

Comment Number	Name	Comment Period	Comment Summary
			<ul style="list-style-type: none"> March 2018 Wyoming sale: 96 percent of parcels to be offered under the proposed alternative for Wind River/Bighorn Basin District are in sage grouse habitat, 3 and 37 parcels to be offered in the High Plains District are in PHMA or GHMA; June 2018 Wyoming sale: 44 parcels are located wholly in PHMA, 30 parcels contain both GHMA and PHMA, and 89 parcels are located wholly in GHMA. <p>BLM cannot lease hundreds of parcels covering many thousands of acres in Montana and Wyoming without considering the cumulative and trans-boundary impacts to the greater sage-grouse.</p>
<p>BLM Response: The RMPs completed across the range of the Greater Sage-grouse all contained cumulative effects analyses at the RMP level and the larger WAFWA (Western Association of Fish and Wildlife Agencies) Management Zone levels – which for the Billings Field Office included most of Eastern Montana, Wyoming, and portions of North and South Dakota (WAFWA Management Zones I, II/VII). The RMPs completed for the Greater Sage-Grouse Planning effort cover the cumulative impacts of activities across the entire range of the Greater Sage-Grouse. The RMPs were also coordinated to include consistent protective measures for Greater Sage-grouse (i.e., PHMAs being NSO for oil and gas and exclusion areas for wind and solar development, etc.). Section 4.6.7.1 of the Billings FEIS describes the cumulative impacts analysis for Greater Sage-grouse.</p>			
60	The Wilderness Society	EA	<p>The Draft EA is not consistent with the Billings ARMP, as required by FLPMA.</p> <p>BLM has not prioritized leasing outside of PHMAs and GHMAs, as required by the Rocky Mountain Region ROD, Billings Approved RMP and IM 2016-143. Under FLPMA, BLM must manage public lands “in accordance with the [applicable] land use plans . . .” 43 U.S.C. § 1732(a). Further, in IM 2016-143, BLM has issued guidance elaborating on the way agency staff are to comply with the requirement to prioritize leasing and development outside of sage-grouse habitat: “Lands within GHMAs: BLM state offices will consider EOIs for lands within GHMAs, after considering lands outside of both GHMAs and PHMAs. When considering the GHMA lands for leasing, the BLM State Office will ensure that a decision to lease those lands would conform to the conservation objectives and provision in the GRSG Plans (e.g., Stipulations).” Yet, the Draft EA fails to cite the “prioritization” requirement altogether. There is no discussion of the prioritization sequence or parcel-specific factors set forth in IM 2016-143 or of the broader requirement to “prioritize” established in the Rocky Mountain Region ROD and Billings ARMP.</p>
<p>BLM Response: The Rocky Mountain ROD Table 1-4 summarizes the major components of the ARMPs and ARMPAs that address specific threats to GRSG and its habitat. Key Management Responses include <i>Prioritize the leasing and development of fluid mineral resources outside GRSG habitat</i> (page 1-19).</p> <p>The Rocky Mountain ROD describes prioritization as an “objective” in the plans (at page 1-25): <i>Prioritization Objective-In addition to allocations that limit disturbance in PHMAs and GHMAs, the ARMPs and ARMPAs prioritize oil and gas leasing and development outside of identified PHMAs and GHMAs. This is to further limit future surface disturbance and encourage new development in areas that would not conflict with GRSG. This objective is intended to guide</i></p>			

Comment Number	Name	Comment Period	Comment Summary
			<p><i>development to lower conflict areas and as such protect important habitat and reduce the time and cost associated with oil and gas leasing development by avoiding sensitive areas, reducing the complexity of environmental review and analysis of potential impacts on sensitive species, and decreasing the need for compensatory mitigation.</i></p> <p>This priority was not included as an allocation decision or management decision in the BLM's RMP revisions and amendments. To clarify how this objective would be implemented by the BLM, on September 1, 2016, the Washington Office issued Instruction Memorandum (IM) 2016-143. 13 This IM only provides guidance on implementation of the land use plans, was not issued for public notice and comment, and therefore does not constitute rulemaking for the BLM. ²</p> <p>IM 2016-143 acknowledges that the prioritization objective "does not prohibit leasing or development in GHMA or PHMA as the [sage-grouse plans] will allow for leasing and development by applying prioritization sequencing, stipulations, required design features, and other management measures to achieve the conservation objectives and provisions in the ... plans" (at page 2).</p> <p>Furthermore, the IM states <i>BLM state offices will use this Prioritization Sequence, these parcel specific factors, and the BLM's workload capacity and other workload priorities as the determine work plans for the oil and gas leasing program (page 5). BLM field offices should integrate the above prioritization sequence in their processing of pending permits as they consider the overall workload to fairly and objectively address their permitting prioritization. Only insofar as they are consistent with the prioritization approach described in this IM, BLM field offices may also take into consideration other prioritization considerations, such as considering permitting on a first-in/first-out basis to the extent possible, unit obligation wells, the efficiency to be gained in processing the easiest to complete first, the operator's drilling Plans, workload capacities, and other resource values (Page 10).</i></p> <p>The BLM accepts parcel nominations each year on a quarterly basis, with each quarter being reserved for one BLM District Office. The resulting number of parcels nominated varies from District to District. A list of nominated parcels is sent by the State Office to the respective District Office to assess the degree of appropriate pre-lease sale analysis pursuant to the National Environmental Policy Act and other applicable law. It is then up to the respective District Office to determine how many lease parcels its staff have the capability to process within the given time frames.</p> <p>In the case of the nominated parcels sent to the Billings Field Office for the March 13, 2018 Lease Sale, there were 76 parcels within public or split estate lands managed by the Billings Field Office ("BiFO"). Of the 76 parcels, 17 parcels are located in PHMA, and 19 parcels are located in GHMA. Three of the parcels (MTM 105431-KG, 105431-KQ and 105431-WK) were deferred from previous lease sales prior to BLM's approval of the 2015 sage-grouse amendments in the ARMP. Now that RMP level standards are in place to conserve sage grouse habitat, these parcels were included in the March 13, 2018 lease sale.</p> <p>The BiFO evaluated the parcels according to IM 2016-143 and determined that all parcels could be carried forward for analysis in the Lease EA because the 2015 ARMP includes standards that conserve sage-grouse habitat, and the BiFO staff had sufficient resources to process and analyze all 76 parcels. All parcels in PHMA are No Surface Occupancy (NSO 11-127). Within GHMA and RHMA, surface occupancy and use is prohibited for oil and gas exploration and</p>

² 4 See Wyoming Outdoor Council et al. (171 IBLA 153, 153): "A BLM instruction memorandum is not a regulation, has no legal force or effect ... "

Comment Number	Name	Comment Period	Comment Summary
<p>development within 0.6 mile of the perimeter of Greater Sage-grouse leks (NSO 11-128 and 129), and surface use is prohibited from March 1 through June 30 within 3 miles of sage grouse leks (TL 13-40). Had the BiFO parcel list been larger or if there were inadequate staff resources, the Montana Dakotas State Office, in coordination with the BiFO, could have trimmed the parcel list to a manageable size by excluding parcels in greater sage-grouse habitat in accordance with the prioritization sequence criteria and evaluation factors. However, for the March 13, 2018 Lease Sale, there was no need to apply the prioritization sequence criteria because BiFO staff were able to conduct the necessary analyses of all parcels.</p> <p>Finally, IM No. 2016-143 also concedes that the BLM's implementation of its prioritization must be "<i>subject to valid existing rights and any applicable law or regulation, including but not limited to, 30 U.S.C. 226(p) and 43 C.F.R. 3162.3-1(h).</i>" (IM 2016-143 at page 12). The BLM must follow several statutory and regulatory timeframes for processing of oil and gas leases, including those described in the IM. The BLM will continue to comply with these requirements when apportioning agency resources and prioritizing individual permit applications that propose federal oil and gas lease operations, as the IM recognizes.</p> <p>Appendix F was added to the EA, which describes BLM's compliance with IM 2016-143m and the results of the prioritization review.</p>			
61	Center for Biological Diversity	Scoping and EA	<p>BLM Must Analyze Impacts to Greater Sage-Grouse and Prioritize Leasing Outside Grouse Habitat</p> <p>BLM must analyze in detail indirect and cumulative impacts from oil and gas leasing and development on the greater sage-grouse and its habitat. Under BLM's own greater sage-grouse RMP amendments and the recent BLM Instruction Memorandum 2016-143, Implementation of Greater Sage-Grouse Resource Management Plan Revisions or Amendments -Oil & Gas Leasing and Development Sequential Prioritization (September 1, 2016) ("IM 2016-143"), BLM's amended RMPs require it to prioritize oil and gas leasing outside of greater sage-grouse priority and general habitats. (Affected parcels identified in letter by parcel number). The proposed leasing of nearly 24,000 acres of sage-grouse habitat and, in particular, over 13,500 acres of Priority Habitat Management Areas, requires careful examination of the consequences to the particular greater sage-grouse populations that may be affected.</p> <p>The BLM's recent sage-grouse amendments do not provide the level of protection that the best available science says is necessary to reverse sage-grouse decline and recover the species. BLM's proposed decision to lease the parcels within PHMA, GHMA, or RHMA will not conform to the Amended RMPs and the agency's IM 2016-143 unless an EIS fully evaluates site specific impacts to greater sage-grouse and prioritizes leasing outside both PHMAs and GHMAs. To be consistent with IM 2016-143, the EIS must contain sufficient detailed, site-specific analysis to provide BLM and the public with sufficient information to permit a reasonable determination of whether the proposed leasing action could be limited to areas of either non-sage-grouse habitat or areas of lower value habitat. The BLM is subject to clear direction in the IM 2016-143 and the RMP amendments that its sage-grouse RMP plans and conservation strategy rely not only on stipulations within designated habitats, but also on a larger strategy of prioritizing development outside of all sage-grouse habitats.</p>

Comment Number	Name	Comment Period	Comment Summary
			<p>In considering whether or not to make available for leasing additional sage-grouse habitats in the Billings FO and North Central Montana District, BLM must assess the current state of sage-grouse populations in management zone 1, the individual populations and seasonal habitats that may be affected by the proposed leases, and the implications of development for local and regional grouse survival and recovery.</p> <p>After years of deferring oil and gas leases in PHMAs, the BLM throws open Priority Habitats to future mineral leasing, with discretionary language about the priority for leasing being outside Priority Habitats which is completely nonbinding, under stipulations inadequate to protect sage-grouse from further significant population declines in the Priority Habitats. An NSO leasing of fluid minerals in Priority Habitats is insufficient to prevent major impacts even if no exceptions are permitted because it incentivizes leaseholders to line up drilling rigs and industrial infrastructure along the boundary of Priority Habitats to most easily and cheaply drill directionally to tap leased minerals underneath Priority Habitats. This would result in a significant loss of habitat function inside the PHMA. BLM must withdraw all parcels within PHMA from the lease sale.</p> <p>According to BLM’s GRSG RMP Amendments, disturbance caps are subject to exceptions across Montana. This means that these measures have no certainty of implementation.</p> <p>Noise limits under the RMP are inadequate to protect sage grouse. BLM should consider a limit of 10 dBA above a defined ambient noise level of 15 dBA within 4 miles of leks and in identified wintering habitats, to be applied across all occupied sage grouse habitats. This should apply March 1 – June 30 in breeding and nesting habitats and also November 30 – March 1 on wintering habitats to protect sage grouse during this sensitive season.</p> <p>Under the Federal Lands Policy and Management Act, BLM must also evaluate the proposed lease parcels to determine whether or not they may affect management objectives for Areas of Critical Environmental Concern (“ACECs”, including ACECs designated for the protection of sage-grouse habitat.</p>
<p>BLM Response: A lease parcel prioritization review was completed for the March 13, 2018 lease sale. Appendix F was added to the EA, which describes the Lease Sale Prioritization Sequence Consideration Factors and results of that analysis. Refer to Comment 60.</p> <p>Applicable stipulations were assigned to all of the parcels containing GHMA and PHMA. Chapter 3 of the EA discloses the effects of offering the parcels for lease on sage-grouse and sage-grouse habitat. None of the parcels overlay Areas of Critical Environmental Concern (ACECs).</p>			

Comment Number	Name	Comment Period	Comment Summary
			<p>This EA does not consider any amendments to the 2015 ARMP, and concerns about the adequacy of the sage-grouse protections in the ARMP to conserve sage-grouse are outside the scope of this assessment. Instead, those concerns should be directed a planning process recently initiated to amend land use plans regarding greater sage-grouse conservation and prepare associated EIS's or EAs (Notice of Intent published in the Federal Register, October 11, 2017).</p> <p>This EA is tiered to the information and analysis and conforms to the decisions contained in the 2015 Rocky Mountain Region Record of Decision (ROD) and Billings Approved Resource Management Plan (BiFO ARMP). The ROD and ARMP are in compliance with all Federal laws, regulations, and policy. The direct, indirect, and cumulative effects of oil and gas leasing across the Billings field office were evaluated in the FEIS for the ARMP.</p> <p>As disclosed in Chapter 3, offering the 76 parcels for lease would have no direct effects on special status wildlife species and habitat. Any potential effects on special status wildlife resources from the sale of lease parcels would occur at the time the leases are developed at the Application for a Permit to Drill (APD) stage. For development to occur on a lease parcel, an APD must be submitted, at which time the field office completes NEPA analysis to disclose the impacts from development. This EA evaluated the effects of a "Reasonably Foreseeable Development scenario" (RFD) which predicted a total of 54 wells over 10 years, which would result in 189-297 acres of short term surface disturbance and 94.5-148.5 acres of long term disturbance after reclamation. Impacts would be localized and limited considering 297 acres is approximately 1/2 of one percent of the analysis area (an area encompassing all of the parcels). A site-specific analysis to further avoid and minimize impacts to sage-grouse and sage-grouse habitat would occur at the APD stage when a specific proposal is identified.</p>

Big Game

Comment Number	Name	Comment Period	Comment Summary
62	Bainter, Sage (108952-GL) Paul, Wayne & Arlene (108952-FP) O'Conner, Mike (79010-JJ) Warden, Darcie; Greater Yellowstone Coalition	Scoping	<p>Concerned about impacts to winter mule deer and elk habitat, upland game bird habitat.</p> <p>Concerned about impacts to grizzly bear, bighorn sheep (lambing grounds), elk (calving grounds), moose, gray wolf, black bear, mule deer, whitetail deer, lynx, bobcat, coyote, Yellowstone cutthroat trout...Concerned about impacts to/from timber, steep slopes, erosive soils, wetlands, ephemeral drainages, low water crossings, native vegetation, water tables, volcanic activities.</p> <p>Concerned about adverse impacts that development of oil and gas parcels will have on wildlife in Carbon County, including moose, elk, deer, caribou, fox, bob cats, and grizzly bears. Would like to keep large landscapes connected by maintaining and managing habitats for a diversity of species. Request BLM remove parcels from consideration including MTM 105431-KG and KQ, MTM 108952 FD, FE, FF, FG, FH, FJ, FK, and FL. (GYC)</p>

Comment Number	Name	Comment Period	Comment Summary
			<p>BLM Response: BIFO applied the necessary RMP approved stipulations to the respective lease parcels, which include stipulations associated with the listed resources and associated habitats. See Appendix A. MT Fish, Wildlife and Park designates big game winter range (general) and crucial winter range. A map of crucial winter range was included in the EA in Appendix E of the EA.</p> <p>CSU 12-59 has been applied to 108952-GL, 79010-JJ, 105431-KG, 108952 FD, 108952 FE, 108952 FG, 108952 FH, 108952 FK, 108952-FP, 108952 FJ, and 108952 FL to protect sensitive soils, NSO 11-69 has been applied to lease parcel 79010-JJ, 105431-KG, 105431-KQ, 108952 FD, 108952 FD, 108952 FF108952 FG, 108952 FH, 108952 FJ, 108952 FK, and 108952 FL to protect rock outcrops. See Appendix A.</p> <p>The BLM applied CSU 12-47 to designated big game winter range (general), which states: Prior to surface occupancy and use a plan shall be prepared by the proponent as a component of the APD, Sundry Notice, etc. and approved by the AO with confirmation from the state wildlife management agency. The operator shall not initiate surface-disturbing activities unless the AO has approved the plan. The plan must demonstrate to the AO's satisfaction the function and stability of the habitat will not be impaired...See Appendix B.</p> <p>The BLM applied NSO 11-136 to designated crucial winter range, which states: Surface occupancy and use is prohibited for oil and gas exploration and development in crucial winter range for antelope, elk, moose, bighorn sheep, mule deer, white-tailed deer, and Greater Sage-grouse.</p> <p>Bainter; Parcel 108952-GL (Sec 26); Property partially covered by NSO 11-136 and entirely covered by CSU 12-47. Paul: Parcel 108952-FP (Sec 11); Property partially covered by NSO 11-136 and entirely covered by CSU 12-47. O'Connor: Parcel 79010-JJ; Property covered by CSU 12-47 and NSO 11-113 (big horn sheep lambing habitat). GYC: NSO 11-136 applied to parcels MTM 105431-KG and KQ, MTM 108952 FD, FE, FF, FG, FH, FJ, FK, and FL and CSU 12-47 to KQ, FE and FF. The parcels are adequately protected by these stipulations and there is not a compelling need to remove the parcels from the sale.</p>

Raptors, Migratory Birds, and Black-Tailed Prairie Dogs

Comment Number	Name	Comment Period	Comment Summary
63	Bainter, Sage (108952-GL)	Scoping	Concern about protecting nesting golden and bald eagles on his property
			<p>BLM Response: The BLM uses local data as well as information from the MT NHP to identify eagle nest locations. At this time, no nest sites were identified within ½ mile of the lease parcel. Please provide location of eagle nests on private surface adjacent to the lease parcel if possible. Furthermore, if an Application for Permit to Drill (APD) is submitted for this parcel, site specific NEPA analysis will be implemented at which point a nest location can be documented and conservation measures applied to avoid impacts to these species.</p>
64	Bush, Jodi	Scoping	We recommend that the EA address potential impacts to eagles. The BGEPA prohibits anyone, without a permit issued by the Secretary of the Interior, from taking bald or golden eagles, including their parts, nests,

Comment Number	Name	Comment Period	Comment Summary
			or eggs. The Service recommends use of appropriate eagle use and habitat survey results combined with project design, construction, and operational features and strategies designed to avoid impacts to eagles and important use areas (nests, foraging areas or roost sites that eagles rely on for breeding, sheltering, or feeding, as well as the surrounding landscape features that are essential for the continued viability of the sites for breeding, feeding or sheltering eagles) in order to minimize the risk of eagle take.
BLM Response: Impacts to eagles are discussed in the wildlife section of chapter 3 of the EA. There are no direct impacts to eagles from the proposed action. Any impacts would occur at the time of development. During NEPA analysis after an APD submission, more specific analysis concerning impacts to eagles would be conducted. At this time, during site specific analysis, conservation measures, proposed mitigation and conditions of approval will be applied to minimize impacts to eagles.			
65	Bush, Jodi; USFWS	Scoping	Where construction or disturbance is proposed in proximity to important bald eagle use areas, we recommend that at a minimum, the operator comply with siting recommendations, seasonal restrictions, and distance buffers specified in the 2010 Montana Bald Eagle Management Guidelines: An Addendum to Montana Bald Eagle Management Plan (1994). The Service's May 2007, National Bald Eagle Management Guidelines contains additional information on protecting bald eagles from disturbance due to human activity.
BLM Response: Your recommendation would be applied as a Condition of Approval (COA) during the NEPA analysis of the APD (development phase).			
66	Bush, Jodi; UFWS	Scoping	The Service has not issued golden eagle management guidelines. However, appropriate buffers for nests and other important use areas based on site-specific conditions should be developed in conjunction with this office if project activities are proposed in proximity to such areas. The Service generally recommends avoidance of occupied nest site disturbance between January 1 and August 15, or until young have fledged. Depending on site-specific conditions, the typically recommended 0.5-mile buffer distance for bald eagle important use areas may be inadequate to ensure avoidance of golden eagle disturbance; in such cases larger buffers may be warranted. We therefore recommend avoidance of occupied golden eagle territories where practicable; maximizing distances between nests (including alternate nests) and the siting of proposed project features; avoidance of occupied nest site disturbance during the nesting season; and avoidance / minimization of impacts to important golden eagle habitat (e.g., shrub-steppe and native grasslands) within golden eagle territories where possible.
BLM Response: At the APD stage, NEPA analysis will disclose impacts to golden eagles and nest sites on a site-specific basis, allowing for appropriate conservation measures to be applied through conditions of approval. At this time, the Billings ARMP uses a 0.5 mile buffer for any eagle nest and timing restrictions include March 1 – July 31 for surface use. Depending on site-specific conditions, your recommendation would be considered to ensure appropriate conservation measures are applied during the development phase of a project. Thank you.			

Comment Number	Name	Comment Period	Comment Summary
67	Bush, Jodi; USFWS	Scoping	We recommend that the EA address potential impacts to migratory birds. The MBTA prohibits the taking, killing, possession, and transportation, (among other actions) of migratory birds, their eggs, parts, and nests, except when specifically permitted. To the maximum extent practicable, the Service recommends that construction activities be scheduled outside of the peak bird breeding season (approximately April 15-July 15) so as not to disrupt nesting birds. If work is proposed to take place during the peak breeding season or at any other time which may result in take of migratory birds, their eggs, or active nests, the Service recommends that project proponents take all practicable measures to avoid and minimize take, such as maintaining adequate buffers, to protect the birds until the young have fledged. Active nests may not be removed without a permit from the Service’s Migratory Bird Management Division.
<p>BLM Response: The Billings FO ARMP includes stipulations applied to oil and gas activities to protect Migratory Birds. Lease Notice 14-20 includes measures that protect migratory birds (following the Migratory Bird Treaty Act language) during sensitive time periods, including the April 15-July 15 nesting period you mentioned. Impacts from the act of leasing the parcels, to migratory birds, are disclosed in the wildlife section of chapter 3. If a parcel has an APD submitted, site specific NEPA analysis will disclose more specific impacts and conditions of approval will be applied to ensure migratory birds/habitat are protected.</p>			
68	Bush, Jodi; USFWS	Scoping	The Service has developed, and continues to revise and develop, general and industry-specific conservation measures (including measures for oil and gas development) for avoiding and minimizing impacts to birds (https://www.fws.gov/birds/management/project-assessment-tools-and-guidance/conservation-measures.php). We recommend referencing and incorporating these resources into the EA as appropriate. We recommend that any required new power lines be buried where feasible. If this is not feasible, they should be constructed according to electrocution and collision prevention guidelines developed by the Avian Power Line Interaction Committee (APLIC): 2006 Suggested Practices for Avian Protection on Power Lines and Reducing Avian Collisions with Power Lines: The State of the Art in 2012. We also recommend coordinating with the NDGFD to identify impacts to “Focus Areas” or “Species of Conservation Priority” as described in the 2015 North Dakota State Wildlife Action Plan.
<p>BLM Response: Thank you. These resources will be considered and incorporated into conditions of approval if/when an APD is submitted for a lease parcel. At this time, the proposed action is to “lease” a parcel; therefore, there are no site-specific details or proposed action that describes activities on the ground. At the time of an APD, site-specific NEPA analysis will be conducted to disclose impacts to birds and all wildlife resources; furthermore, during this analysis, conservation measures will be written into the conditions of approval to minimize impacts to birds and bird habitat.</p>			
69	MT FWP	EA	MTM105431KG: Recommend NSO 11-73 and TL 13-33. There is an active golden eagle nest within 0.25 miles of the parcel (Source: Shawn Stewart and Montana Natural Heritage Program/FWP data). NSO 11-127 addresses sage-grouse.
<p>BLM Response: BLM reviewed MT NHP data used by MT FWP. Based on verification of data, and new observation reports not previously included in BLM data, the BLM applied additional stipulations to the following parcels in accordance with the 2015 BiFO RMP: NSO 11-73, NSO 11-116, and TL 13-33 Parcel was already covered with NSO 11-127 – PHMA (all lands), analysis will not change.</p>			

Comment Number	Name	Comment Period	Comment Summary
			<ul style="list-style-type: none"> NSO 11-116: Surface occupancy and use is prohibited for oil and gas exploration and development within 1/2 mile of active and alternate eagle nests (for territories occupied within the last five years) unless the activity complies with USFWS National Bald Eagle Management Guidelines (2007). NSO 11-73: Surface occupancy and use is prohibited within 0.25 mile of raptor nest sites active within the preceding 7 years. TL 13-33: Surface use is prohibited within 0.50 mile of active raptor nest sites from March 1 through July 31.
70	MT FWP	EA	MTM 108952-DH: NSO 11-127 addresses sage-grouse. Recommend NSO 11-123 based on black-tailed prairie dog observation data (Source: Montana Natural Heritage Program/FWP data)
BLM Response: Can you please provide more specific location information for BTPD? The parcel is 480 acres; the process for applying stipulations breaks the parcel into approximately 40 acres aliquot parts. The species record did not show up on our query of the MT Natural Heritage database. Regardless, this parcel is already covered by other No Surface Occupancy stipulation, including NSO 11-127 for PHMA on all lands.			
71	MT FWP	EA	MTM 108952-DM: Recommend NSO 11-73, TL 13-33, and NSO 11-116. There are active golden eagle nests within 0.25 miles of the parcel (Source: Megan O'Reilly and Montana Natural Heritage Program/FWP data). NSO 11-127 addresses sage-grouse.
BLM Response: Can you please provide more specific location information for these eagle nests? The parcel is 880 acres; the process for applying stipulations breaks the parcel into approximately 40 acres aliquot parts. The species record did not show up on our query of the MT Natural Heritage database. Regardless, this parcel is already covered by other No Surface Occupancy stipulation, including NSO 11-127 for PHMA on all lands.			
72	MT FWP	EA	MTM 108952-DN: Recommend NSO 11-73, TL 13-33, and NSO 11-116. There are active golden eagle nests within 0.25 miles of the parcel (Source: Megan O'Reilly and Montana Natural Heritage Program/FWP data). NSO 11-127 addresses sage-grouse.
BLM Response: Can you please provide more specific location information for these eagle nests? The parcel is 160 acres; the process for applying stipulations breaks the parcel into approximately 40 acres aliquot parts. The species record did not show up on our query of the MT Natural Heritage database. Regardless, this parcel is already covered by other No Surface Occupancy stipulation, including NSO 11-127 for PHMA on all lands.			
73	MT FWP	EA	MTM 108952-DP: Recommend NSO 11-73, TL 13-33, and NSO 11-116. There are active golden eagle nests within 0.25 miles of the parcel (Source: Megan O'Reilly and Montana Natural Heritage Program/FWP data). NSO 11-127 addresses sage-grouse.
BLM Response: Can you please provide more specific location information for these eagle nests? The parcel is 1120 acres; the process for applying stipulations breaks the parcel into approximately 40 acres aliquot parts. The species record did not show up on our query of the MT Natural Heritage database. Regardless, this parcel is already covered by other No Surface Occupancy stipulation, including NSO 11-127 for PHMA on all lands.			
74	MT FWP EA	EA	MTM 108952-DR: Recommend NSO 11-123 because this area provides habitat for black-tailed prairie dogs (Source: Megan O'Reilly)

Comment Number	Name	Comment Period	Comment Summary
BLM Response: Parcel DR is 160 acres. NSO 11-123 was added to all lands.			
75	MT FWP	EA	MTM 108952-FE: Recommend NSO 11-73 and TL 13-33. There is an active golden eagle nest within 0.25 miles of the parcel (Source: Shawn Stewart and Montana Natural Heritage Program/FWP data).
BLM Response: Added NSO 11-73, TL 13-33 and NSO 11-116 per FWP/NHP data. Parcel is already covered with other NSOs, analysis will not change.			
76	MT FWP	EA	MTM 108952-FF: Recommend NSO 11-73 and TL 13-33. There is an active golden eagle nest within 0.25 miles of the parcel (Source: Shawn Stewart and Montana Natural Heritage Program/FWP data). No recommendation for bald eagles. Bald eagle nest built in 2016 but taken over by geese. Not active in 2017.
BLM Response: Added NSO 11-73, TL 13-33 and NSO 11-116 per FWP/NHP data. Parcel is already covered with NSO 11-127, analysis will not change.			
77	MT FWP	EA	MTM 108952-FG: Recommend TL 13-33. There is an active golden eagle nest within 0.5 miles of the parcel (Source: Shawn Stewart and Montana Natural Heritage Program / FWP data).
BLM Response: Added NSO 11-73, TL 13-33 and NSO 11-116 per FWP/NHP data to aliquot parts of this parcel (T9S, R22E, Section 27 NE1/4SE1/4, and SE1/4SE1/4). Parcel already covered with NSO 11-127 and others, analysis will not change.			
78	MT FWP	EA	MTM 108952-FH: Recommend NSO-11-73 and TL 13-33. There is an active golden eagle nest within 0.25 miles of the parcel (Source: Shawn Stewart and Montana Natural Heritage Program/FWP data). NSO 11-127 addresses sage-grouse.
BLM Response: Added NSO 11-73, TL 13-33 and NSO 11-116 per FWP/NHP data. Parcel covered with NSO 11-127, analysis will not change.			
79	MT FWP	EA	MTM 108952-FJ: Recommend NSO-11-73 and TL 13-33. There is an active golden eagle nest within 0.25 miles of the parcel (Source: Shawn Stewart and Montana Natural Heritage Program/FWP data). NSO 11-127 addresses sage-grouse.
BLM Response: Added NSO 11-73, TL 13-33 and NSO 11-116 per FWP/NHP data. Parcel covered with NSO 11-127, analysis will not change.			
80	MT FWP	EA	MTM 108952-FL: Recommend NSO 11-73 and TL 13-33. There is an active golden eagle nest within 0.25 miles of the parcel (Source: Shawn Stewart and Montana Natural Heritage Program/FWP data). NSO 11-127 addresses sage-grouse.
BLM Response: Added NSO 11-73, TL 13-33 and NSO 11-116 per FWP/NHP data. Parcel covered with NSO 11-127, analysis will not change.			
81	MT FWP	EA	MTM 108952-FV: Recommend NSO 11-116. There is an active bald eagle nest within 0.5 miles of the southwest portion of this lease (Source: Justin Paugh and Montana Natural Heritage Program/FWP data).
BLM Response: Added NSO 11-73, TL 13-33 and NSO 11-116 per FWP/NHP data to aliquot parts of this parcel (T1S, R18E, S34, Lot 1). Parcel is already covered with three other NSOs, analysis will not change.			

Comment Number	Name	Comment Period	Comment Summary
82	MT FWP	EA	MTM 108952-FX: Recommend TL 13-33. There is an active golden eagle nest within 0.5 miles of the parcel (Source: Justin Paugh and Montana Natural Heritage Program/FWP data).
BLM Response: Added NSO 11-73, TL 13-33 and NSO 11-116 per FWP/NHP data to aliquot parts of this parcel (T1S, R13E, S20, Ne1/4SE1/4). Parcel already partially covered with NSO stipulations, analysis will not change.			
83	MT FWP	EA	MTM 108952-GR: Recommend NSO 11-123. There is an active prairie dog town overlapping the northeast quarter of Section 32, T2NR14E (Source: Justin Paugh and Montana Natural Heritage Program/FWP data).
BLM Response: Added NSO 11-73, TL 13-33 and NSO 11-116 per FWP/NHP data to aliquot parts of this parcel for eagles (NSO 11-73, TL 13-33, and NSO 11-116) and prairie dogs (NSO 11-123). NSO stipulations were already on All Lands in this parcel so analysis will not change.			

Multiple Resources

Comment Number	Name	Comment Period	Comment Summary
84	Lorash, Michael	Scoping	I am writing as a concerned land manager in the Fiddler Creek area who has some reservations as to the drilling leases in the Dean area. I am opposed to opening these leases for sale for numerous reasons. MTM-79010-8R is in the area of the Delger Subdivision, if developed, this site would affect not only the safety and security of the numerous homes here, but would affect the headwaters of Meadow Creek. This site is in steep terrain and would amount in moving a large amount of material to construct a well pad. MTM-105431-HW has an existing well on it that has been inactive for years now. It also has an abandoned well pad that was constructed within the last 3 years that is infested with noxious weeds. This site moved considerable amounts of soil to level the site and has created a high amount of runoff and soil erosion. MTM-79010-JJ east and MTM-108952-DU are in the West Rosebud drainage and are in an area that is steep in terrain and sensitive to disturbed soils. MTM-79010-JJ south is in very steep terrain, has a wetland area, is critical elk habitat and contains the Strum Trail. The Strum Trail is used by many horsemen and hikers to access the Lily Pad and Crater Lakes areas for recreation. MTM-79010-JJ West is in steep terrain and contains sensitive wetlands, it is the headwaters of Fiddler Creek and is critical elk habitat.
BLM Response: MTM-108952-DU has CUS 12-59 applied. Parcel 79010-JJ has both CUS12-59 and NSO 11-69 stipulations applied. Parcel numbers 105431-HW and 79010-8R do not contain and mapped BLM listed sensitive soils or rock outcrops. See Appendix A.			
85	Keup, Kristeen Ross, Christine Hand, William, Stillwater	Scoping	Meadow Creek runs through parcels MTM 105431-HW and MTM 79010-8R, while East Fork of Fiddler Creek flows through MTM 79010-JJ and these parcels should be considered for their soils and wetlands resource values.

Comment Number	Name	Comment Period	Comment Summary
	Protective Association		Furthermore, the land in these parcels is historically agricultural land and has significant resource value in maintaining healthful and productive soils. The value of the surface as productive rangeland should be evaluated in detail by the BLM before any oil and gas development is considered.
BLM Response: Parcel number 105431-HW and 79010-8R do not contain any BLM listed sensitive soils or rock outcrops; 79010-JJ has both CUS12-59 and NSO 11-69 stips applied.			
86	Christensen, Nina (108952-GM)	Scoping	A separate family owned LLC (Tony Creek Minerals) owns the rest of the minerals in the section (T 5N, R 15E Sec 24) referenced in your letter, excluding the 160 Federal acres. We also own all the minerals in approximately 2440 acres surrounding the parcel in question. We have no intention of leasing those minerals now or in the future, which should be communicated clearly to any prospective lease. Your letter indicates that if a lease is issued, activities on our land would be highly regulated and subject to stipulations to ensure protection of surface and resource values. The nature of the two separate (i.e. non-contiguous) 80 acre parcels is such that any drilling activity will seriously disrupt the surface. They consist of steep slopes, heavily wooded around rimrocks – a topography that would be impossible to restore after the fact.
BLM Response: Parcel MTM 108952-GM is designated big game crucial winter range. NSO 11-136 provides that surface occupancy and use is prohibited for oil and gas exploration and development in crucial winter range for antelope, elk, moose, bighorn sheep, mule deer, white-tailed deer, and Greater Sage-grouse. Refer to Appendix A (page 10), which identifies NSO -136 for all lands on 108952-GM. Refer to Appendix E (page 11) which shows mapped crucial winter range covering all of 108952-GM.			
87	Nash, Carol & Jerry	Scoping	Concerned about fire danger in grasslands, rangelands, and forest.
BLM Response: A decision to offer parcels for lease would not result in any surface disturbance. A detailed site-specific analysis and mitigation of activities associated with any particular lease would occur when a lease holder submits an application for permit to drill (APD). The terms and conditions of the standard federal lease and federal regulations would apply to each parcel offered for sale.			

Visual Resources

Comment Number	Name	Comment Period	Comment Summary
88	Beartooth Zoning Group	EA	BLM does not factor Visual Resource Management methodology into any of the approximately 30,000 acres of split estate. NEPA and CEQ regulations state that the affected human environment be fully analyzed where the proposed actions may affect the relationship between people and their environment (40 CFR 1502.15, 1502.16, 1508.27, 1508.3, 1508.8), and must be considered at both direct and indirect impact level (40 CFR 1508.8). Of particular concern are parcels in Stillwater County, home to Montana’s highest peak (Granite Peak) and proximity to Yellowstone National Park. The regulations further require federal agencies to study and

Comment Number	Name	Comment Period	Comment Summary
			develop determinations of how unresolved conflicts of jurisdiction might be solved in management decisions (40CFR 507.3(d)). The BLM's acknowledgement of the need to manage for mitigation of impacts to visual resources on BLM surface lands while ignoring the same impacts on split estate is an arbitrary and flawed decision.
<p>BLM Response: Impacts to Visual Resources on individual parcels cannot be determined until locations/types/etc of development are proposed; at the leasing stage, the location and extent of development is unknown. The 30,000 acres of split estate surface is owned and managed by private landowners, if an APD is submitted for any of the lease parcels the BLM would work with the private landowners to avoid and minimize impacts to the Visual landscape utilizing Best Management Practices (BMP's). However, BLM standards for visual resources only apply to BLM surface, and cannot be applied to private lands.</p>			

Socio-Economics

Comment Number	Name	Comment Period	Comment Summary
89	Edmiston, Marni Silverstein, Mark Bainter, Sage (108952-GL) Falcione, Amy		Concerned about impacts to private homestead / residence and decline in property values. Selling oil leases would increase risk of groundwater contamination, increase traffic and traffic accidents and destroy natural habitats, which would reduce ranching, tourism and recreation (in Stillwater County).
<p>BLM Response: It is the policy of the Bureau of Land Management (BLM) to make mineral resources available for use and to encourage development of mineral resources to meet national, regional, and local needs. This policy is based on various laws, including the Mineral Leasing Act of 1920 and the Federal Land Policy and Management Act of 1976. The Federal Onshore Oil and Gas Leasing Reform Act of 1987 Sec. 5102(a)(b)(1)(A) directs the BLM to conduct quarterly oil and gas lease sales in each state whenever eligible lands are available for leasing.</p> <p>Research is inconclusive to draw conclusions of how the act of leasing the offered parcels in this sale will impact the sale price of a specific property on or adjoining one of these parcels.</p> <p>With split estate, ownership of a property's mineral rights are severed from the surface estate. Since the mineral estate is dominant, those wishing to develop their minerals must be granted reasonable access to their minerals by surface land owners, and mineral and surface estate owners must negotiate a surface use agreement before any drilling can take place.</p> <p>After a lease has been issued no drilling operations or related surface disturbance can occur until the leaseholder submits an application for permit to drill (APD) to the BLM. The BLM will then perform a detailed site-specific analysis and provide conditions of approval (COA's) for the activity that reflect necessary mitigation measures to comply with federal laws such as NEPA and ESA. (See the Surface Operating Standards and Guidelines for Oil and Gas</p>			

Comment Number	Name	Comment Period	Comment Summary
<p>Exploration and Development - The Gold Book for a description of the land use rules lease operators must follow.) BLM will conduct onsite inspections to ensure full compliance with the COA's after an APD has been approved. In addition a bond of no less than \$10,000 is required to ensure that the operator performs all obligations of the lease contract including plugging, surface reclamation, and cleanup of abandoned operations.</p> <p>Please visit https://www.blm.gov/programs/energy-and-minerals/oil-and-gas/leasing/split-estate for more information on how the BLM administers federal mineral resources when the surface land is privately-owned. The brochure titles Split Estate Rights, Responsibilities, and Opportunities, found https://www.blm.gov/sites/blm.gov/files/documents/files/SplitEstate07.pdf, contains important and relevant information on this topic.</p>			
90	Edmiston, Marni Falcione, Amy Gray, Becky Katz, David Keup, Kristeen Lorash, Michael Miller, M Ann Moses, Anne Moses, Laurie Ross, Christine Hand, William, Stillwater Protective Association Westrum, Rita Wilson-Moses, Charlie Wilson-Moses, Margaret	Scoping	<p>Parcels MTM 105431-HW and 79010-8R include the unincorporated township of Dean. Consider negative impacts/socioeconomic impacts to property values in the new and developing community at Dean.</p> <p>The area around Dean is close to world class fishing and recreation areas that are trying to make this area a destination for tourist dollars. Protecting the special nature, quiet, views, peacefulness of the area gives the tourist industry a huge boost. Protect tourism and recreation around Columbus, Absarokee, Fishtail, Ney, Dean, Carter's Camp, Red Lodge, and Roberts.</p> <p>The Dean Dome is very heavy oil and needs to have steam pumped into the formation to extract the oil. This is evident in the Mackay Dome within a few miles. My concern is that the condensation needs to be in a settling pond or reinjected into a dry well. These areas are far more valuable as recreation areas than the small amount of oil and gas that is available for extraction.</p> <p>The BLM should analyze how a well pad site located on or near parcel MTM 105431-HW and MTM 79010-8R within view of Dean would impact its status as a community center. BLM should consider impacts to property values that are supported by unimpeded views, aesthetics represented by absence of light pollution, and viewshed of the Beartooth Mountains. Evaluate how visual, auditory, and interference in amenity values would affect Dean's commercial base.</p> <p>The Dean site is potentially important to the history of both homesteading and mining in the areas. Historic resources represented by the Dean townsite, schoolhouse, and adjacent ranches should be evaluated as historic properties subject to compliance with the NHPA.</p> <p>Parcels MTM 105431-HW and 79010-8R include the unincorporated township of Dean. Consider negative impacts/socioeconomic impacts to property values in the new and developing community at Dean. The area around Dean is close to world class fishing and recreation areas that are trying to make this area a destination for tourist dollars. Protecting the special nature, quiet, views, peacefulness of the area gives the</p>

Comment Number	Name	Comment Period	Comment Summary
			<p>tourist industry a huge boost. Protect tourism and recreation around Columbus, Absarokee, Fishtail, Ney, Dean, Carter's Camp, Red Lodge, and Roberts.</p> <p>The Dean Dome is very heavy oil and needs to have steam pumped into the formation to extract the oil. This is evident in the Mackay Dome within a few miles. My concern is that the condensation needs to be in a settling pond or reinjected into a dry well. These areas are far more valuable as recreation areas than the small amount of oil and gas that is available for extraction.</p> <p>The BLM should analyze how a well pad site located on or near parcel MTM 105431-HW and MTM 79010-8R within view of Dean would impact its status as a community center. BLM should consider impacts to property values that are supported by unimpeded views, aesthetics represented by absence of light pollution, and viewshed of the Beartooth Mountains. Evaluate how visual, auditory, and interference in amenity values would affect Dean's commercial base.</p> <p>The Dean site is potentially important to the history of both homesteading and mining in the areas. Historic resources represented by the Dean townsite, schoolhouse, and adjacent ranches should be evaluated as historic properties subject to compliance with the NHPA.</p>
<p>BLM Response: Concerns related to impacts to the cultural resources associated with the Dean townsite and various structures were addressed in the EA. Stipulation NSO 11-124 was applied to Parcel MTM 105431-HW which prohibits surface occupancy and use within and 500 feet from unincorporated towns or human occupied residential structures. In addition, LN 14-35 provides notice to the lessee that the area many contain human occupied buildings and that reasonable measures may be required to minimize adverse impacts to resource values. Refer to pages 12, 72-73 of the EA.</p> <p>See Response to Comment #89.</p>			
91	Burt Williams, Beartooth Front Citizens Initiated Zoning Committee;	Scoping	<p>At least 3 parcels in Stillwater County are located within the proposed zoning district boundary, which is pending County Commission action.</p> <p>Parcel MTM105431-HW should have stipulation NSO 11-124 as the parcel is adjacent to the unincorporated community of Dean. NSO 11-124 should have a setback distance of 1000 from inhabited dwellings, not 500 feet.</p>
<p>BLM Response to Socio-economic scoping comments: NSO 11-124 prohibits surface occupancy and use for oil and gas exploration and development within and 500 feet from unincorporated towns or human occupied residential structures. Lease Notice 14-35 provides for a 500-foot setback from human occupied dwellings. Both of these stipulations apply to parcel 105431-HW. See comment #4.</p>			
92	Northern Plains Resource Council	EA	The March 13th, 2018 oil and gas lease sale poses a significant potential impact to the socioeconomics of Sweet Grass, Stillwater, and Carbon County communities that is not adequately taken into consideration

Comment Number	Name	Comment Period	Comment Summary
			<p>in the EA. The economies of Sweet Grass, Stillwater, and Carbon Counties are substantively dependent on the tourism economy. Visitors come to these counties to enjoy the world class fisheries on the Yellowstone River and its tributaries and as an entrance to the Beartooth-Absaroka Wilderness, Yellowstone National Park, and the Crazy Mountains. The visual resources of mountains, working agricultural landscapes, and clear, undammed, cold water streams and rivers are critical to the economies of communities such as Big Timber, McLeod, Reed Point, Columbus, Absarokee, Nye, and Red Lodge. The damage to these visual resources resulting from a cluster of development, such as could occur from the cluster of parcels proposed for lease near Bridger Creek in Sweet Grass County, seriously threatens the tourism economy of the nearby communities. Any damage to water quality could devastate the fisheries, and therefore the regional angling economy.</p> <p>Another major economy of Sweet Grass, Stillwater, and Carbon Counties threatened by the proposed action and not adequately reviewed in the EA is the potential risk to agricultural operations. Agricultural operations rely on fresh, uncontaminated water, and, as discussed above, the threats to water resources have not had thorough enough review. Negative impacts to agricultural operations in the region would have a devastating impact on the economic strength of the region's communities.</p> <p>Finally, the EA fails to consider any impact to landowners whose property faces devaluation as a result of widespread oil and gas development. Housing market studies have shown a substantial property value decrease for properties near oil and gas development. This risk to the communities of Sweet Grass, Stillwater, and Carbon Counties are not considered in the EA and should be scrutinized more fully in a comprehensive EIS before the BLM moves forward with the March 13th, 2018 oil and gas lease sale.</p>
<p>BLM Response: It is the policy of the Bureau of Land Management (BLM) to make mineral resources available for use and to encourage development of mineral resources to meet national, regional, and local needs. This policy is based on various laws, including the Mineral Leasing Act of 1920 and the Federal Land Policy and Management Act of 1976. The Federal Onshore Oil and Gas Leasing Reform Act of 1987 Sec. 5102(a)(b)(1)(A) directs the BLM to conduct quarterly oil and gas lease sales in each state whenever eligible lands are available for leasing.</p> <p>The BPPNM PRMP/FEIS discusses the analysis conducted to evaluate the economic impacts of development on federal lands. While individual businesses may be temporarily affected by a management decision such as this lease sale, economy-wide impacts are unlikely. For example, Appendix G. Table 2.15 lists the following among the combined effects which include oil and gas exploration and development: "The influence of resource management on BLM-administered lands would not change local economic diversity... dependency... or stability."</p> <p>See Response to Comment #89.</p>			
93	Silverstein, Mark	EA	This second letter has been sent upon the advice of Mr. Don Judice to request the removal of the portion of Parcel number MTM 108952-GM owned by J7 Ranch, Inc. from the BLM oil and gas lease sale

Comment Number	Name	Comment Period	Comment Summary
			<p>scheduled for March 13, 2018.</p> <p>The economics analysis fails to consider the impacts to individual landowners of split estate parcels when stating there is no significant impact. The J7 Ranch is being severely impacted by the possibility of this particular parcel being sold for lease. Because of the stipulations placed on the parcel by the BLM, the lease process should not have much of a negative impact on an ongoing ranching operation. However, this ranch is currently for sale for \$4,000,000 with a potential buyer in the negotiation process. Unfortunately, the potential buyer has a very negative perception of the pending lease situation and now has grave concerns about the purchase. The current soft ranch real estate market does not offer much hope for a replacement buyer in the near future, even with a significant reduction in price, should the present party back out of the deal. Is the BLM willing to be so heavy handed as to risk a \$4,000,000 sale for its split-estate land partner in order to collect an unlikely \$1,560 in lease payments? The stipulations put on this parcel and the ranch's easement excluding entrance for any purpose other than ranching make it highly unlikely, if not impossible for any surface drilling to take place at this location. How much value can this particular parcel have for the BLM?</p>
<p>BLM Response: It is the policy of the Bureau of Land Management (BLM) to make mineral resources available for use and to encourage development of mineral resources to meet national, regional, and local needs. This policy is based on various laws, including the Mineral Leasing Act of 1920 and the Federal Land Policy and Management Act of 1976. The Federal Onshore Oil and Gas Leasing Reform Act of 1987 Sec. 5102(a)(b)(1)(A) directs the BLM to conduct quarterly oil and gas lease sales in each state whenever eligible lands are available for leasing.</p> <p>BLM has the statutory authority to require measures by lessees to avoid or minimize adverse impacts that may result from federally authorized mineral lease activities. These measures, in the form of lease stipulations or permit conditions of approval, are intended to protect or preserve the privately owned resources and prevent adverse impacts to adjoining lands, not to dictate management to the surface owner.</p> <p>On split estate lands where the surface ownership is private, the BLM places necessary restrictions and requirements on its leases and permit approvals and works in cooperation with the surface owner. BLM has established policies for the management of federal oil and gas resources in accordance with federal laws and regulations.</p>			
94	Carolyn Scott for Montana Jack's Bar and Grill	EA	<p>We vigorously protest any effort to drill on or within close proximity to this parcel of land on an environmental basis due to the restaurant's reliance on clean well water. We feel allowing any drilling to take place will produce "adverse business effects" on our restaurant, as industrializing this piece of land would definitely and detrimentally interfere with our success, as many patrons come to dine for the unrestricted, picturesque views that surround the restaurant. Drilling would detrimentally interfere with any future possibilities of selling this property.</p>
<p>BLM Response: The Billings RMP FEIS discusses the analysis conducted to evaluate the economic impacts of development on federal lands. While individual businesses may be temporarily affected by a management decision such as this lease sale, economy-wide impacts are unlikely. For example, Appendix G.</p>			

Comment Number	Name	Comment Period	Comment Summary
<p>Table 2.15 lists the following among the combined effects which include oil and gas exploration and development: "The influence of resource management on BLM-administered lands would not change local economic diversity... dependency... or stability."</p> <p>See Response to Comment #89.</p>			
95	Mike O'Conner	EA	<p>In addition to the above concerns, is that no one talked about disrupting "my way of life." I am in my 60's and spend all most all of my free time with my wife and 27-year-old son, Travis with Down Syndrome on our property around the cabin. Travis absolutely loves going to the cabin because of the beauty and solitude it has to offer. He loves the animals and has a special way of communicating with them and it is beautiful to witness. I feel leasing this parcel would ruin all that is great about this unique piece of land. It is my hopes that you would strongly consider placing a permanent NSO on this parcel.</p>
<p>BLM Response: It is the policy of the Bureau of Land Management (BLM) to make mineral resources available for use and to encourage development of mineral resources to meet national, regional, and local needs. This policy is based on various laws, including the Mineral Leasing Act of 1920 and the Federal Land Policy and Management Act of 1976. The Federal Onshore Oil and Gas Leasing Reform Act of 1987 Sec. 5102(a)(b)(1)(A) directs the BLM to conduct quarterly oil and gas lease sales in each state whenever eligible lands are available for leasing.</p> <p>This individuals entire parcel is mapped big horn sheep lambing habitat and designated NSO. See response to comment #14.</p>			

FONSI

Comment Number	Name	Comment Period	Comment Summary
96	Northern Plains Resource Council	EA	<p>The EA lacks information necessary to support a Finding of No Significant Impact (FONSI) for several parcels in Carbon County. Parcels MTM 105431-KQ, 108952-FE, 108952-FF, and 105431- KQ should be removed from the lease sale.</p> <p>It is not feasible that all of the stipulations such a lease sale would require in order to protect Montana's residents, water, air, and other economies can be determined in the absence of an environmental impact statement. In the absence of an EIS, these parcels were wrongfully determined to have a Finding of No Significant Impact as the potential effects from future development to water quality and quantity, as well as to sensitive species were improperly evaluated.</p> <p>Impacts to Water Quality / Quantity. The Environmental Assessment does not take into account the foreseeable impact that future development of the proposed parcels will have on the area's water quality and</p>

Comment Number	Name	Comment Period	Comment Summary
			<p>quantity. The assessment states that leasing the parcels would have no direct impacts on water resources, and that “any potential effects from sale of lease parcels would occur at the time the leases are developed.”</p> <p>Parcels MTM 105431- KQ, MTM 108952- FE, and MTM 108952- FF are all adjacent to the Clarks Fork Yellowstone River (a tributary of the Yellowstone River) and have moderate development potential. The Clarks Fork Yellowstone River is a resource essential to Carbon County residents for agriculture, public water supplies, industry, and recreation. Given this recognition of development potential, it is misleading to determine a Finding of No Significant Impact without assessing the potential effects of future oil and gas production methods within these parcels.</p> <p>Hydraulic fracturing has resulted in deeper well bores and well stimulation that requires an abundant water supply and methods that utilize volatile organic compounds to develop shale reserves. This poses a threat to both water consumption and availability in Carbon County. The environmental assessment does not assess where water used in future oil and gas development will come from. To allow for lease sale without an assessment of the cumulative effects posed by potential oil and gas development is to prescribe this region’s vital water sources to depletion.</p> <p>Surface waters are vital sources of water for many of Montana’s residents downstream. The Yellowstone River has seen considerable pollution in recent decades as a result of oil and gas refining. To issue a Finding of No Significant Impact without assessing the potential for future contamination of the Yellowstone River as a result of development of oil and gas lease sale parcels is erroneous and misleading. The assessment’s approach of recognizing oil and gas development’s long-term risks to water quality (accelerated erosion, increased overland flow, decreased infiltration, increased water temperature, channelization, and water quality degradation) without actual consideration of these effects in the EA is an act that contradicts the spirit of NEPA. When proposed parcels are eventually leased it will be too late for a full environmental impact statement to take place. It is the duty of the BLM to take into consideration any and all negative long-term environmental impacts that may arise as a result of lease sale.</p> <p>Impacts to Greater Sage-Grouse. It is imperative that the BLM prioritize leasing outside of greater sage-grouse habitat in accordance with the recent BLM instruction Memorandum 2016-143, Implementation of Greater Sage-Grouse Resource Management Plan Revisions or Amendments - Oil & Gas Leasing and Development Sequential Prioritization (September 1, 2016)¹⁵. Oil and gas lease parcel MTM 105431- KQ is located entirely within greater sage-grouse priority habitat management area and should be removed from consideration for oil and gas lease sale. It is misleading to determine a Finding of No Significant Impact on the greater sage grouse population as a result of resource management practices, when those same resource management practices recommend the prioritization of leasing outside of greater sage grouse habitat.</p>

Comment Number	Name	Comment Period	Comment Summary
			<p>BLM Response: The BLM did not identify any parcels that should be deferred, and determined that resources are adequately protected through assigned stipulations designed to avoid and minimize impacts. Refer to Section 2.2 of the EA and the Draft FONSI.</p> <p>As noted in Section 2.2 of the EA, Parcels MTM 105431- KQ, MTM 108952- FF, and MTM 108952 FE have no surface occupancy stipulations in place to protect water quality. The updated EA includes a discussion on the effects of hydraulic fracturing on water quality and quantity. Refer to Section 3.3 and 3.8. Prior to approving an APD, the BLM identifies all potential subsurface formations that would be penetrated by the wellbore. The Gold Book, Surface Operating Standards and Guidelines for Oil and Gas Exploration and Development (BLM and USFS 2007), would be followed, and site-specific mitigation measures, BMPs, and reclamation standards would be implemented and monitored in order to minimize effects to water resources. All proposed actions must comply with local, state, and federal regulations, including Montana water laws. Compliance with state regulations would help mitigate the impacts of water withdrawals on surface and groundwater by ensuring that water rights are established for all beneficial uses of water, ensuring that water resources are not over-appropriated, and considering the impacts of water withdrawals to groundwater wells and hydraulically connected surface waters. The State of Montana’s Board of Oil and Gas Conservation (MBOGC) regulations require new and existing wells, which will be stimulated by hydraulic fracturing, to demonstrate suitable and safe mechanical configuration for the stimulation treatment proposed. If the operator proposes hydraulic fracturing through production casing or through intermediate casing, the casing must be tested to the maximum anticipated treating pressure. All surface casing and some deeper, intermediate zones are required to be cemented from the bottom of the cased hole to the surface in accordance with Onshore Oil and Gas Order No. 2, MBOGC rules and regulations, and American Petroleum Institute (API) standards.</p> <p>As noted in Section 2.2, parcels MTM 108952- FF, MTM-105431-KQ, MTM 108952-FG, MTM-105431-KG, and MTM 105431-KQ have no surface occupancy stipulations in place to protect sage-grouse. Refer to Comment 60 regarding prioritization in sage-grouse habitat and Appendix F Greater sage-grouse lease sale prioritization sequence consideration factors, which was added to the EA.</p>
97	Northern Plains Resource Council	EA	<p>The EA does not meet the legal requirements necessary to determine a Finding of No Significant Impact (FONSI) for three parcels in Stillwater County. Parcels MTM 105431-HW, 79010-8R, and 79010-JJ should be removed from the lease sale.</p> <p>Many of the comments submitted on these parcels during the scoping period were not adequately considered. It is mandated that BLM give consideration to public comment and that environmental impacts of the lease sale are considered, and because neither has occurred to the extent required for these parcels, parcels MTM 105431-HW, 79010-8R, and 79010-JJ should be removed from the lease sale. The following FONSI findings are not supportable:</p> <p>The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks. The groundwater system in the Beartooth Front is particularly difficult to characterize and made up of a diversity of fractured water-bearing systems, which are often geologically isolated from one another. Development of these areas by well boring and hydraulic fracturing would create flow paths</p>

Comment Number	Name	Comment Period	Comment Summary
			<p>between isolated geologic structures, creating potential contamination or depletion of once-isolated groundwater systems.</p> <p>Whether the action is related to other actions with individually insignificant but cumulatively significant impacts – which include connected actions regardless of land ownership. The Environmental Assessment does not consider any connected actions for this area. That is a significant oversight of a U.S.F.S. action that has been ongoing near Dean, MT. Groundwater resources in the area have already been significantly impacted by the development of the Benbow Portal in Dean, MT, and in manners unexpected by the Environmental Assessment that was written for its Plan of Operations.</p> <p>The degree to which the action may adversely affect districts, sites, highways, structures, or other objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources. The MTM 105431-HW parcel includes the unincorporated township of Dean. Despite multiple comments, BLM did not evaluate the historic resources represented by the Dean town site, the Dean schoolhouse, and adjacent ranches as historic properties subject to compliance with the National Historic Preservation Act. It is not sufficient to suggest that because a parcel has a prohibition on surface occupancy that its development would not have an impact on the surrounding historic sites and landowners.</p> <p>Fishtail Butte, is a site sacred to Native Americans, specifically the Crow Indians. BLM should have also analyzed this area as a potential Traditional Cultural landscape.</p> <p>BLM must consider socioeconomic impacts to the modern unincorporated township of Dean. Over the past several years, the surrounding area has experienced a transition from a primarily ranching community to a mixed amenity-based pattern of land ownership, intermixed with the traditional ranching community. The BLM should consider how oil and gas development would harm the new and developing community center Dean has become.</p> <p>BLM must consider impacts to surrounding property values that are currently supported by unimpeded views and the aesthetics represented by the absence of light pollution and the spectacular viewshed of the Beartooth Mountains. The impact of industrial development should be considered in light of the positive economic impact of a new social group of property owners that are important to this immediate area, providing low impact increases to the tax base and general prosperity of the community. Additionally, the BLM should fully evaluate how the visual, auditory, and interference in the amenity values would affect Dean’s commercial base.</p>

Comment Number	Name	Comment Period	Comment Summary
			<p>The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973, or the degree to which the action may adversely affect: 1) a proposed to be listed endangered or threatened species or its habitat, or 2) a species on BLM’s sensitive species list. A thorough assessment of the Yellowstone Cutthroat Trout (YCT) habitat in parcels MTM 79010-8R, MTM 79010-JJ, MTM 105431-HW must be conducted. The high elevation waters of these parcels along the Beartooth Mountain Front are suitable to support cold water fish like the YCT, and therefore should be opportunistically managed for YCT residency whether or not Meadow, Fishtail, Fiddler, and/or West Rosebud Creek are YCT-bearing waters at this time. Considering BLM’s regulation requiring No Surface Occupancy (NSO) within ½ mile of YCT habitat, Stillwater Protective Association believes the BLM should analyze whether any oil and gas development could occur within or near these parcels without violating the ½ mile requirement.</p> <p>We note that there has been excavation on a drill location very near the boundary of MTM 105431 HW and MTM 79010-8R. Two branches of Meadow Creek flow directly through these two parcels, and downstream from the lease parcel the two branches combine and the stream flows adjacent to the margin of the drill location excavation. Meadow Creek flows into Fishtail Creek about one mile east of lease parcel MTM 105431 HW creating another potential impact area. Similarly to the two adjacent parcels, the East Fork of Fiddler Creek flows through MTM 79010-JJ, which flows into West Rosebud Creek.</p>
<p>BLM Response: Refer to the Draft Finding of No Significant Impact, which summarizes conclusions that support a finding of no significant impact.</p> <p>Groundwater: Refer to Response to Comment 96 and 47 with respect to groundwater.</p> <p>Cumulative Effects/Connected Actions/Benbow Portal: Refer to Comment 5, 59, and the air resources responses for responses regarding cumulative effects. All EAs tier to the respective RMPs, and these RMPs contain cumulative impacts at the appropriate scales for the full RFDs done in each FO.</p> <p>With respect to the Benbow Portal, the Project EA is available on the Custer Gallatin National Forest web page at https://www.fs.usda.gov/project/?project=45224. The Forest Service EA includes analysis/disclosure of effects to groundwater and demonstrates that the portal groundwater system is not directly connected to down gradient stock wells and springs. The FS DN/FONSI authorized water disposal via both underground injection well and land application, and Stillwater Mining Company (SMC) is currently implementing the injection well option and there are no immediate plans for the land application disposal (LAD). The USFS DN/FONSI includes mitigations for groundwater in terms of monitoring and mine closure. SMC and USFS have a water right for potable water well at the portal location. To mitigate potential dewatering concerns, MT DNRC required the following in terms of water use and injection:</p> <p>“THE APPROPRIATOR SHALL INSTALL A DEPARTMENT APPROVED IN-LINE FLOW METER AT A POINT IN THE PRODUCTION AND INJECTION WELL DELIVERY LINES APPROVED BY THE DEPARTMENT. ON A FORM PROVIDED BY THE DEPARTMENT, THE APPROPRIATOR SHALL KEEP A WRITTEN MONTHLY RECORD OF THE VOLUME OF ALL WATER DIVERTED AND INJECTED, INCLUDING THE PERIOD OF TIME. THE ANNUAL QUANTITY OF INJECTED WATER MUST EQUAL OR</p>			

Comment Number	Name	Comment Period	Comment Summary
			<p>EXCEED 31% OF THE DIVERTED VOLUME. RECORDS SHALL BE SUBMITTED BY JANUARY 31ST OF EACH YEAR AND UPON REQUEST AT OTHER TIMES DURING THE YEAR. FAILURE TO SUBMIT REPORTS MAY BE CAUSE FOR REVOCATION OF A PERMIT OR CHANGE. THE RECORDS MUST BE SENT TO THE WATER RESOURCES BILLINGS REGIONAL OFFICE. THE APPROPRIATOR SHALL MAINTAIN THE MEASURING DEVICE SO IT ALWAYS OPERATES PROPERLY AND MEASURES VOLUME ACCURATELY.”</p> <p>The Forest Service also noted that additional water capture systems became necessary at the waste rock storage area servicing the Portal that were not part of the original permit, because of unexpected shifts in the groundwater system. The additional water capture systems have been installed at the waste rock storage area (WRSA) to mitigate potential slumping of saturated materials above the WRSA. Documentation from the Forest Service (including emails from Dan Seifert on November 2 and 3, 2017, the 2016 Benbow Monitoring Report, Benbow Portal Water Resource Monitoring Plan, and MTDNRC preliminary determination to grant permit) is included in the project record. A copy of the Benbow Portal 2016 Monitoring Report also available at: https://hydrometrics.sharefile.com/d-s1247545469d4ad2a.</p> <p>NRHP / Cultural and Historical Resources: Refer to BLM Response to Comments 33, 34, and 35 and Pages 72-75 of the EA. Effects to cultural resources located within the lease parcels at the APD stage are unlikely because of stipulations in place via this EA. Areas with known cultural resources are subject to Stipulation NSO 11-120 (No Surface Occupancy) and leased parcels are subject to LN 14-33 Cultural Inventory Requirement. Cultural resource identified through this stipulation would be evaluated for the NRHP. Any eligible site, or site for which a clear eligibility determination cannot be obtained, would become subject to Stipulation NSO 11-120.</p> <p>Socio-economics / Dean: See Response to Comment #90.</p> <p>Sensitive Species (Yellowstone Cutthroat Trout): The EA (pg 66-67) notes that two parcels (MT 108952 GP and F3) in Sweet Grass County are adjacent to streams that contain Montana Core or Conservation populations of Yellowstone Cutthroat trout (YCT). Stipulation NSO 11-134 prohibits surface occupancy and use for oil and gas exploration and development within ½ mile of the centerline of streams containing Montana Fish, Wildlife and Parks designated conservation and core populations of Yellowstone Cutthroat trout. The parcels referenced in this comment do not contain these core/conservation populations. Refer to Comment 51.</p>
98	Center for Biological Diversity	Scoping and EA	<p>BLM Must Prepare an Environmental Impact Statement</p> <p>BLM is required under NEPA to prepare an EIS to support this proposed project. This is especially true in light of the likelihood that fracking would occur on the leases. Several of these “significance factors” are implicated in the lease sale and clearly warrant the preparation of an EIS:</p> <p>1) The effects on the human environment will be highly controversial. A project is highly controversial when substantial questions are raised as to whether a project may cause significant degradation of a resource, or when there is a substantial dispute about the size, nature, or effect of the action. There is abundant evidence that hydraulic fracturing can cause significant impacts to human health, water resources, air quality, imperiled species, and seismicity. The level of controversy associated with fracking and its expansion in association with the lease sale is sufficient to trigger the need for an EIS. 40 C.F.R. § 1508.27(b)(4).</p>

Comment Number	Name	Comment Period	Comment Summary
			<p>2) The lease sale presents highly uncertain or unknown risks. 40 C.F.R. § 1508.27(b)(5). Preparation of an EIS is mandated where uncertainty maybe be resolved by further collection of data, or where the collection of such data may prevent speculation on potential effects. While it is clear that oil and gas activities can cause great harm, there remains much to be learned about the specific pathways through which harm may occur and the potential degree of harm that may result.</p> <p>3) The lease sale poses threats to public health and safety. The use of fracking fluid, which is likely to occur as a result of the lease sale, poses a major threat to public health and safety and therefore constitutes a significant impact.</p> <p>4) The action may adversely affect listed and agency sensitive species and their habitat. 40 C.F.R. § 1508.27(B)(9). Preliminary review of the proposed parcels indicates that six parcels (MTM 79010-JJ, MTM 79010-8R, MTM 105431-JW, MTM 108952-DU, MTM 108952-FT, and MTM 108952-FU) would allow oil and gas drilling, and associated infrastructure and increased human use, within five miles of designated critical habitat for the threatened Canada lynx.¹³ Another twenty-six parcels comprising 23972.27 acres, would affect designated habitat for the BLM-sensitive greater sage-grouse. Parcels parcels MTM 79010-8R, MTM 79010-JJ, and MTM 105431-HW also contain potential habitat for the Yellowstone cutthroat trout, a BLM Montana sensitive species.</p>
<p>BLM Response: 40 CFR § 1508.9 provides that a Federal agency may prepare an Environmental Assessment to 1) briefly provide sufficient evidence and analysis for determining whether to prepare an environmental impact statement or a finding of no significant impact, 2) aid an agency’s compliance with the Act when no environmental impact statement is necessary, and 3) facilitate preparation of a statement when one is necessary.</p> <p>This EA is tiered to the information and analysis and conforms to the decisions contained in the 2015 Rocky Mountain Region Record of Decision (ROD) and Billings Approved Resource Management Plan (BiFO ARMP). The ROD and ARMP are in compliance with all Federal laws, regulations, and policy. The direct, indirect, and cumulative effects of oil and gas leasing across the Billings field office were evaluated in the FEIS for the ARMP.</p> <p>The Proposed Action would be to offer 76 lease parcels of Federal minerals for oil and gas leasing covering approximately 52,297 Federal mineral acres (30,753 acres BLM administered surface and 21,544 acres private surface) located in Musselshell, Sweet Grass, Stillwater, Golden Valley, Wheatland, and Carbon counties. The responsible official will determine whether or not to offer oil and gas leases on the lease parcels identified, and, if so, identify stipulations that would be included with specific lease parcels at the time of lease sale. The decision would not authorize any ground disturbance. Upon receipt of an Application for a Permit to Drill (APD), the BLM would initiate a site-specific NEPA analysis with public review opportunities. The decision to offer these parcels for lease does not rise to the level of significant that would warrant preparation of an EIS. Refer to Comments 96 and 97 and the Draft FONSI.</p>			

Mineral Leasing Act (MLA).

Comment Number	Name	Comment Period	Comment Summary
99	Wild Earth Guardians	EA	<p>The Proposed Leasing in the Billings and Butte FOs and the North Central Montana District Office Appears to Violate the Mineral Leasing Act.</p> <p>It does not appear that most of the lease parcels contain lands that are known or believed to contain oil or gas deposits. It does not appear that there is any intent of any lessee to diligently develop many of the proposed parcels.</p> <p>The Mineral Leasing Act allows leasing only where there are lands that are “known or believed to contain oil or gas deposits.” 30 U.S.C. § 226(a). The agency appears to have undertaken no such diligence in confirming whether the oil and gas industry’s supposed interest in the proposed lease parcels is rooted in the existence or believed existence of oil and gas deposits.</p> <p>The BLM cannot lease lands for oil and gas development if there is no intent to diligently develop. The agency confirmed this in a recent decision denying the issuance of an oil and gas lease to a lessee, explaining: A fundamental requirement of every oil and gas lease, as stated in Section 4 on page 3 of Form 3100-1, is the requirement that the “Lessee must exercise reasonable diligence in developing and producing, and must prevent unnecessary damage to, loss of, or waste of leased resources.” This diligent development requirement has its basis in the Mineral Leasing Act of 1920, as amended. See 30 U.S.C. § 187. Exhibit 21, BLM, Oil and Gas Noncompetitive Lease Offers Rejected (Oct. 18, 2016). Here, the BLM appears to explicitly acknowledge that there is no explicit intent to develop any of the proposed lease parcels.</p>
			<p>BLM Response: The method used to determine a potential Reasonably Foreseeable Development scenario for the lease sale is outlined in Section 3.2 of the EA. The 2015 BiFO ARMP and associated FEIS describe the development potential across the planning area, which demonstrates the presence of oil and gas deposits within the respective counties.</p> <p>Low development potential does not indicate the absence of oil and gas in the area. There are numerous factors that contribute to development potential in an area. As stated in Section 3.2 of the EA, "These well numbers are only an estimate based on historical drilling, geologic data, resource expertise, and current development in the area." Development potential can change as factors change and influence development in the area one way or another.</p> <p>The Utah BLM decision to reject lease offers was based on Ms. Williams statements made to the media, which disclosed her intentions if the parcels were issued to her or Tempest Exploration. Ms. Williams intentions were in violation of the diligent development requirement in Form 3100-1, which required BLM to reject the offers. The CO State Office decision to not offer 20 parcels for the June 2017 lease sale was based on the parcel locations within low potential energy and reduced industry interest in the geographic area, as well as concern from local government and the public. The State Director wants to make sure the parcels are still appropriate for leasing. These lands are still considered open for oil and gas leasing unless determined closed for oil and gas</p>

Comment Number	Name	Comment Period	Comment Summary
<p>leasing in the respective Field Office land use plan, and could be re-evaluated in a future lease sale. The Montana/Dakotas State Office is unaware of potential lessee intentions to violate the diligent development requirement.</p>			
<p>Leases are issued in accordance to Federal laws, regulations, and policy. The 2015 BiFO ARMP did not designate the parcel lands under review as closed to oil and gas leasing; therefore, BiCFO applied the necessary RMP approved stipulations to the respective lease parcels, which include stipulations associated with resources and resource uses identified in the 2015 BiFO ARMP. See Appendix A.</p>			
100	Center for Biological Diversity	Scoping and EA	<p>BLM Must Ensure That the Federal Land Policy and Management Act and the Mineral Leasing Act Are Not Violated</p> <p>The MLA requires BLM to demand lessees take all reasonable measures to prevent the waste of natural gas. 30 U.S.C. § 225; see also id. § 187. Pursuant to FLPMA, BLM must “take any action necessary to prevent unnecessary or undue degradation of the [public] lands.” 43 U.S.C. § 1732(b).</p> <p>Greenhouse gas pollution for example causes “undue” degradation. Even if the activity causing the degradation may be “necessary,” where greenhouse gas pollution is avoidable, it is still “unnecessary” degradation. 43 U.S.C. § 1732(b).</p>
<p>BLM Response: A decision to offer parcels for lease would not cause unnecessary or undue degradation and is consistent with existing laws, regulations, and polices, including the Billings ARMP, NEPA, MLA, and FLPMA. Upon receipt of an Application for a Permit to Drill (APD), the BLM would initiate a site-specific NEPA analysis with public review opportunities. Any conditions of approval for permits to drill, including measure necessary to prevent unnecessary and undue degradation, would be evaluated at the project level.</p>			