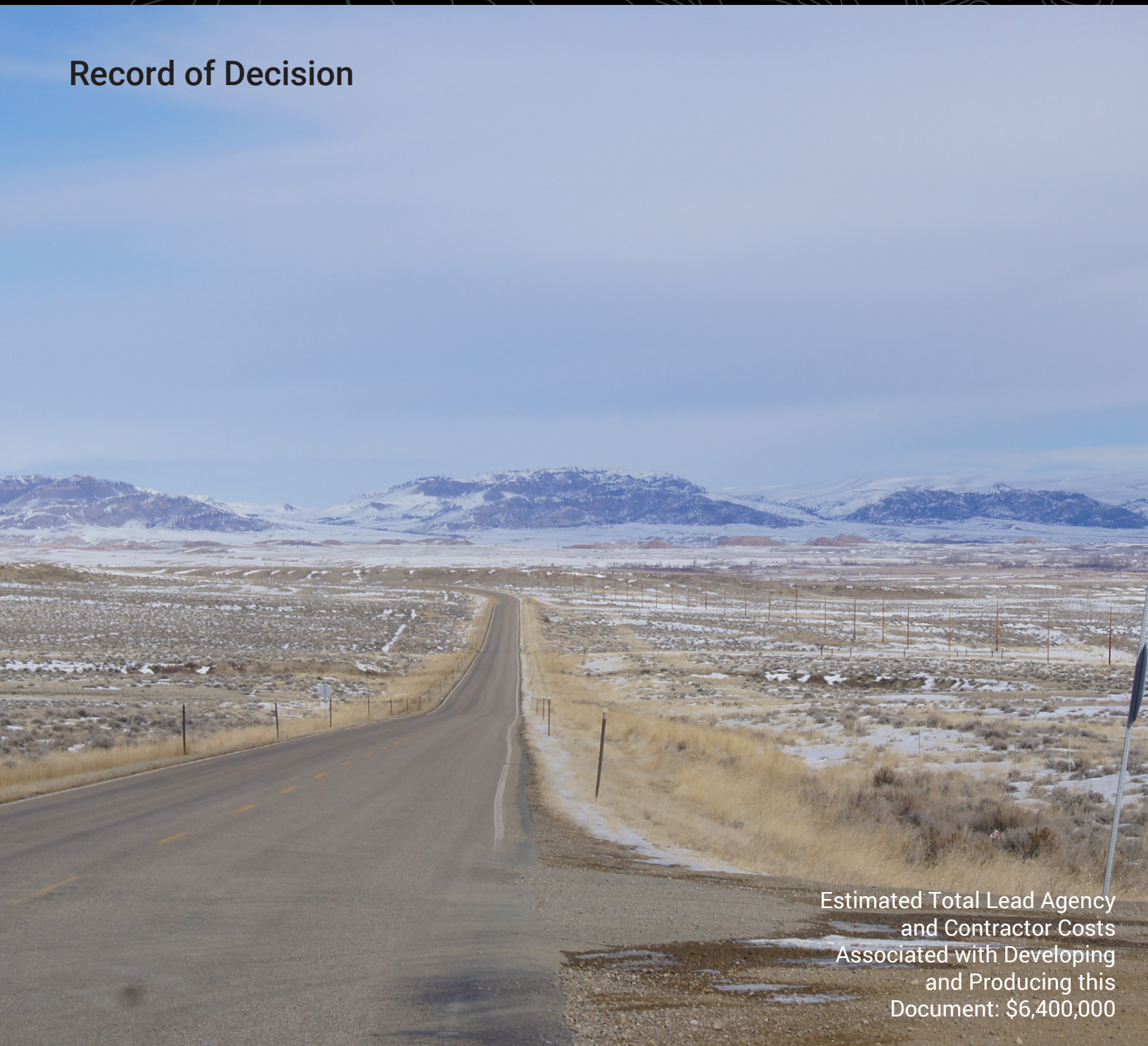
U.S. Department of the Interior
Bureau of Land Management

# Moneta Divide Natural Gas and Oil Development Project

Wyoming – Wind River/Bighorn Basin District and High Plains District
August 2020

## Record of Decision



Estimated Total Lead Agency and Contractor Costs Associated with Developing and Producing this Document: $6,400,000

The Bureau of Land Management is responsible for the stewardship of our public lands. The BLM's mission is to sustain the health, diversity, and productivity of the public lands for the use and enjoyment of present and future generations.

**BLM/WY/PL-20/006+1310**

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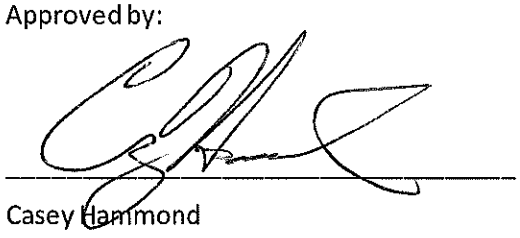
# ACRONYMS AND ABBREVIATIONS

| | |
|---|---|
| % | percent |
| ACHP | Advisory Council on Historic Preservation |
| ACM | Applicant Committed Measure |
| Aethon | Aethon Energy Operating LLC |
| APD | Application for Permit to Drill |
| bbl | barrel |
| BLM | Bureau of Land Management |
| BMP | Best Management Practice |
| Burlington | Burlington Resources Oil & Gas Company LP |
| CFO | Casper Field Office |
| CFR | Code of Federal Regulations |
| COA | Condition of Approval |
| CPF | Combined Processing Facility |
| CSU | Controlled Surface Use |
| DDA | Designated Development Area |
| DOI | Department of the Interior |
| EIS | Environmental Impact Statement |
| Encana | Encana Oil & Gas (USA) Inc. |
| EPA | U.S. Environmental Protection Agency |
| FEIS | Final Environmental Impact Statement |
| FLPMA | Federal Land Policy and Management Act, as amended |
| FTE | Full Time Equivalent |
| GMI | Gun Barrel, Madden Deep and Iron Horse Natural Gas Development Project |
| LFO | Lander Field Office |
| Moneta Divide | Moneta Divide Natural Gas and Oil Development Project |
| MOU | Memorandum of Understanding |
| NEPA | National Environmental Policy Act |
| NHPA | National Historic Preservation Act |
| NOA | Notice of Availability |
| NOI | Notice of Intent |
| NSO | No Surface Occupancy |
| PA | Programmatic Agreement |
| PHMA | Priority Habitat Management Area |
| POD | Plan of Development |
| RFO | Rawlins Field Office |
| RMP | Resource Management Plan |
| ROD | Record of Decision |
| ROW | Right-of-Way |
| SHPO | State Historic Preservation Office or Officer |
| TCP | Traditional Cultural Property |
| TLS | Timing Limitation Stipulation |
| U.S. | United States |
| U.S.C. | United States Code |
| WOGCC | Wyoming Oil and Gas Conservation Commission |
| WYPDES | Wyoming Pollutant Discharge Elimination System |

## 1.0 Final Agency Action

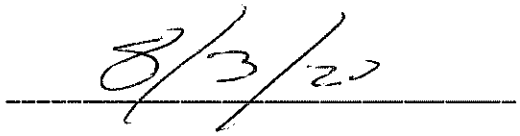
I hereby approve this decision. My approval of this decision constitutes the final decision of the Department of the Interior and, in accordance with the regulations at 43 C.F.R. § 4.410(a)(3), is not subject to appeal to the Office of Hearings and Appeals under Departmental regulations at 43 CFR Part 4.

Approved by:



Casey Hammond
Principal Deputy Assistant Secretary
Exercising the authority of the Assistant Secretary
Land and Minerals Management

Approval Date:



## 2.0 Summary

Aethon Energy Operating LLC (Aethon) and Burlington Resources Oil & Gas Company LP (Burlington) (referred to collectively as the Companies) proposed to the U.S. DOI BLM Lander Field Office (LFO) to develop new, and enhance existing, facilities for the exploration and production of oil and gas resources primarily in Fremont and Natrona counties, and partially within Sweetwater County, Wyoming. The project area is a checkerboard pattern of mixed ownership, alternating between sections of public and private landownership.

The Companies propose to drill and produce oil and gas resources and construct associated facilities on approximately 327,645 acres located primarily on BLM-administered lands in the BLM LFO and Casper Field Office (CFO). The majority of the development would occur in the production area and would include 4,100 directional and vertical natural gas and conventional oil wells by Aethon and 150 directional and vertical natural gas wells by Burlington. Some of the supporting facilities would occur partially outside the production area (62,211), including treated water discharge pipelines, disposal wells spread between two disposal areas and a product pipeline. The product pipeline would extend approximately 120 miles through Fremont and Sweetwater counties on private, state, and public lands administered by the LFO and Rawlins Field Office (RFO).

Aethon proposes wells on both single- and multi-well pads and Burlington proposes using single well pads, with all wells being developed over a 15-year period. The life of the project, including drilling, production, and final reclamation, would be approximately 65 years, assuming the average life of a well is 50 years. The precise locations of wells have not been identified at this time. More than 830 wells have already been developed in the project area, with some plugged and abandoned.

## 3.0 Introduction

The Companies submitted a Plan of Development (POD) to the U.S. DOI BLM proposing to develop new and enhance existing facilities for the exploration and production of oil and gas resources. The proposal is referred to as Moneta Divide Natural Gas and Oil Development Project (Moneta Divide Project).

The Moneta Divide Project Area consists of approximately 327,645 acres located primarily in Fremont and Natrona counties, Wyoming, approximately 40 miles northeast of Riverton, Wyoming, and partially in Sweetwater County. The Project Area is located on lands and minerals administered by the BLM (216,819 surface acres, or 66 percent of the Project Area) and the State of Wyoming (31,660 surface acres or 10 percent of the Project Area), as well as private lands (79,166 acres, or 24 percent of the Project Area).

The Companies propose to drill a maximum of 4,250 wells over approximately 15 years within the Moneta Divide Production Area, at an average rate ranging from 280 to 325 wells per year:

- **Aethon proposes to drill 4,100 wells** in the Gun Barrel, Powder Keg, Double Iron, and Talon Units, and other leases not within a federal unit (referred to as Aethon's Operating Area, 185,396 acres).
- **Burlington proposes to drill 150 wells** in the Madden Deep Federal Exploratory Unit (referred to as Burlington's Operating Area, 80,038 acres).

In addition to the new gas and oil wells, the Companies have proposed the following facilities:

- treated water discharge pipelines
- disposal wells
- roads
- pipelines and booster stations
- powerlines
- gas processing plant
- oil/condensate storage
- water treatment facilities
- combined processing facilities
- compressor stations
- equipment/pipe storage yards
- bio-composting facility
- water disposal wells
- workforce facility

The precise locations of the proposed wells and additional facilities have not been identified but will be proposed during site-specific permitting and subject to additional environmental review. The life of the project is assumed to be 65 years through final reclamation.

## 3.1 Background

Oil and gas exploration and production has been ongoing in the Moneta Divide Project Area since the 1920s and over 830 wells have been drilled. Other existing oil and gas facilities in the Production Area include, but are not limited to, evaporation ponds, permitted surface discharge outfalls, a bio-composting facility, field office buildings, roads, pipelines, powerlines, compressor stations, and a gas plant. Aethon and Burlington both have operations currently ongoing in the Production Area.

The Moneta Divide Project is an expansion of a previous project known as the Gun Barrel, Madden Deep, and Iron Horse Natural Gas Development Project (GMI Project). The BLM began preparing an Environmental Impact Statement (EIS) for the GMI Project in 2008. At that time, Aethon's predecessor for the Moneta Divide Project, Encana Oil & Gas (USA), Inc. (Encana), and Burlington, along with Noble Energy, Inc., proposed to drill approximately 1,370 new wells within a 146,000-acre project area in the Gun Barrel, Madden Deep, and Iron Horse federal units. These federal units are located entirely within the current proposed Moneta Divide Production Area.

During preparation of the EIS for the GMI Project, Encana modified its development proposal from 750 wells within a single federal unit to 3,600 wells within three existing federal units, one proposed federal unit, and surrounding lands. Encana also acquired Noble Energy, Inc.'s interest in the Iron Horse Unit and incorporated its proposed 500 wells in its modified proposal, for a total of 4,100 proposed wells. Burlington's proposal to drill 150 wells has not changed from the original GMI proposed action. The BLM determined it was necessary to restart the EIS process because of the difference between the original proposed action and Encana's revised proposed action. In 2012, Encana and Burlington submitted a Plan of Development (Appendix B, *Plan of Development*, to the Final EIS [FEIS]) for their revised proposal, renamed the Moneta Divide Project, and in January 2013, the BLM initiated this EIS to analyze that new proposal. Aethon acquired Encana's federal leases and other assets in the Moneta Divide Production Area in March 2015, and confirmed that the Proposed Action, as originally proposed by Encana, would remain the same.

# 4.0 Decision

The BLM has determined that the analysis contained within the Moneta Divide Project FEIS is adequate for the purposes of reaching an informed decision regarding the Moneta Divide Project. This Record of

Decision (ROD) applies only to the BLM-administered public lands, including federal mineral estate, within the Project Area.

The BLM hereby selects and approves the FEIS Preferred Alternative, which was developed in response to comments received on the Draft EIS and from input from the Cooperating Agencies, and was designed to allow for development under valid existing lease rights while conserving a broad range of resource values.

The Preferred Alternative is approved in this ROD. Specific aspects of this approval (the decision) are outlined in subsequent portions of this ROD.

Under the decision, Aethon is approved to submit site-specific applications for natural gas and oil drilling and related development on federal lands within the Project Area, as described in the Moneta Divide Project FEIS under the BLM's Preferred Alternative, described further below. Future exploration and development activities, applications for permits to drill (APDs) and rights-of-way (ROW) are subject to the resource protection measures presented in Appendix F of the Moneta Divide Project FEIS, *Resource Protection Measures*[1], which may be applied as Conditions of Approval (COAs) during site-specific permitting and authorization processes.

Prior to any project-related operations occurring on public lands, required applications must be submitted to and considered by the BLM during site-specific environmental review. The FEIS was programmatic in nature, in that the exact location and design of facilities proposed by the Companies was unknown during the EIS development process. Subsequent National Environmental Policy Act (NEPA) analysis tiered to this EIS will be required prior to construction; see Appendix A of the Moneta Divide Project FEIS, *NEPA Tiering Procedure*[2], for additional information. The BLM will decide to approve, modify, or deny permits for the exploration and development of federal oil and gas leases and related ancillary facilities incorporating the analysis in the EIS, the tiered NEPA documents, and this ROD.

Under the decision, Aethon can submit APDs and related ROWs for as many as 4,100 natural gas and oil wells, associated infrastructure and ancillary facilities, at a rate of up to 300 wells site-specifically approved per year during the approximate 15-year development period. Burlington may submit APDs and related ROW for as many as 150 natural gas and oil wells, associated infrastructure and ancillary facilities, at a rate of up to 25 wells site-specifically approved per year during the approximate 15-year development period. The BLM hereby approves up to 20,132 acres of short-term disturbance and up to 6,208 acres of long-term disturbance during the anticipated 65-year life of the project as the result of site-specific proposals.

The decision adopts an amendment to the CFO Resource Management Plan (RMP), as detailed in Section 4.1. The amendment increases the area of BLM-administered land and mineral estate around the Cedar Ridge Traditional Cultural Property subject to protective management stipulations, including No Surface Occupancy (NSO) and Controlled Surface Use (CSU).

## 4.1 Casper Resource Management Plan Amendment

The BLM approves amending the 2007 CFO RMP (BLM 2007a), as included in the Preferred Alternative in the FEIS. The amendment modifies the management prescriptions within and around the Cedar Ridge Traditional Cultural Property (TCP) in the CFO to protect the site's sacred values. During Native American tribal consultation, the area recognized as the "boundary" of the TCP was expanded to

[1] Appendix F of the Moneta Divide Project FEIS is available at https://go.usa.gov/xQr83

[2] Appendix A of the Moneta Divide Project FEIS is available at https://go.usa.gov/xQr83

encompass the entire ridge plus 1 mile and the area recognized as the "periphery" was expanded to encompass a 3-mile area around the boundary. The amendment applies protective management stipulations within the expanded boundary and periphery area (Map 1):

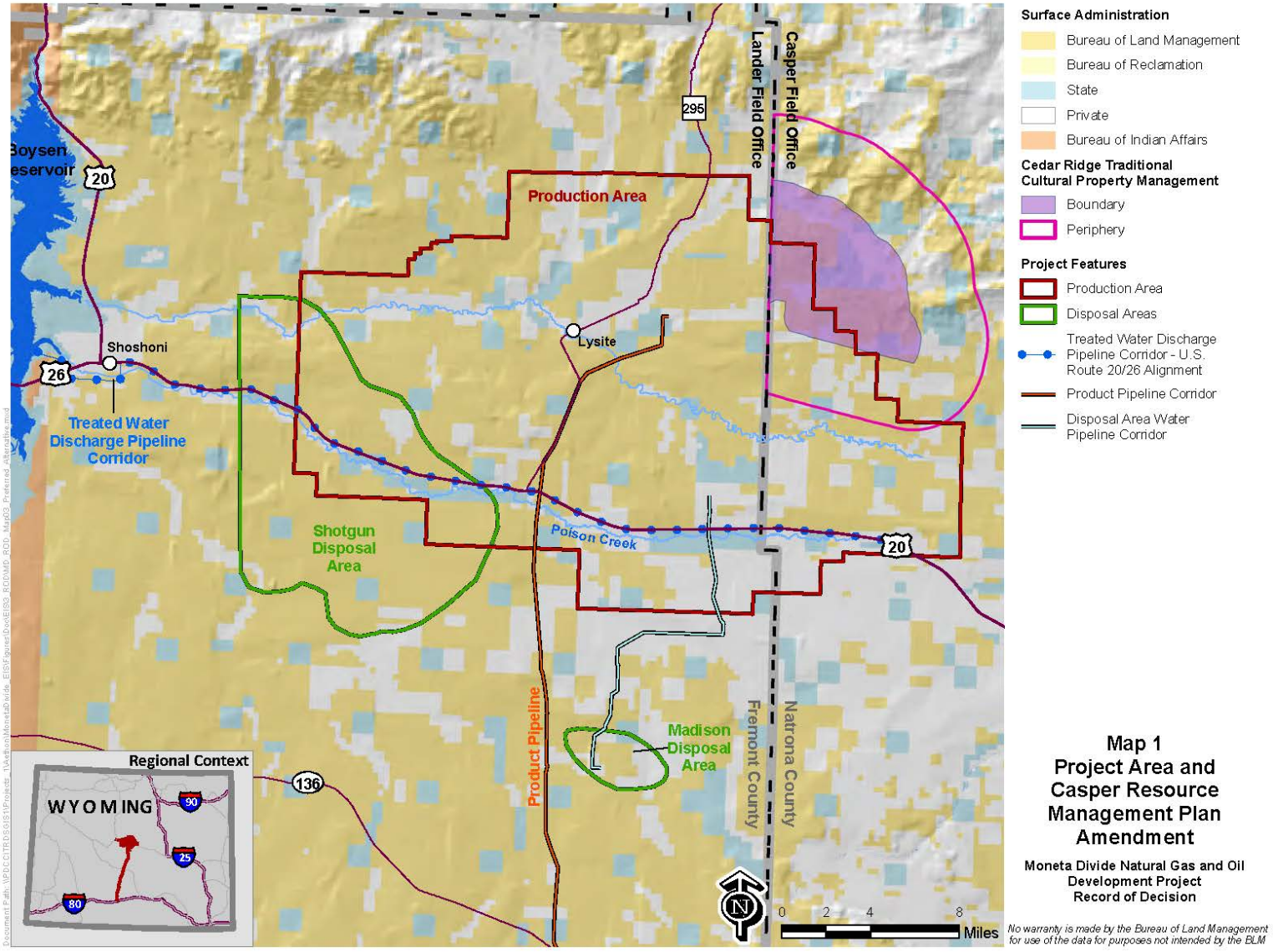
- Boundary: 23,990 total acres in CFO
- Periphery: 45,589 total acres in CFO

The land and mineral estate within the previous TCP boundary and periphery (as described in the 2007 CFO RMP) that is not affected by the proposed amendment, will continue to be managed according to the existing decisions in the CFO RMP (Decisions 7028-7033) (BLM 2007a). The CFO RMP is amended to apply the existing management decisions to the expanded boundary and periphery areas as follows:

- Fluid Leasable Minerals: The TCP footprint boundary is managed with an NSO stipulation. The periphery is managed with a CSU stipulation restricting or prohibiting surface occupancy unless the proponent and surface management agency arrive at an acceptable plan for mitigation of impacts. Surface-disturbing activities will be minimized by using techniques such as directional drilling or visual screening techniques wherever practicable in the periphery area.
- Salable Minerals (Mineral Materials): The TCP footprint boundary is managed as closed to salable mineral development. Within the periphery, development of salable minerals will be restricted to 5 acres or less.
- Other Minerals: A withdrawal will be pursued within the TCP footprint boundary. The withdrawal will segregate from operation of the public land laws, including the mining laws. The periphery will be available for locatable mineral entry.

The BLM LFO determined that a change in the underlying management of public lands within the TCP boundary and periphery in LFO will not be pursued at this time given existing RMP stipulations and protection measures that will be applied from the Programmatic Agreement (PA). If based on future conditions the BLM determines a change in management in LFO is needed, it will be evaluated through a separate NEPA action. The TCP boundary and periphery in LFO would continue to be managed according to the 2014 LFO RMP.

## Map 1. Project Area and Casper Resource Management Plan Amendment



## 4.2 Project Components

The Moneta Divide Project Area is composed of several major project components, which occupy distinct geographic footprints. These areas are distinguished based upon their spatial boundaries, the functions of the project components, and the administrative permitting process required for approval (e.g., APD, ROW grant). The Moneta Divide Project Area (327,645 acres) consists of:

- The Production Area (265,434 acres), in which the Companies propose to drill and produce oil and gas resources and construct associated facilities; and
- Components/facilities that are proposed primarily outside of the Production Area (62,211 acres), including (1) a single Treated Water Discharge Pipeline; (2) two Disposal Areas; and (3) a Product Pipeline.

The components/facilities that are proposed outside of the Production Area also overlap portions of the Production Area. The subsections that follow are organized by the four main project components:

- Production Area
- Treated Water Discharge Pipeline Corridor to Boysen Reservoir
- Disposal Areas
- Product Pipeline Corridor

Table 1 summarizes the type and number of facilities that could be constructed, along with surface disturbance estimates. Project construction would only occur after APDs or ROW applications are submitted and site-specific tiered NEPA has been completed.

**Table 1. Project Components and Surface Disturbance Estimates**

| Project Component | Number or Miles | Total Initial Disturbance (acres) | Total Long-term Disturbance (acres) |
|---|---|---|---|
| ***Production Area*** | | | |
| Single-well Pads for Vertical Wells – Aethon | 410 | 1,640 | 246 |
| Multi-well Pads – Aethon | 898 | 6,735 | 1,661 |
| Single-well Pads for Horizontal Wells – Aethon | 100 | 750 | 185 |
| Single-well Pads – Burlington | 150 | 387 | 166 |
| Gathering Pipelines – Aethon | 576 miles | 3,140 | 0 |
| Gathering Pipelines – Burlington | 23 miles | 70 | 0 |
| Roads – Aethon | 806 miles | 2,441 | 2,441 |
| Roads – Burlington | 23 miles | 70 | 70 |
| Equipment/Pipe Storage Yards | 2 | 20 | 20 |
| Gas Plant | 1 | 80 | 80 |
| Combined Process Facilities (including the permanent water treatment plants) | 10 | 500 | 500 |
| Semi-transportable Compressor Stations/Water Treatment Facilities | 20 | 200 | 200 |
| Product Pipeline Booster Stations | 2 | 26 | 26 |
| Workforce Facility | 1 | 40 | 40 |

**Table 1. Project Components and Surface Disturbance Estimates**

| Project Component | Number or Miles | Total Initial Disturbance (acres) | Total Long-term Disturbance (acres) |
|---|---|---|---|
| Bio-composting Facility | 1 | 40 | 40 |
| Electrical Distribution Lines | 50 miles | 350 | 16 |
| Water Treatment Feeder Lines to Main Line | 30 miles | 182 | 0 |
| **Production Area Total** | -- | **16,671** | **5,691** |
| ***Treated Water Discharge Pipeline*** | | | |
| U.S. Route 20/26 Route (Main Line) | 39 miles | 379 | 0 |
| **Treated Water Discharge Pipeline Total** | -- | **379** | **0** |
| ***Disposal Areas*** | | | |
| Disposal Well Pads – Madison (multi-well pads) | 5 | 23 | 9 |
| Disposal Well Pads – Shotgun (single-well pads) | 150 | 675 | 270 |
| Madison Disposal Feeder Pipeline | 18 miles | 117 | 0 |
| Disposal Well Access Roads | 61 miles | 186 | 186 |
| Disposal Well Distribution Pipelines | 61 miles | 260 | 0 |
| Electrical Distribution Line for Disposal Well Facilities | 91 miles | 639 | 28 |
| Evaporation/Retention Ponds for Disposal Wells | 5 | 25 | 25 |
| **Disposal Areas Total** | -- | **1,924** | **518** |
| ***Product Pipeline*** | | | |
| Product Pipeline | 120 miles | 1,159 | 0 |
| **Product Pipeline Total** | -- | **1,159** | **0** |
| **GRAND TOTAL** | -- | **20,132** | **6,208** |
| **Percent of Project Area** | -- | **6.0%** | **2.0%** |

Note: Acres may not sum to total due to rounding.

-- Not applicable
ROW right-of-way

### 4.2.1 Production Area

#### *Wells and Well Pads*

The decision allows for the development of up to 4,250 natural gas and oil wells in the Production Area.

Aethon may develop up to 4,100 natural gas and conventional oil wells at a rate of up to 300 wells per year (273 wells per year on average) over an approximate 15-year development period. Wells may be drilled vertically, directionally, and horizontally on a mix of single- and multi-well pads. Each single-well vertical pad will have an average initial surface disturbance of approximately 4 acres, and long-term surface disturbance after reclamation of 0.6 acre. Each multi-well directional pad location, containing up to four wells, will have an average initial surface disturbance of approximately 7.5 acres and long-

term surface disturbance after reclamation of 1.9 acres. Actual pad sizes will depend on terrain limitations and other site-specific conditions.

Burlington may develop 150 vertically or directionally drilled natural gas wells from 150 single-well pads at a rate of up to 25 wells per year (10 wells per year on average) during a development period of approximately 15 years. Initial disturbance for Burlington's well pads will average 2.6 acres, with long-term disturbance averaging 1.1 acres after reclamation. Actual pad sizes will depend on terrain limitations and other site-specific conditions.

While development is estimated to occur over 15 years, the actual pace of development will be driven by the Companies' ability to manage produced water in accordance with federal, state, or local regulations, and could result in a longer development timeframe.

As noted in Table 1, the decision allows for Aethon to construct a new workforce facility (40 acres) to house up to 700 development and production workers within the Production Area.

### *Processing Facilities and Gas Plant*

Production resulting from well development activities will necessitate the installation of production and gathering equipment co-located on well pads and, in Aethon's case, at new locations within the Production Area. Production equipment co-located on well pads typically will include compressors, dehydrators, additional separators, and storage tanks. Aethon will also construct the following facilities to accommodate production within its Operating Area:

- 10 central processing facilities (50 acres each)
- 20 semi-transportable compressor stations/water treatment facilities (10 acres each)
- Central gas plant (80 acres)

To support remediation efforts, Aethon may construct and operate a bio-composting facility, which is estimated to be 40 acres in size. Aethon operates an existing bio-composting facility in the Production Area on private land, and the new facility will expand Aethon's bio-composting capacity.

Burlington does not require new processing facilities.

### *Roads and Access*

Regional access to the Production Area will be from U.S. Route 20/26. The exact location of internal access roads will depend on the final location of the well pads, the gas plant, combined processing facilities, workforce facility, and other ancillary facilities. Local and resource roads connecting a location to the nearest existing primary road will be 25 feet wide and will be within a 50-foot wide ROW to accommodate future pipeline placement. Roads will be adjacent to existing pipelines and powerlines wherever practical. An estimated 829 miles of road will be constructed in the Production Area. For more information on road construction and maintenance, see Moneta Divide Project FEIS Appendix H, *Transportation Plan*.

### *Gathering Pipelines*

The decision allows Aethon and Burlington to develop a network of gathering pipelines to transport hydrocarbons from well heads to processing facilities. Within Aethon's Operation Area, new gathering pipelines will generally occur adjacent to access roads within a 25-foot pipeline ROW, for a total road/pipeline ROW of 50 feet. Construction of pipelines consolidating multiple locations generally occur

adjacent to local roads within a 55-foot pipeline ROW, for a total road/pipeline ROW of 80 feet. Pipeline trenches, up to 6 feet in depth and 18 to 36 inches wide, will be excavated mechanically with a backhoe or trencher. Aethon may construct an estimated 576 miles of new gathering pipeline for the Moneta Divide Project.

Burlington may construct up to 23 miles of gathering pipelines, co-located with access roads within a 50-foot ROW corridor, in its Operating Area in the Production Area. Trench construction and dimensions are expected to be similar to Aethon's.

### *Powerlines*

Aethon will co-generate electric power at its combined processing facilities (CPFs) within the Production Area. The decision allows Aethon to construct 50 miles of overhead electric distribution lines to support the distribution of power from cogenerating CPFs to CPFs without cogeneration equipment, semi-transportable compressor stations/water treatment facilities, the gas plant, and Product Pipeline booster stations. Prior to installation, Aethon must submit detailed design plans to the BLM during the APD and ROW application processes.

Burlington will not require construction of new overhead powerlines.

### *Water Use*

Aethon will use fresh groundwater to drill each well and will use produced water for the completion of each well. An estimated 5,000 barrels (bbls) of fresh groundwater will be used for drilling operations, and 170,000 bbls of produced water will be used in the completion operations of each well for a total of approximately 175,000 bbls of water per well. Burlington will use fresh water for all drilling activities. Burlington estimates that drilling and completions operations will require approximately 20,000 bbls of fresh water per well. The volume of water used for drilling and completions is highly variable and may fluctuate depending on the drilling technique, depth of the well, and other factors. Fresh groundwater used in drilling activities will be obtained from either existing water supply wells or purchased from private fee landowner sources.

### *Produced Water Management*

The decision provides for development of oil and gas wells that may generate, at full-field development, up to 1.4 million bbls of produced water per day. The majority of produced water will be generated from Aethon's drilling and production activities, with a much lower volume produced by Burlington:

- Aethon's drilling and production activities are estimated to generate a total of up to 1.4 million bbls of produced water per day at a maximum development of 4,100 new wells in year 15.
- Burlington's drilling and production activities are estimated to generate a total of up to 20,700 bbls of produced water per day at a maximum development of 150 new wells in year 15.

The following subsections describe how Aethon will treat and dispose of the produced water from its operations. Should produced water volume exceed treatment or disposal capacities to the extent that Aethon will be unable to manage produced water in accordance with federal, state, or local regulations, then Aethon will shut in wells as needed.

### *Water Treatment*

The decision allows for Aethon to install up to 10 permanent and 20 temporary water treatment facilities. The number of facilities, the level of treatment, and the treatment process will be determined by the water disposal method (e.g., disposal wells, surface discharge, evaporation ponds) and the resulting water quality will meet or exceed applicable state or federal standards.

### *Water Disposal*

Produced water will be disposed of using the following methods:

- **Surface Discharge**: Aethon may discharge produced water at its permitted discharge outfalls into tributaries to Alkali Creek in compliance with Wyoming Pollutant Discharge Elimination System (WYPDES) permit number WY0002062.
- **Discharge Pipeline to Boysen Reservoir**: The decision by BLM allows for one high-capacity Treated Water Discharge Pipeline (48-inch) to Boysen Reservoir along the U.S. Route 20/26 ROW. Refer to Section 4.2.2, *Treated Water Discharge Pipeline*, for additional information about how discharge into Boysen Reservoir will be managed under the Preferred Alternative.
- **Disposal Wells**: The decision allows for Aethon to develop up to 160 disposal wells and associated facilities in the Shotgun and Madison Disposal Areas. Refer to Section 4.2.3, *Disposal Areas*, for additional information about how subsurface disposal will be managed. Burlington is currently permitted to inject produced water through the use of 10 existing Wyoming Oil and Gas Conservation Commission (WOGCC) permits. Existing disposal wells within the Production Area are expected to accommodate the additional produced water from Burlington's plan of development of an additional 150 wells.
- **Retention/Evaporation Ponds**: Aethon may construct 10 retention/evaporation ponds in the Production Area to be co-located with permanent water treatment facilities at CPFs. These ponds will be used to store and/or evaporate produced water and/or treated produced water, as well as act as stabilizers for water management by adding additional retention capacity. The new ponds would have a capacity of 400,000 to 800,000 bbls and will be equipped with leak detection systems to prevent spills, as well as avian bird-protection design features consisting of radar-activated bird deterrents.
- **Off-Site Disposal**: Aethon may also transport produced water and/or produced water concentrate via truck to off-site facilities for disposal. Off-site disposal facilities that could potentially be used are in Evanston, Lander, Casper, and Lysite, Wyoming.

The BLM's preferred method of surface discharge is for Aethon to utilize one pipeline to Boysen Reservoir to discharge water that is treated to be of equal quality, or better, than water exiting Boysen Reservoir (at the Wind River, which is currently designated as Class 1 waters), as proposed in Aethon's Water Management Plan (FEIS Appendix K). Until additional treatment plants and the treated water discharge pipeline are constructed, Aethon should dispose of water through other disposal methods, including evaporation ponds, disposal wells, and surface discharge under its current WYPDES permit.

### *Conservation and Monitoring Plan*

Prior to discharge to any new, or existing but unused, discharge points, the Companies would be required to develop a conservation and monitoring plan that would identify monitoring and mitigation options to minimize the effects on drainages from surface discharge and surface-disturbing activities occurring on BLM-administered land. The plan would be developed in coordination with the BLM, Wyoming Department of Environmental Quality (DEQ), and other appropriate stakeholders. The

conservation and monitoring plan would be subject to BLM approval and would identify monitoring methods, thresholds of significance or action levels, mitigation options to minimize impacts, and corrective actions in the event a threshold or action level is exceeded. Monitoring would focus on those areas of BLM-administered lands that would likely be most affected by surface discharge and surface disturbance. The plan would include the following components:

1. Identification of potential issues, including, but not limited to:
    a. any new discharge point or currently unmonitored active discharge points;
    b. erosion and sediment runoff originating from well pads, roads, or other sites on public lands;
    c. erosion of channel banks, from surface discharge operations; and
    d. stream salt buildup along stream bank.
2. Objectives and thresholds
3. Identification of potential management, which may include recommendations from Section 7.0, *Conclusions and Recommendations*, of FEIS Appendix P, *AGWA Modeling Technical Report*.
4. Identification of models appropriate for use
5. Monitoring plan

Upon receipt of the plan, the BLM would assess the potential for impacts to resources on BLM administered lands from increased surface discharge from new, or currently unused discharge points, to determine if additional NEPA analysis is warranted. During any site-specific NEPA analysis, the BLM would determine if additional mitigation is warranted to minimize the effects of surface discharge on resources under the jurisdiction of the BLM. Subsequent NEPA reviews may include quantitative estimates of surface discharge to determine site-specific impacts on, for example, erosion, channel stability, salt build-up, and aquatic species on public lands. The BLM may use existing data and studies developed by Aethon to comply with its WYPDES permit requirements (e.g., Channel Stability Monitoring Reports) or it may conduct new quantitative or qualitative analysis as determined appropriate for the NEPA document. During any site-specific NEPA analysis, the BLM would determine if additional mitigation is warranted to minimize the effects of surface discharge on public land resources.

### 4.2.2 Treated Water Discharge Pipeline

The decision provides for the development of one high-capacity Treated Water Discharge Pipeline to Boysen Reservoir along the U.S. Route 20/26 corridor and Poison Creek drainage. This pipeline would be approximately 39 miles long (28 miles in the Production Area and 11 miles outside of the Production Area), with a diameter of 48 inches and a disturbance width of approximately 80 feet. Approximately 30 miles of pipelines would transport treated water from water treatment facilities to the main Treated Water Discharge Pipeline to Boysen Reservoir.

Discharge into Boysen Reservoir through the pipeline would be regulated by Wyoming DEQ through a WYPDES permit. The water volumes discharged into Boysen Reservoir through the pipeline would depend on the level of treatment and the amount of water that would be disposed of through other means, including surface discharge, subsurface disposal, and evaporation.

The Treated Water Discharge Pipeline is within an RMP designated corridor until it reaches the town of Shoshone. Thereafter, it is outside of an LFO RMP-designated Corridor. For the BLM to approve the Treated Water Discharge Pipeline outside of RMP-designated corridors, Aethon will be required to show

that it was not feasible to locate the entirety of the project facilities within the designated corridors. The feasibility will be further documented in the project-specific NEPA analysis when the ROW application is prepared.

### 4.2.3 Disposal Areas

The decision provides for Aethon to develop up to 160 Class 2[3] disposal wells for subsurface disposal of produced water and produced water concentrate, a byproduct of the proposed water treatment processes. The decision allows for 150 disposal wells within the Shotgun Disposal Area and 10 disposal wells within the Madison Disposal Area. Within the Shotgun Disposal Area, the 150 disposal wells would be located on single well pads, and within the Madison Disposal Area, the 10 disposal wells would be located on 5 multi-well pads (2 wells per pad). The decision assumes Aethon would inject in accordance with WOGCC authorizations. Disposal capacities within both disposal areas are estimated to be up to 320,000 bbls total per day (2,000 bbls per well per day). If Aethon proposes to surpass this volume of disposal, additional NEPA analysis may be required in accordance with the NEPA tiering procedures described in Appendix A of the Moneta Divide Project FEIS.

The decision also allows for the development of supporting facilities in both disposal areas, including access roads, distribution pipelines, electric distribution lines, and retention evaporation ponds. To support disposal activity in the Madison Disposal Area, Aethon could construct an 18-mile feeder pipeline to transport produced water and produced water concentrate from the Production Area to the Madison Disposal Area, along with a 30-mile overhead electric distribution line following Castle Garden Road from the Production Area to the Madison Disposal Area. The miles of new roads, pipelines, powerlines, and number of evaporation ponds are presented in Table 1.

### 4.2.4 Product Pipeline

Subject to additional site-specific NEPA analysis, the decision provides for the development of a pipeline and associated facilities (e.g., booster stations) to transport natural gas and associated produced liquids, condensate, and oil from facilities in the Production Area. The Product Pipeline will originate in the Production Area and terminate near Wamsutter, Wyoming, delivering products to downstream pipelines in this area. The route will follow the Lost Creek Gathering Company pipeline, which corresponds with the Lost Creek 2 designated ROW corridor in the LFO (BLM 2014). This pipeline will be up to 36 inches in diameter and will extend for approximately 14 miles within the Production Area and 106 miles outside of the Production Area, including 87 miles in the LFO and 33 miles in the RFO. Although the approximate location of the corridor within which the pipeline would be constructed is known, the precise location has not yet been determined and subsequent site-specific NEPA analysis will be required once a ROW application for the pipeline is received by the BLM. During the site-specific NEPA analysis, additional restrictions and mitigation measures could be identified depending on the exact route and associated resource concerns.

*[3] Subsurface disposal wells are classified by the Underground Injection Control Program, established by the Safe Drinking Water Act (1996 as amended [P.L. 104-182]). Under Section 1425 of the Safe Water Drinking Act, the WOGCC has primacy for Class II injection wells, designated for disposal of wastewater produced in conjunction with the production of oil and gas.*

## 4.3 Reclamation and Monitoring

Reclamation and associated monitoring requirements for the Moneta Divide Project are described in FEIS Appendix E, *Reclamation Plan*, and are in conformance with Instruction Memorandum WY-2012-032 – Wyoming Reclamation Policy. The BLM will actively monitor resource conditions and reclamation success and, where deemed appropriate, direct the Companies to take corrective actions to improve reclamation methods and reduce short-and long-term impacts on resources. As described in Section 4.2.1, *Production Area*, the Companies will be required to develop a conservation and monitoring plan that will identify monitoring requirements on drainages affected by surface discharge and surface-disturbing activity occurring on BLM-administered land.

# 5.0 Moneta Divide Resource Protection Measures and Mitigation

This section describes resource protection measures and mitigation measures that were identified during the Moneta Divide Project EIS process to avoid, minimize, rectify, reduce, or mitigate potential resource impacts.

The mitigation measures and resource protection measures identified in the FEIS that have been adopted as part of this decision are listed in Section 5.2. These would be applied during tiered, site-specific NEPA analysis of future applications (APDs and ROWs), as applicable. The mitigation measures and resource protection measures that have not been adopted as part of this decision are listed in Section 5.3.

Additional resource protection measures and mitigation may be imposed during site-specific permitting based on adaptive management, site-specific environmental review and identified impacts, and regulations or guidance current at the time of site-specific permitting. During the tiered NEPA process, the BLM will review the resource protection measures and mitigation measures included in this ROD and may modify them to comply with current RMP decisions (e.g., Greater Sage-Grouse planning decisions) and other federal regulations and guidance.

## 5.1 Resource Protection Measures

In general, resource protection measures include Applicant-Committed Measures (ACMs), identified in the Plan of Development, as well as the BLM Resource Management Plan (RMP) stipulations. Appendix F of the Moneta Divide Project FEIS, *Resource Protection Measures*, identifies the resource protection measures for the Moneta Divide Project. Some of the ACMs refer to BLM best management practices (BMPs). In some instances, there may be an overlap between an ACM proposed by the Companies and BLM RMP stipulations. Under those circumstances, the BLM RMP stipulations would govern.

Some resource protection measures will be included as COAs during permitting for site-specific development of the Moneta Divide Project, as applicable, while some measures may be treated as guidelines for voluntary compliance by the Companies. COAs will apply to the Companies and their contractors and will be binding in the event that the facilities or infrastructure are transferred or operated by another entity. Applicability of resource protection measures is subject to valid existing lease rights. Consistent with valid lease rights, the Companies will implement the resource protection measures as listed in Appendix F of the Moneta Divide Project FEIS, *Resource Protection Measures,* but will retain the flexibility to utilize new technologies that provide equal or better resource protections while facilitating the operators' exploration, development and production goals. It is important to note

that many of the ACMs were voluntarily proposed by the Companies, yet may not ultimately be implemented or could be modified pending completion of exploration and delineation of development areas. Other ACMs are tied to regulations and will be implemented. The BLM may augment this list of protection measures and include additional COAs during site-specific NEPA review.

## 5.2 Mitigation Measures Adopted

In addition to the resource protection measures identified in Appendix F of the Moneta Divide Project FEIS, mitigation measures will be applied during site-specific permitting to mitigate the resource impacts described in Chapter 4, *Environmental Consequences*, of the Moneta Divide Project FEIS. The sections below identify mitigation measures by resource.

### *Air Quality*

The BLM identified the following mitigation measures for air quality under the Preferred Alternative:

- **AQ-1 –** The BLM would encourage the Companies to use hydraulic fracturing pumps (which are one of the major contributors to particulate matter and nitrogen oxides ($NO_x$) emissions from oil and gas operations) within the Project Area to meet U.S. Environmental Protection Agency Tier 2 emissions standards.
- **AQ-2 –** Aethon would continue to operate the Spring Creek monitoring site, which currently monitors criteria pollutants and meteorological parameters.

### *Paleontology*

The BLM identified the following mitigation measures for paleontology under the Preferred Alternative:

- **PA-1 –** Outcrop: These areas include bedrock exposure of the Wind River formation; therefore, pre-construction surveys for paleontological resources are necessary prior to surface disturbance. Full-time monitoring will be required during disturbance.
- **PA-2 –** Mixed: These areas include bedrock exposures and areas of surficial sediment that were not mapped separately. Pre-construction surveys for paleontological resources are necessary prior to surface disturbance. The type of mitigation recommended—either full-time monitoring or spot inspection—will be specified based on the result of the survey.
- **PA-3 –** Quaternary: These areas are covered by surficial sediments that are at least several feet thick. No survey is necessary prior to disturbance. Spot inspections will be necessary to determine if bedrock has been disturbed. It is anticipated, based on experience gained by spot inspections, that some adjacent areas may be excluded from spot inspection if it can be determined that bedrock is unlikely to be encountered.

### *Vegetation*

The BLM identified the following mitigation measures for vegetation under the Preferred Alternative:

- **VE-1 –** To minimize potential impacts on special status plant species, surface-disturbing activity would be avoided within 200 meters (approximately 1/8-mile) of special status plant species locations identified during site-specific surveys, with the exception of Porter's sagebrush.
- **VE-2 –** To minimize potential impacts on Porter's sagebrush, surface-disturbing activity would be avoided within 100 meters (approximately 1/16-mile) of known locations.

### *Wildlife*

For the management of Greater Sage-Grouse habitat, the management decisions, as presented in the Moneta Divide ROD, are in conformance with the BLM Wyoming ROD for Greater Sage-Grouse (2019). The BLM is currently enjoined from implementing the decisions in the 2019 Greater Sage-Grouse RODs and is relying on the 2015 Greater Sage-Grouse RODs for implementation of Greater Sage-Grouse management actions. Depending on the court's resolution of the ongoing litigation, the BLM will implement the appropriate management for Greater Sage-Grouse. In this ROD, the BLM is not implementing any additional, or different, management for Greater Sage-Grouse beyond what is currently either in the BLM Wyoming RODs for 2015 or 2019. The impact analyses contained in the 2015 and 2018 BLM Wyoming EISs for Greater Sage-Grouse, and the impact analysis presented in the 2020 BLM Wyoming Supplemental DEIS, are consistent (i.e., the changes in management that occurred as a result of the 2019 RODs did not result in differences in impacts). Regardless of which Greater Sage-Grouse ROD is ultimately implemented, the impacts as disclosed in the Greater Sage-Grouse EISs, and this ROD, would be consistent.

Implementation of cultural resources mitigation measure CUL-1 would result in beneficial impacts on wildlife as a result of a reduction in night lighting. CUL-1 requires that all lighting on equipment, whether temporary or permanent, be pointed directly down and/or have a shroud around the light. The measure requires that light not be directed outside the area of the well pad or beyond the maximum distance required for safe operations. Besides mitigation measure CUL-1, the application of mitigation measures identified for other resources would not result in notable impacts on wildlife.

### *Cultural Resources*

The development of the PA for Section 106 of the National Historic Preservation Act (NHPA) is required for the BLM to approve an alternative and is the mechanism through which eligible cultural resource impacts would be mitigated. The PA only addresses cultural resources within the LFO and CFO. Cultural resources within the RFO would be addressed separately when a ROW application for the Product Pipeline has been received by the RFO. In addition to the PA measures, the BLM identified the following mitigation measure for cultural resources under the Preferred Alternative:

- **CUL-1 –** Due to the high visibility of drilling and workover rigs at night, as well as production facilities, all lighting on equipment (temporary or permanent) shall be pointed directly down and/or a shroud shall be placed around the light (directing the light downward). Shrouding and downward lighting will limit adverse impacts to high-quality views of the night sky for observation by Native American tribes during important ceremonial times. Light should not be directed outside of the area of the well pad or beyond the maximum distance required for safe operations. This distance may be determined at the site-specific well pad analysis.

## 5.3 Mitigation Measures Not Adopted

EJ-1 was not adopted. The PA for the Moneta Divide Project identified the need for cultural resources awareness. The BLM and affected Tribes, with the assistance of the Companies, will develop cultural resources awareness and other personnel training as part of the PA.

# 6.0 What the Decision Does Not Provide

Decisions contained within this document do not apply to non-federal lands; they apply only to BLM-administered federal lands, including federal minerals.

## 6.1 Site-Specific Authorizations

This ROD does not authorize site-specific construction, maintenance, or use of new wells, pads, pipelines, roads, transmission lines or other facilities on BLM-administered lands. Rather, Aethon is required to submit APDs, Sundry Notices, and/or ROW applications for approval of wells, well pads, pipelines, roads, and other ancillary facilities associated with project development. The BLM will require site-specific environmental review and approval of such applications prior to initiation of surface-disturbing activities, in accordance with the NEPA Tiering Procedure, Appendix A of the Moneta Divide Project FEIS.

## 6.2 Existing and Historical Authorizations

This ROD in no way replaces any stipulations, COAs, or terms and conditions of any previously authorized and constructed APD, ROW, or ancillary facility permits in the Moneta Divide Project Area. Unless otherwise provided for in a future BLM decision (with accompanying NEPA compliance), future authorizations within the Moneta Divide Project Area will comply with the Preferred Alternative project components, the COAs, terms and conditions, and mitigation measures described in this ROD, as well as other site-specific measures as identified and decided upon by the BLM during the tiered NEPA reviews.

# 7.0 Summary of Alternatives

## 7.1 Overview

Five alternatives were considered in detail in the Moneta Divide Project FEIS, including the Preferred Alternative. For a complete description of the alternatives, refer to Chapter 2 of the FEIS, *Proposed Action and Alternatives*. Table ES-1 in the Executive Summary of the FEIS compares all five alternatives and their potential impacts. Fifteen (15) additional alternatives were considered and eliminated from detailed study in the FEIS, as explained in Section 2.4.1 of the FEIS, *Alternatives Considered but Eliminated from Detailed Analysis,* and summarized in Section 7.2.7 of this document.

## 7.2 Alternatives Analyzed

The five alternatives analyzed in detail in the FEIS and summarized in the sections below are:

- Alternative 1 – No Action
- Alternative 2 – Proposed Action
- Alternative 3
- Alternative 4
- Preferred Alternative – Agency Preferred Alternative

### 7.2.1 Alternative 1 – No Action

According to 40 CFR 1502.14(d), the EIS must include the alternative of no action; this is the only alternative that does not need to respond to the BLM's Purpose and Need. Consideration of Alternative 1 provides a baseline for analyzing impacts (including cumulative impacts) resulting from implementation of the Proposed Action and other action alternatives. Alternative 1 assumes that the BLM Authorized Officer would deny the Companies' Proposed Action and no new drilling would occur on federal mineral estate except what is currently permitted and approved under previous NEPA documents and permitted under the Interim Drilling Plan during the EIS development process.

### 7.2.2 Alternative 2 – Proposed Action

Alternative 2 represents the Companies' development plans as proposed in the POD. As described in the POD, Aethon proposes to drill a maximum of 4,100 directional and vertical natural gas and conventional oil wells from single- and multi-well pads during a 15-year development period. Burlington proposes to drill a maximum of 150 directional and vertical natural gas wells from single-well pads during a development period of up to 15 years. The life of the project, including drilling, production, and final reclamation, would be approximately 65 years, assuming the average life of a well is 50 years. In addition to wells and associated ancillary facilities, Aethon proposed the following facilities subject to site-specific NEPA review:

- Ten central processing facilities and a gas plant.
- Two Treated Water Discharge Pipelines to Boysen Reservoir.
- Up to 50 water disposal wells in the Madison (10 wells) and Shotgun (40 wells) Disposal Areas, along with the associated roads, electric transmission, and pipeline network.
- A disposal well feeder pipeline to the Madison Disposal Area.
- A Product Pipeline from the Production Area to Wamsutter, Wyoming.

### 7.2.3 Alternative 3

This alternative was developed to address technical and economic challenges of directional drilling within the Production Area along with the impact on local communities related to seasonal fluctuations in development activity resulting from wildlife Timing Limitation Stipulation (TLS)s. For Alternative 3, the maximum number of wells would be the same as Alternative 2, but the alternative differed from Alternative 2 substantively in the following ways:

- Assumed that all wells would be drilled vertically from single-well pads.
- The CFO RMP would be amended to establish a Designated Development Area (DDA) in the CFO portion of the Production Area outside of Greater Sage-Grouse PHMA, to emphasize oil and gas development.
- On an annual basis, the BLM would evaluate and, if appropriate based on LFO and CFO RMP criteria, grant exceptions to discretionary TLS in the LFO and CFO DDAs to allow year-round drilling in more areas, such as in big game crucial winter range. For analysis purposes, Alternative 3 assumed exceptions would be granted on an annual basis. In practice, the BLM would be required to evaluate each exception individually and make a determination in accordance with exception criteria of the LFO and CFO RMPs, and therefore exceptions may not be granted in all cases.

### 7.2.4 Alternative 4

This alternative was developed to incorporate resource conservation considerations (e.g., multi-well pads and less disturbance) while also providing the Companies greater flexibility to use, treat, and dispose of water in response to changing technology and economic conditions. This alternative was developed in part to incorporate optional development approaches provided by Aethon regarding directional drilling, water use, and produced water management. Under Alternative 4, the maximum number of wells were assumed to be the same as Alternative 2, but differed substantively in the following ways:

- Aethon would drill approximately 88 percent of their 4,100 wells (3,590 wells) directionally from multi-well pads, an increase of 163 percent in the number of directionally drilled wells compared to Alternative 2. Of the remaining wells, 10 percent (410) would be drilled vertically from single-well pads and 2 percent (100) would be drilled horizontally from single-well pads. Burlington would develop all 150 wells from single-well pads, the same as Alternative 2. (This is also assumed under the Preferred Alternative.)
- Through extensive tribal consultation in accordance with Section 106 of the NHPA (Public Law 89-665; 54 U.S. Code [U.S.C.] 300101 et seq.), the BLM would expand the Cedar Ridge TCP boundary to encompass the entire ridge plus 1 mile (29,291 total acres) and expand the periphery of the TCP to encompass a 3-mile buffer around the TCP boundary (70,185 total acres) to protect the site's sacred values. The CFO RMP would be amended to apply management protections on public land within the expanded TCP boundary and periphery, including applying an NSO in the boundary and a CSU in the periphery. In LFO, a change in the underlying management of public lands within the TCP would be pursued through a separate NEPA action, if necessary, and is not evaluated in this EIS. (This is also assumed under the Preferred Alternative.)
- Directional drilling from multi-well pads would be required within modeled areas found to have high performance Greater Sage-Grouse nesting habitat (modeled nesting habitat) (3,469 acres) in the Production Area to consolidate disturbance and reduce the overall acreage of disturbed areas. Refer to Chapter 3, Section 3.8.4.3, *Greater Sage-Grouse*, in the FEIS for a description of the modeled nesting habitat.
- Water use, treatment, and disposal options differed from Alternative 2 in several substantive ways. Aethon would use up to 5,000 bbls of fresh groundwater for drilling and 170,000 bbls of produced water for completions per well. Prior to surface discharge, produced water would be treated to meet Wyoming Department of Environmental Quality standards, although Aethon may choose not to treat water to the same level proposed under Alternative 2 (of equal quality, or better, than water exiting Boysen Reservoir, a Class 1 water). Surface discharge from permitted locations would be a primary option to dispose of water, and Aethon may elect not to discharge water directly into Boysen Reservoir. Should direct discharge into Boysen Reservoir be necessary, a single Treated Water Discharge Pipeline would transport treated water to Boysen Reservoir along the U.S. Route 20/26 ROW and Poison Creek drainage to limit routing through undisturbed areas.
- The BLM would not approve disposal wells and associated facilities in Greater Sage-Grouse PHMA. As such, up to 160 disposal wells would be located in the Shotgun Disposal Area outside of PHMA. There would be no development in the Madison Disposal Area, which is entirely in PHMA.

### 7.2.5 Preferred Alternative

As a result of public comments on the Draft EIS and input from the Cooperating Agencies, the BLM developed a Preferred Alternative. The Preferred Alternative is addressed in Section 4.0, *Decision*. The Preferred Alternative was developed to incorporate resource conservation considerations like those included in Alternative 4 (e.g., multi-well pads and less disturbance), as well as providing the Companies flexibility to use, treat, and dispose of water in response to changing technology and economic conditions like Alternative 4; however, the Preferred Alternative incorporates water management measures in an effort to minimize impacts to BLM protected resources resulting from surface water discharge. The maximum number of wells would be the same as Alternative 4, and the pace of development would be driven by the Companies' ability to manage produced water in accordance with federal, state, or local regulations. Like Alternative 4, the Preferred Alternative would also include an amendment to the CFO RMP to increase protection measures for the Cedar Ridge TCP, but the Preferred Alternative differs from Alternative 4 substantively in the following ways:

- Instead of 160 disposal wells outside Greater Sage-Grouse PHMA in the Shotgun Disposal Area, the Preferred Alternative would include 150 disposal wells within the full extent of the Shotgun Disposal Area and 10 disposal wells within the Madison Disposal Area. The level of treatment of water would be determined by disposal method and would meet or exceed federal and state requirements.
- The BLM's preferred method of surface discharge is for Aethon to utilize one pipeline to Boysen Reservoir to discharge water that is treated to be of equal quality, or better, than water exiting Boysen Reservoir (at the Wind River, which is currently designated as Class 1 waters[4]), as proposed in Aethon's Water Management Plan.
- Prior to discharge to any new, or existing but unused, discharge points, the Companies would be required to develop a conservation and monitoring plan that would identify monitoring and mitigation options to minimize the effects on drainages from surface discharge and surface-disturbing activities occurring on BLM-administered land. Upon receipt of the plan, the BLM would assess the potential for impacts to resources on BLM administered lands from increased surface discharge (e.g., erosion, channel bank salt build-up, aquatic resources) to determine if additional NEPA analysis is warranted. During any site-specific NEPA analysis, the BLM would determine if additional mitigation is warranted to minimize the effects of surface discharge on resources under the jurisdiction of the BLM.
- Disposal wells would be permitted to be developed within Greater Sage-Grouse PHMA and there would be no specific protection measures for Greater Sage-Grouse modeled nesting habitat. No additional restrictions related to Greater Sage-Grouse would be imposed beyond those prescribed in the RMPs.

### 7.2.6 Environmentally Preferable Alternative

In accordance with Council on Environmental Quality regulations (40 CFR 1505.2(b)), one or more environmentally preferable alternatives must be identified in the ROD. An environmentally preferable alternative is an alternative that would cause the least damage to the biological and physical

*[4] The Wyoming DEQ classifies surface waters according to existing and designated uses. Class 1 waters are referred to as "outstanding waters" and are the highest surface water classification. Uses include drinking water, cold water game fish, non-game fish, fish consumption, other aquatic life, recreation, wildlife, agriculture, industry, and scenic value.*

environment and would best protect, preserve, and enhance historic, cultural, and natural resources. The BLM has determined that Alternative 1, No Action Alternative, is the environmentally preferable alternative. Under the No Action Alternative, no new drilling would occur on federal mineral estate except what is currently permitted and approved under previous NEPA documents and permitted under the Interim Drilling Plan.

### 7.2.7 Alternatives Considered, but Eliminated from Detailed Analysis

The BLM implemented a comprehensive alternatives development process that invited participation from the BLM Interdisciplinary Team and Cooperating Agencies, including federal, state, and local agencies and tribal governments. The following alternatives were considered but ultimately not carried forward for detailed analysis in the EIS:

- The BLM considered the potential for an alternative that would analyze all proposed wells drilled from multi-well pads. The BLM determined requiring all wells to be drilled directionally would not provide the Companies' adequate flexibility to develop their leases should they encounter unfavorable drilling conditions that would make directional or horizontal drilling unfeasible from a technical perspective. The BLM is analyzing an increased directional drilling/multi-well pad scenario under Alternative 4.
- The BLM considered a phased development alternative that would incrementally develop the Production Area to limit the amount of unreclaimed initial surface disturbance by requiring successful interim reclamation of one phase prior to proceeding to the next phase. This alternative was eliminated from further detailed analysis because the BLM found it reasonable to assume that the Companies' reclamation practices would sufficiently limit the amount of unreclaimed surface disturbance occurring within the Production Area.
- The BLM considered an alternative with fewer than the maximum number of 4,250 proposed wells, due to potentially limited down-hole spacing. The BLM determined that the Companies could fit the total number of proposed wells in the Production Area as proposed. Additionally, the BLM determined it did not have the authority to arbitrarily determine the number of wells the Companies can develop on their leases without sufficient basis, so this alternative was eliminated from further detailed analysis.
- The BLM considered an alternative that would restrict the number of wells that could be drilled per year compared to the Proposed Action (283 wells per year) to address local economic concerns. This alternative was eliminated from further detailed analysis because applying a drilling rate restriction would be unlikely to address concerns over boom-bust economic cycles, which was the basis for this suggested alternative. Furthermore, while not a drilling rate restriction, the BLM is analyzing the potential for a longer drilling timeframe under Alternative 4.
- The BLM considered the use of hydroelectric power generation as a beneficial use for produced water. This alternative was eliminated from further detailed analysis because it was clearly outside the plan of development proposed by the Companies and the BLM does not have authority to require this alternative.
- The BLM considered requiring the use of technology that separates water from hydrocarbons within wellbores and re-injects the water in the same well. This alternative was eliminated from further detailed analysis because this technology is most commonly only applied for two-phase separation (oil/water or gas/water), and the Moneta Divide Project would have three-phase production (oil, gas, and water).

- The BLM considered an alternative with enhanced site-specific protection for numerous cultural and fossil localities beyond the protection afforded by the LFO and CFO RMPs. This alternative was eliminated from further consideration because the BLM deemed it unnecessary in light of existing protections for cultural and paleontological resources.
- Cooperating Agencies discussed an alternative that would remove the 0.25-mile NSO buffer around Greater Sage-Grouse leks outside of PHMA in order to reduce limitations on development. This alternative was eliminated from further detailed analysis because it would not comply with the Greater Sage-Grouse goals and objectives of the LFO RMP and CFO RMP.
- The BLM considered an alternative that would extend the NSO buffer precluding surface-disturbing activities within 500 feet of wetlands and riparian areas stipulated by the LFO and CFO RMPs by an additional 250 feet in the Production Area. This alternative was eliminated from further detailed analysis because it was determined that the additional 250 feet captured very little mapped Greater Sage-Grouse brood-rearing habitat, which the alternative was intended to protect.
- The BLM considered an alternative that would eliminate all proposed development within Greater Sage-Grouse PHMA, including oil and gas wells in the Production Area, disposal wells, the southern Treated Water Discharge Pipeline, and the Product Pipeline. This alternative was eliminated from further detailed analysis because it would infringe upon valid existing lease rights and the area and would not be consistent with the goals and objectives of the LFO RMP and the CFO RMP.
- The BLM considered an alternative to amend the CFO RMP to limit noise sources to 10 A-weighted decibels above ambient noise measured at the perimeter (0.6 mile) of occupied Greater Sage-Grouse leks from March 1 to May 15 in non-PHMA in the CFO portion of the Production Area. The BLM analyzed this alternative in detail, but then removed it from consideration in the Draft EIS because it would be redundant with the CFO RMP, as amended. The CFO RMP, as amended by the 2015 RMP amendments, already includes noise restrictions for leks outside PHMA (Management Decision SSS 12).
- The BLM considered an alternative that would prohibit the subsurface disposal of produced water concentrate (the byproduct of the produced water treatment process), as proposed. This alternative was eliminated from further detailed analysis because prohibiting subsurface disposal would be outside of the BLM's authority.
- The Moneta Divide Project Plan of Development included a potential eastern Product Pipeline route from the Production Area to the Interstate 80 corridor near Rawlins, Wyoming. With the release of the LFO RMP in June 2014, it was determined that the proposed eastern Product Pipeline route was not within a ROW corridor designated in the LFO RMP, and the proposal for the alternate pipeline route was withdrawn.
- The Moneta Divide Project Plan of Development included the potential construction of powerlines along one of two potential Product Pipeline routes from the Interstate 80 corridor near either Wamsutter or Rawlins, Wyoming, to the Production Area. Aethon proposes to power all project facilities with natural gas generators located at facilities in the Production Area, or from other external power sources, so this alternative was eliminated from further detailed analysis.
- During the Draft EIS public comment period, several commenters requested consideration of a "No Surface Disposal Alternative". This alternative was considered but found not be feasible. Refer to FEIS Appendix V, Section 16.0, as well as FEIS Appendix X, *Comment Analysis Report*, for discussion regarding this alternative that was not carried forward. Similarly, other commenters

on the Draft EIS requested that the project only utilize one of several other water management methods (i.e., injection only, treated water discharge pipelines only). These alternatives considered but not carried forward are also addressed in FEIS Appendix X, within Table X-4 as part of the BLM's responses to public comments.

# 8.0 Management Considerations and Rationale for Decision

The BLM prepared the Moneta Divide EIS to consider the Companies' POD and to decide whether to deny the proposal or, upon the submittal of site-specific permit applications, approve all project components as proposed, or approve some or all proposed project components with modifications. Based on the FEIS analysis, the Authorized Officer has determined that the Preferred Alternative will best avoid or reduce impacts to sensitive resources while still allowing for recovery of natural gas and oil resources, as described in Section 4.0, *Decision,* of this ROD. This alternative will allow development on valid existing leases throughout the Moneta Divide Project Area and will best meet the purpose and need of the project.

The sections below outline additional considerations that contributed to the BLM's approval of the Preferred Alternative.

## 8.1 Purpose and Need for the Project

### 8.1.1 Proposed Action

The purpose of BLM's action is to respond to the proposal by the Companies for the Moneta Divide Project by reviewing the POD in accordance with NEPA and determine the appropriate areas and restrictions for the Companies to develop their project within their existing federal leases. The BLM's need is to allow the Companies to develop their existing federal leases in accordance with the rights and limitations of the leases. The proposed development would exercise existing lease rights to drill for, extract, remove, and market commercial quantities of oil and natural gas. The Mineral Leasing Act of 1920, as amended, and the regulations and policies by which it is implemented recognize the right of lease holders to develop federal mineral resources to meet continuing needs and economic demands, so long as operations comply with applicable laws and regulations. This includes the right to build and maintain necessary improvements, subject to lease terms and conditions. The lessee has the right to use as much of the leased lands as is necessary to explore, develop, and dispose of the leased resource (43 CFR 3101.1-2), subject to lease terms, conditions, and stipulations. The BLM must analyze the environmental impacts on resources across public lands and jurisdictional boundaries.

### 8.1.2 RMP Amendment Action

The purpose of the proposed RMP amendments was to evaluate two amendments to the 2007 CFO RMP which were considered as part of Alternatives 3, 4, and the Preferred Alternative, in order to identify a portion of the Project Area with a development emphasis comparable to the management in the LFO RMP and to address the need for additional resource protections for the area around the Cedar Ridge TCP). Specifically, the actions to amend the RMP that were evaluated in the EIS included the following:

- The BLM would amend the CFO RMP to establish a DDA in the CFO portion of the Production Area outside of Greater Sage-Grouse PHMA as a component of Alternative 3. PHMA refers to BLM-administered lands identified as having the highest value to maintaining sustainable

Greater Sage-Grouse populations (BLM 2015). This amendment was not carried forward in the Preferred Alternative.

- The Cedar Ridge TCP footprint boundary would be expanded to encompass the entire ridge plus 1 mile and the periphery would be expanded to a 3-mile buffer around the boundary. The BLM would amend the CFO RMP to apply management protections within the expanded Cedar Ridge TCP boundary and periphery as a component of Alternative 4 and the Preferred Alternative. This amendment is included in the Preferred Alternative.

## 8.2 Analysis in the Moneta Divide Project Final EIS

The Moneta Divide Project FEIS includes a reasonable range of alternatives that were developed based on issues identified during scoping, public comments received on the Draft EIS, and input from Cooperating Agencies and other stakeholders during alternatives development and throughout the Moneta Divide EIS process. The Moneta Divide Project FEIS provides an adequate analysis of potential impacts to resources that could result from the range of alternatives. The analysis in the Moneta Divide Project FEIS provides for an informed understanding of potential impacts, disclosure of these potential impacts to the public, and sufficient information to allow for an informed decision.

## 8.3 Multiple-Use and Resource Impacts

The decision implements the Preferred Alternative in the Moneta Divide Project FEIS which provides the best balance of multiple uses within the Project Area and is best suited to sustain the long-term yield of resources while promoting stability of local and regional economies, environmental integrity, and conservation of resources for future generations (NEPA Section 101 and Federal Land Policy and Management Act [FLPMA], Section 302). The decision provides for the management of the Project Area in a manner that allows for exploration and production of oil and gas resources while also addressing impacts on key resources including air quality, wildlife, cultural resources, water, as well as other resources.

## 8.4 Conformance with BLM Land Use Plans

The Moneta Divide Project Area crosses three BLM field offices: Lander, Casper, and Rawlins. Policies and guidelines for development within the Project Area are contained in the ROD and Approved RMP for each field office:

- LFO ROD and RMP, as amended (BLM 2014)
- CFO ROD and RMP, as amended (BLM 2007b)
- RFO ROD and RMP, as amended (BLM 2008)

The RMPs make federal minerals available for orderly and efficient development, allocate lands and/or federal minerals for leasing, and require all mineral actions to comply with goals, objectives, and resource restrictions (mitigations) required to protect other resource values. All RMPs contain stipulations, including, NSO, CSU, and TLS. These stipulations restrict the timing and location of mineral development activities to protect other resource values. Other measures, such as the application of BMPs and ACMs, are also required for development within the Project Area (BLM 2014; BLM 2015; BLM 2019).

The proposed development of natural gas and oil within the Moneta Divide Project Area is in conformance with the LFO RMP, CFO RMP, and RFO RMP, subject to site-specific NEPA review as described below. This EIS and subsequent decisions would incorporate decisions, terms, and conditions of use described in the three RMPs.

# 9.0 Consultation, Coordination, and Public Involvement

The National Environmental Policy Act of 1969 (NEPA), Council on Environmental Quality regulations implementing NEPA, and the Bureau of Land Management (BLM) policies and procedures implementing NEPA require the BLM to involve the interested public and potentially affected parties in its decision-making process. Public involvement, consultation, and coordination was initiated prior to, and occurred throughout, preparation of the EIS. The BLM incorporated public involvement, consultation, and coordination through public meetings, informal meetings, individual contacts, news releases, newsletters, workshops, a planning website, social media posts, and the *Federal Register*.

## 9.1 Cooperating Agencies

The BLM is required to prepare NEPA analyses and documentation "in cooperation with state and local governments" and other agencies with jurisdiction by law or special expertise (42 U.S.C. § 4331(a), 4332[2]), referred to as Cooperating Agencies. Prior to scoping, the BLM invited federal, state, and local government agencies, and potentially affected tribes to participate in the EIS process as Cooperating Agencies.

Cooperating Agencies provided input during initial preparation of the EIS and throughout the process related to issues for which they have jurisdictional authority or special expertise. They review draft information, participate in alternatives development, give overall advice on the process, and meet with the lead agency periodically to discuss EIS issues as a group. Nine organizations agreed to participate as Cooperating Agencies during the scoping phase of the EIS and six additional agencies agreed to participate in 2019:

- U.S. Fish and Wildlife Service*
- U.S. Environmental Protection Agency*
- Northern Arapaho Tribe
- Fremont County*
- Natrona County*
- Natrona County Weed and Pest District
- Lower Wind River Conservation District*
- Natrona County Conservation District
- State of Wyoming and State Agencies*
- Hot Springs County**
- Hot Springs Conservation District**
- Town of Thermopolis**
- City of Riverton**
- Town of Shoshoni**
- City of Casper**

During the Draft EIS scoping phase, six of the agencies signed a memorandum of understanding (MOU) with the BLM, as noted with an asterisk (*). Six additional agencies signed MOUs in 2019 during the Draft EIS review and FEIS preparation phase of the project, as noted by two asterisks (**) in the list above. The MOUs outline each agencies' responsibilities during the development of the EIS. Between formal meetings, the BLM kept Cooperating Agencies informed by sending six newsletters that provided updates on project status.

Cooperating Agencies participated in the following workshops and meetings:

- A project overview meeting was held on March 13, 2013 in Casper, Wyoming, that introduced the agencies to the project, resource concerns, EIS process, and opportunities for involvement.
- Two alternative development workshops were held with Cooperating Agencies in Lander, Wyoming, as summarized below.
    1. **July 25, 2013.** The BLM provided the agencies with relevant information about the Moneta Divide Project and gathered suggestions on the potential elements to be incorporated into the alternatives. Following the workshop, the BLM researched the viability of the suggestions and coordinated with Cooperating Agencies on alternative elements. This information was then refined so it could be presented to the agencies at the next workshop.
    2. **August 22, 2013.** The BLM distributed materials developed as a result of the first workshop for Cooperating Agencies to review and comment on before the meeting. At the workshop, a preliminary draft of the alternatives was presented. During the meeting, the BLM solicited comments from Cooperating Agencies and revised the draft alternatives. Following the workshop, the BLM refined the alternatives and sent a copy of the revised alternatives to Cooperating Agencies.
- A meeting was held on March 12, 2015 in Casper, Wyoming, to discuss key issues distilled from Cooperating Agency comments after review of the Preliminary Draft EIS distributed by the BLM in November 2014.
- Comments from Cooperating Agencies regarding surface water and groundwater resources prompted the BLM to host two teleconferences on April 14 and 15, 2015, to have focused discussions on the technical analyses of water resources. Following refinement of the BLM's approach to surface water and groundwater analysis, the BLM held follow-up calls with interested Cooperating Agencies on October 27 and 29, 2015.
- A meeting was held on August 15, 2019 in Casper, Wyoming, to discuss a Preferred Alternative for the FEIS. All of the Cooperating Agency representatives, including agencies that signed MOUs in 2019, were invited to this day-long meeting. The BLM also provided a summary presentation of the Draft EIS public comments received.

The Cooperating Agencies were provided opportunities to review draft versions of various project documents and work products within their area of expertise or jurisdictional authority. Examples of these documents include, but are not limited to the following:

- Versions of the alternatives
- Preliminary Draft EIS
- Preliminary Final EIS
- Air Quality Protocol and Technical Support Document
- Other technical reports and appendices (e.g., water management plan, water technical reports)

## 9.2 National Historic Preservation Act Section 106 Consultation

Section 106 of the National Historic Preservation Act of 1966 (NHPA), as amended, requires federal agencies to consider the effects of their actions on historic properties, following regulations issued by the Advisory Council on Historic Preservation (ACHP) codified at 36 Code of Federal Regulations 800.

The BLM consulted with the Wyoming State Historic Preservation Office (SHPO) and the ACHP in accordance with Section 106. The BLM worked with Wyoming SHPO in compiling three cultural resource reports: (1) existing records search and summary of all known cultural resources within the Moneta Divide Project Area (Weston et al. 2014a), (2) Class III cultural resource survey of 5,000 acres (Weston et al. 2014b), and (3) historic linear resources report documenting all contributing and noncontributing segments of the historic linear resources that occur in the Moneta Divide Production Area (Rosenberg and Rosenberg 2014). The three reports were used to identify areas appropriate for subsequent surveys and as a source of information for tribal consultation and development of the PA. The BLM's consultation process with Wyoming SHPO is pursuant to Section 106 of NHPA.

The BLM, in coordination with the Tribes, the Companies, Wyoming SHPO, ACHP, and other cultural agencies and interested parties have prepared a PA pursuant to Section 106 of NHPA. The PA guides Section 106 consultation throughout project development and implementation, including development of any mitigation identified through the consultation process. Prior to publication of the FEIS, the BLM hosted four meetings and 24 teleconferences to discuss preparation of the PA[5]. Tribal consultation under Section 106 of NHPA was initiated in tandem with the EIS process, as described in Section 6.3 of the FEIS.

## 9.3 Tribal Government-to-Government Consultation

Prior to the scoping period, the BLM initiated government-to-government consultation with potentially affected and interested tribes as part of the Moneta Divide Project EIS process. In May and June 2013, letters were sent to 18 tribes inviting them to participate in project review and consultation under NHPA and NEPA. The tribal consultation letter provided information about the Moneta Divide Project and requested tribes submit questions, concerns, or comments to the BLM. In addition to consultation activities, the BLM invited the tribes to be Cooperating Agencies and to attend Cooperating Agency meetings, alternatives development workshops, and field trips. The BLM mailed consultation letters to the following tribes:

- Cheyenne and Arapaho Tribes
- Cheyenne River Sioux Tribe
- Chippewa Cree Tribe
- Crow Creek Sioux Tribe
- Crow Nation
- Eastern Shoshone Tribe
- Fort Peck Assiniboine and Sioux Tribes
- Lower Brule Sioux Tribe
- Northern Arapaho Tribe
- Northern Cheyenne Tribe
- Oglala Sioux Tribe
- Rosebud Sioux Tribe
- Shoshone-Bannock Tribe
- Sisseton-Wahpeton Oyate Tribes
- Standing Rock Sioux Tribe
- Three Affiliated Tribes of Mandan, Hidatsa, and
- Ute Tribe of the Uintah and Ouray Reservation
- Yankton Sioux Tribe

In follow up to the tribal consultation letters, BLM cultural resource specialists phoned tribes to establish contact and offered to set up meetings to discuss the Moneta Divide Project. The BLM organized four field trips in September 2013, June 2014, May 2015, and October 2018 to provide tribal representatives with an opportunity to tour the Project Area and, in support of the PA development, have on-site discussions. Consultation with tribes that have had an interest in the Moneta Divide Project continued throughout the course of the EIS process.

[5] The PA for the Moneta Divide Project is available at https://go.usa.gov/xQr83

## 9.4 Endangered Species Act Section 7 Consultation

The BLM consulted with the U.S. Fish and Wildlife Service in accordance with Section 7 of the Endangered Species Act, which requires federal agencies to evaluate their actions with respect to any species that are proposed or listed as endangered or threatened, and whose critical habitat, if any, has been formally designated.

As described in the Biological Opinion for the Moneta Divide Project[6], impacts to Ute ladies'-tresses was evaluated as a result of the Preferred Alternative. Based on the presence of suitable habitat and the possibility that individuals and populations could occur in the project area, implementation of the Preferred Alternative within the Project Area *may affect, and is likely to adversely affect* the Ute ladies'-tresses. Individual plants and suitable habitat may be lost, destroyed or degraded due to construction and associated actions of project related activities, including the surface discharge of produced water under the limits of the Companies' Wyoming DEQ WYPDES permit. The *likely to adversely affect* determination is based on the potential volume and salinity of surface discharge water, despite the measures incorporated into the Preferred Alternative that would minimize impacts to resources such as soils, water, habitat and species. This determination is also based on the possibility that if individuals and populations occur in the project area, they and potential habitat could be lost, destroyed or degraded due to construction of project related activities.

Currently, individuals or populations of Ute ladies'-tresses are not known to occupy any areas within the project area. Restrictions put in place from the RMPs and resource protection measures prohibit surface-disturbing activities within 500 feet of surface waters and riparian/wetland areas that are associated with Ute ladies'-tresses habitat. These restrictions, along with the other protection measures included in the Preferred Alternative description, would minimize the potential for effect on Ute ladies'-tresses. Additionally, site-specific surveys would be carried out for individuals or populations prior to surface-disturbing activities, pursuant to the NEPA Tiering Procedure (Appendix A of the Moneta Divide Project FEIS).

## 9.5 Public Involvement

Public participation in the EIS process was initiated with the publication of the Notice of Intent (NOI) in the *Federal Register* on January 17, 2013. The NOI initiated the scoping process and invited public participation by affected and interested agencies, organizations, and members of the public in determining the scope and issues to be addressed by the alternatives and analyzed in the EIS. Additionally, the NOI provided a summary of the Moneta Divide Project, identified preliminary issues, provided information on submitting scoping comments, and provided contact information for further information.

Public involvement continued throughout the development of the EIS through both formal and informal channels. The BLM kept the public informed by posting updates on the project website (https://go.usa.gov/xQr83), as well as through periodic mailings or email notifications to the contacts on the project mailing list. With the release of the Draft EIS, the public had an opportunity to review the document and provide comments. In addition, the BLM held public meetings during the comment period for the Draft EIS, providing the public an opportunity to learn more about the project and ask the BLM questions. The public had an additional opportunity to review the FEIS through the Notice of Availability (NOA), published in the Federal Register on February 21, 2020.

[6] The Biological Opinion for the Moneta Divide Project is available at https://go.usa.gov/xQr83

### 9.5.1 Public Scoping

The scoping period began with publication of the NOI in the *Federal Register* on January 17, 2013, and ended on March 4, 2013. The BLM issued a press release on January 17, 2013, announcing the initiation of the EIS process, which was also posted on the project website. The scoping period provided an opportunity for the public to identify potential planning issues and concerns associated with the Moneta Divide Project EIS. Information obtained by the BLM during the scoping period is combined with issues identified by the agencies to form the scope of the EIS.

The BLM advertised the scoping meetings by mailing postcards to those identified on the project mailing list and posting a flyer on the BLM project website providing the dates, times, and locations of the scoping meetings. The BLM contacted approximately 450 organizations, including government agencies, tribes, interest groups, elected officials, businesses, and 300 unaffiliated individuals through the scoping notices, postcards, or directly through coordination.

Three scoping meetings were held February 12 through February 14, 2013, in Casper, Lander, and Riverton, Wyoming. The BLM, as well as the Companies, were available at the scoping meetings to answer questions and discuss project-related topics. The meetings were held in an open-house format that provided an opportunity for the public to learn and ask questions about the project, the planning and scoping process, and how to submit comments to the BLM.

A total of 134 individuals (not including the Companies, BLM, or consultants working on the Moneta Divide Project) filled out registration cards at the three public scoping meetings. Of the 134 registration cards, 39 cards were from the Casper meeting, 49 were from the Lander meeting, and 46 were from the Riverton meeting. The BLM received 106 scoping comment documents (scoping meeting comment forms, written comments, and email transmittals). Of the 106 submitted comment documents, 30 scoping-meeting comment forms were submitted at the scoping meetings, 30 scoping meeting forms were submitted via mail after the scoping meeting, and 46 comment documents were submitted via email.

The BLM identified 426 individual scoping comments covering a broad range of issue categories. The greatest numbers of comments within the scope of the EIS were associated with water (56), air quality (53), the NEPA process (53), and social and economic resources (50). Out of scope comments included general opinions of the project, comments on areas or projects outside the geographic range of analysis, comments on decisions and actions that will not be made in the EIS, and other comments that are not within the scope of analysis for the Moneta Divide Project EIS.

The Moneta Divide Project EIS Scoping Report summarizes the scoping process, scoping meetings, comments received, major issues, and copies of the individual comments, and is available on the project website at: https://go.usa.gov/xQr83.

### 9.5.2 Draft Environmental Impact Statement

The NOA of the Moneta Divide Natural Gas and Oil Development Draft EIS was published in the *Federal Register* on April 19, 2019. The BLM published a press release on April 18, 2019, inviting the public to review the Draft EIS and submit comments. Although a 45-day public comment period is required for most EISs, a 90-day public comment period is required for RMPs and RMP amendments. As such, there was a 90-day public comment period for this EIS, during which the BLM held two public meetings. The dates and locations for each meeting were advertised at least 15 days in advance of the meetings through email, the Project website, and other public announcements. Appendix X to the FEIS, *Comment*

*Analysis Report,* contains a summary of the Draft EIS public comment process, comments received during the public comment period, and the BLM's responses to comments.

The Draft EIS public review period ended on July 18, 2019. A total of 75 unique comment documents were received during the course of the public comment period, including four duplicate comment letters. No form letters were received. Comments were received through the BLM's Comment Analysis and Response Application program (CARA), email, U.S. mail and at the public meetings. From the 75 individual comment letters/documents, there were a total of 544 individual comments consisting of 412 substantive comments and 132 non-substantive comments. Substantive comments covered a wide spectrum of thoughts, opinions, ideas, and concerns, with the greatest number of substantive comments associated with surface water, alternatives and wildlife.

### 9.5.3 Final Environmental Impact Statement

The NOA for the FEIS was published in the Federal Register on February 21, 2020, announcing the 30-day availability of the Moneta Divide Project FEIS, the 30-day protest period for the CFO RMP amendment and the 60-day Governor's consistency review. The BLM received 22 FEIS comment letters during the 30-day availability period. Comments were received from the following agencies, municipalities, organizations and individuals:

- Environmental Protection Agency
- City of Riverton
- City of Casper
- Western Watersheds
- The Wilderness Society
- Advance Casper
- Fifteen individuals, including two from one individual

Comments received during the FEIS availability period covered a range of topics including, but not limited to, impacts to surface water and groundwater, impacts to public health from the evaporation ponds, NEPA tiering, air quality impacts, and safety impacts to Native American populations. The BLM considered comments received during preparation of the Record of Decision. Fourteen of the letters received were non-substantive and relayed support for the project. None of the comments required revisions to the FEIS, conclusions or mitigation measures. The FEIS comments and responses can be found on the project website: https://go.usa.gov/xQr83.

### 9.5.4 Proposed RMP Amendment Protest and Reviews

#### *Protest Resolution*

The BLM's planning regulations at 43 CFR 1610.5-2 allow any person who participated in the planning process and has an interest that may be adversely affected by the BLM's planning decisions to protest proposed planning decisions within 30 days of when the NOA of the Proposed RMP Amendment/FEIS was published in the Federal Register (February 21, 2020).

The Office of the BLM Director concluded that the BLM followed all applicable laws, regulations, and policies and considered all relevant resource information and public input in developing the Proposed RMP Amendment/FEIS. Each protesting party has been notified in writing of the BLM's findings and the disposition of their protests. The Office of the Director resolved the protests without making changes to the Proposed RMP Amendment/FEIS. The Office of the Director's decisions on the protests are summarized in the Moneta Divide Natural Gas and Oil Development Project Proposed RMP

Amendment/FEIS Protest Resolution Report, which is available on the following BLM website: https://www.blm.gov/documents/wyoming/directors-protest-resolutions/protest-resolution-report/moneta-divide-natural-gas.

The Office of the BLM Director received fourteen timely protest submissions. Eleven of the protesting parties were dismissed as having no standing. Two protesting parties were dismissed because they did not contain any valid protest points, pursuant to 43 CFR 1610.5-2. One protesting party had two valid protest issues, with their remaining comments, opinions or observations dismissed as not being valid protest issues. The two protest issues considered but denied covered the following two topics:

- Compliance with FLPMA – Migratory Bird Treaty Act and 2015 Wyoming Greater Sage-Grouse Approved Land Use Plan Amendment Conformance
- Compliance with NEPA – Inadequate Analysis, Wildlife

### *Governor's Consistency Review*

The BLM's planning regulations require that RMPs be "consistent with officially approved or adopted resource-related plans, and the policies and procedures contained therein, of other Federal agencies, State and local governments, and Indian tribes, so long as the guidance and resource management plans also are consistent with the purposes, policies, and programs of Federal laws and regulations applicable to public lands" (43 CFR 1610.3-2(a)). The BLM is aware that there are specific State laws and local plans relevant to aspects of public land management that are separate and independent of Federal law. However, the BLM is bound by Federal law; as a consequence, there may be inconsistencies that cannot be reconciled. The FLPMA and its implementing regulations require that the BLM's RMPs be consistent with officially approved State and local plans only if those plans are consistent with the purposes, policies, and programs of Federal laws and regulations applicable to public lands.

The 60-day Governor's consistency review period ended on April 21, 2020. The Governor of Wyoming submitted a letter to the BLM Wyoming State Director, asserting that they found no inconsistencies between the BLM's Proposed RMP Amendment/FEIS and the State's or local governments' resource-related plans and procedures.

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