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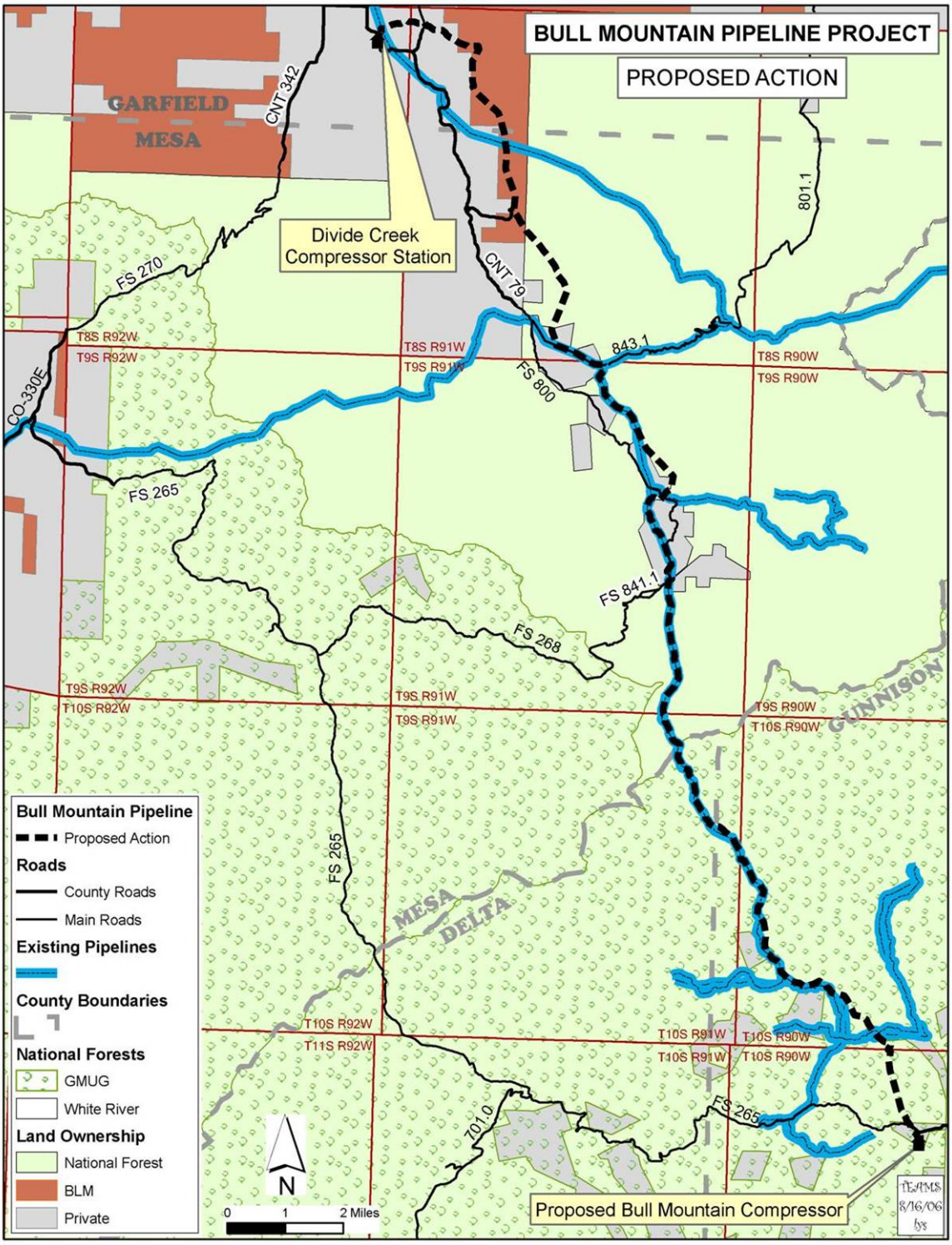
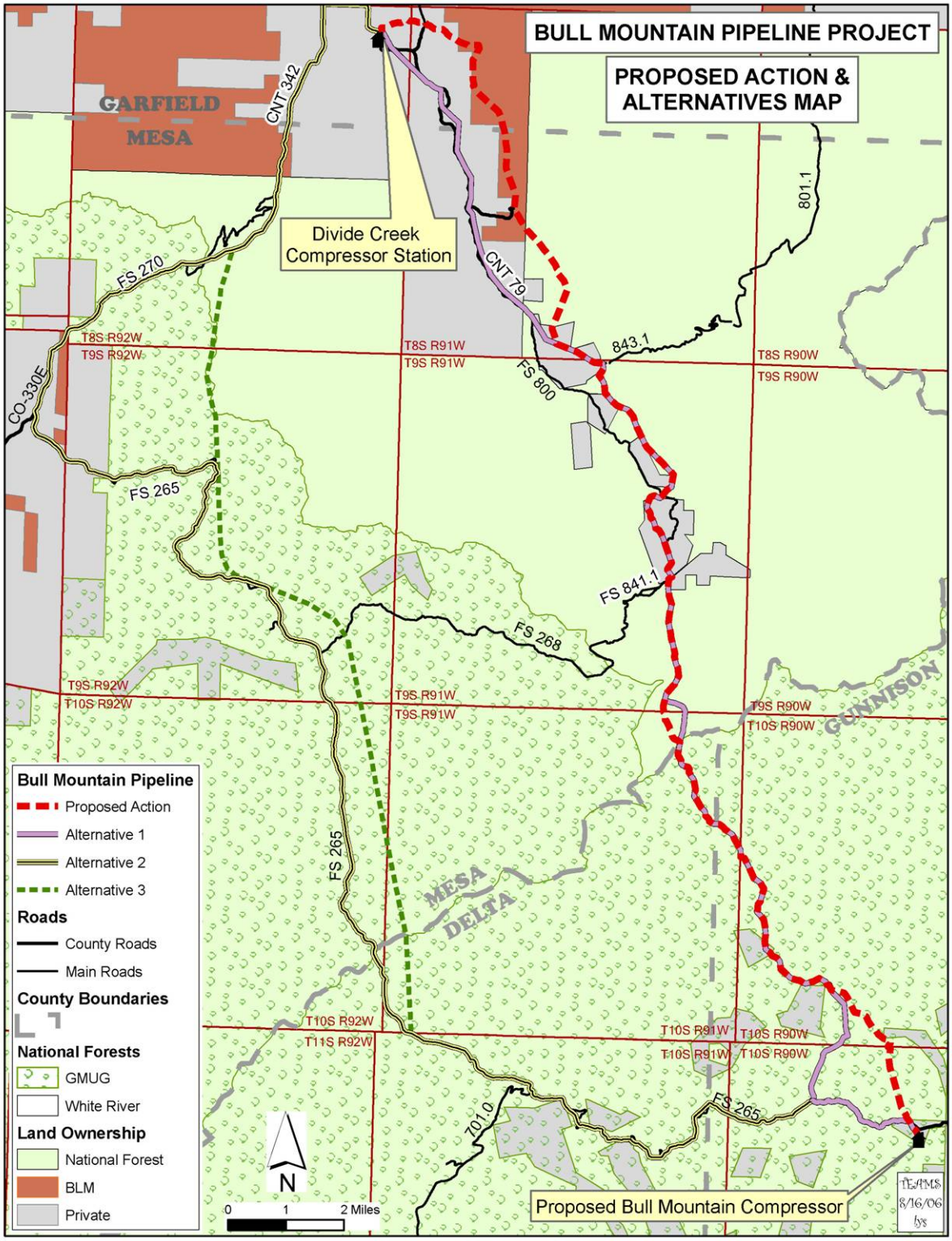
APPENDIX A – PROJECT MAPS & ROW ENGINEERING DRAWINGS

Appendix A- Figure 1. Proposed Action Map



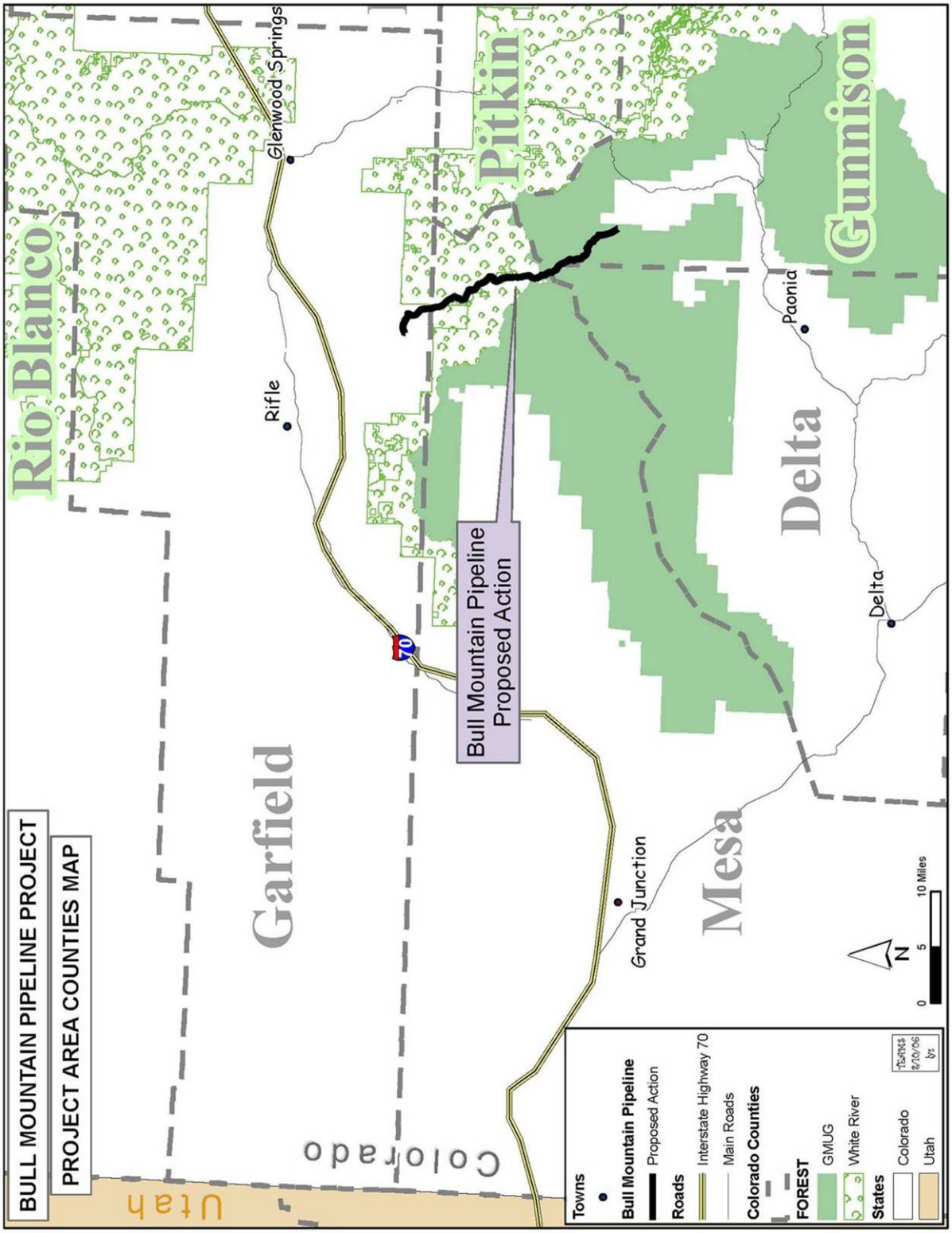
Appendix A- Figure 2. Proposed Action and Alternatives Map



Appendix A- Figure 2A. Proposed Action and Alternatives Map *(large 22" x 34" size)*

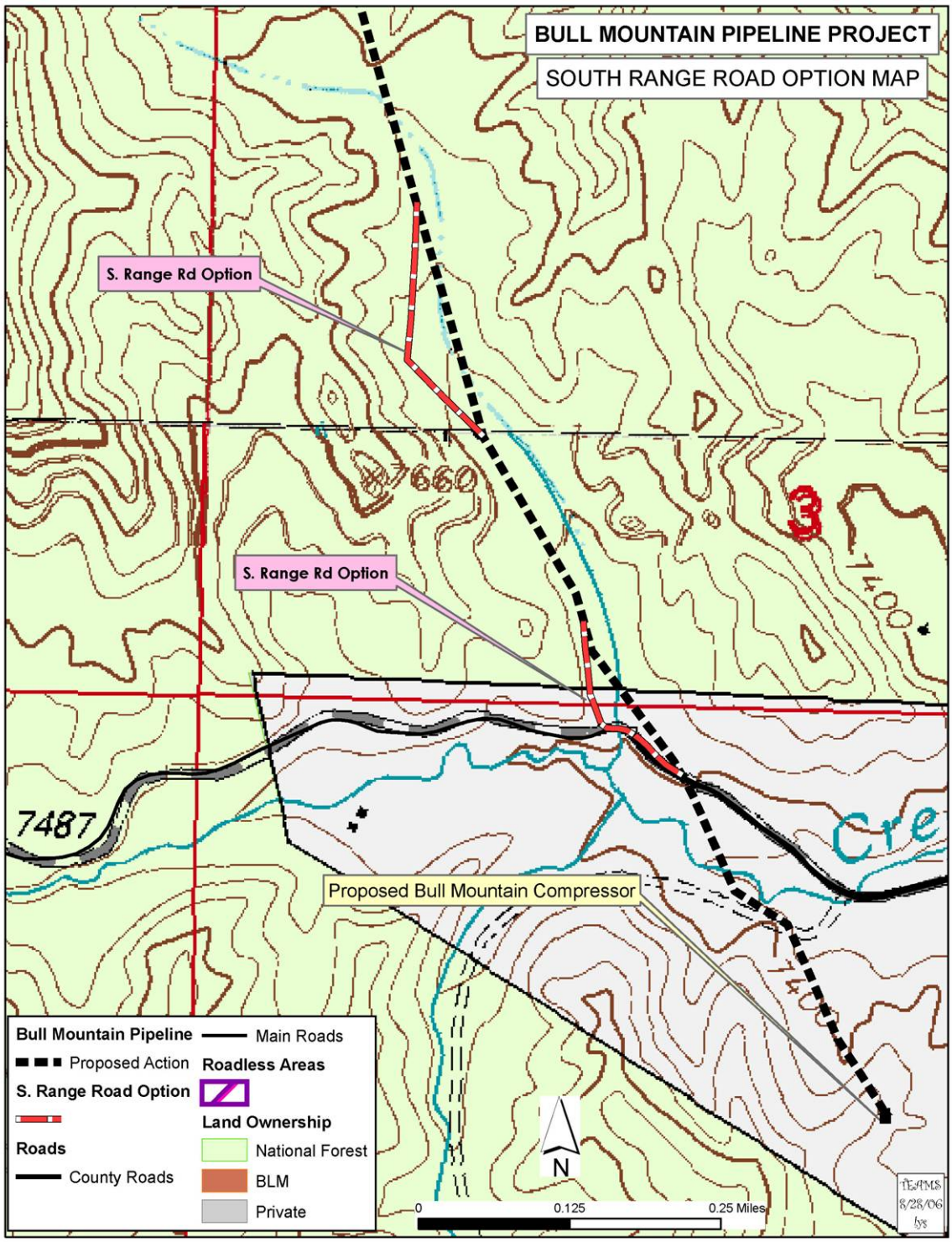
This is a large size color map (22 x 34 inches, 2 meg .pdf file) and is available online for download at the White River National Forest website (http://www.fs.fed.us/r2/whiteriver/*) or available on the BMNGP Project CD upon request.*

Appendix A- Figure 3. Affected Counties Map



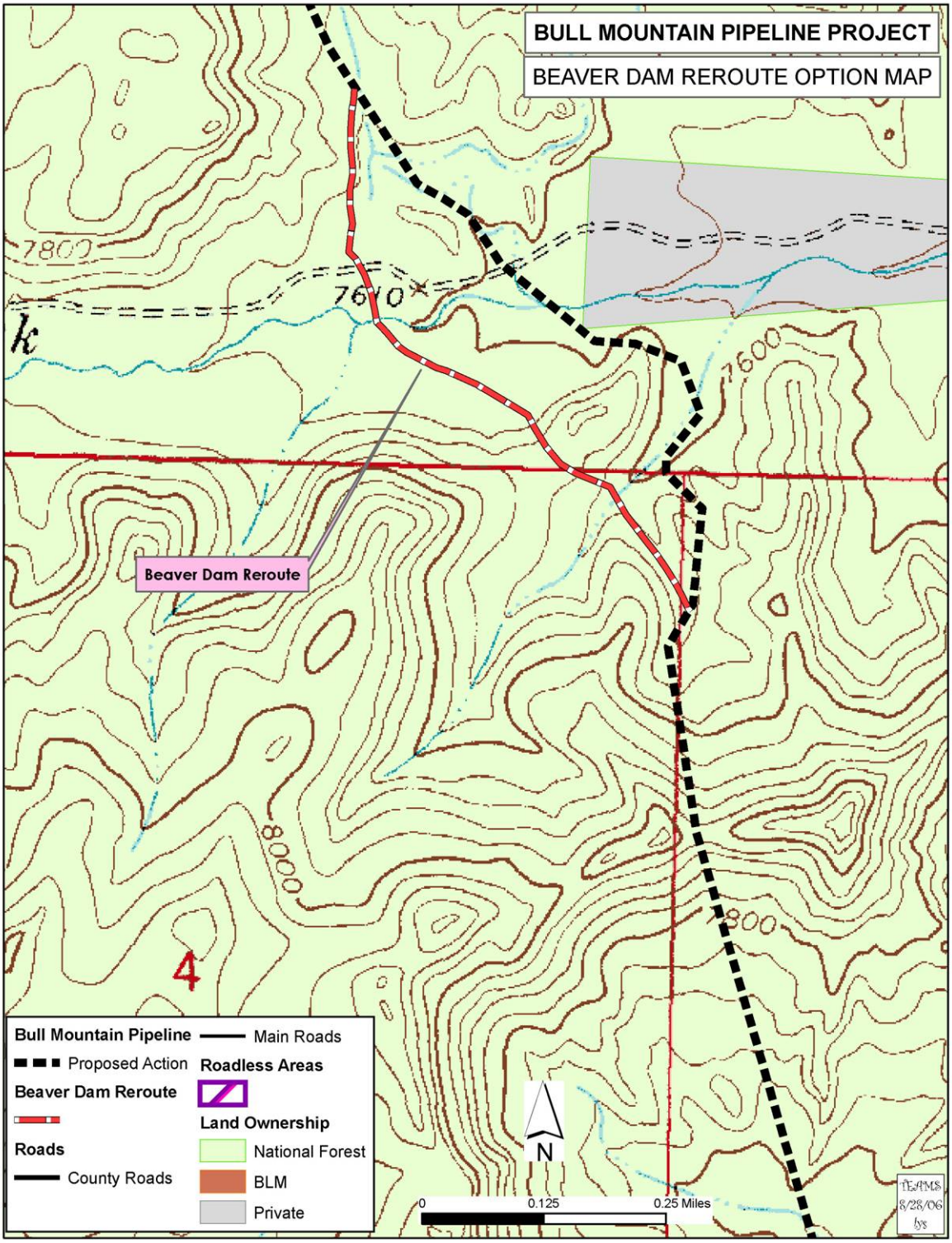
Appendix A- Figure 4. Proposed Action Route Variations Map (Route Variation #1 – South Range Road)

This route variation would follow an existing unclassified range allotment road that would move the ROW slightly to the west and out of the center of a meadow area that is close to the stream in this drainage.



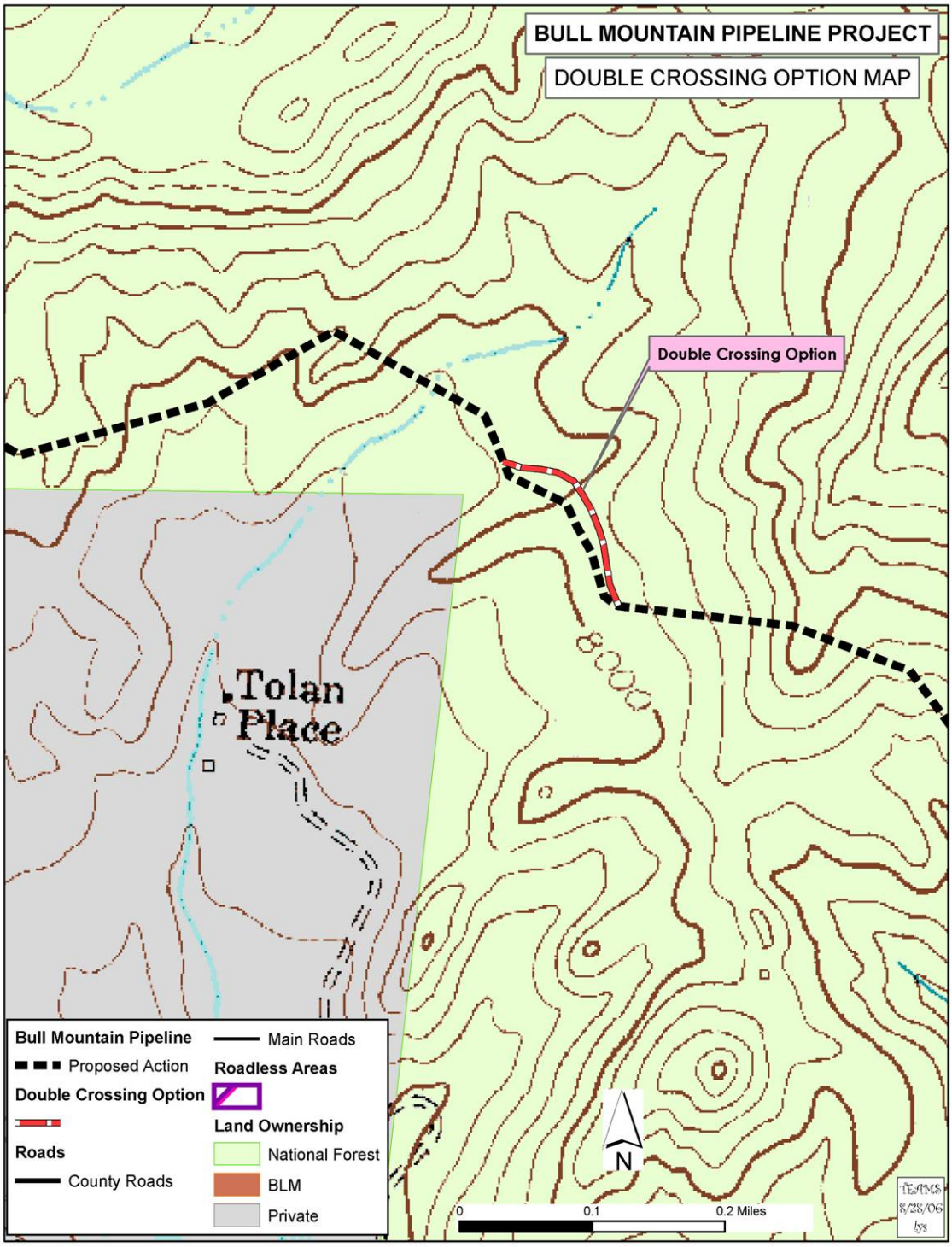
Appendix A- Figure 5. Proposed Action Route Variations Map (Route Variation #2 – Beaver Dam Reroute)

This route variation was developed to avoid an existing beaver dam complex and an alignment that would be constricted by private land. This route would be routed in a grass parkland and then over a low saddle in the ridge to the west of the original proposed route.



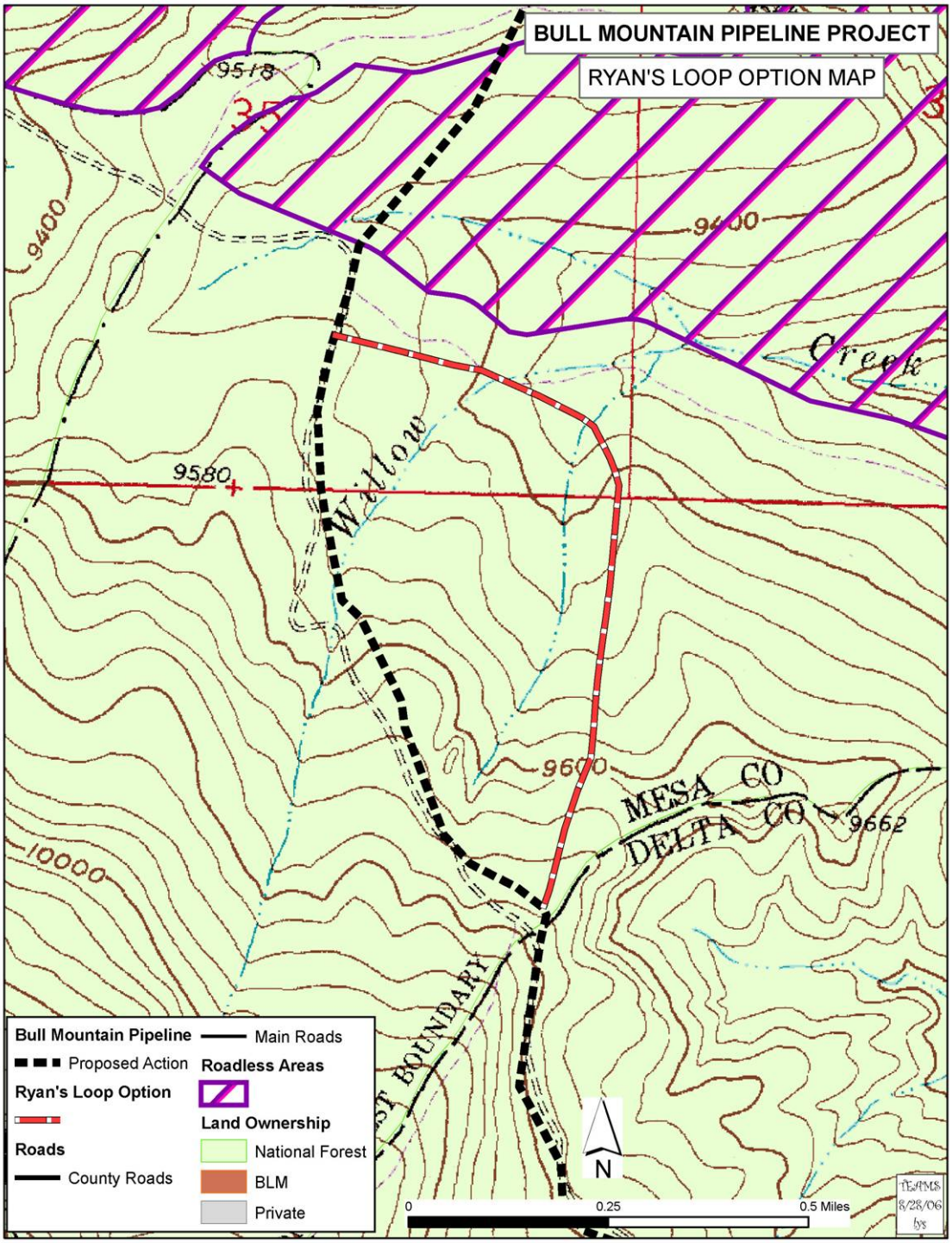
Appendix A- Figure 6. Proposed Action Route Variations Map (Route Variation #3 – Double Road Crossing)

This route variation was to avoid a double road crossing at a cattleguard. The route would stay on the east side of the road and would be routed down a dry aspen draw instead of crossing the road twice in ¼ mile distance.

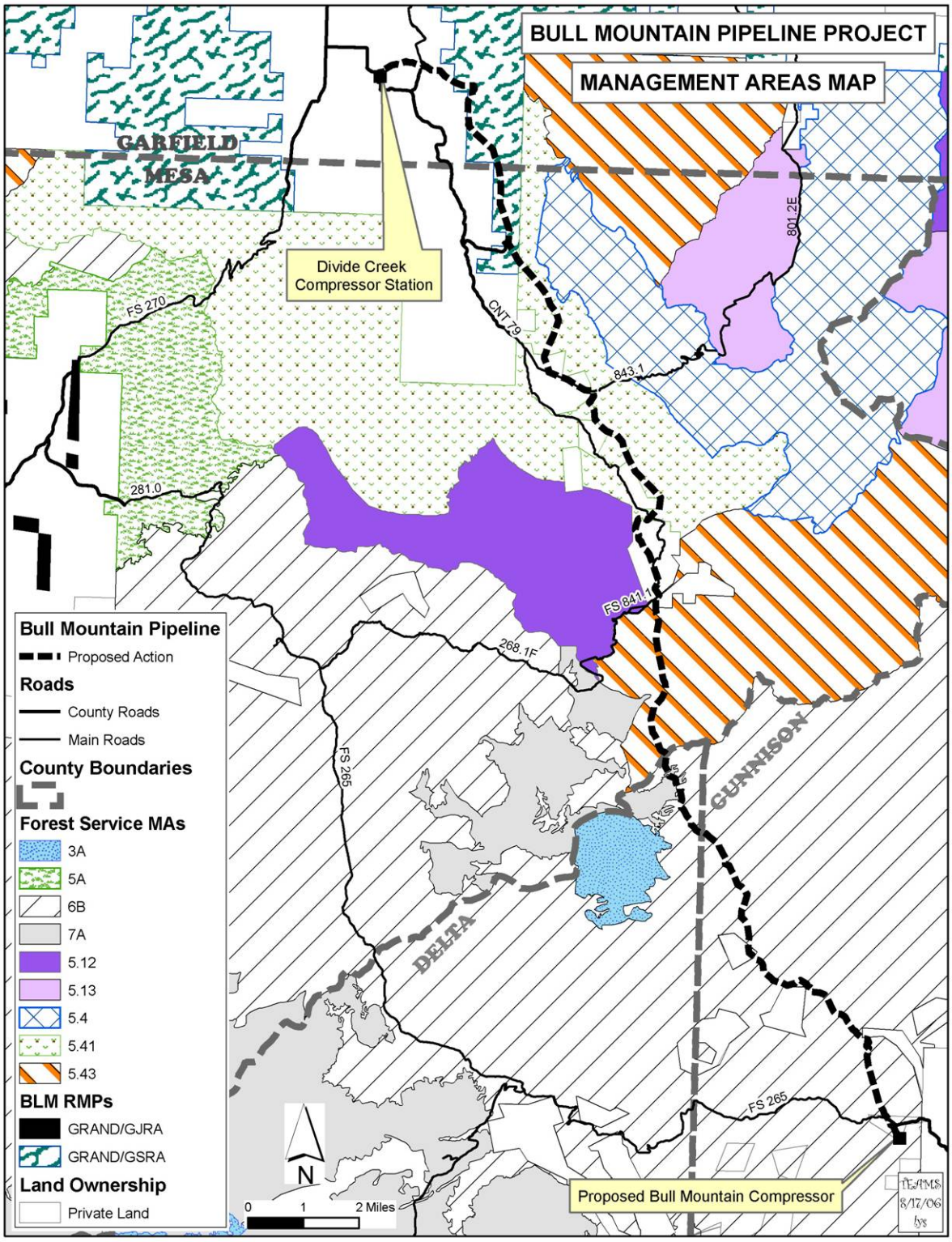


Appendix A- Figure 7. Proposed Action Route Variations Map (Route Variation #4 – Ryan's Loop)

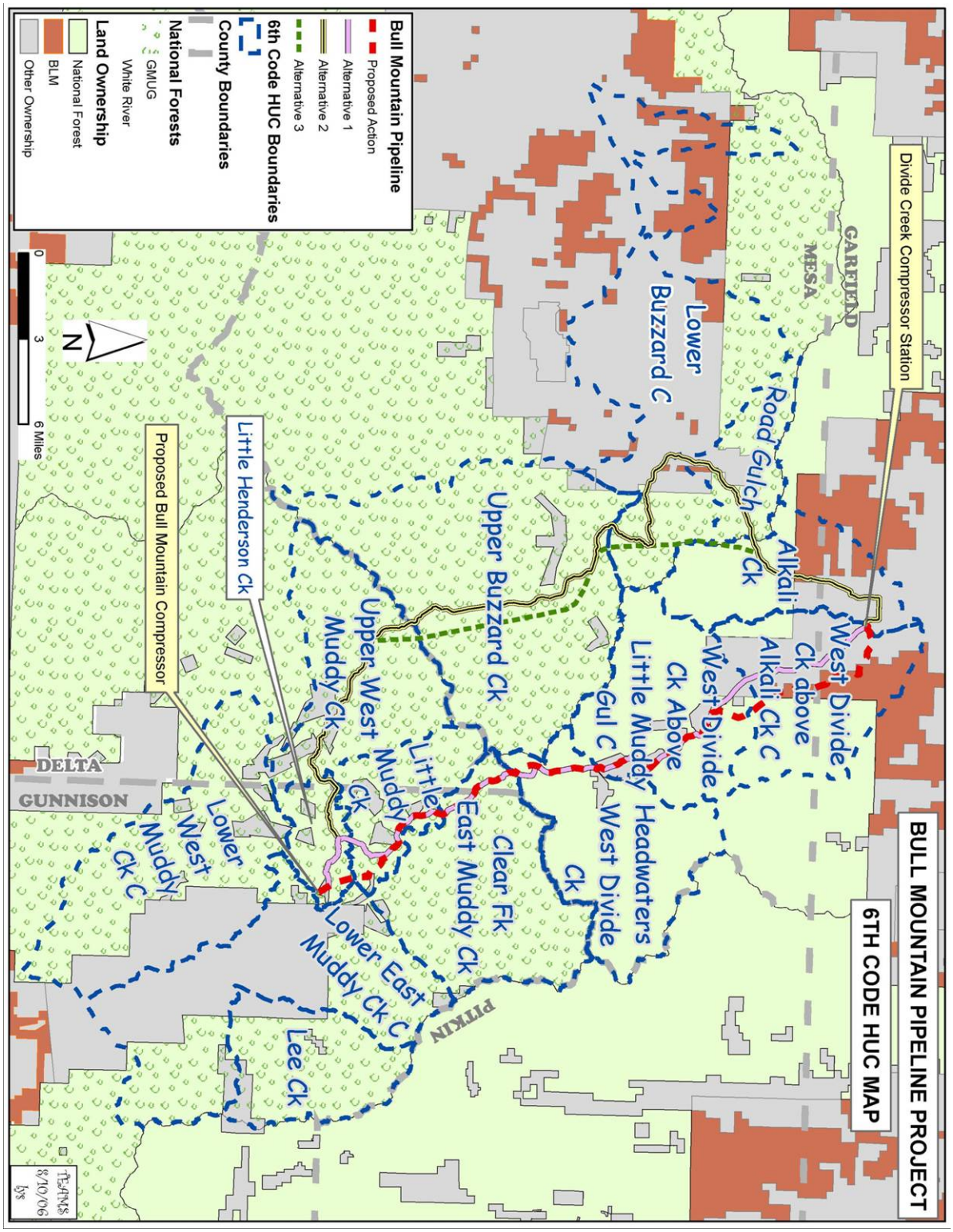
This route variation was developed to address some IDT issues regarding soils and seeps/springs along this portion of the route that is at the highest elevation point of the proposed route.



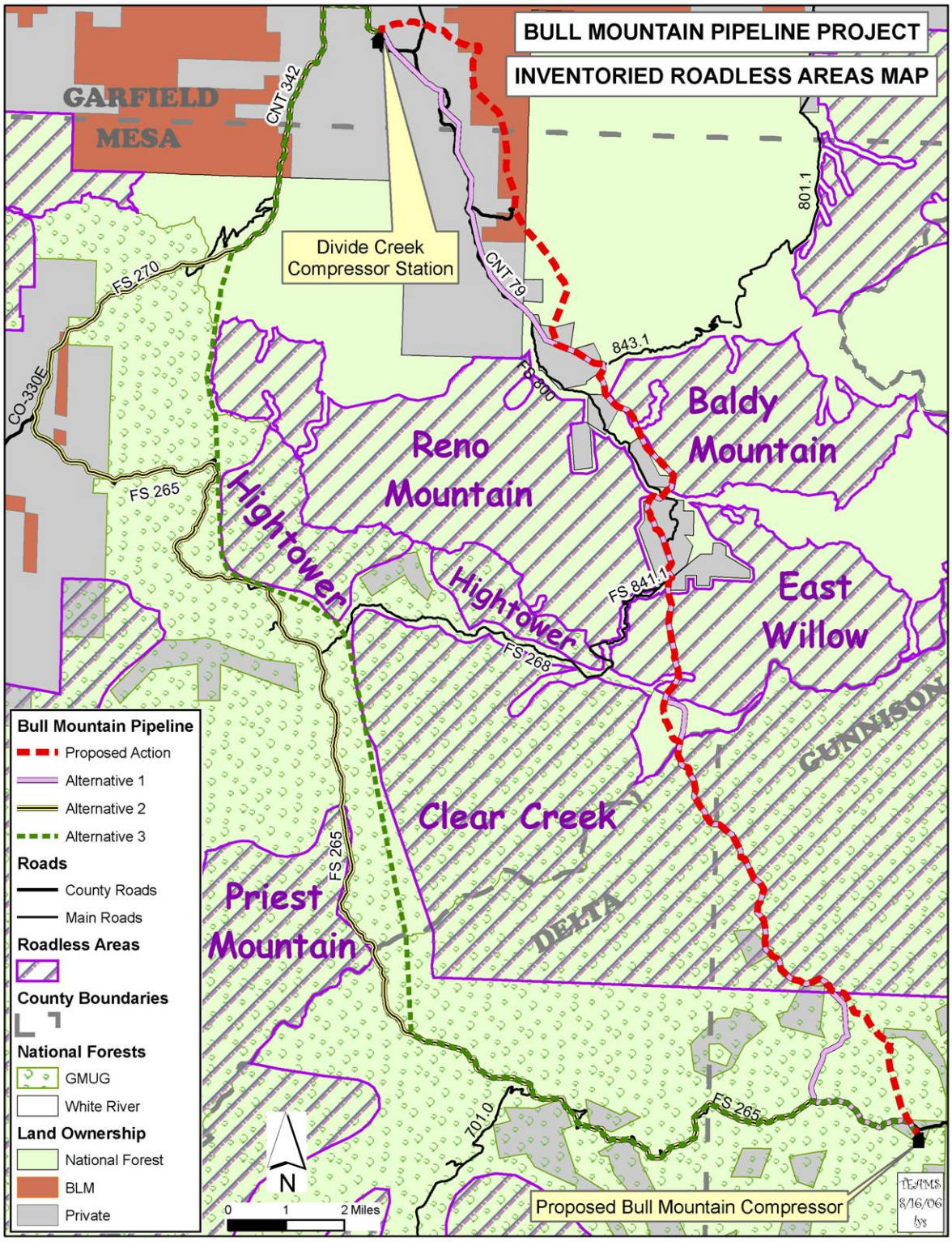
Appendix A- Figure 8. Management Areas Map



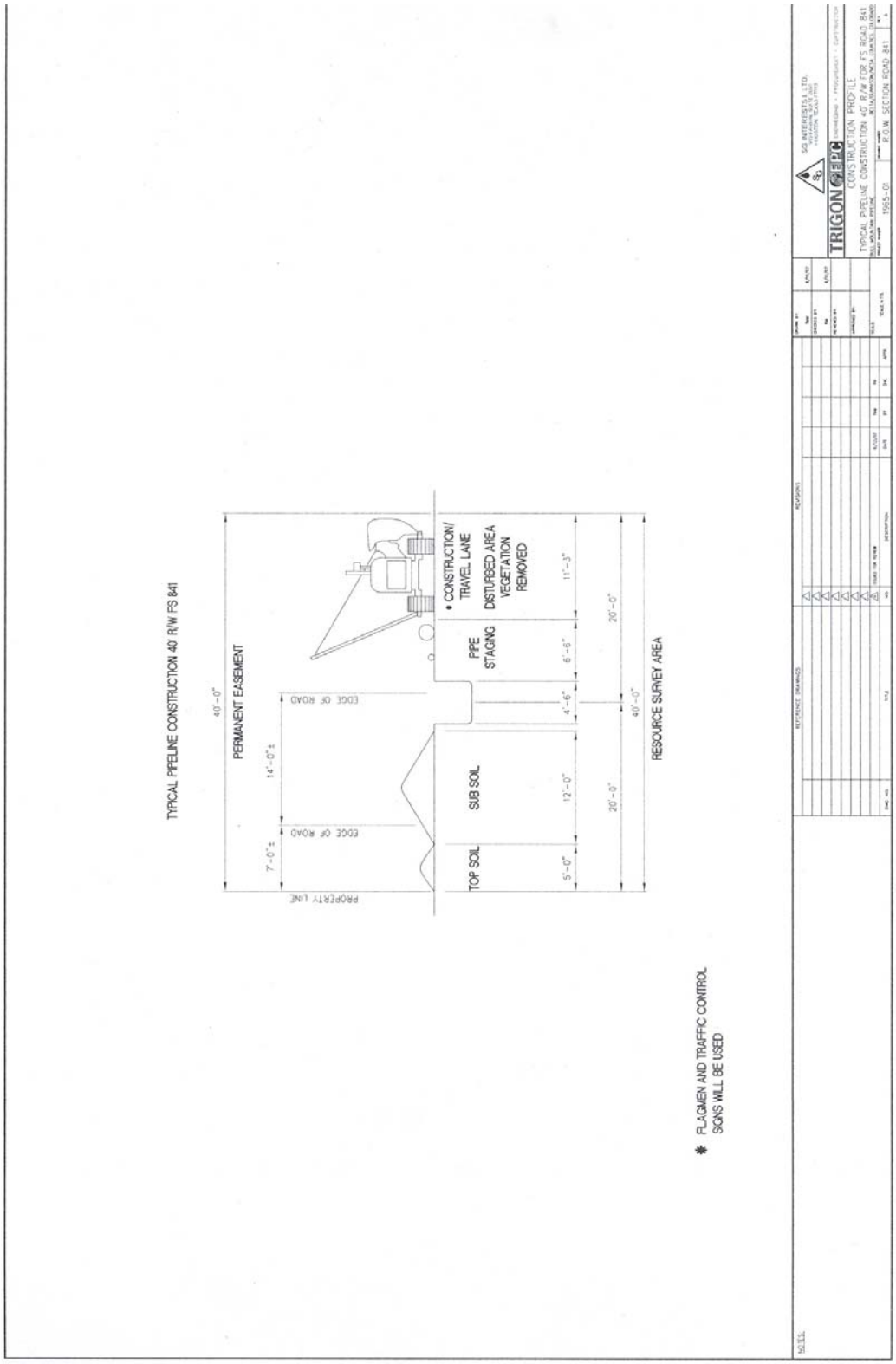
Appendix A- Figure 9. Watershed 6th Code HUC Map



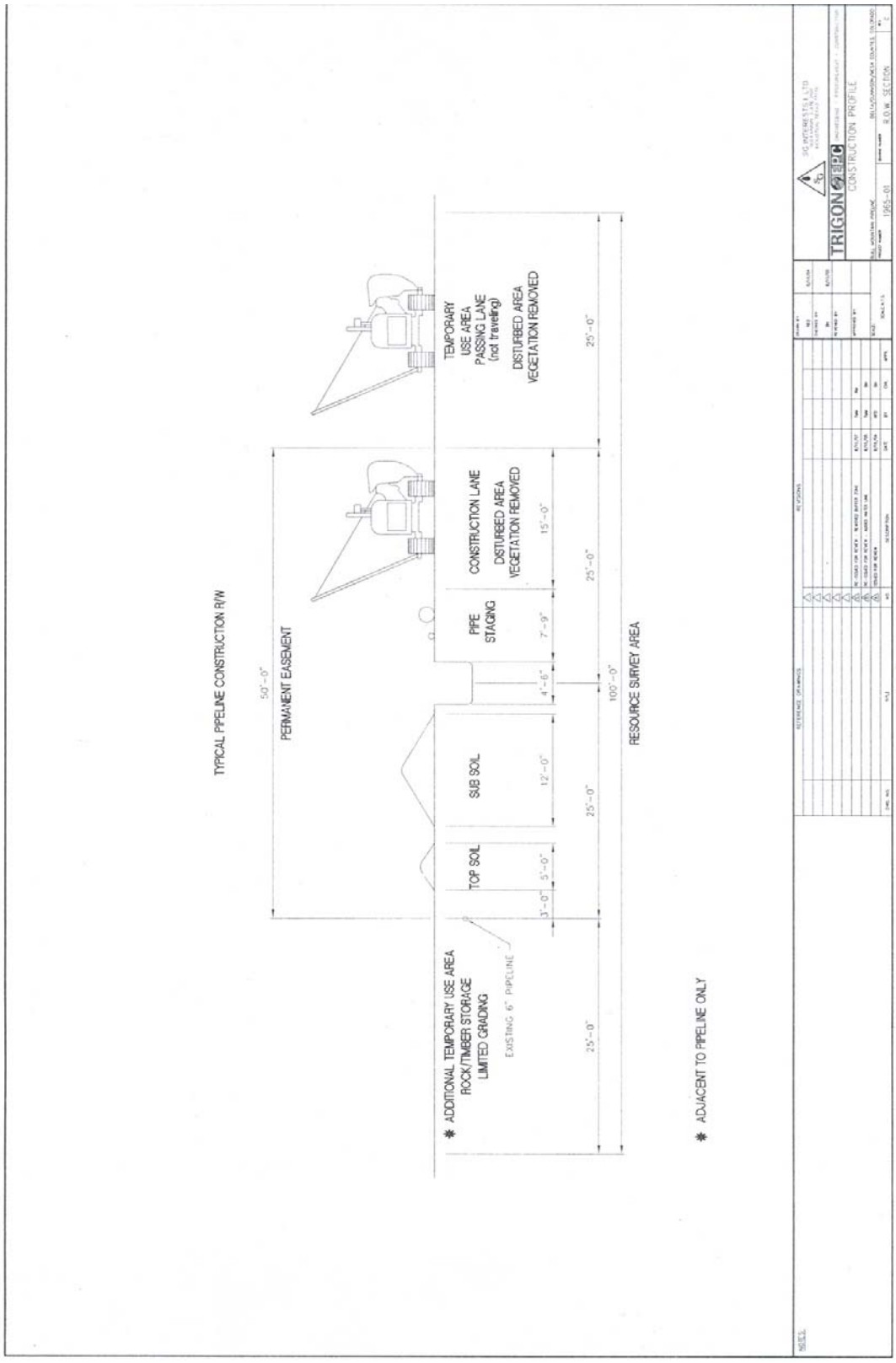
Appendix A- Figure 10. Inventoried Roadless Areas (IRAs) Map



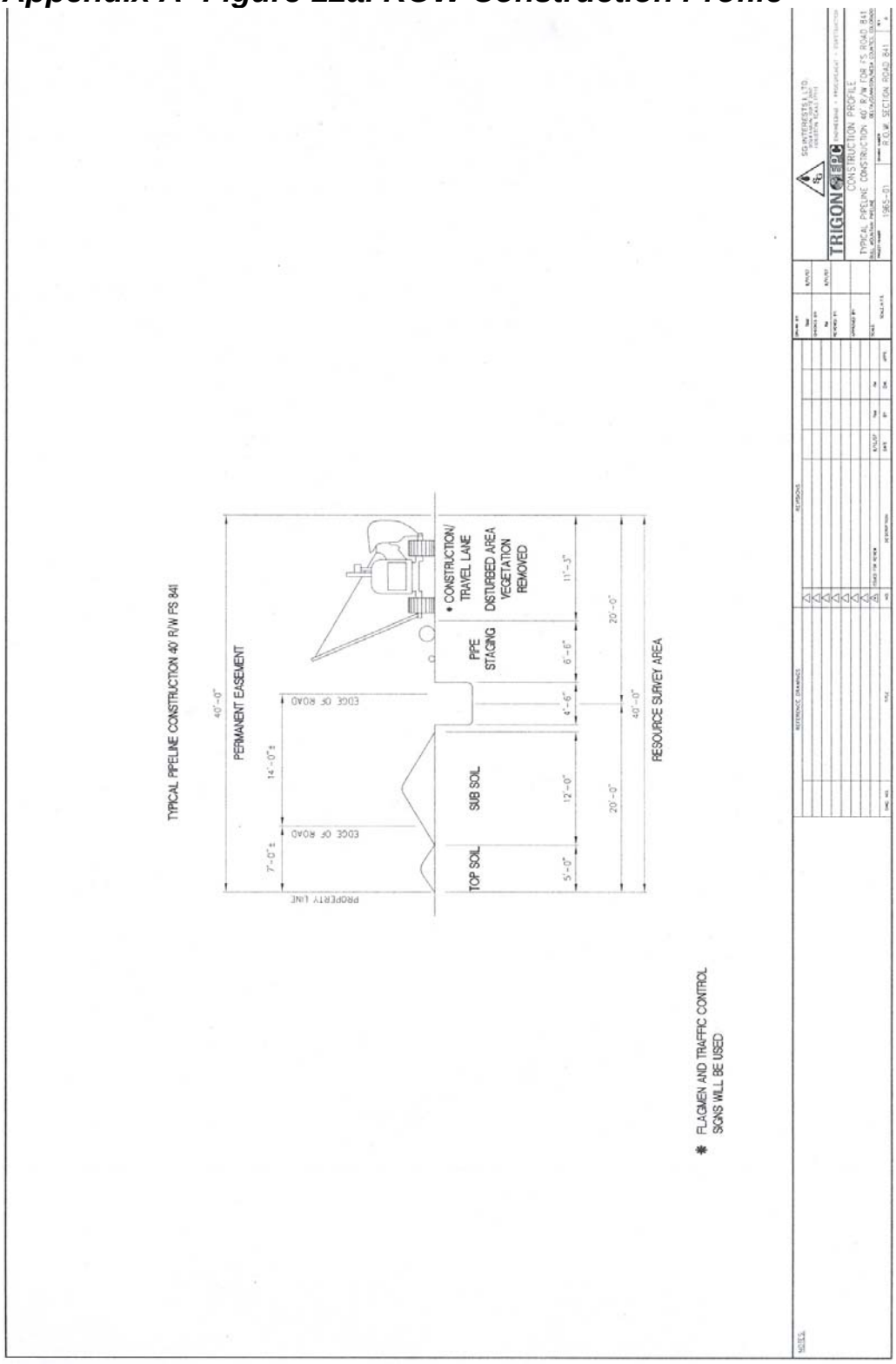
Appendix A- Figure 11. Typical ROW Diagram



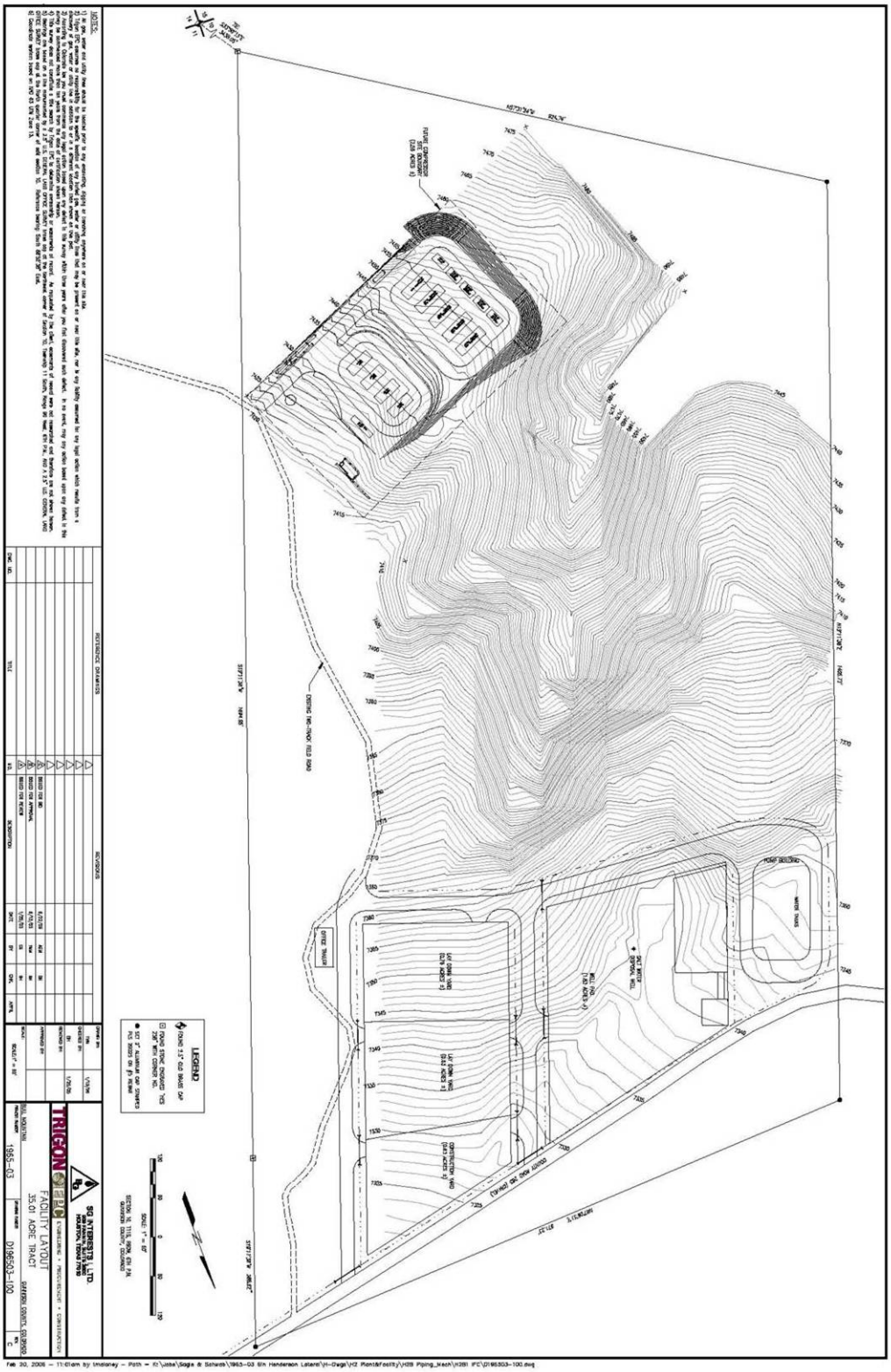
Appendix A- Figure 12. ROW Construction Profile



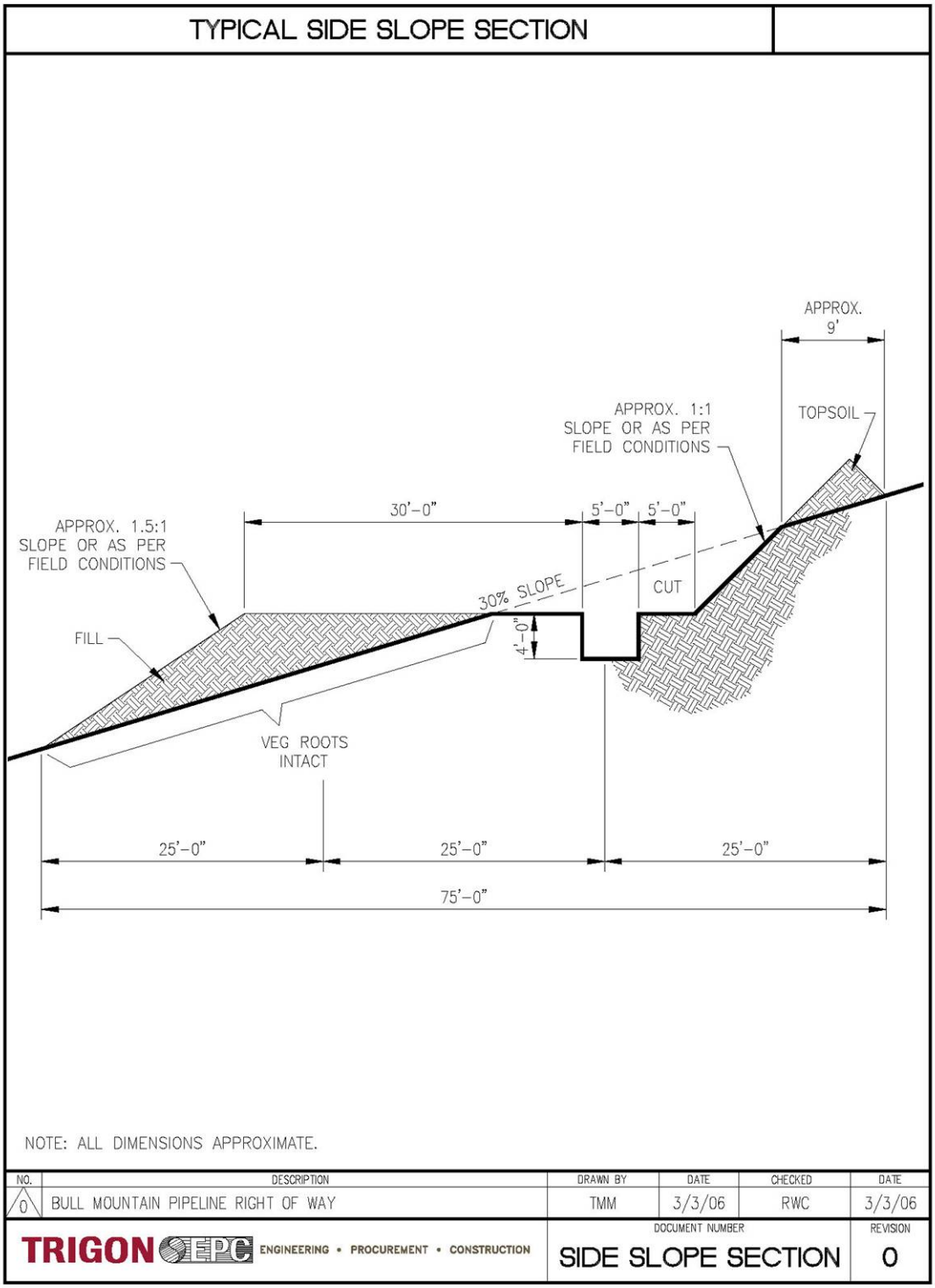
Appendix A- Figure 12a. ROW Construction Profile



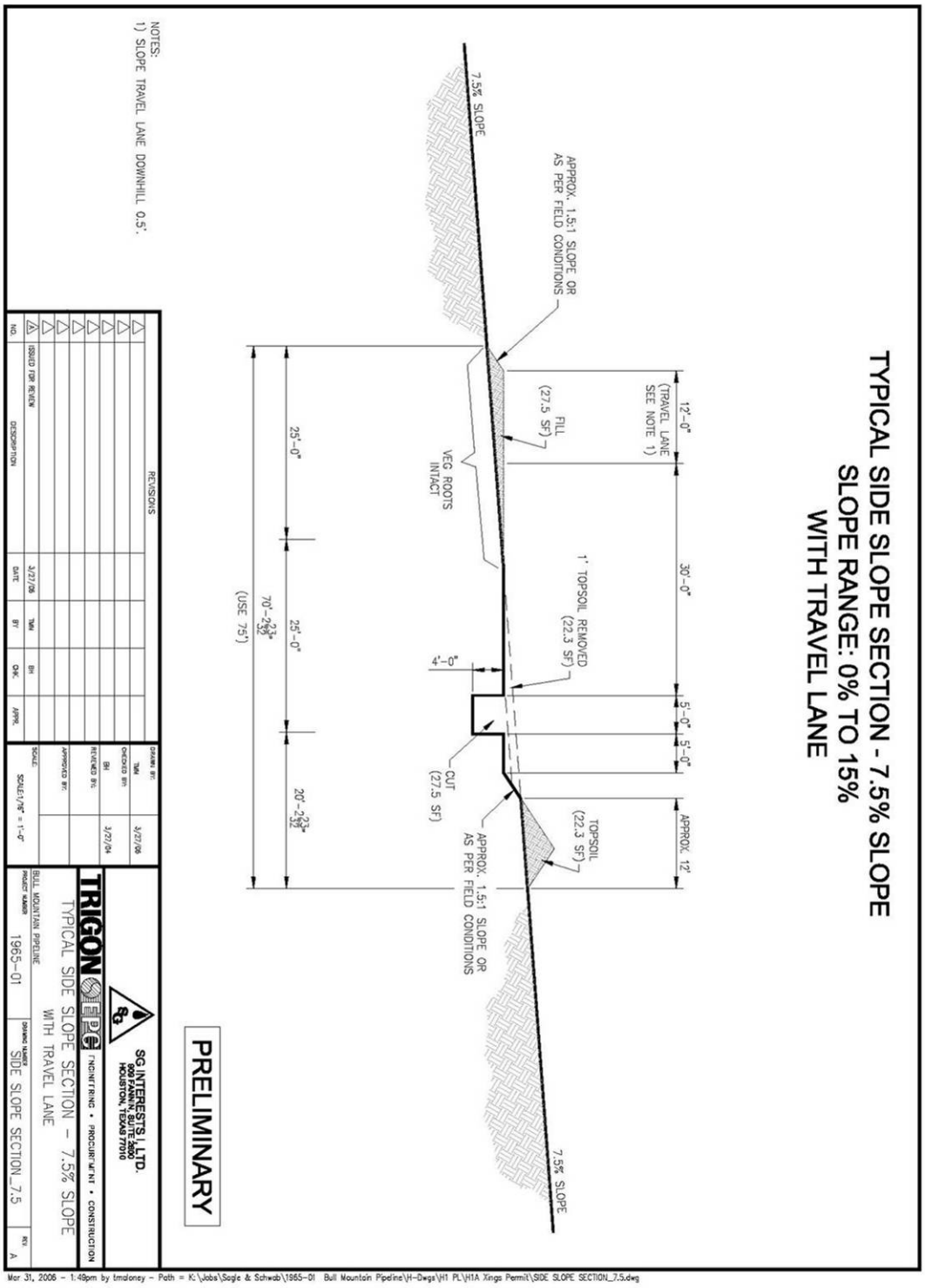
Appendix A- Figure 13. Compressor Facility Layout



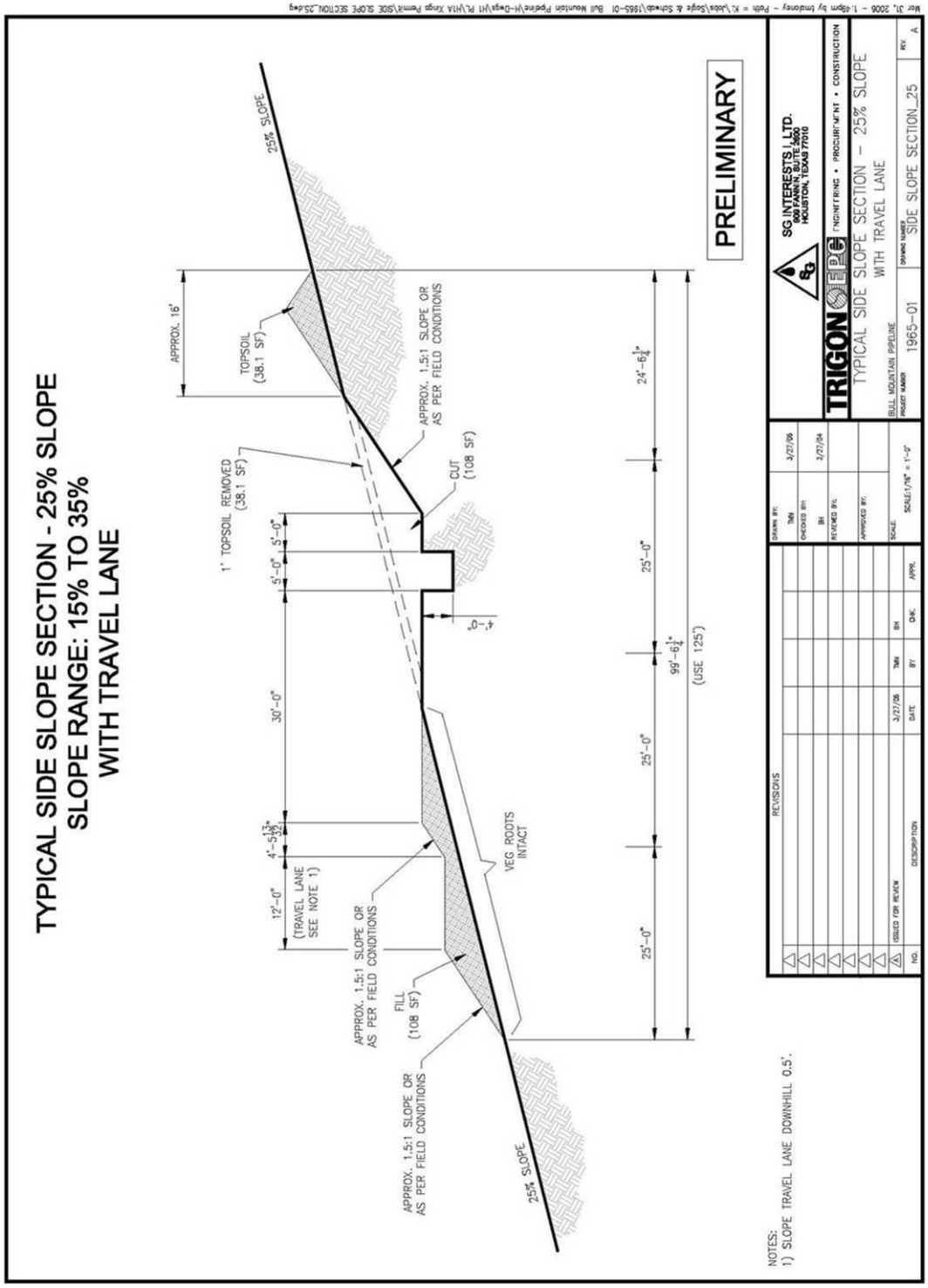
Appendix A- Figure 14. Side Slope Diagram, 30% slope



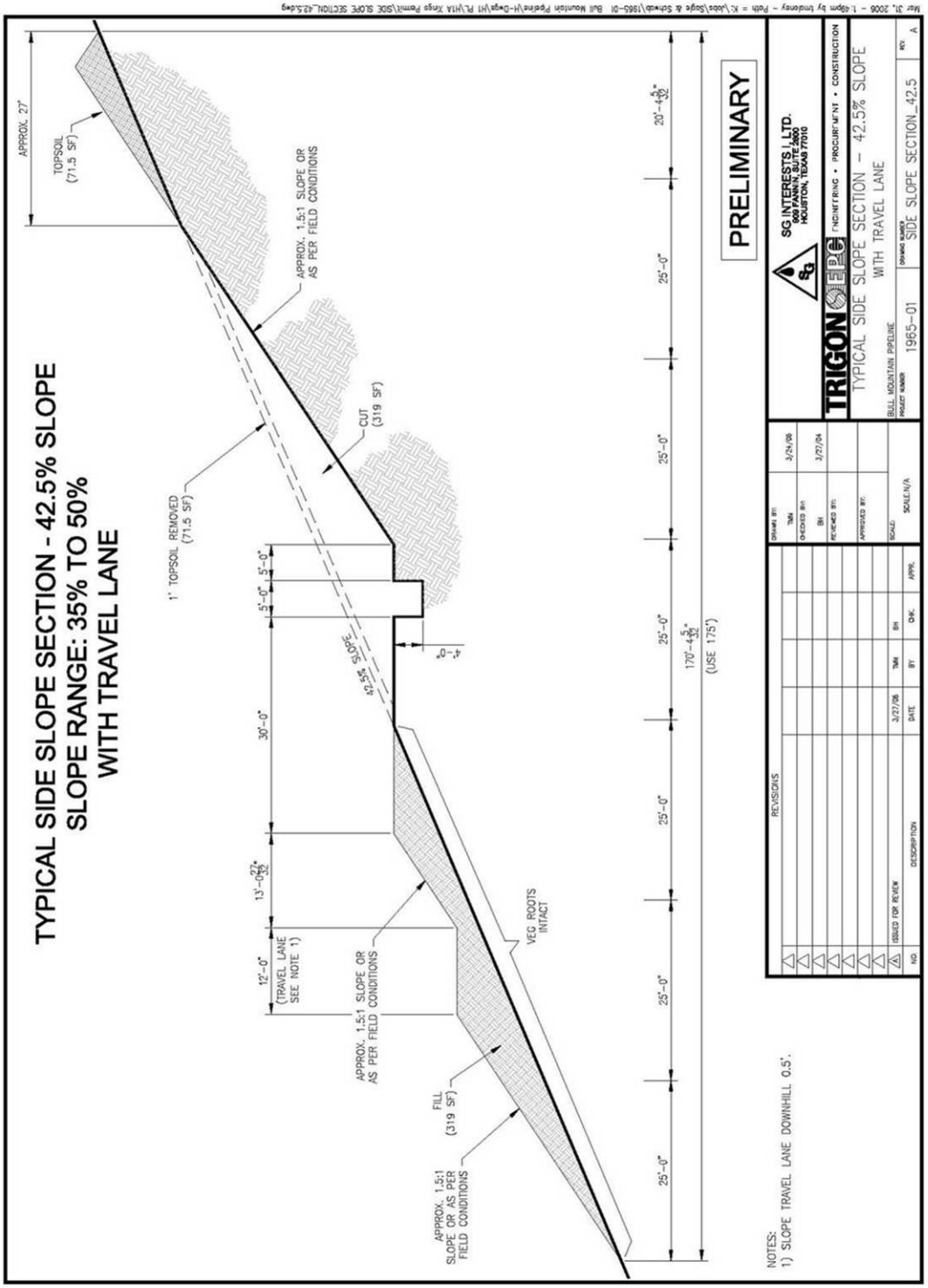
Appendix A- Figure 15. Side-Slope Diagram, 7.5% average slope



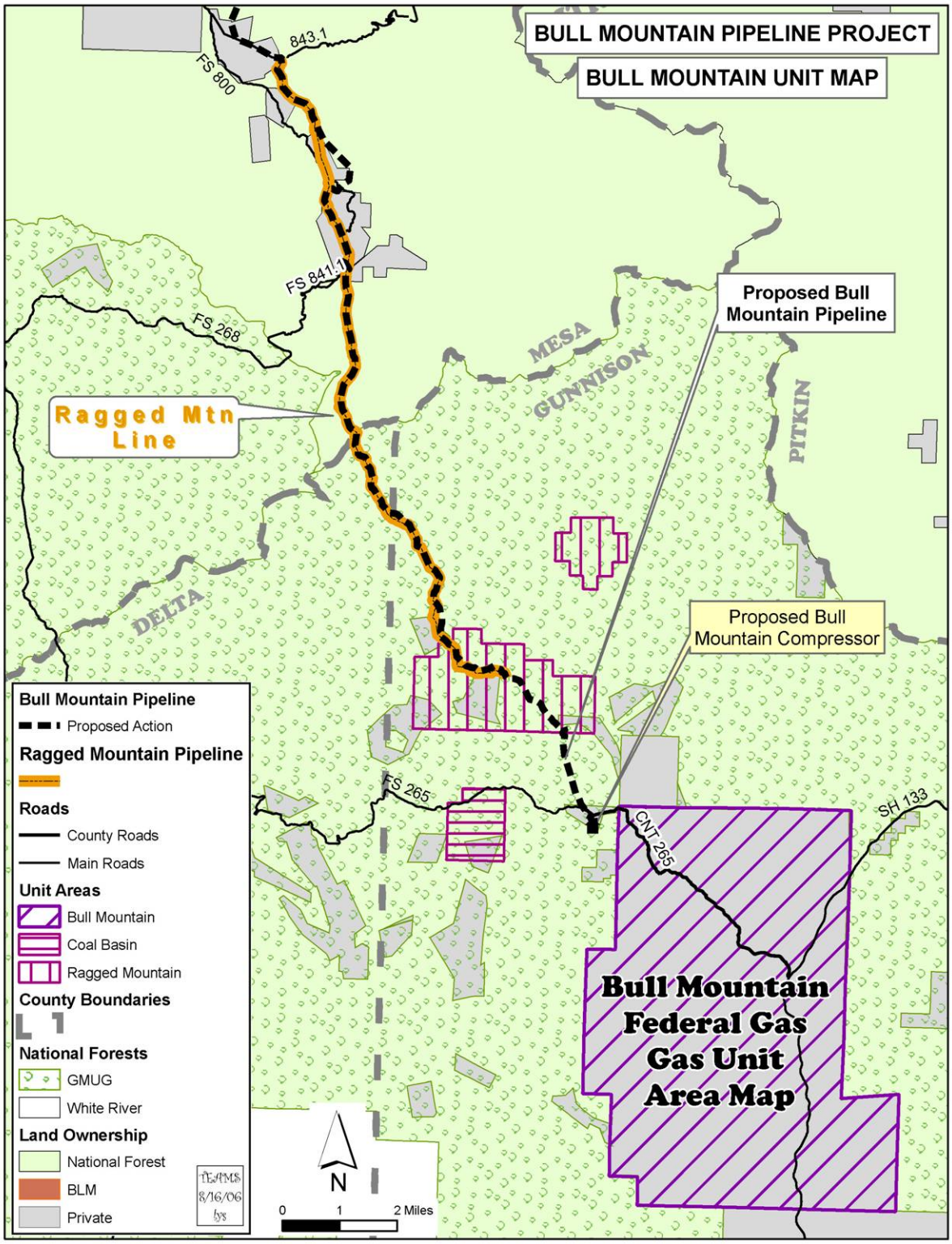
Appendix A- Figure 16. Side-Slope Diagram, 25% average slope



Appendix A- Figure 17. Side-Slope Diagram, 42.5% average slope

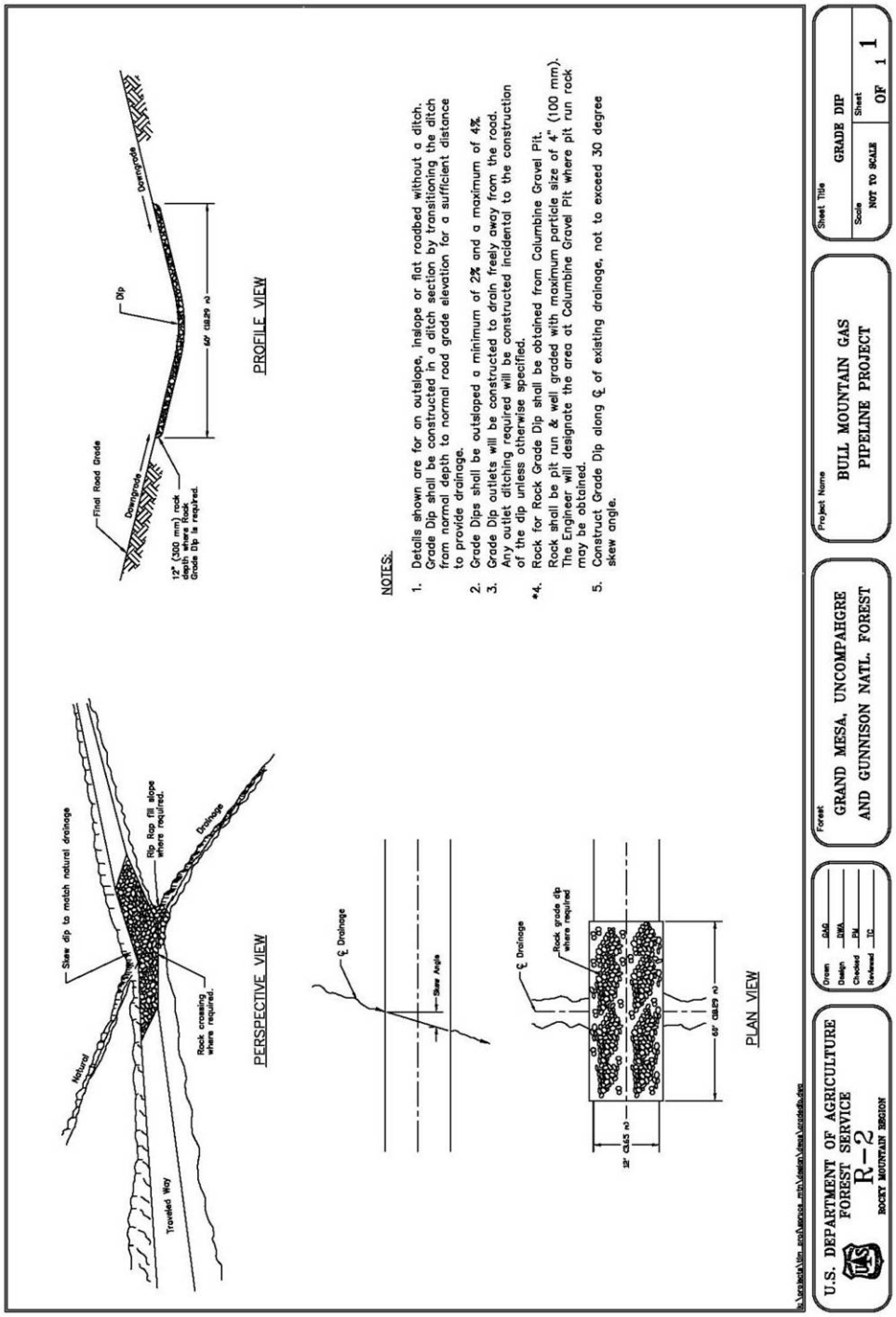


Appendix A- Figure 18. Bull Mountain Unit Area Map

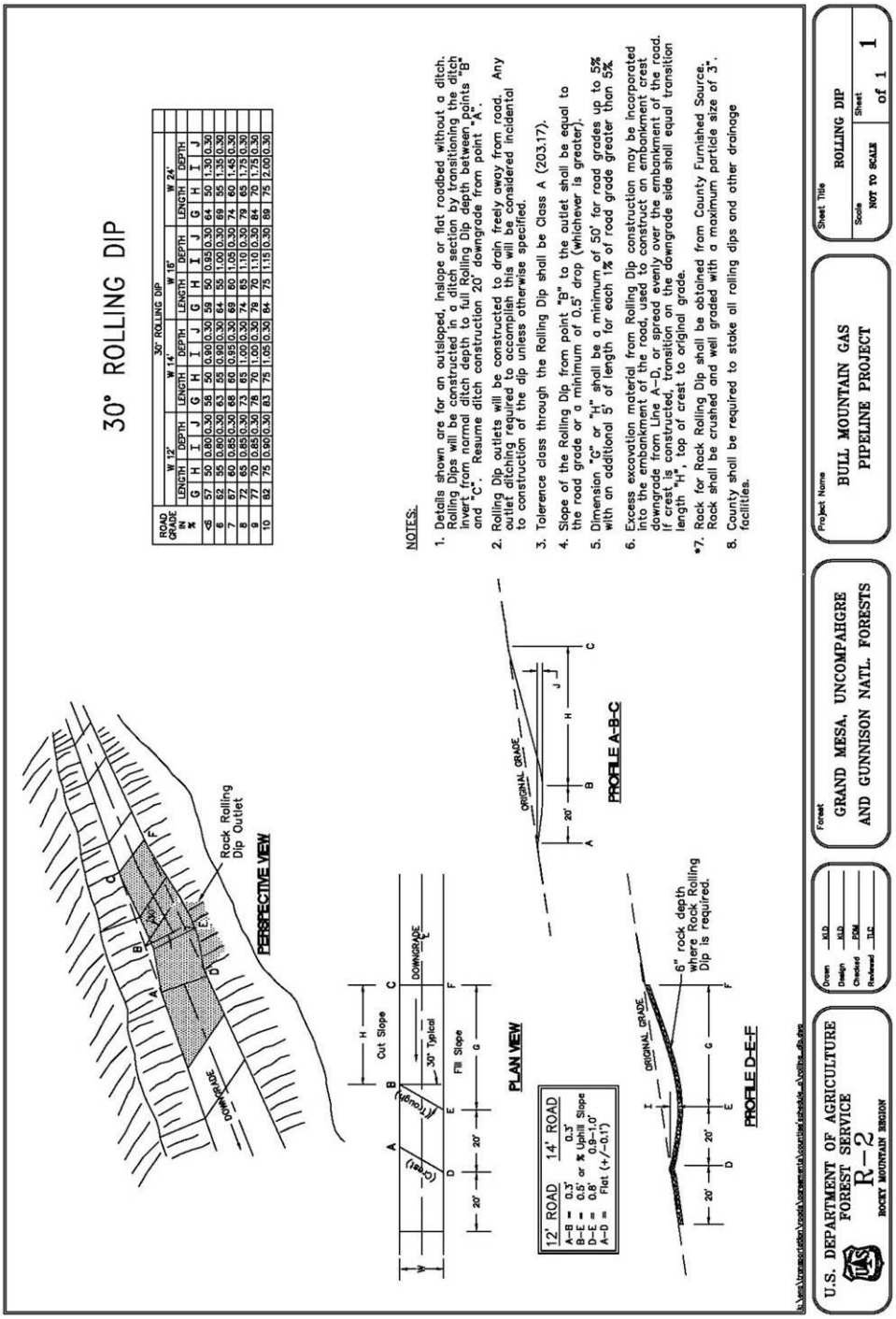


APPENDIX B Forest Service Engineering Typical Drawings –

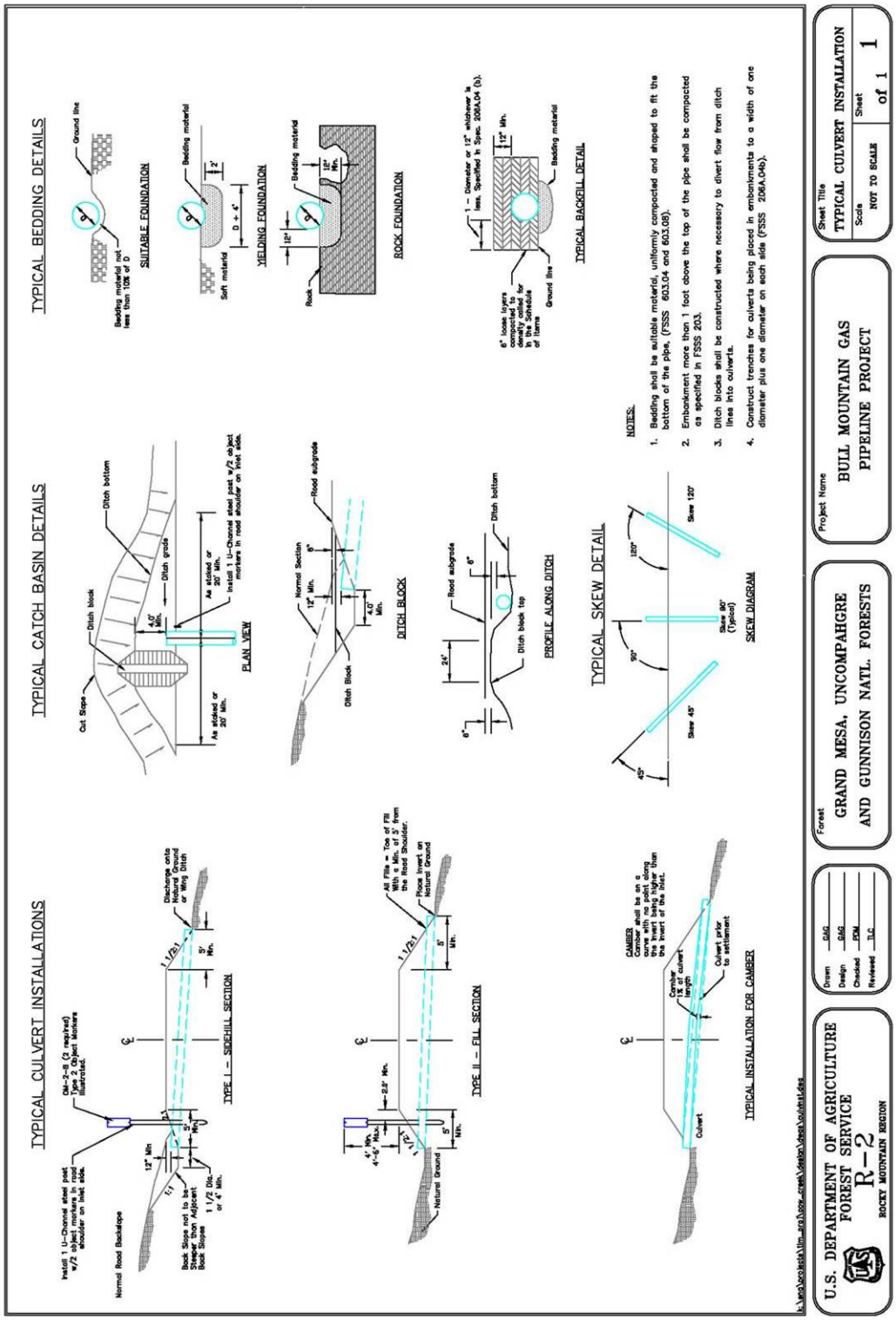
Appendix B-Figure #1: Grade Dip



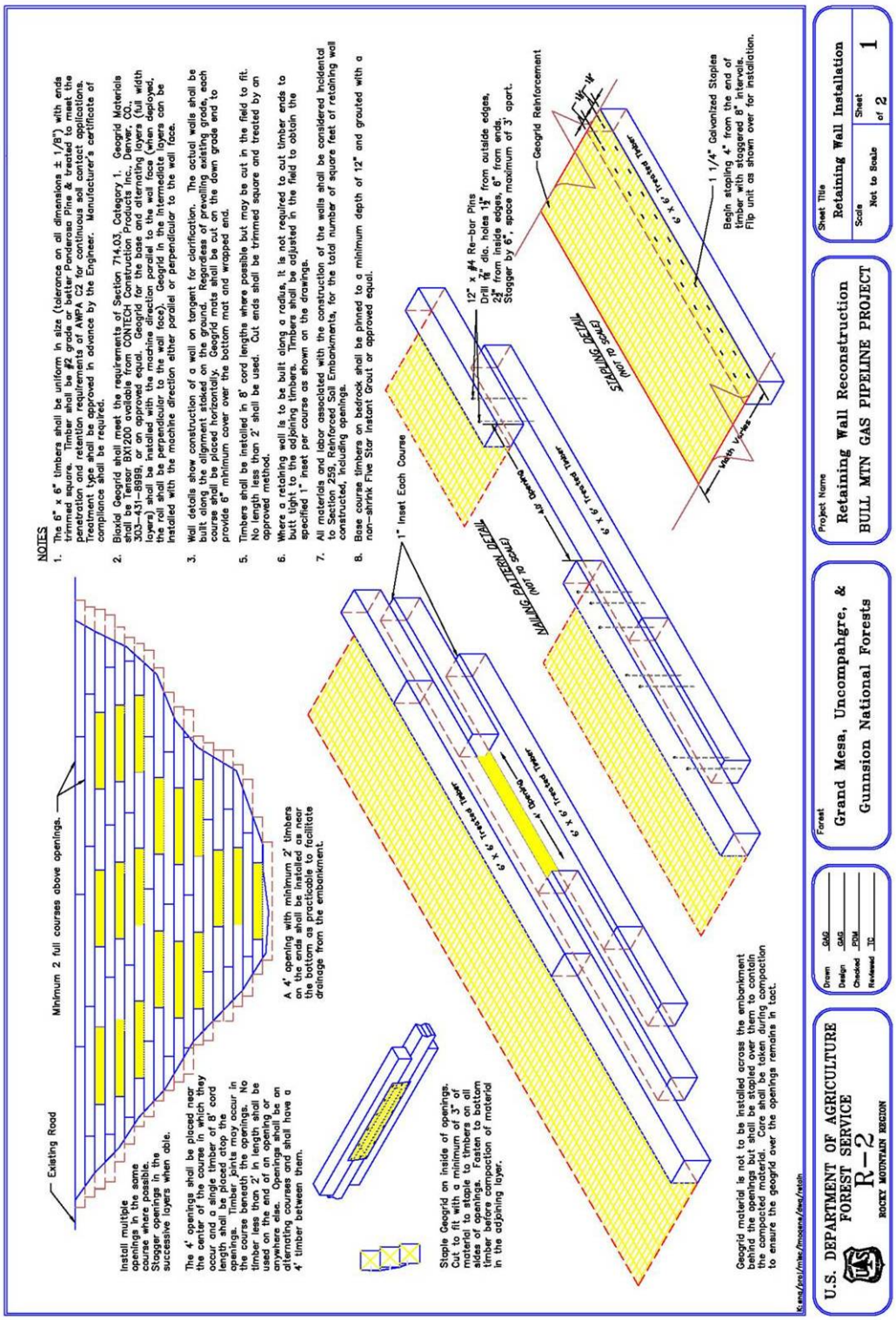
Appendix B-Figure #2: Rolling Dip



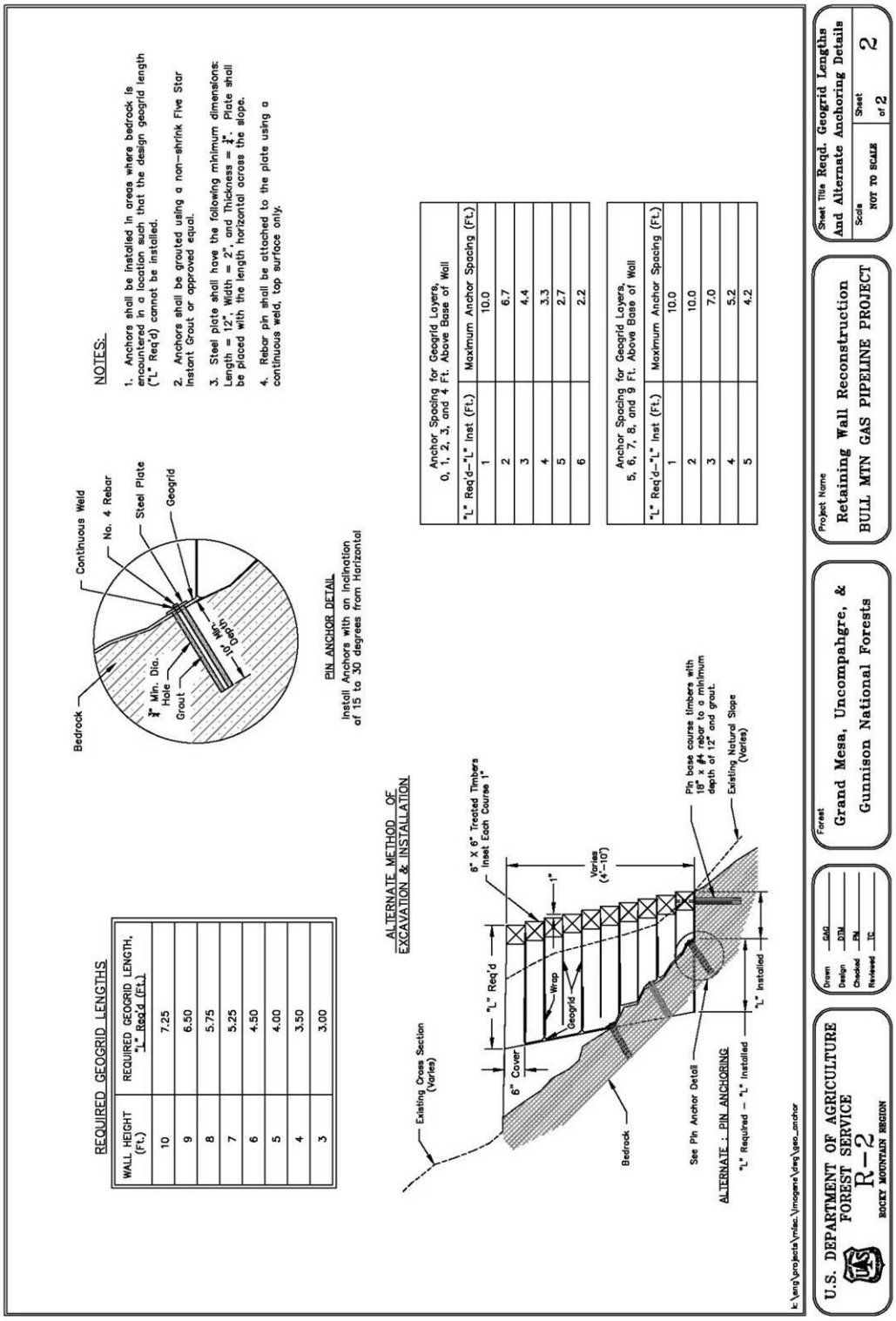
Appendix B-Figure #3: Culvert Installation



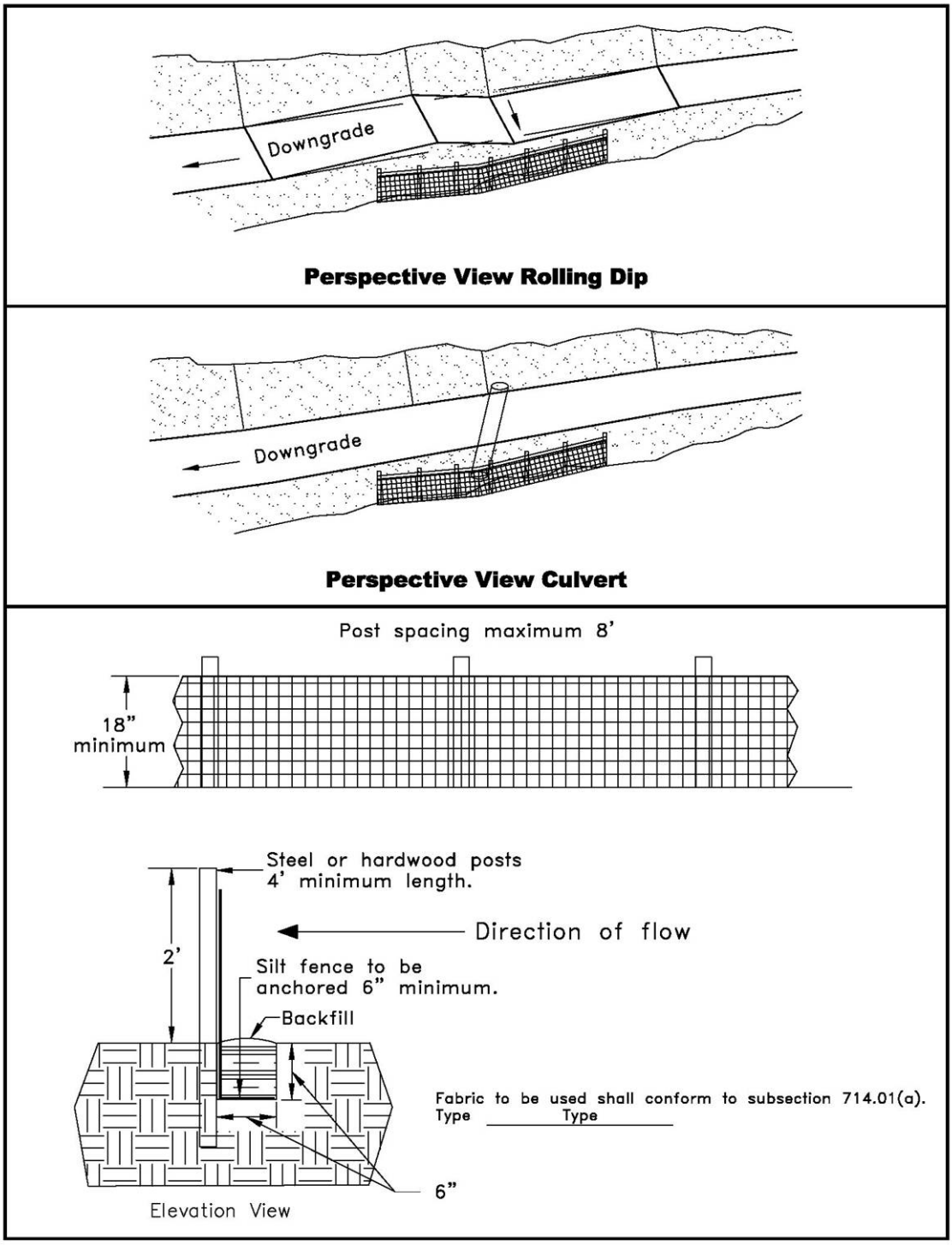
Appendix B-Figure #4: Retaining Wall 1



Appendix B-Figure #5: Retaining Wall 2

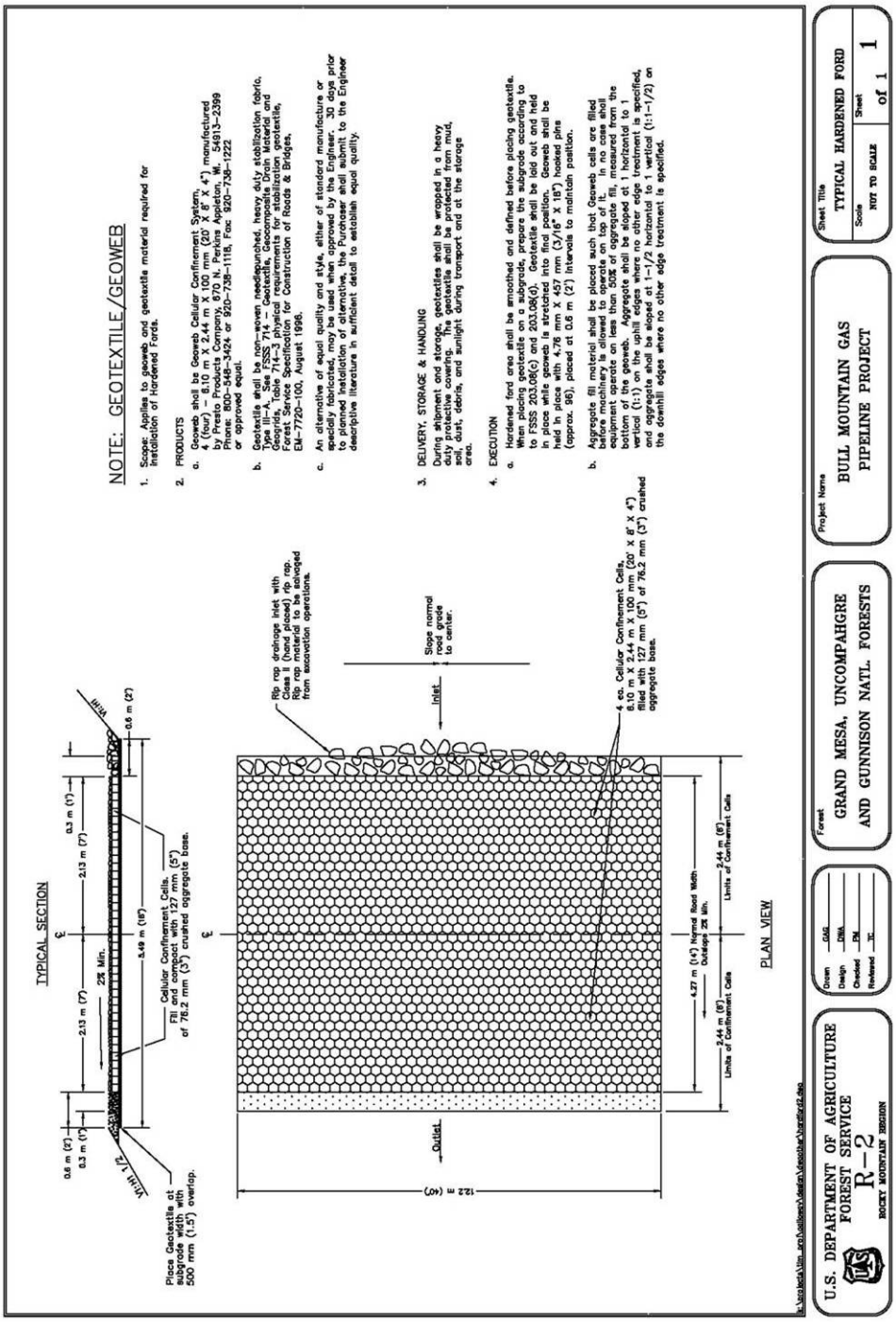


Appendix B-Figure #6: Silt Fence

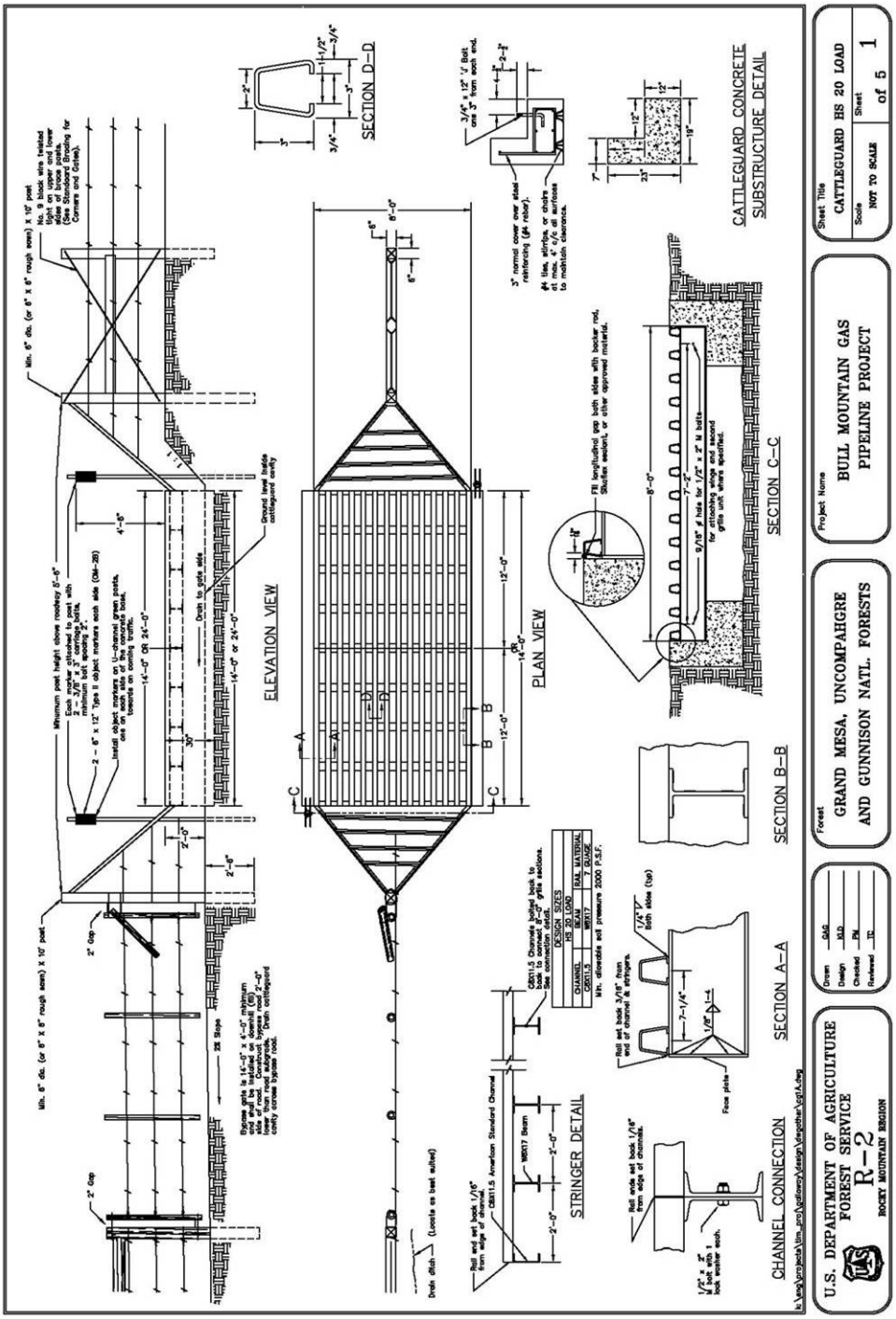


SILT FENCE DETAIL 204-01

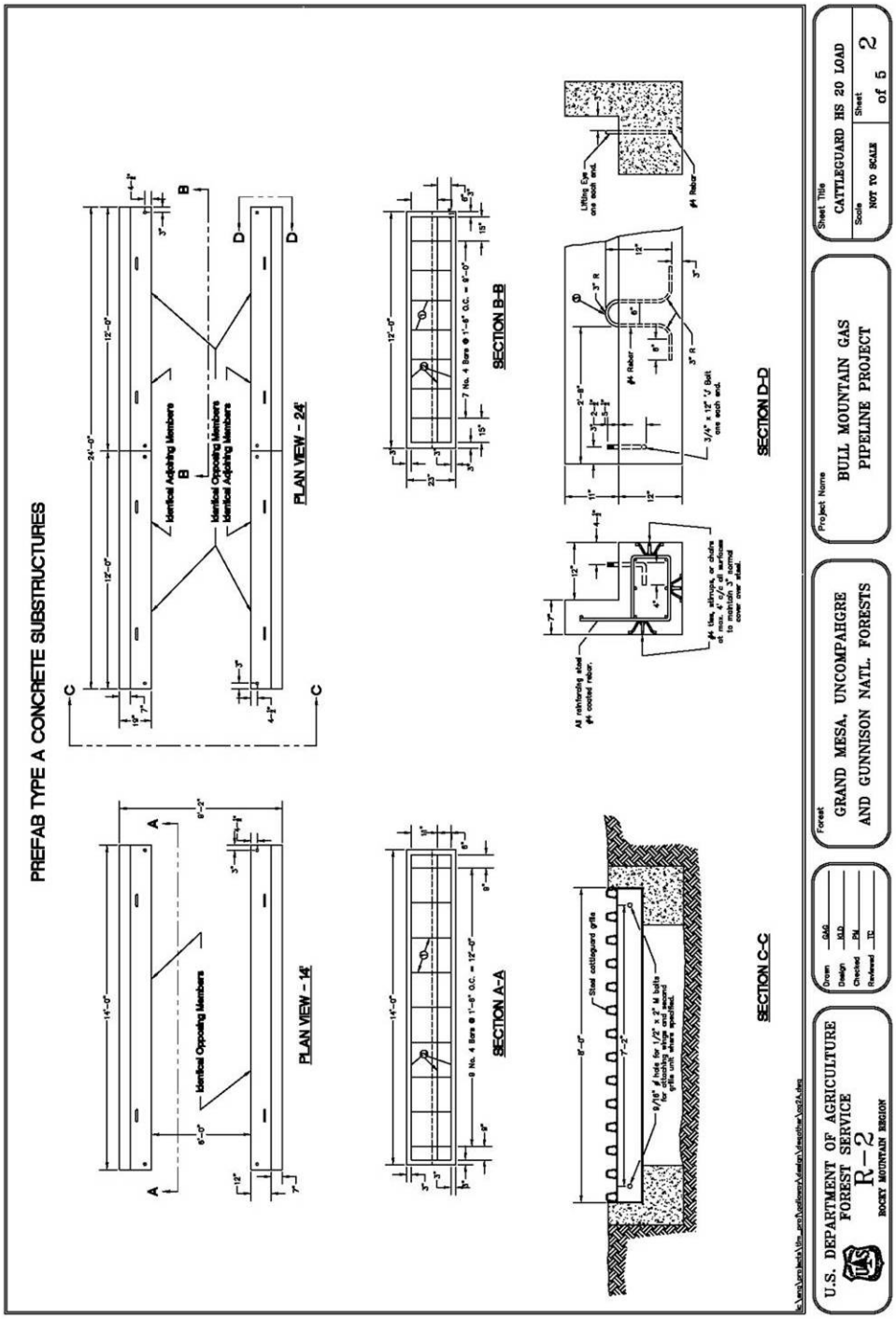
Appendix B-Figure #7: Hardened Ford



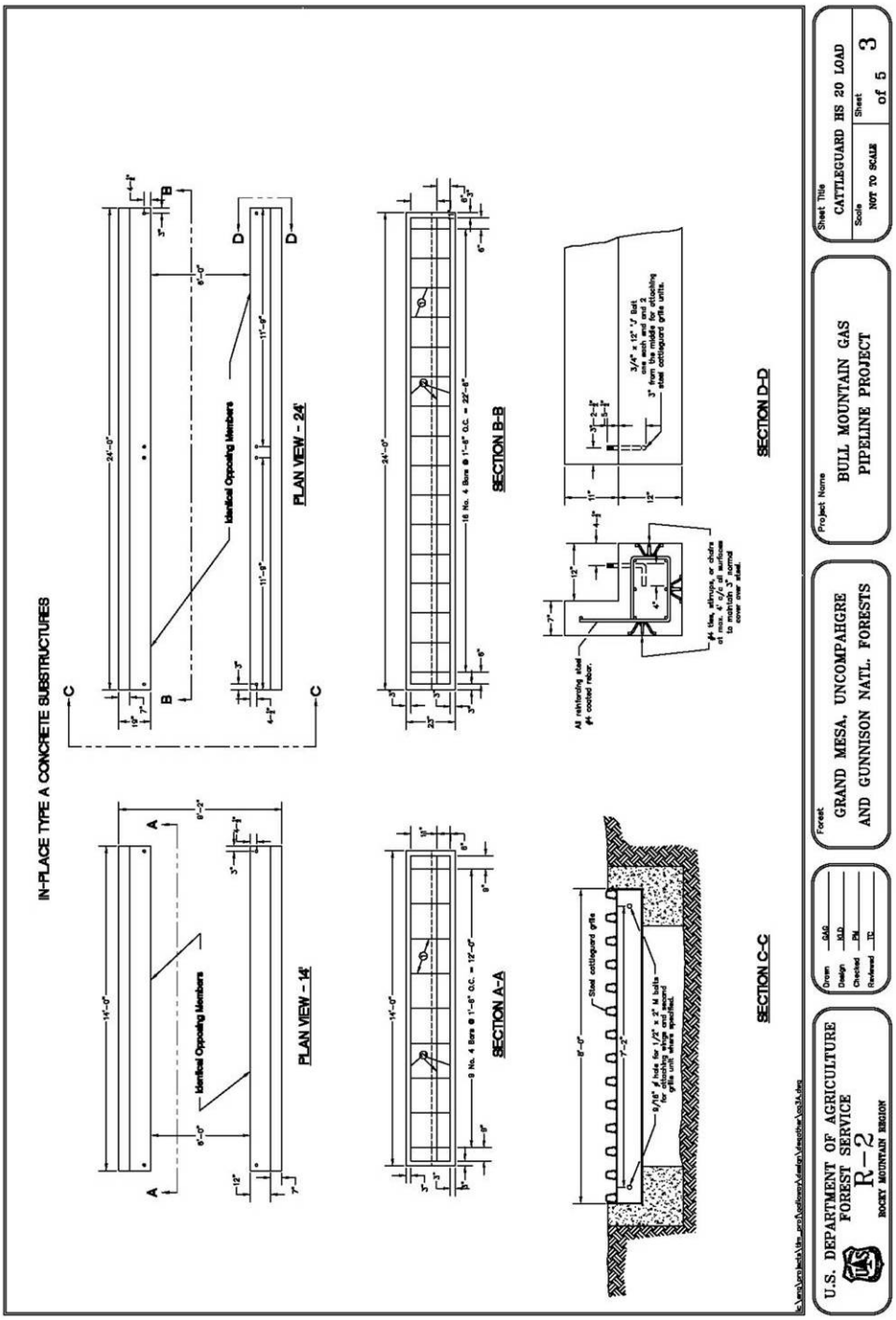
Appendix B-Figure #8: Cattle Guard 1



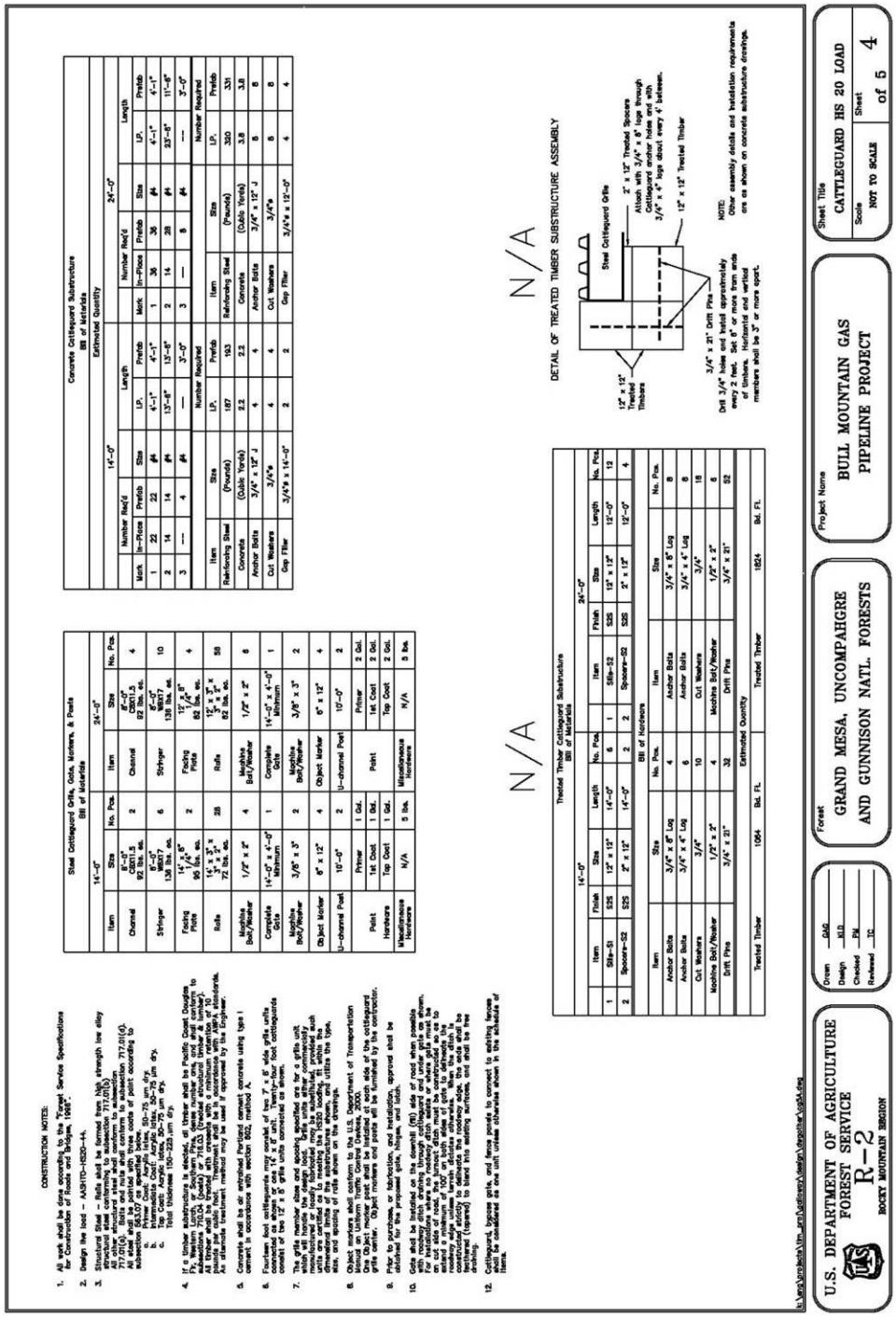
Appendix B-Figure #9: Cattle Guard 2



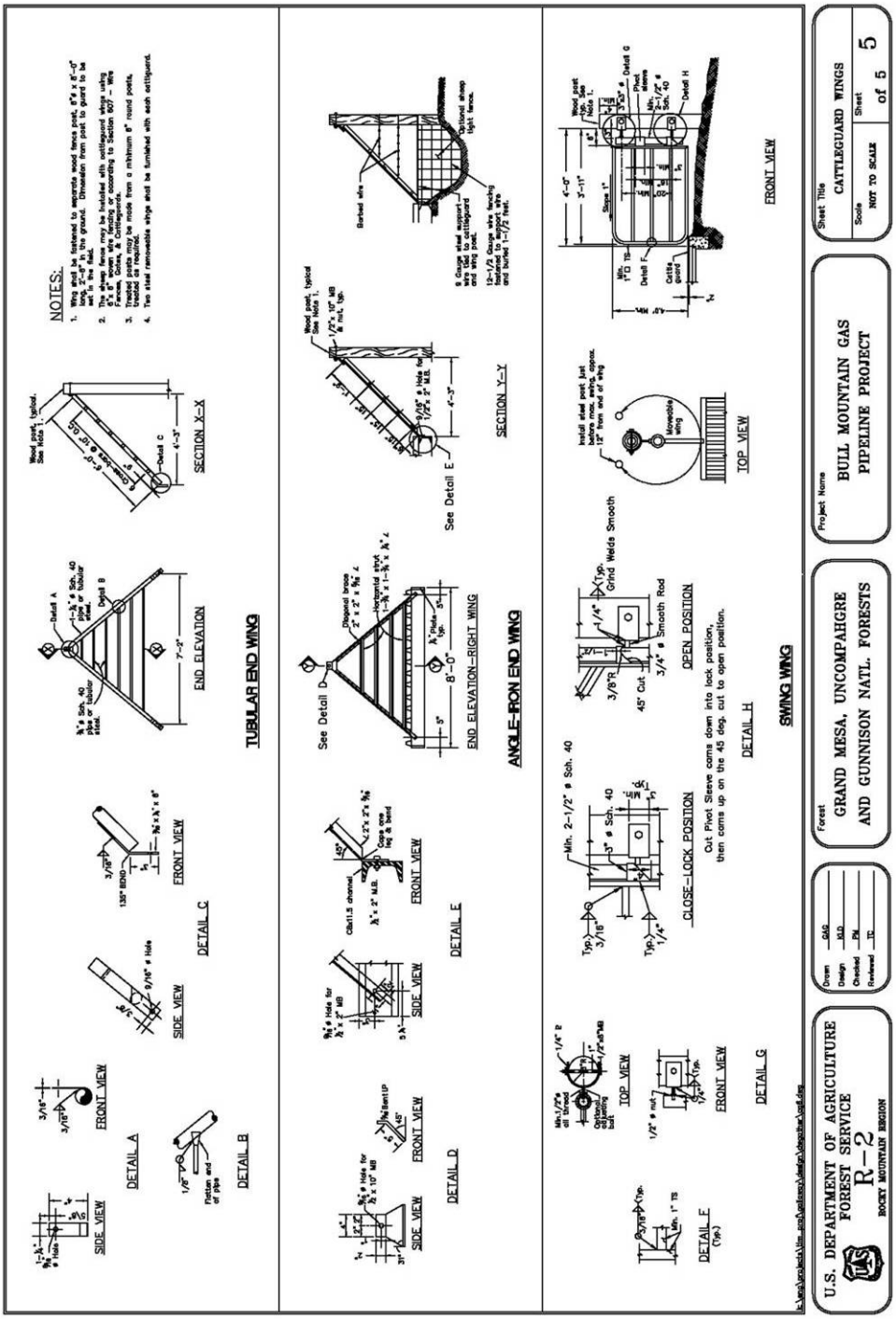
Appendix B-Figure #10: Cattle Guard 3



Appendix B-Figure #11: Cattle Guard 4

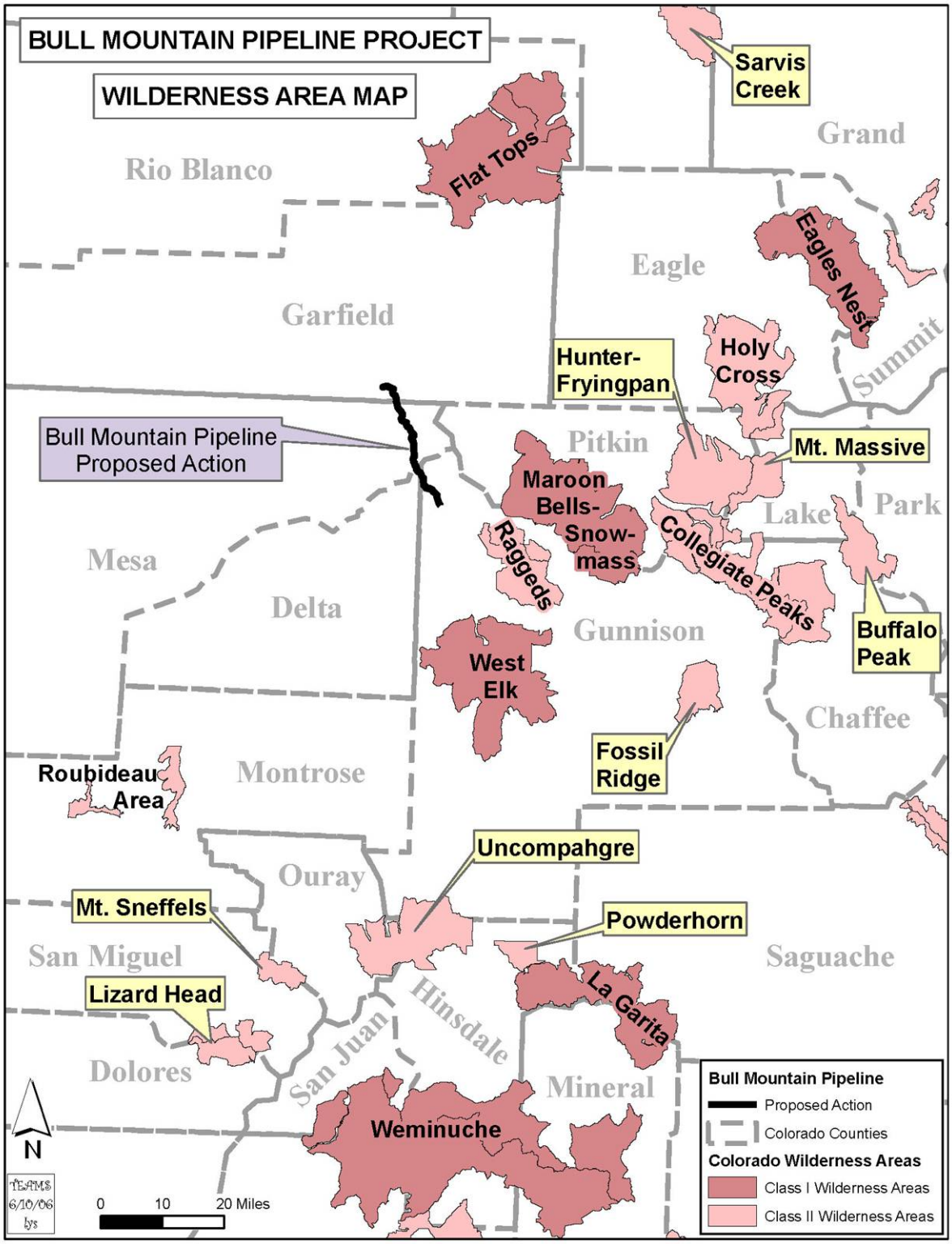


Appendix B-Figure #12: Cattle Guard 5



APPENDIX C – AIR QUALITY APPENDICES

Map Figure C-1. Wilderness Air Quality Attainment Areas

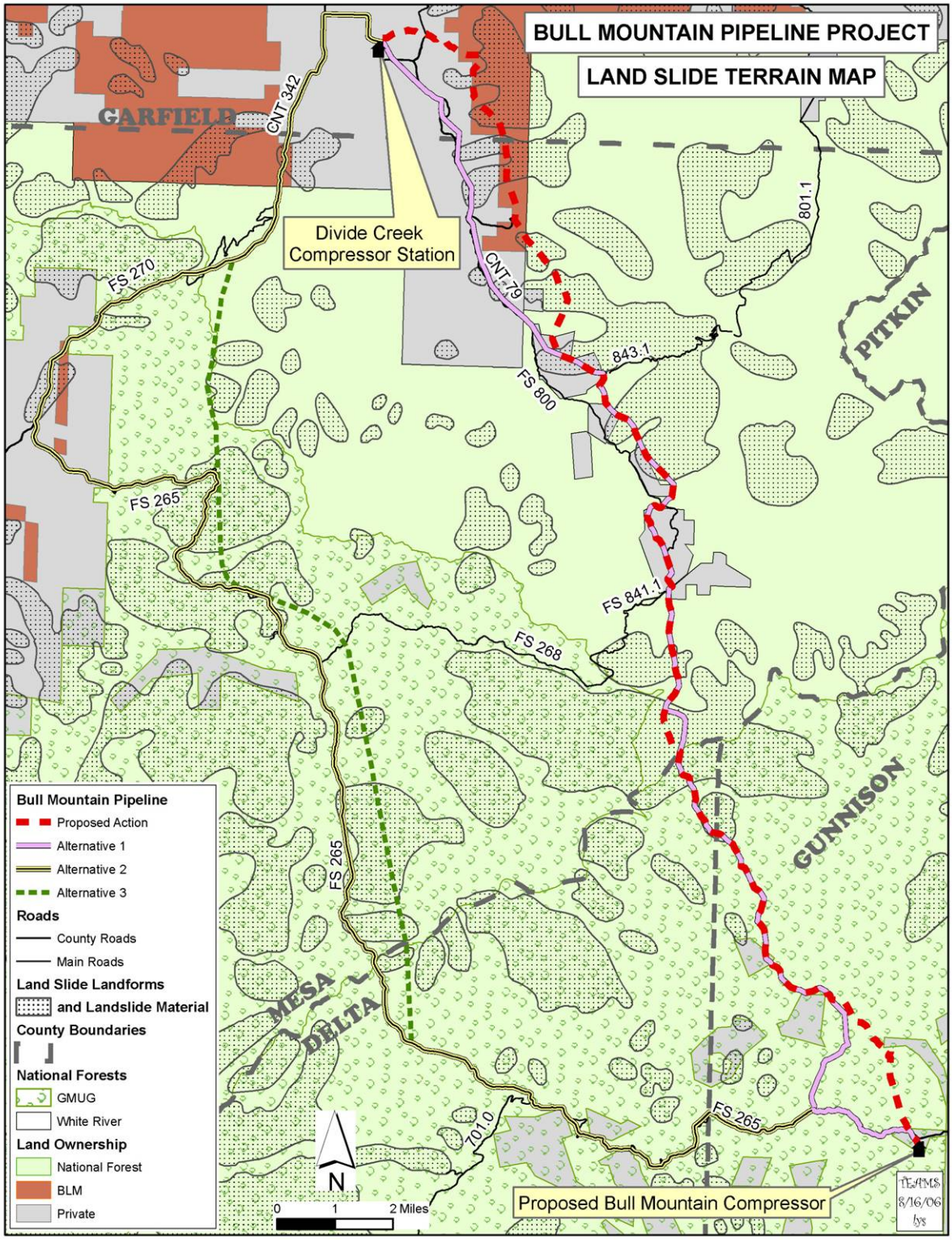


APPENDIX D – SOILS AND GEOLOGY APPENDICES

Map Figure D-1: Soils and Geohazards Map

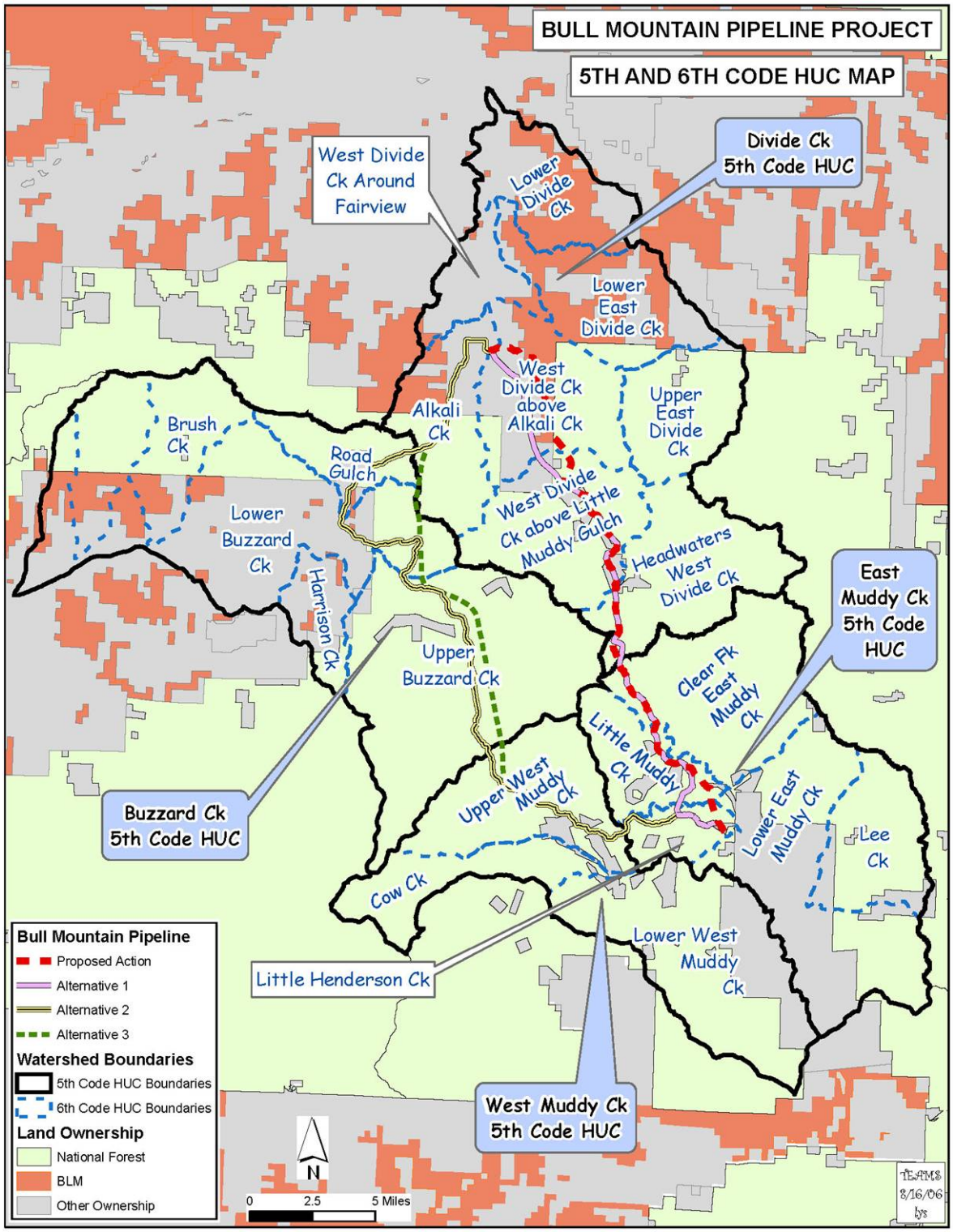
*This is a large size color map (34" x 44", 4.3 meg .pdf file). This map is available online for download at the White River National Forest website (*http://www.fs.fed.us/r2/whiteriver/*) or available on the BMNGP Project CD upon request.*

Map Figure D-2: Landslide Area Map



APPENDIX E – WATERSHED APPENDICES

Map Figure E-1. Affected 5th and 6th HUC Subwatersheds



APPENDIX F – RARE PLANT APPENDICES

(This section reserved and left intentionally blank)

APPENDIX G – Range/Noxious Weed Appendices

Appendix G-1 - Seed Specifications

Seed sampling by a state seed inspector, seed testing by the CSU Seed Laboratory or other District approved seed lab, and District approval of seed lots is critical prior to seeding on the ground. See Acceptance section below.

Basic Steps for Contractor to Take When Ordering Seed (prefer in this order):

1. Ask Seed Grower for availability of seed for specific species (no substitutes unless authorized by District Office below).
2. If seed available for the specifications listed below, purchase seed with the stipulation that it can be sent back to the grower if seed testing through the CSU Seed Laboratory or other seed lab approved by the District Office does not pass specifications. Keep seed separated by species (do NOT mix – seed mixes cannot be returned).
3. Request state seed inspector (303-239-4153) to pull samples and send to the CSU Seed Laboratory or other District Office approved seed lab for testing (All States Noxious, TZ test, & Purity).
4. Request CSU Seed Laboratory (Ethan Waltermire) or other District Office approved seed lab to send results of seed tests to:

   Levi Broyles, District Ranger, Paonia Ranger District
   P.O. Box 1030, North Rio Grande Avenue
   Paonia, CO. 81428

   Michael Herth, District Ranger, Rifle Ranger District
   0094 County Road 244
   Rifle, CO. 81650

   Carla Scheck, BLM Ecologist,
   Glenwood Springs Field Office
   50629 Highways 6 & 24
   Glenwood Springs, CO 81601

5. District/Field Office personnel will decide whether results of seed tests meet standards or whether seed lots need to be replaced with new seed lots and additional seed testing. Replacement of seed lot shipping costs will be paid by contractor.
6. When seed testing meets standards by lot described in Seed Specifications, Seed Quality, and Acceptance sections below, seed may be mixed and seeded by contractor.

Seed Selection

The order of selection of the seed will be 1) Certified Seed class (blue tag), 2) Foundation class (white tag), 3) Source Identified class (yellow tag). Seed shall be certified only by the legally authorized seed certifying agency in each state, (i.e. Crop Improvement Association).

Seed Quality Standards

1. All certified (blue tag) seed shall meet the Association of Official Seed Certifying Agencies (AOSCA) quality standards and/or state standards, whichever is stricter, for the state in which the seed was certified or of seed origin. Visit the website at http://aosca.org. No substandard certified seed will be accepted.
2. All seed (including certified) shall contain no noxious, prohibited, or restricted weed seeds according to all States seed laws. Seed shall not exceed 0.5% by weight of other weed seed, and 2% by weight "other crop seed" for all seed, unless seed is from another state's noxious weed list. In this case, 0% noxious weed seed is all that is allowed.
3. Awns shall be removed from Bluebunch wheatgrass and Bottlebrush squirreltail seed. Seed shall be processed and cleaned so that at least 90% of the individual seeds have less than ¼" in length of the awn remaining.

Packaging and Labels

<u>Bags and Labels</u>

a. All seed shall be delivered in 50 lb bags. All seed bags shall be sound, clean, and made from standard poly, cotton, or woven sacks of similar strength and characteristics. Burlap bags will not be accepted.
b. The lot number for all seed shall be marked on the bag with indelible ink.

<u>Analysis Tags</u>

A label (analysis tag) must be attached to each bag of all seed. Certified and Source Identified seed shall have the required certification tags also attached. Each bag of seed shall bear the official tag attached in the approved manner under the supervision of the certifying agency. Tags of each lot of certified seed shall be provided to the Forest Service for verification as well as for Foundation class and Source Identified seed, listing state, county, elevation, latitude, and species from which the seed was collected at the time samples are sent to the CSU Seed Laboratory for testing. Incomplete analysis may be cause for rejection of seed.

Acceptance

The Forest Service and BLM reserve the right to refuse acceptance of seed if it contains any seed from one or more weeds on the Colorado Noxious Weed List

(see attached). This includes downy brome or cheatgrass (Bromus tectorum) as we are especially concerned about this contaminant in regards to sage grouse habitat. Any seed contaminated with seed from the Colorado Noxious Weed List will likely be refused. Please be aware that the Colorado Noxious Weed List is different from the Colorado Noxious Seed Act List.

PLS - if the % PLS of the tested seed is equal to or above the % PLS of the offered seed, and the purity and germination are still within AOSCA tolerances, it will be accepted at the quoted price. If the % PLS of the tested seed is below the % PLS of the offered seed, and is also below the purity and germination of the AOSCA tolerances, we may elect to reject the seed and require the Vendor to replace the lot of seed with seed meeting AOSCA tolerances. Or we may accept the seed and pay the Vendor at a reduced unit price computed as follows:

$$\text{Reduced Unit Price} = \frac{\text{Tested \% PLS}}{\text{Offered \% PLS}} \times \text{Offered Unit Price}$$

APPENDIX G-2 - SEED MIX SPECIFICATIONS

Habitat Type Elevation	Species	lbs/acre (PLS)	Seeds/#	Seeds/ sq ft	% of Mixture
P/J Woodland 6-7,000	Galleta (Hilaria jamesii)	2	170,000	7.8	20
	Western wheatgrass (Pascopyrum smithii)	2.5	120,000	6.9	17
	Great Basin Wildrye (Elymus cinereus)	2	130,500	6.0	15
	Indian Ricegrass (Achnatherum or Oryzopsis hymenoides)	1.5	183,000	6.3	16
	Sandberg bluegrass (Poa secunda)	0.3	925,000	6.4	16
	Bottlebrush squirreltail (Elymus elymoides)	1.5	191,555	6.6	16
	Total	9.8	NA	40	100

Habitat Type Elevation	Species	Lbs/acre (PLS)	Seeds/#	Seeds/ sq ft	% of Mixture
Mountain Shrub 7-8,000	Mountain bromegrass (Bromus marginatus or Ceratochloa carinata)	4	78,353	7.2	17
	Prairie junegrass (Koeleria macrantha)	0.15	2,315,000	8.0	19
	Western wheatgrass (Pascopyrum smithii)	2.5	120,000	6.9	16
	Indian Ricegrass (Achnatherum or Oryzopsis hymenoides)	1.5	183,000	6.3	15
	Sandberg bluegrass (Poa sandbergii)	0.35	925,000	7.4	18
	Bluebunch wheatgrass (Pseudoroegneria spicata)	2.5	140,000	6.4	15
	Total	11	NA	42.2	100

Habitat Type Elevation	Species	Lbs/acre (PLS)	Seeds/#	Seeds/ sq ft	% of Mixture
Aspen/ Spruce-Fir 8-9,500	Mountain bromegrass (Bromus marginatus or Ceratochloa carinata)	4	78,353	7.2	25
	Slender Wheatgrass (Elymus trachycaulus)		155,000	3	30
	Letterman needlegrass (Stipa lettermanii)		176,750	3	5
	Fringed brome (Bromus ciliatus) or Nodding brome (Bromopsis porteri)		119,333	3	14
	American vetch* (Vicia americana)		32,833	1	1
	Blue Wildrye (Elymus glaucus)		134,500	5	25
	Total			20	100

Temporary Revegetation	Location	Species	Seeds/#	Lbs/acre (PLS)
Barley	Aspen	Hordeum vulgare	14,000	50 lbs/acre

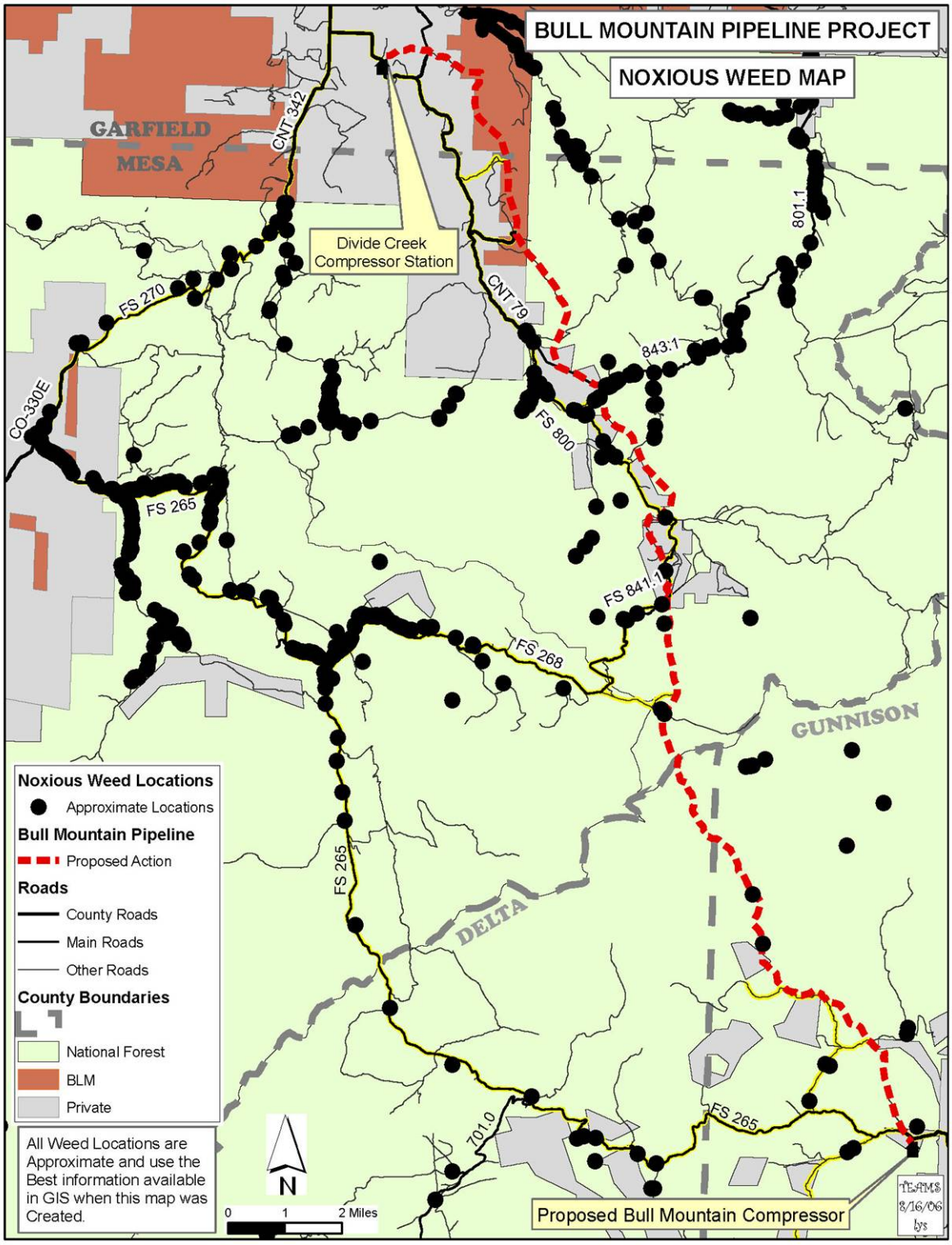
* American vetch (*Vicia americana*) would not be used if it is not available commercially

The application rates shown above are for drilled seed. The above rates should be doubled for broadcast seeding or for harsh conditions, such as steep slopes or poor soils.

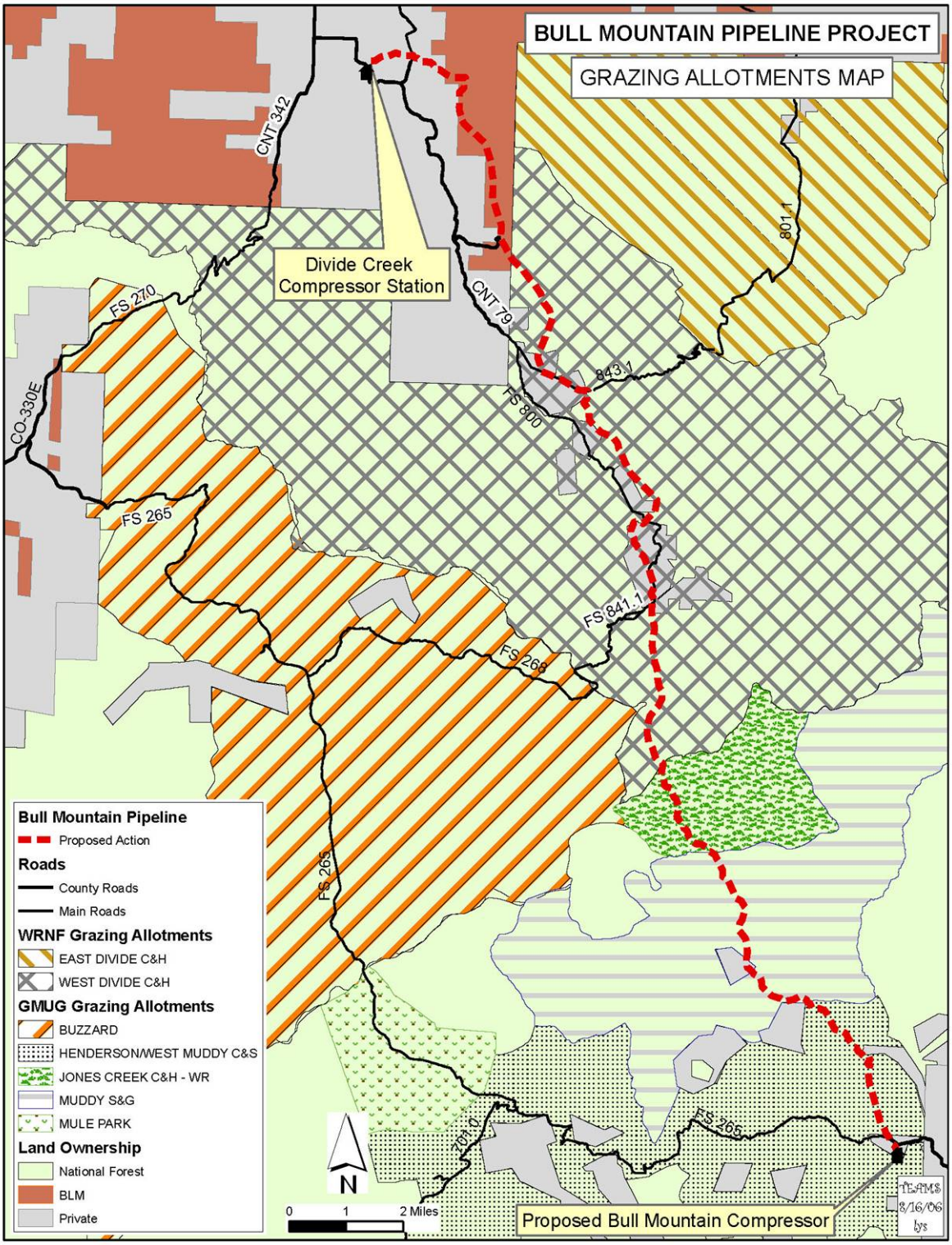
Possible seed sources

1. Arkansas Valley Seeds Inc.; 719-254-7469, 12th & Santa Fe Trac, Rocky Ford, CO 81067
2. Arkansas Valley Seed Solutions; 877-957-3337; 4625 Colorado Blvd, Denver, CO 80216
3. Colorado Seed Company; 719-852-3505; PO Box 68, Monte Vista, CO 81144
4. Pawnee Buttes Seed Inc.; 1-800-782-5947; PO Box 100, 605 25th St, Greeley, CO 80632; www.PawneeButtesSeed.com , info@PawneeButtesSeed.com
5. Pawnee Butte Seed Co.; 970-356-7002; P.O. Box 1604, Greeley, CO 80632
6. Sharp Brothers Seed; 970-356-4710; 101 East 4th Street RD., Greeley, CO 80631
7. Southwest Seed, Inc.; 1-800-543-1279, 1-303-565-8722; 13260 Road 29, Delores, CO 81323
8. Western Native Seed; 719-942-3605, Fax 970-942-3605; PO Box 188, Coaldale, CO 81222; www.westernnativeseed.com

Appendix G-3 – Map of Noxious Weed Locations



Appendix G-4 –Range Allotments Map



APPENDIX H – FISHERIES APPENDICES

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APPENDIX I – WILDLIFE APPENDICES

Appendix I-1: Species Considered

Table I-1- 1. Federally listed or petitioned Species Considered for this Analysis

Species	WRNF	GMUG	BLM (CO)	Habitat	Habitat present along ROW?
Bald eagle	T	T	T	Rivers, lakes	no
Mexican spotted owl	T	T	T	Mixed conifer, dominated by DF and PP. NO CH in western CO	no
Canada lynx	T	T	T	Mixed conifer, subalpine fir	Yes
Uncompahgre fritillary butterfly		E	E	Alpine snow willow patches, 12,500 ft	No alpine habitats
Southwest willow flycatcher			E	Cottonwood/willow	No. Outside of recovery area
Piping plover			T	Nest on broad, sandy beaches	No habitat and outside species distribution (Kiowa Co in eastern CO)
Whooping crane			E		No
Condor			E		No
Least tern			E	Nest on sandbars, now use shores of reservoirs	No habitat and outside of species distribution (eastern CO)
Pawnee montane skipper			T		No
Mexican wolf			E		No
Grizzly bear			T		No
Prebles' jumping mouse			T		No
Black-footed ferret			E	Lower elevation valleys, prairie dog colonies	No, not found on Glenwood Springs Resource Area
Western yellow-billed cuckoo		C	C	Riparian willow and cottonwood between 3000 and 6000 ft elevation	PA is higher elevation and there is no possible, probably or confirmed breeding in latilong (Kingery 1998)
Gunnison sage grouse		C	C	sagebrush	No, closest population is in Gunnison basin
Boreal toad	C	C	C	Moderate to high elevation slow-moving water	Yes
Lesser prairie chicken			C	Prairie grasslands	No, found in eastern part of state
Black-tailed prairie dog			C		No. Found in eastern part of state
T = threatened, E = endangered, C = candidate					

The BLM Sensitive Species list is for the whole state of Colorado (March 2003). As shown in Table I-1- 2, many of the species are not found in this part of the state. Region 2 of the USFS updated the Regional Foresters Sensitive Species list in April 2005. During this process, the USFS prepared Sensitive Species Evaluation Forms. These evaluations also evaluated where species were known or likely to occur and that information is incorporated into Table I-1- 2.

Table I-1- 2. Forest Service and BLM Species Considered for this Analysis

Species	WRNF	GMUG	BLM (CO)	Habitat	Habitat present along ROW?
Western boreal toad		K		Moderate to high elevation slow-moving streams	Yes
Northern leopard frog	K	K	X	Heavily vegetated wetlands	Yes
Spotted bat	L	L	X	Cliff or rock faces in arid canyons, 6000 to 8000 ft elevation	No habitat,and has only been documented in extreme western corners of CO
Wolverine	L	L		Remote areas	yes
American marten	K	K		Mesic, mature spruce/fir and mixed conifer forest with complex structure	Yes
Townsend's big-eared bat	K	K	x	Forage in semi-desert shrublands, PJ woodlands and open montane forest. Roost in caves and mines.	Foraging habitat present, no winter hibernacula or maternatiy colony habitat
Pygmy shrew	L	K		Moist boreal, forest generalists	Yes, and within species distribution
Fringed myotis	L	L	x	Forage at moderate elevations (<7500 ft) over a variety of habitats (PP, oak), roost in caves, mines and buildings	Foraging habitat present
River otter	L	L		Open, permanent water, mainly large river systems	No. Found in Gunnison River to SW and Colorado River to NE but no habitat in area
Northern goshawk	K	K	X	Mixed hardwoods and conifer in mature forest	Yes
Boreal owl	K	K		Mature spruce/fir and mixed conifer forest	Yes
Sage sparrow	L	L		Sagebrush habitat	No true sagebrush habitat, only present as a component of mixed shrublands at higher elevations
Ferruginous hawk	L	K	X	Grassland and shrubland	No project at higher elevations
Northern harrier	L	L	X	Nests and forages in dense	No

Species	WRNF	GMUG	BLM (CO)	Habitat	Habitat present along ROW?
				portions of open montane grasslands and wet meadows	
Olive-sided flycatcher	K	K		Open mature spruce/fir or DF forests	Yes
Black swift	K			Nest on cliffs near or behind large waterfalls	No nesting but potential foraging
Peregrine falcon	L	L		Nest on high cliffs overlooking rivers/lakes	No suitable nesting cliffs in area
White-tailed ptarmigan	K	K		Alpine	No
Loggerhead shrike	L	K		Shortgrass prairie and rural habitats. Open woody draws, shelterbelts	No, project area at higher elevations
Lewis' woodpecker	K	K		Lowland and foothill riparian areas	Yes but marginal
Flammulated owl	K	K		Nests in aspen and aspen mixed with conifer	Yes
American three-toed woodpecker	K	K		Mature and old growth stands of spruce/fir	Yes
Purple martin	K	K		Near water, nests in aspen stands	Yes
Brewers sparrow	K	K		Sagebrush dominated shrublands	No, sagebrush only a component in mountain shrublands
American bittern	L	L		Wetlands, marshes	No habitat and no possible, probable for confirmed breeding in this part of state (Kingery 1998)
Burrowing owl		L		Short-grass prairie	No
Grasshopper sparrow	L	L		Grasslands	No habitat
Gunnison's sage grouse		X		sagebrush	No, closest population in Gunnison basin
Kit fox		L		Semi-desert shrubland	No habitat. Found in Gunnison River valley to Delta (Fitzgerald)
White-tailed praire-dog	L	L		Semidesert shrublands, grassland, shrubland mosaics at lower elevations, mountain valleys	No. Potentially found in west central CO, most found below 8500 ft.
Yellow-billed cuckoo		L	X	Low-elevation (3000 to 6000 ft) riparian, tall deciduous vegetation	No habitat
Great Basin silverspot		L	x	Inhabits wetlands and meadows fed by springs and seeps, host plant violets, 5200 to 9000 ft	Cirrus found no habitat along PA corridor but may be present in area
Hudsonian emerald	L	L		Deep, sedge bordered lakes, boggy ponds and	Cirrus found no habitat along PA corridor but

Species	WRNF	GMUG	BLM (CO)	Habitat	Habitat present along ROW?
				sedge marshes 7600 to 10,600 ft	may be present in area
Northern cricket frog			x		No, found only in NE part of CO (1)
Canyon treefrog			x		No, only one old record from Mesa County, was probably introduced
Plain's leopard frog			x		No, found in eastern CO
Great Basin spadefoot toad			x	Ponds in sagebrush, semidesert shrubland and PJ, below 7000 ft	Potential
Midget faded rattlesnake			x	PJ	Yes, this subspecies is found in western CO
Long-nosed leopard lizard			x	Below 5000 ft elevation in extreme western CO	No, all of project is above 5000 ft
Common kingsnake			x		No, found in SE and SW corners of state
Milk snake			x	Below 8000 ft elevation, shortgrass prairie, sandhills	No
Texas horned lizard			x	Hills, shrubby hillsides, canyons, PP and PJ	No, found in SE corner of CO
Desert spiny lizard			x		No, found in extreme SW corner of CO
Massasauga			x		No, found in SE part of state
Barrows goldeneye			x	Nests in cavities near lakes	No habitat
Greater sage grouse			x	sagebrush	No
Black tern			x	Freshwater marshes, edges of ponds with emergent reedy vegetation	No
Long-billed curlew			x	Shortgrass prairie	No habitat and no breeding in this part of CO
American white pelican			x	Nest on islands in reservoirs	No
White-faced ibis			x	Use tall emergent vegetation surrounded by water	No
Allen's big-eared bat			x	Montane forest, PJ, shrublands	No, found only in SW corner of CO (Fitzgerald)
Yuma myotis			x	PJ and riparian habitats in semi-desert valley	No, not found in these counties
Big free-tailed bat			x	Rocky canyon country	No, and not found in these counties
Columbian sharp-tailed grouse			x	Grasslands, sagebrush	No habitat and no breeding in latilong (Kingery)
K = known, L = likely based on R2 Sensitive Species Evaluation Forms Sources - Hammerson; and Colorado Herpetological Society's Guide to Reptiles and Amphibians					

The Forest Service identifies Management Indictor Species during the Forest Planning process. The GMUG reviewed suitability of several species as MIS and amended their Forest Plan in March 2005. The WRNF identified MIS in the 2002 Revised Forest Plan. They amended the Plan to update the MIS list in March 2006. Table I-1- 3 below list the MIS species considered for this analysis.

Table I-1- 3. Management Indicator Species Considered for this Analysis

Species	WRNF	GMUG	Habitat	Habitat present along ROW?
Elk	X	X	Conifer, aspen, mountain shrub	Yes
Northern goshawk		X	Late seral aspen habitat	Yes
Abert's squirrel		X	Late seral PP	No
American marten		X	Late seral spruce/fir	Yes
American pipit	X		Alpine tundra	No
Brewers sparrow	X	X	Sagebrush	No
Merriams wild turkey		X	PJ, oak, mountain shrub, PP	Yes
Red-naped sapsucker		X	Mature aspen	Yes
Cave bats	X		Caves and abandoned mines	(see Townsend's bat above)
Virginia's warbler	X		Oak, mountain shrub and P-J	Yes

The WRNF also identified species of viability concern in the Revised Plan (2002). These species have already been considered in one of the categories above, but are shown in Table I-1- 4 below.

Table I-1- 4. Species of Viability Concern (WRNF LRMP)

Species	Status
Fringed myotis	Being analyzed as a sensitive species
Townsend's big-eared bat	Being analyzed as a sensitive species
Canada lynx	Being analyzed as a listed species
Wolverine	Being analyzed as a sensitive species
Boreal western toad	Being analyzed as a sensitive species
Northern leopard frog	Being analyzed as a sensitive species
Barrows goldeneye	Not being analyzed, no habitat (Table A-2)
Northern sage grouse	Not being analyzed, no habitat (Table A-3)
Brewer's sparrow	Not being analyzed, no habitat (Table A-3)
Pygmy nuthatch	Being analyzed as a MIS

The USFS signed a MOU with USFWS for management of landbirds in 2001. This MOU includes direction on incorporation of habitat management guidelines identified in Bird Management Plans. The Colorado Land Bird Conservation Plan (PIF 2000) identified priority bird species by habitat, for physiographic areas across the state. Priority species identified by habitat in the Bird Conservation Plan are shown in Table I-1- 5. All habitats identified for the two physiographic areas (62 and 87) are already being analyzed as habitat for sensitive or management indicator species. No additional analysis will be done for these species.

Table I-1- 5. Landbirds (based on CO Land Bird Conservation Plan, PIF 1/2000)

Habitat	Habitat present along ROW?	Priority species for PA 62 and 87	Within species distribution?
Alpine tundra	No		
Aspen	Yes	Broad-tailed hummingbird	Yes
		Red-naped sapsucker	Yes, and analyzed as MIS
		Purple martin	Yes, and analyzed as a sensitive species
		Violet green swallow	Yes
Cliff/rock	No		
High elevation riparian	Yes	Cordilleran flycatcher	Yes
		American dipper	Yes
		MacGillivray's warbler	Yes
		Wilson's warbler	Yes
Lowland riparian	No, elevation on south end is 7400 ft and 6600 ft on north end		
Mixed conifer	Yes	Blue grouse	Yes
		Williamson's sapsucker	Yes
Mountain shrubland	Yes	Virginia warbler	Yes, and analyzed as MIS
		Green-tailed towhee	Yes
		Common poorwill	Yes
Pinyon juniper	Yes	Black-chinned hummingbird	Yes
		Gray flycatcher	Yes
		Cassin's kingbird	No
		Gray jay	Yes
		Pinyon jay	Yes
		Juniper titmouse	Yes
		Black-throated gray warbler	Yes
		Scott's oriole	No
Ponderosa pine	No		
Sagebrush shrublands	No		
Semidesert shrublands	No		
Spruce/fir	Yes	Boreal owl	Yes, and analyzed as a sensitive species
		Olive-sided flycatcher	Yes, and analyzed as a sensitive species
		Hammond's flycatcher	Yes
Wetlands	Yes	Willet	No
		Short-eared owl	No
		Northern Harrier	Yes

Appendix I-2: Lynx Management Direction

The Canada Lynx was listed as threatened in March 2000. In August 2004, the Second Edition of the Canada Lynx Conservation Assessment and Strategy (LCAS) was released, to provide a consistent and effective approach to conserve Canada lynx on federal lands. The Canada Lynx Conservation Agreement (MOU between FWS and USFS) identifies the Science Report (Ruggerio et al, 2000) and the LCAS (Ruediger et al, 2000) as including the best available science on habitat and identify conservation measures. Both of these documents, along with local information are to be used for project analyses.

Table I-2- 1. LCAS Project Level Standards and Guidelines

Project Level Standards	
Conservation Measures Applicable to all Programs and Activities	
1. Within each LAU, map lynx habitat.	Done
2. Within a LAU, maintain denning habitat in patches >5 acres, comprising at least 10% of lynx habitat. Where <10% denning is currently present, defer any management actions that would delay development of denning habitat structure.	Not meeting this in Huntsman LAU
3. Maintain habitat connectivity within and between LAUs.	Connectivity would not be affected under any alternative
Conservation Measures Applicable to Other Human Developments	
1. On projects where over-snow access is required, restrict use to designated routes.	Not Applicable, no winter activities.
Project Level Guidelines	
Conservation Measures Applicable to Other Human Developments	
1. If activities are proposed in lyx habitat, develop stipulations for limitations on timing of activities and surface use and occupancy at the leasing stage.	Project activities would occur from May 1 to October 15, avoiding the winter period.
2. Minimize snow compaction when authorizing and monitoring developments.	Not applicable, no winter activities.

The Forests mapped Lynx Analysis Units (LAUs) after release of the LCAS. During this time, the WRNF worked with BLM to look at adjacent BLM lands that would provide habitat with NFS lands. Where there was habitat on BLM lands, they were incorporated into the Forests LAUs. The area of BLM affected by this proposal does not provide lynx habitat and was not included in the adjacent Divide Creek LAU.

Table I-2- 2. GMUG Lynx Analysis Units and Linkages Crossed by Pipeline Corridors

Alternative	**GMUG**	**WRNF**
Proposed Action	Huntsman Mule Park	Divide Creek
Alternative 1	Huntsman Mule Park	Divide Creek

Alternative	GMUG	WRNF
Alternative 2	Ruth Mountain Mule Park Battlement Mesa Linkage	Divide Creek
Alternative 3	Ruth Mountain Mule Park Battlement Mesa Linkage	Divide Creek

In 2002, the WRNF revised the Forest Plan and incorporated lynx direction from the LCAS. In 2005, they amended the Revised Forest Plan to clarify two standards, one of which was a lynx standard (No. 1 in Table I-2- 3 below).

Table I-2- 3. Revised WRNF LRMP (2002) and 2005 Amendment

Canada Lynx Standards	
1. In the absense of guidance developed from a broad scale assessment, limit disturbance within each LAU as follows: if more than 30% of lynx habitat is unsuitable, no further reduction of suitable conditions shall occur as a result of vegetation management by federal agencies.	Divide Creek LAU meets this direction
2. Within a LAU, maintain denning habitat in patches >5 acres, comprising at least 10% of lynx habitat. Where <10% denning is currently present, defer management actions that would delay development of denning habitat structure.	Divide Creek LAU meets this direction
9. Where over-snow access is required, restrict use to routes designated by the Forest Service.	Not applicable, no winter activities.
10. Close newly constructed roads built for specific activities to public motorized access during project activities. Upon project completion, reclaim or obliterate these roads if not needed for other objectives as documented in the NEPA document.	Included as a project design feature.
Canada Lynx Guidelines	
1. Within key landscape linkage areas maintain or improve conditions that allow for lynx movement.	None of the activities under any alternatives would affect the Battlement Mesa linkage.
11. Use field verification to document denning habitat suitability, quantity, quality and juxtaposition with other important habitat components.	Only 1.5 acres of potential denning habitat affected, LAU is well above the 10% minimum and no field surveys were done.

Appendix I-3: Old Growth

The WRNF has mapped old growth; none of the alternative corridors affect any mapped old growth stands.

The GMUG Forest Plan includes direction to maintain structural diversity of vegetation on units of land 5,000 to 20,000 acres in size, or fourth-order watersheds, which are dominated by forested ecosystems. Direction also says “in forested areas of a unit, 5-12% or more (where biologically feasible) will be in an old growth forest classification…”.

The four watersheds used for this analysis are 6-code HUCs, as they generally fall within the acreage recommendation. As shown in Table I-3- 1, three are dominated by forest ecosystems. These three will be analyzed further.

Table I-3- 1. Watersheds on GMUG for old growth analysis

Watershed	Acres	Percent forested
Little Henderson Creek	5,326	46%
Little Muddy Creek	10,396	73%
Clear Fork East Muddy Creek	24,708	87%
Upper West Muddy Creek	20,240	71%

The GMUG has not mapped old growth forests. In addition, they did not use habitat structural stage 5 in R2Veg (D. Armlovich, USFS Resource Information Manager, pers. comm..). To identify where old growth forest would be most likely to be found, habitat structural stage 4 (mature forest) was reviewed. The structural stages are broken into A, B and C, based on canopy cover. Hoover and Wills (1987) was reviewed to identify which categories would be most likely to have old growth characteristics, based on forest type.

Of the forest types found in the GMUG portion of the project area, these are aspen and spruce/fir. Table I-3- 2 shows the percent of these forest types that are mature, based on structural stage 4 (mature forest). There is no 4C (the densest stands) for either of these forest types. Old growth would be a subset of the mature stands.

Table I-3- 2. Potential old growth by watershed (only a subset would actually have old growth characteristics). Based on structural stages in R2 Veg

Watershed	Total acres aspen	Acres mature aspen	Percent mature aspen	Total acres spruce/fir	Acres mature spruce/fir	Percent mature spruce/fir
Little Muddy Creek	5,901	993	17%	1,621	672	41%
Clear Fork East Muddy Creek	15,247	588	4%	6,235	1607	26%
Upper West Muddy Creek	10,346	0	0%	4,059	2,331	57%

Because old growth has not been mapped and the stands included in Table I-3- 2 above have not been consistently field-checked using a survey protocol, the actual percent of old growth is unknown. It appears highly likely that each of the watersheds meet the old growth

direction for spruce/fir. The Proposed Action and Alternative 1 include corridors in the Clear Fork of Muddy Creek drainage. The corridor crosses three stands identified as mature spruce/fir with medium canopy cover (4B) and would affect approximately 9 acres of these stands.

Aspen Old Growth Analysis

Aspen is generally dependent on fire for regeneration. Fire suppression in combination with browsing by ungulates and livestock has resulted in a lack of regeneration for decades. Individual aspen trees live from 60 to 150 years. A statewide study of the average age of aspen trees in Colorado is 120 years, suggesting that many are approaching the end of their life cycle (CDNR 2005). At the time of the GMUG Forest Plan, aspen stands were typically mature to overmature with high disease and mortality levels (Plan FEIS III-4).

There is a difference in opinion on successional status of aspen. Some consider it a seral species while others believe it to be a long-lived subclimx on many sites, and climax on others (Hoover and Wills, 1987). More recent studies suggest that although the majority of aspen may be seral to other types of vegetation, climax aspen communities occur throughout the West (Mueggler 1985). Whatever its status, old growth aspen stands are common in Colorado, and are characterized by many snags, diseased trees, and downed material (Hoover and Wills, 1987).

There is no way to determine old growth aspen from structural stage vegetation information. As shown in Table I-3- 2, based on the structural stage information, very little of the aspen is considered mature, even though at the time of the Forest Plan aspen stands were considered to be mostly mature to overmature.

Much of the Clear Fork East Muddy Creek watershed burned sometime from the 1870s to the late 1890s. Since then, roads, trails, drill pads and a pipeline have been constructed, mostly in low elevation grass/shrub and oakbrush types. The only other notable disturbances are a couple of small wildfires (about 2000 acres) from the 1940s near the northeast corner of the watershed (L. Broyles, Paonia District Ranger, pers. comm.). Based on this, the majority of the aspen should be between 100 and 140 years old.

An analysis in another area of the Forest (the Goat Creek Diversity Unit) found that 46% of the aspen and aspen/conifer stands rated as old growth. In many of these stands, aspen showed signs of declining vigor, low growth rates and individual trees were dying from disease, competition and old age (USDA Forest Service, 2006).

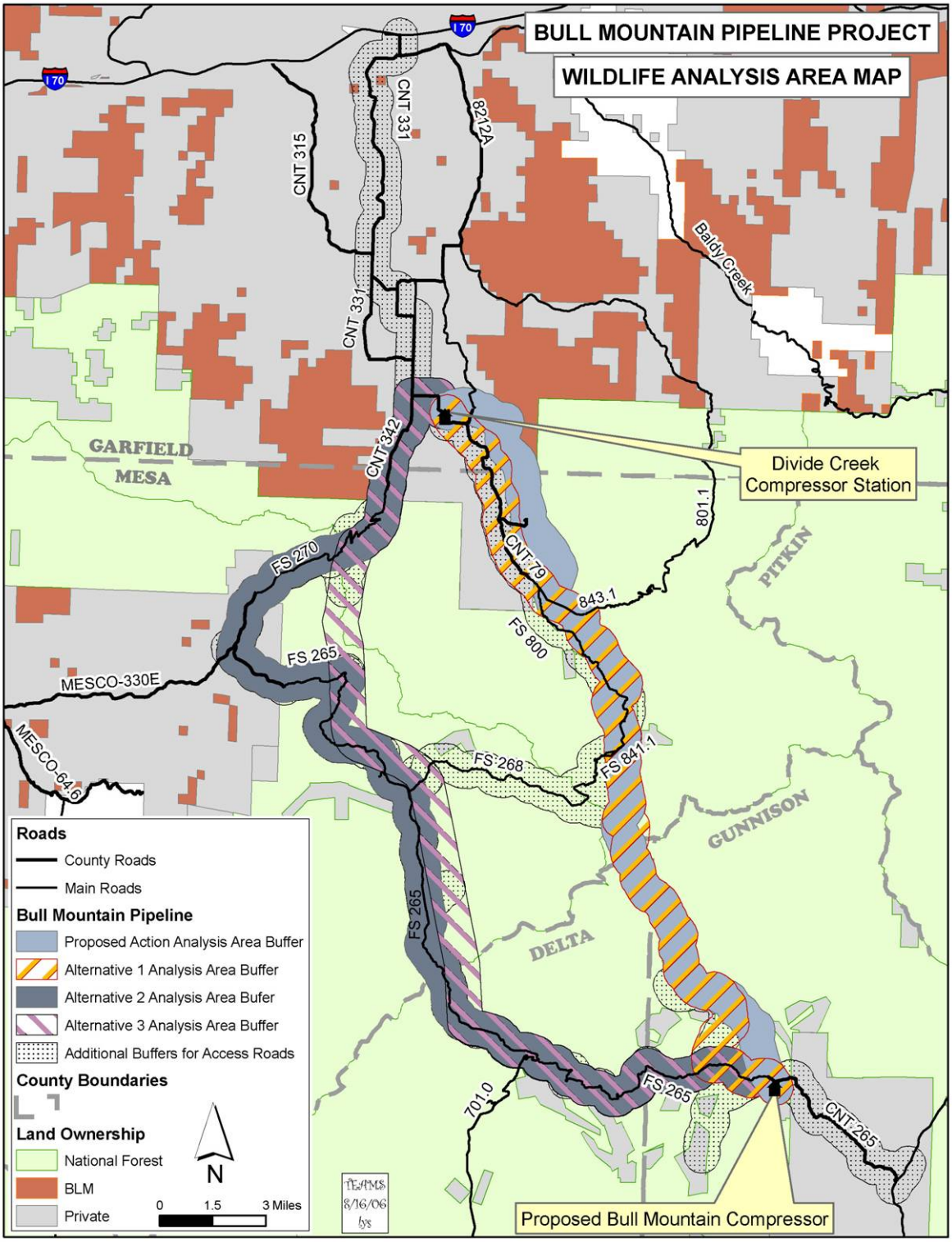
Assuming half of the aspen in the three watersheds has old growth characteristics, and that all the acres removed in the pipeline corridor are old growth, Table I-3- 3 shows effects.

Table I-3- 3. Potential old growth aspen based on assumption that half is old growth

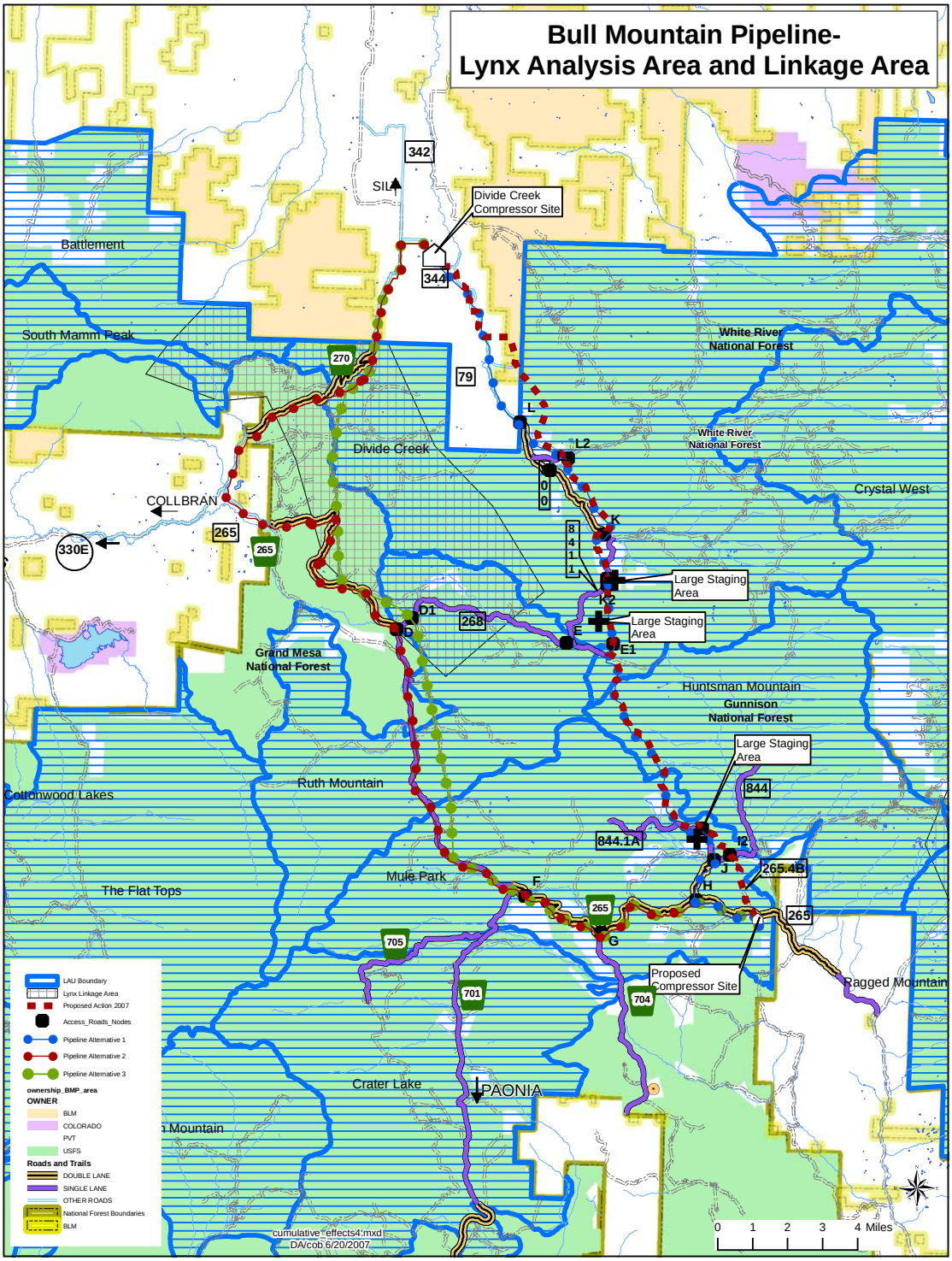
Watershed	Total acres aspen	Acres potential old growth aspen	PA and Alt 1	Alt 2	Alt 3
Little Muddy Creek	5,901	2,950	7 acres	na	na
Clear Fork East Muddy Creek	15,247	7,623	22 acres	na	na
Upper West Muddy Creek	10,346	5,173	na	8 acres	13 acres

Under any alternative, less than one percent of the mature aspen in any watershed would be affected. While the actual acreage of old growth aspen is unknown, it is highly probable that all alternatives meet the Forest Plan direction for 5-12% of the watershed being in old growth.

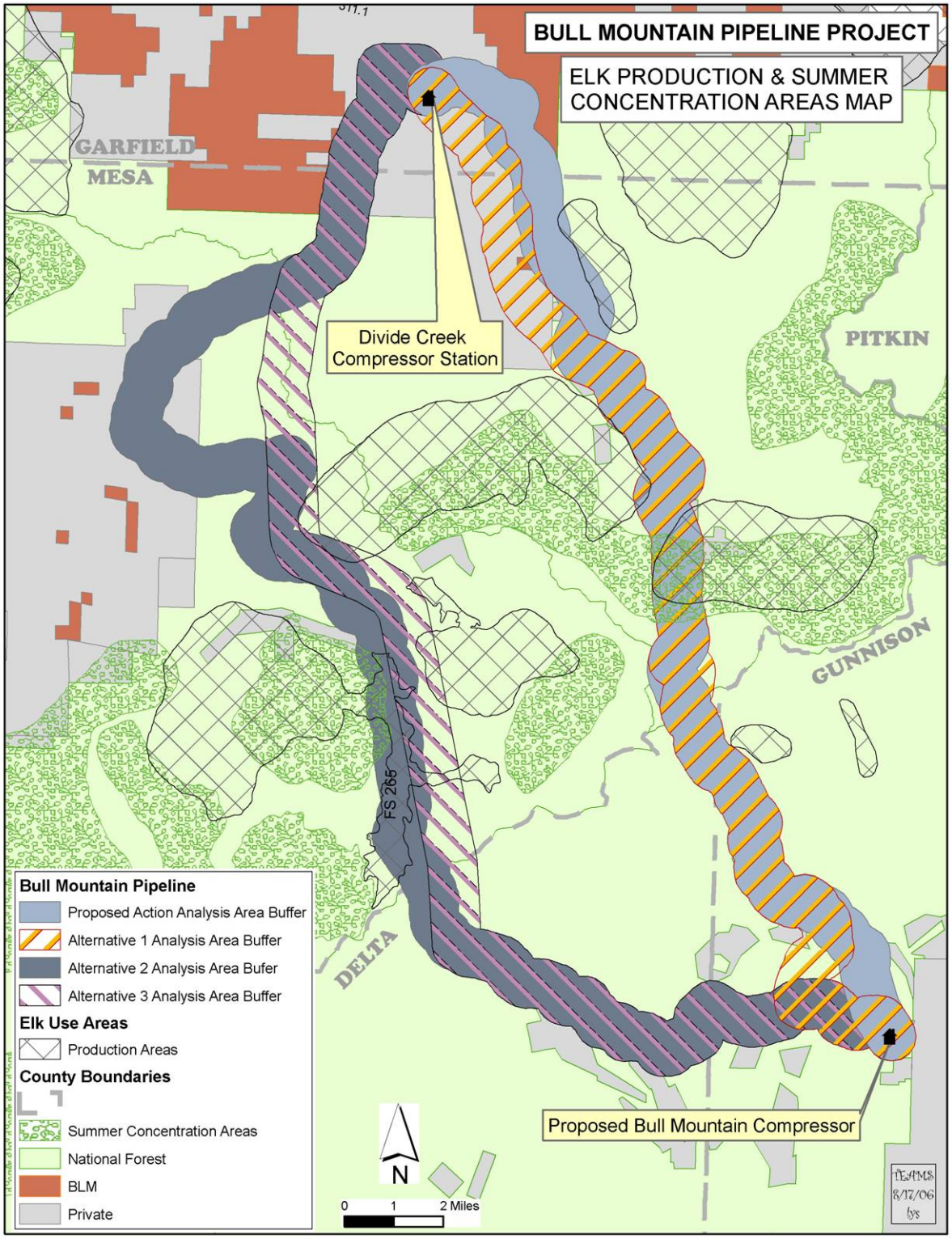
Appendix I-4: Wildlife Analysis Area Map



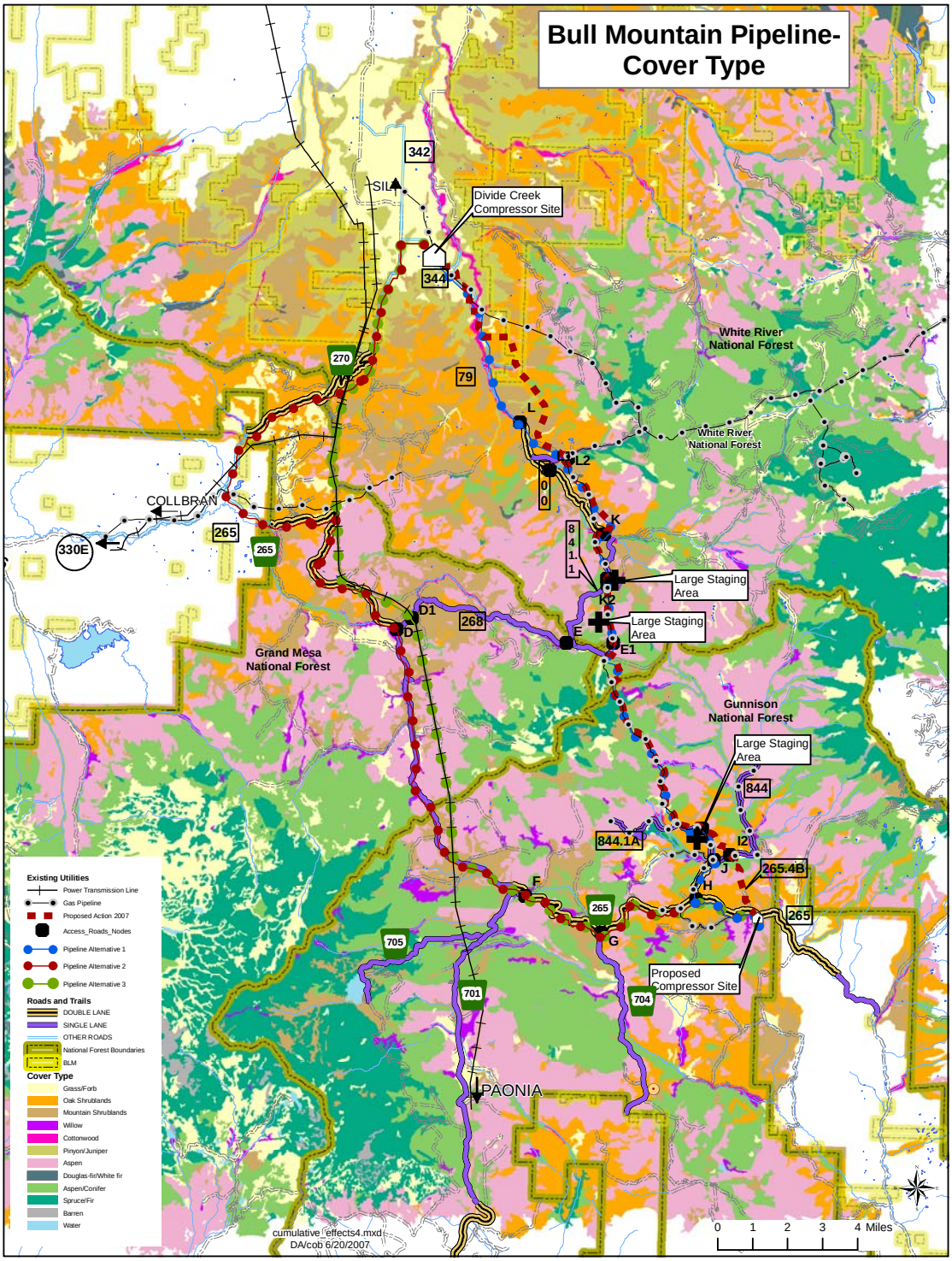
Appendix I-5: Lynx LAU Map



Appendix I-6: Elk Habitat Map



Appendix I-7: Vegetation/Habitats



APPENDIX J – ECONOMICS/SOCIAL APPENDICES

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APPENDIX K – HERITAGE APPENDICES

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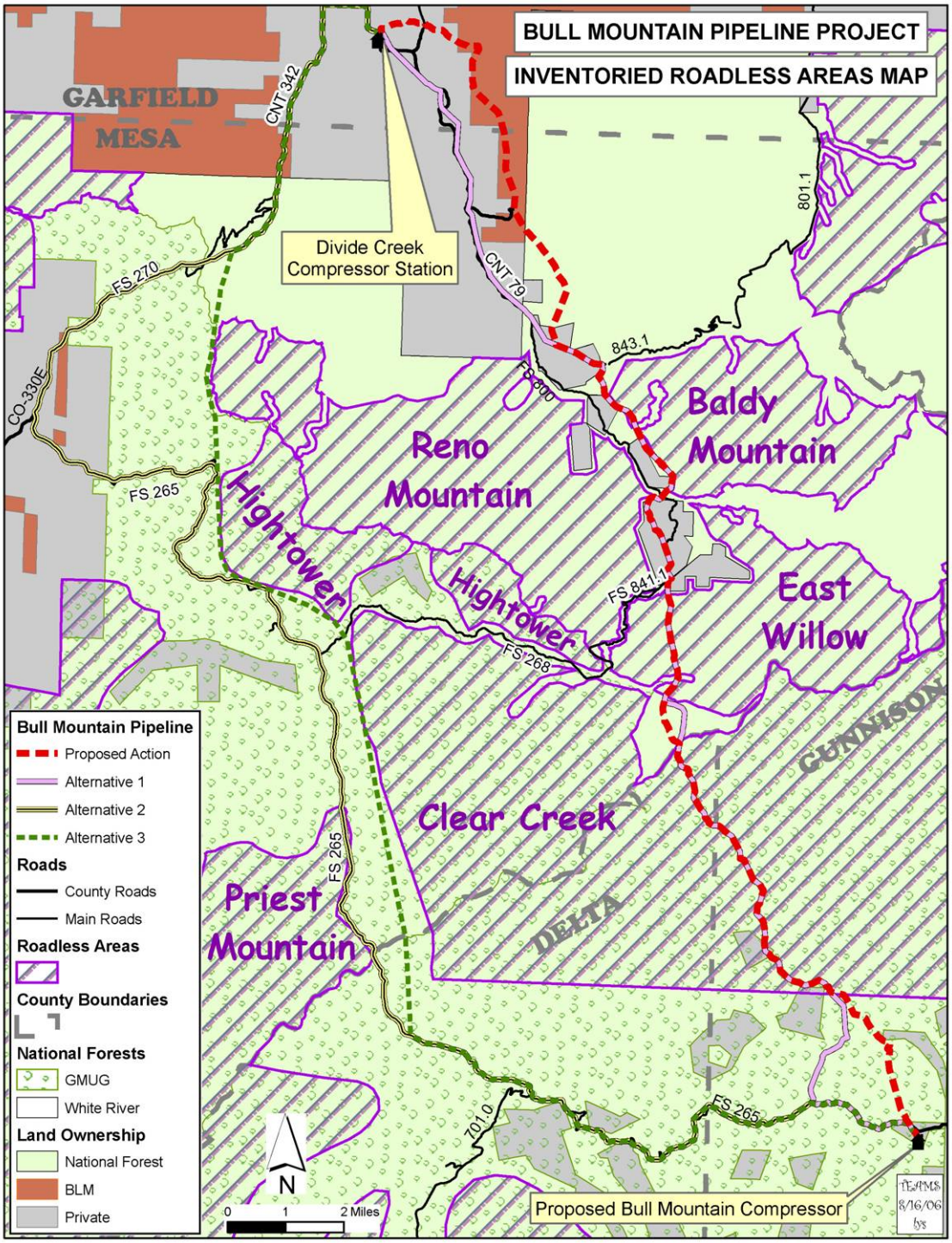
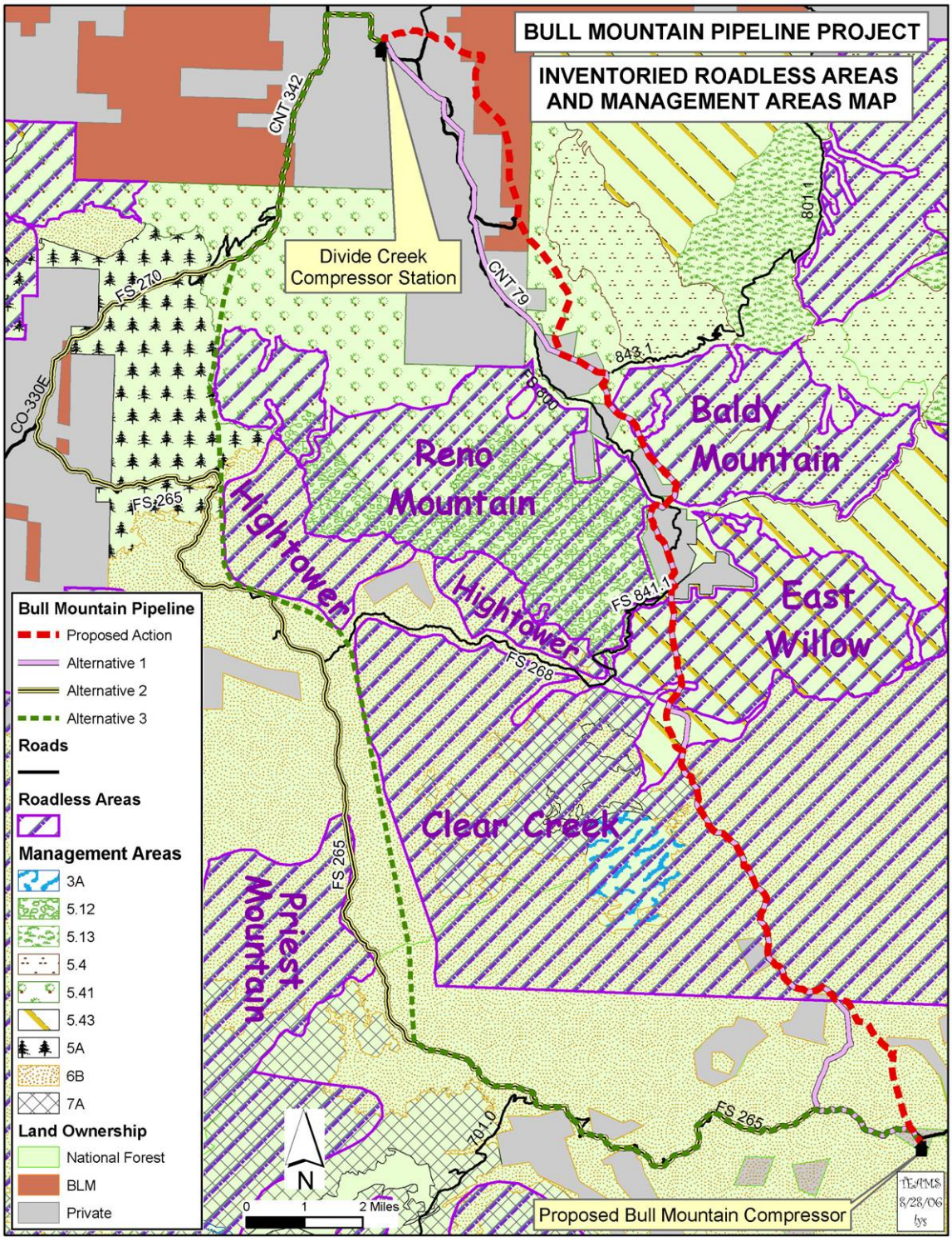
APPENDIX L – INVENTORIED ROADLESS AREA (IRA) APPENDICES

Appendix L- Figure 1. PA and Alternatives in IRAs

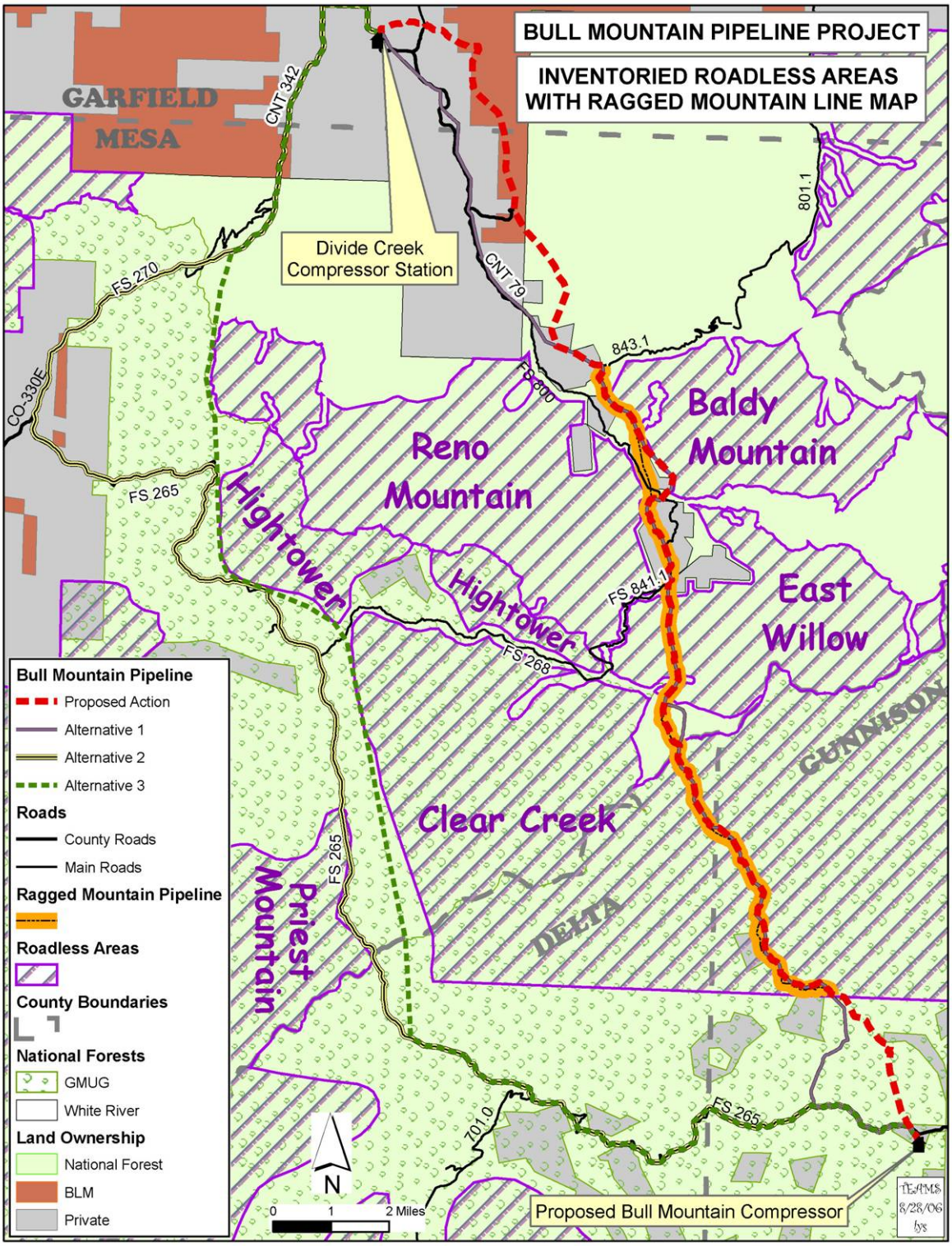
(Note: This map is the same as Appendix A-Figure 10 Map)



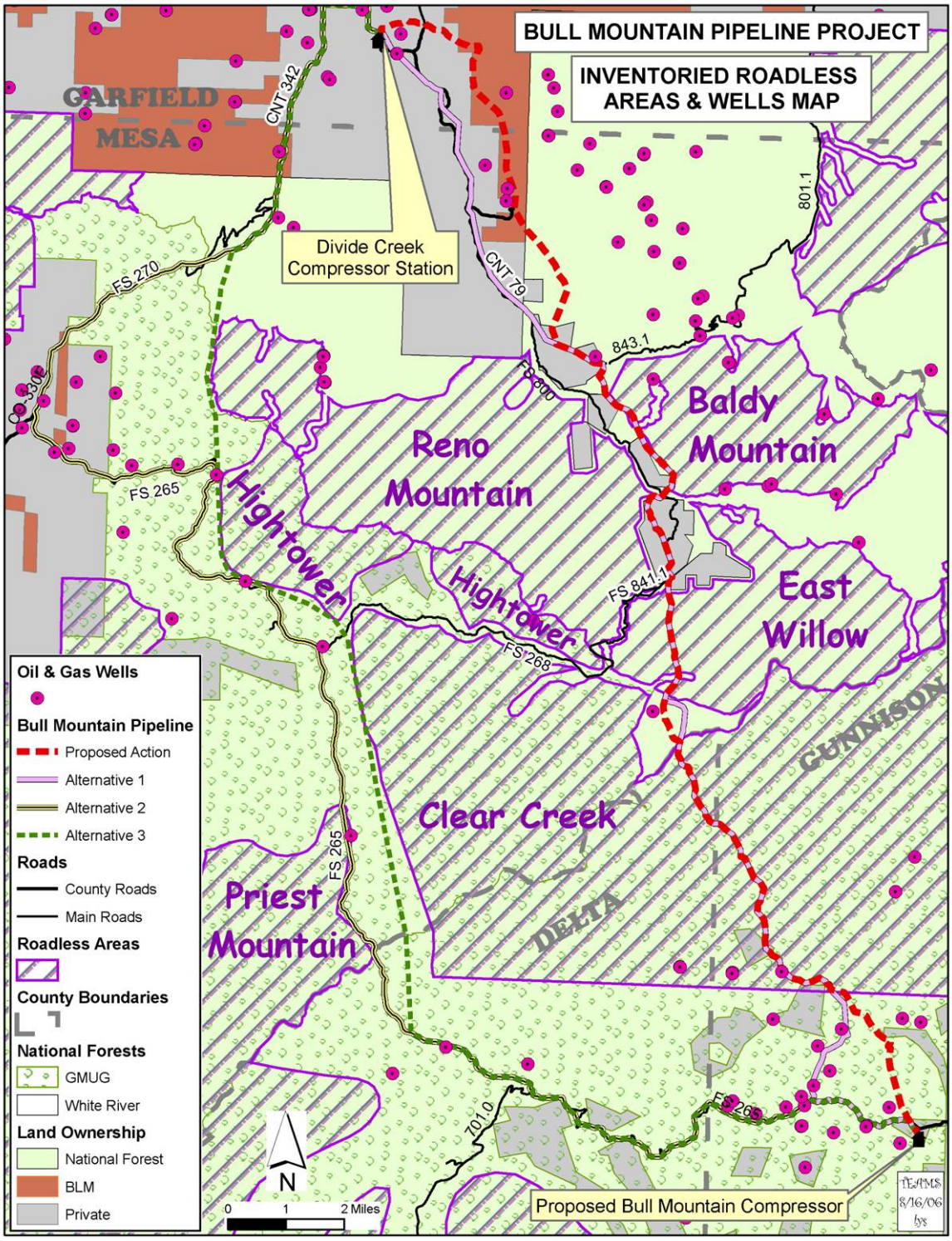
Appendix L-Figure 2. Inventoried Roadless Areas and Management Areas.



Appendix L-Figure 3. Inventoried Roadless Areas and Existing Ragged Mountain Pipeline



Appendix L- Figure 4. Existing Gas Wells in Inventoried Roadless Areas



APPENDIX M – RECREATION APPENDICES

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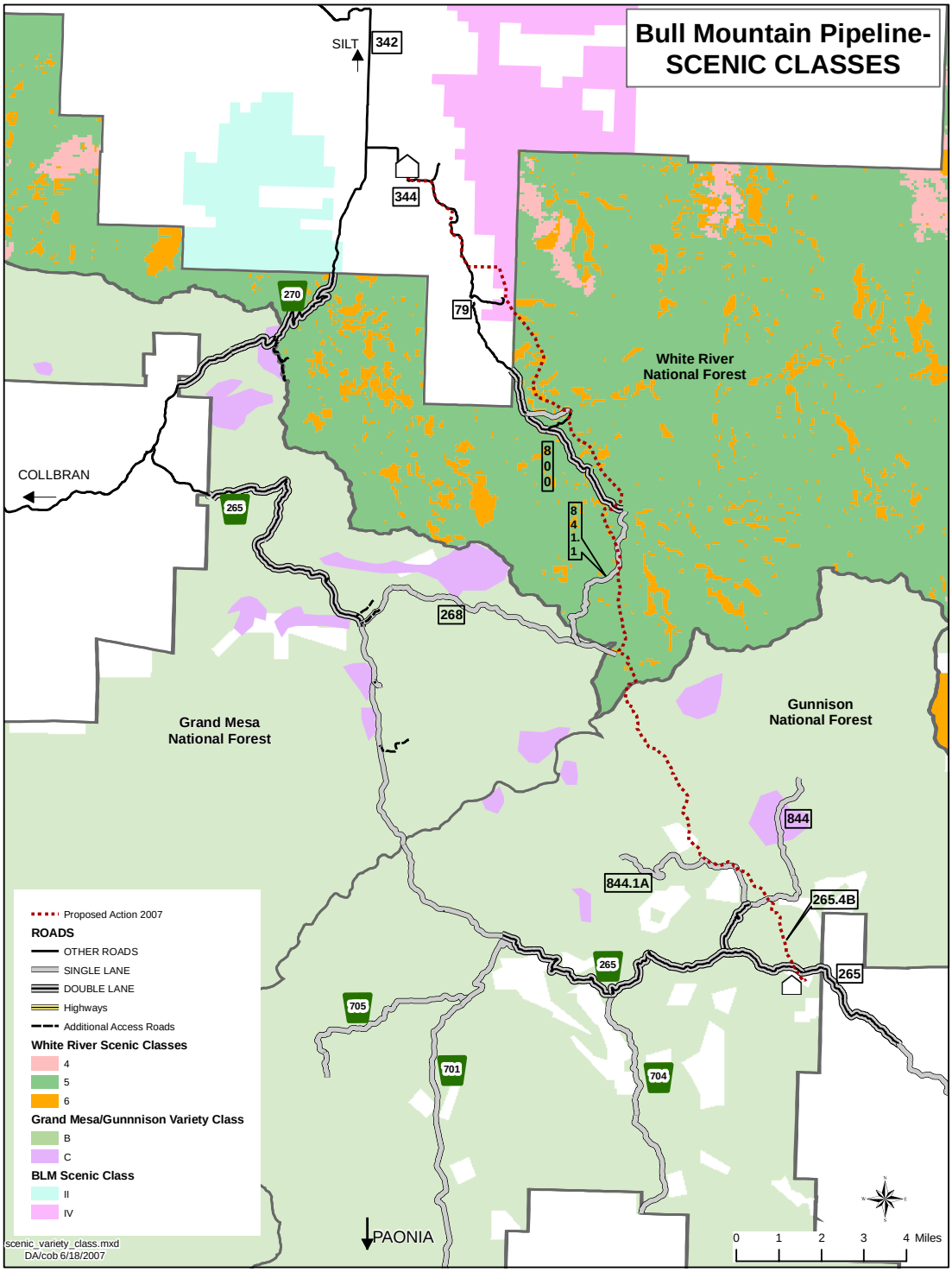
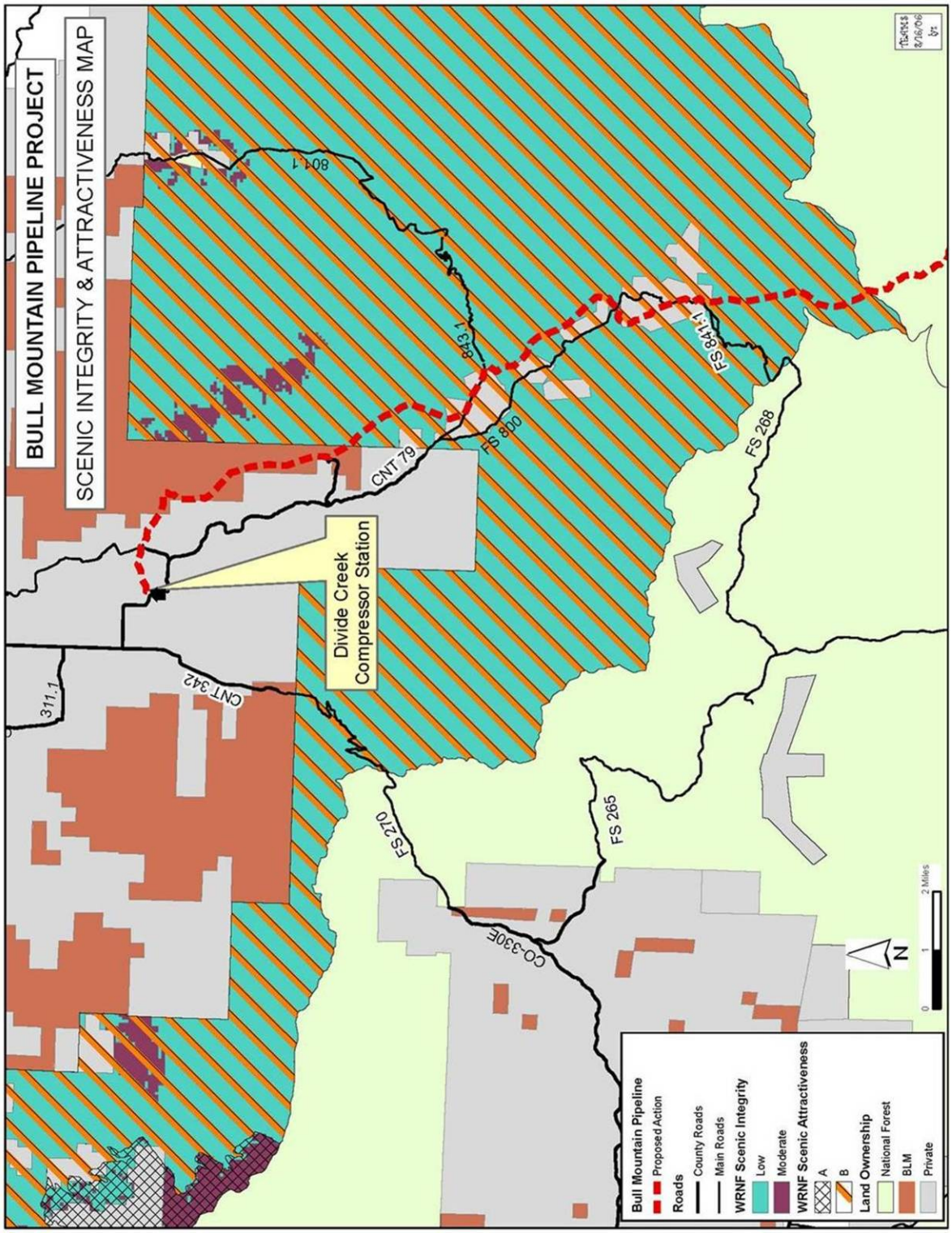
APPENDIX N – VISUAL RESOURCES APPENDICES

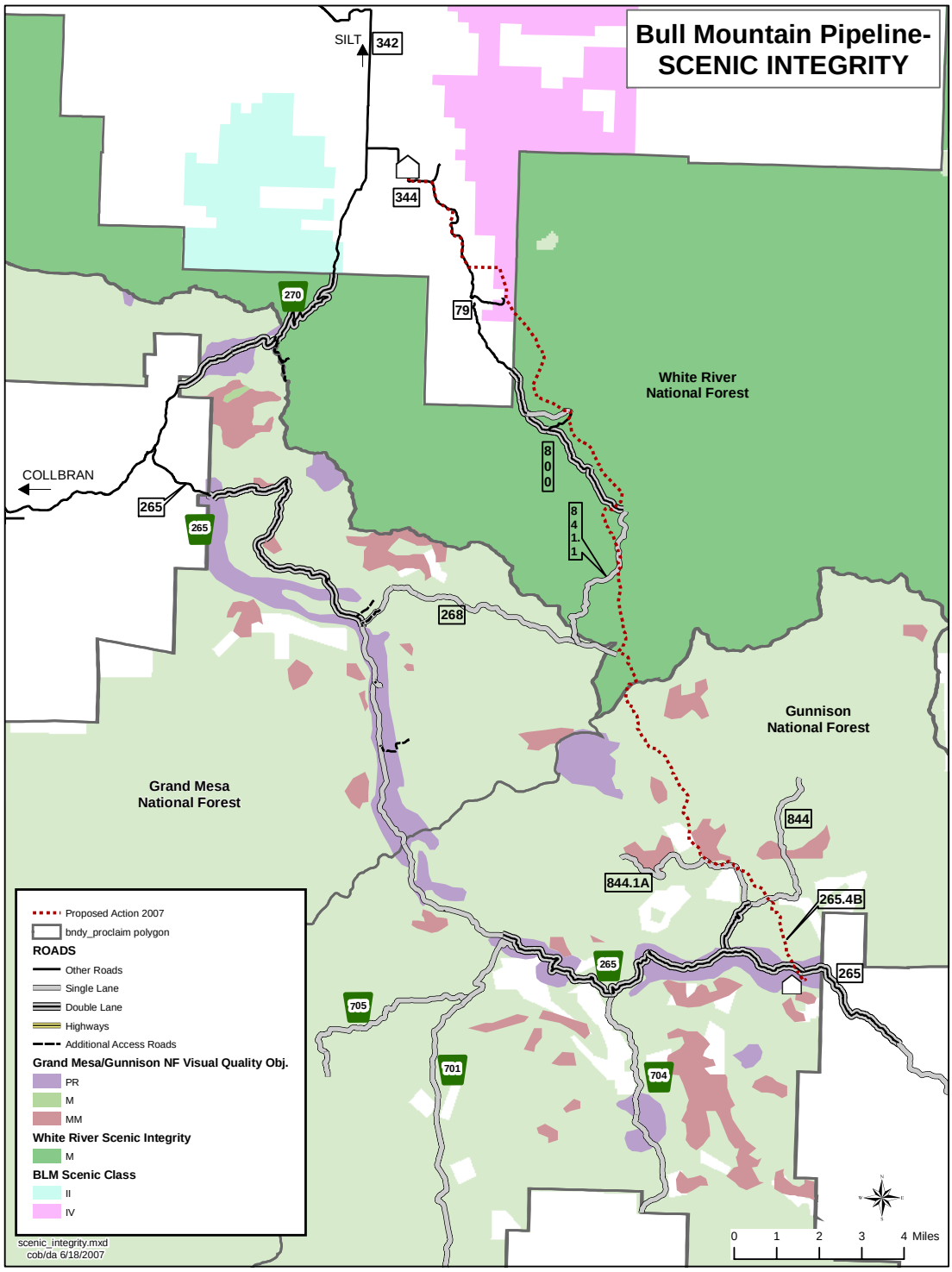
Appendix N-1. Figure 1 - Scenic Classes



Appendix N-1. Map Figure 2 - Scenic Integrity & Attractiveness



Appendix N-1. Figure 3 – Scenic Integrity Objectives



Appendix N-1. Figure 4 – Scenic Visibility

This is a large size color map (17 x 22 inches, 280 kilobyes, .pdf file) and is available online for download at the White River National Forest website (http://www.fs.fed.us/r2/whiteriver/) *or available on the BMNGP Project CD upon request.*

Appendix N-2. Visual Resource Protection Program (VRPP)

INTRODUCTION

The purpose of the Visual Resource Protection Program (VRPP) is to establish the criteria and methodologies to manage visual resource protection measures throughout the life of the project (from design, construction, and operation of the project through restoration and abandonment). The VRPP will be implemented as a part of the project design criteria and mitigation measures for the project through the Record of Decision, and is compliant with the visual resource management direction and objectives for each agency. The structure of a VRPP is shown in Figure 1.

Criteria and methodologies for considering and minimizing the potential visual impacts of the pipeline and related facilities, whether temporary or permanent will be addressed in this document. These facilities include features and structures within the pipeline right-of-way, such as the work-pad, compressor stations, and valve stations. They also include features and structures, which may be located outside the right-of-way, such as access roads, material sites, storage yards, disposal sites, and other temporary use areas. Site-specific measures will be developed to achieve these objectives. These measures will be based on the direction of the appropriate agency staff or their designee, and include qualitative site analysis, assisted by field reconnaissance, photography, and use of topographic maps and/or 3-dimensional mapping that will identify the existing visual context and that will establish actual viewing conditions. Also included in this review will be the existing and desired visual resource objectives under the appropriate system (VMS, SMS, VRM) and the visual analysis of the EIS.

The first strategy in developing site-specific measures will be to restrict or prevent views of the pipeline right-of-way and related facilities from nearby communities, recreation areas, and surface travelways. When this is not possible, a second and related strategy will be to reduce visual contrast by blending the site or facility with existing natural visual patterns. A third strategy will be employed when this in turn is not practical--for example, in the foreground of travelways and where slopes necessitate cut and fill. Here the strategy will be to incorporate the architectural theme, form, color, and texture with visual design principles of order and simplicity to achieve facility designs that appear functional, well crafted, and subordinate to the natural landscape. Since future actions by other parties may expose pipeline facilities to view, this third strategy will also guide the development of visual considerations for portions of the project on which one or both of the preceding strategies have been successfully employed.

VRPP Objectives

- Prevent adverse visual impacts whenever possible
- Reduce the severity and extent of the adverse impacts that cannot be prevented
- Rehabilitate the adverse effects that do occur during construction.

Site-specific measures to achieve these objectives will be subject to the test of other environmental, economic and operational considerations.

The procedures for developing site-specific measures to prevent, reduce, or rehabilitate adverse visual impacts will involve these steps:

Baseline assessment of visual characteristics and visual quality along the entire pipeline corridor as defined by current management direction and analyzed in the EIS.

- Review of measures used to mitigate and rehabilitate visual impacts for other pipelines in similar Colorado landscapes.
- Participation of unit staff in final design and construction for the pipeline and related facilities.
- Participation of unit staff in the planning and development of site plans for rehabilitation and permanent maintenance facilities.

Throughout the VRP program, emphasis will be placed on establishing the actual visibility of sites and the extent of visual contrast introduced by construction of the pipeline or related facilities. The visual design principles of order and simplicity will also be emphasized throughout the program, to achieve facility designs that appear functional and subordinate to the natural landscape.

Basic Project Design Criteria

1. Prevention of adverse visual impacts, whenever possible, by means of pre-construction planning and design particularly in the selection of facility locations.
2. Reduction of adverse visual impacts that cannot be completely prevented, by means of pre-construction planning and design.
3. Rehabilitation of adverse visual impacts that occur during construction, by means of post-construction rehabilitation design.
4. Quality control during construction and rehabilitation to insure that the preceding objectives are achieved.

Methodologies

The Visual Resource Protection (VRP) procedures for the planning and design, construction, and operation phases of the project are described in this section. The purpose of these procedures is not to provide a quantitative prediction of visual impacts, but to integrate visual resource considerations with other project considerations on a mile-by-mile and site-by-site basis during each project phase. These procedures emphasize qualitative analysis and the use of general design criteria (See Attachment A).

Planning & Design

The visual quality of the landscape units along the pipeline corridor has significance for project planning and design. Existing visual quality helps to indicate the potential magnitude of visual impacts and the importance of efforts to prevent, reduce, or rehabilitate these impacts in specific places. For example, facilities which are most likely to produce visual impacts can be concentrated and sited in landscape units which already have visual disturbances. When adverse visual effects cannot be avoided during construction, the baseline assessment of visual quality can assist in the selection of appropriate rehabilitation measures. To ensure that site-specific VRP recommendations will be appropriate to the overall visual context of the utility corridor, use of the existing visual resources and

associated management direction of each unit will be used (including desired conditions) to determine baseline visual quality (See FEIS Ch. 3 Visuals).

A series of Key Observation Points (KOPs) will be selected on each unit to observe and monitor implementation of the VRPP. These sites should include (but are not limited to) road crossings, material sites, a pump station, and linear impact sites. Activities include (but are not limited to) retention of wooded buffers at several crossings and revegetation and erosion control. Tree retention and planting should be included where they can break the form and line of the pipeline construction without compromising the integrity of the pipe through root invasion or compaction. This would be particularly helpful in locations where the pipeline crosses aspen stands. Both transplanted tree seedlings bladed in place and native seedlings should be implemented and monitored for efficacy with the goal of softening the edges of the disturbed areas. In general, the visual success of preventive measures should be monitored annually and adjusted to ensure the greatest level of visual impact reduction is achieved within 3 years of project inception. New techniques and information are anticipated for cost effective and successful site rehabilitation throughout the life of the project, and restoration bonding could guarantee funding for the VRP maintenance through abandonment and rehabilitation. Anticipating that the pipeline would be abandoned in place, taking early steps to mitigate visual impacts can greatly reduce overall landscape and visual restoration by implementing less costly plant materials and restoration methods and avoiding anticipated inflationary costs associated with a full restoration plan at the time of abandonment in 30 or more years.

Project Design

Potential Visual Impacts

The potential visual impacts were determined from the Plan of Development (POD), preliminary project engineering plans, other large-scale utility projects, and site observations. The types of potential impacts are set out in Figure 2. They are grouped into two generic site categories: linear impacts (buried pipeline, work pad and construction travel access), and point impacts (traffic crossings, material sites, disposal sites, storage yards, compressor stations, valve sites, and other related facilities). Linear and point visual impact sites are further divided into temporary use facilities (material sites and work caps) and permanent facilities (compressor stations and work pad, including the pipeline itself).

The viewing populations that will be exposed to the project will be primarily concentrated along surface travel-ways, particularly roads. Therefore, the types of potential visual impacts can also be defined by the relationship between the impact site and adjacent travel ways. Many of the visible sites will occur at crossings or intersections between the work pad and the public travel way. Other impact sites will occur immediately adjacent to the travel-way or isolated from it at some distance in the foreground.

The type of introduced element in the landscape affects the intensity of the visual impact. The profile or skyline of the site may be the distinctive feature. The faces of cut or fill slopes, the visible earth scars of cleared and regraded areas, or facility structures may also be prominent visual features. Finally, the evident, broad, linear appearance of the cleared pipeline right-of-way or of access roads across undulating topography in the background for extensive distances, particularly on elevated slopes may be the most prominent visual impact of the site.

The severity of a visual impact is a function of site visibility and the extent of contrast with the surrounding landscape. Construction activities create visual contrast by modifying natural landforms, clearing vegetation, and introducing man-made structures in short term and long term contexts. During and after construction, sites can contrast with their surroundings in the following specific ways: their forms are generally angular and starkly edged, and are unlike the generally rounded, flat or gently rolling landforms that are usually found naturally. The line created by the edge of a site where the vegetation has been cleared often contrasts sharply with the rolling land contours and subtler earthtones around it. The color of subsoil or rock is usually different from the color of indigenous vegetation or weathered rock. Texture and form is another key consideration in determining the visual contrast of a construction site. Often, sharply angled cut and fill slopes contrast with the rougher texture of natural vegetation or rock outcroppings in their vicinity and naturally undulating rural landscapes in foreground travelways and feature prominently in cut and fill conditions on side slopes. Thus, the degree of overall visual contrast is dependent on the topography and vegetation at each potential impact site and must be determined on a site-specific basis.

Visual Impact Mitigation - Prevention and Rehabilitation

Project design criteria and mitigation measures to minimize visible contrast of the proposed pipeline and associated facilities are focused on prevention and rehabilitation. These techniques are used to mitigate visibility and reduce landscape contrast. Rehabilitation measures are more costly than prevention. However, implementation during and immediately following construction can greatly reduce long term rehabilitation impacts and restoration costs at project abandonment. Further, careful attention in final construction design phases and on-site can greatly reduce these costs by working with the site specific placement of facilities and careful control of construction activity on site to minimize damage in the field during actual site development. Such efforts could include modification of boundaries and slope staking to mold the site appearance to conform to surrounding conditions. Controlled siting and clearing practices can reduce or eliminate the need for costly and less successful cosmetic rehabilitation, such as vegetation screen planting. If utilized, these techniques must be integrated with other site-specific environmental, economic and operational considerations. Therefore, some locations are highly likely to exhibit visible contrast following construction in short and long-term duration. In some instances these changes will be dramatic enough to remain indefinitely and potentially alter the landscape permanently where significant cut and fill activities are undertaken.

In these few instances, formal rehabilitation techniques to reduce visual contrast may be required. Rehabilitation efforts are remedial in nature, and the extent of VRP rehabilitation will be dependent upon actual site contrast, viewer position, site visibility and the character of the surrounding landscape. Project design criteria and mitigation measures to visually reduce site contrast include landform grading and re-establishment of native plant communities (including blading in place). These recommendations are incorporated into rehabilitation planning following construction activities and are listed in Appendix B: Project Design Criteria.

Site Specific Evaluation and Design Process

The process of VRP site-specific evaluation and design has two components: a pre-construction VRP field assessment and the formulation of VRP design concepts.

This process identifies and considers those areas where construction and operation of the pipeline and associated facilities and temporary use areas would potentially be visible from existing viewing locations. A basic assumption in the VRP evaluation and design process is that any action which increases visibility and landscape contrast will affect the existing visual environment. Therefore, preventive design criteria and mitigation strategies are provided as planning and design input to minimize or eliminate visibility. All sites are given equal consideration when developing and recommending preventive mitigation measures for design use.

Assessment

Figure 2 summarizes the VRP Planning and Design Methodology. The initial step in the VRP pre-construction process is an assessment, which gathers and documents information on potential site visibility and pre-construction conditions. Conducted in the field, this information provides baseline data to formulate design recommendations. The initial mitigation strategies are a product of the field assessment, which evaluates the extent of site visibility, the surrounding landscape character, the level of visual quality of the area, and the potential for preventive mitigation. Baseline data on existing conditions will be derived largely from staff knowledge and existing visual inventories and management direction for each land management unit. The focus of this VRPP is largely on the construction design and implementation of the project.

Planning and Design

VRP inputs to design for facilities such as road crossings and compressors are generic recommendations, and basically stress the importance of light, simple appearing structures which do not dominate the landscape setting. These recommendations do not supercede structural requirements, but are provided for consideration during planning and design. Color selection is another form of VRP facility design input. Visible compressor and metering stations can be prominent features in the landscape, and visual contrast will be mitigated with the use of exterior colors that blend with the natural coloration of the surrounding landscape. (See Attachment A for guidelines.)

The products of this iterative process are a site-specific design plans which best fit the collective concerns of the various disciplines involved. During this process VRP recommendations may be superseded by other project requirements, thus a site may still exhibit probable or potential increased visibility. Examples of such requirements include:

- Construction - facility operational requirements
- Economic and Engineering - haul analysis, mineral material requirements, pipeline and facility integrity, terrain stability
- Environmental - restricted habitats, and other unique areas.

Any one of these parameters may affect the extent of VRP preventive mitigation in the design. When other requirements dictate site appearance post-construction mitigation measures may be employed to reduce visual contrast. These measures are rehabilitative in nature and may include grading prior to site close-out to blend visible disturbed areas with existing landforms. VRP rehabilitation recommendations are similar to preventive mitigation in that they are also evaluated and applied on a site-specific basis. Sites or facilities located

on side slopes may receive similar types of treatment when screening topography or vegetation buffers, to prevent visibility, may not exist. The detailed site plans and specifications become part of the construction documents, which will be used by both the construction manager(s) and quality control inspectors. The site plans include narrative sections, which explain the visual and other environmental reasons for specific mitigation measures. This documentation provides evidence that preventive or rehabilitative design measures are incorporated during construction phase.

Design Application of Preventive Mitigation Measures
The following preventive project design criteria/mitigation strategies may be evaluated during construction, design and implementation on site. Application of these measures is determined by site-specific interdisciplinary consideration.

Siting Considerations
- reduce or eliminate critically visible sites
- concentrate sites in existing disturbed sites
- relate alignment of edges to vegetation and landforms

Visibility Considerations
- locate sites out of view
- locate to minimize duration of view
- locate to reduce extent of visibility

Restriction of Project Limits
- develop performance standards not uniform standards
- develop site-specific standards for various site types

Clearing Considerations
- maintain vegetation and landform buffers
- utilize selective clearing
- align clearing edges to reflect natural vegetation edges

Design Considerations
- Form – line - diversity
- Scale - texture - continuity
- Color - dominance

Operation Considerations
- preserve planned buffers
- maintenance standards
- training and supervision of personnel or on-sight landscape architect- operational requirements

Construction and VRP Rehabilitation

Site Layout and Quality Control
Throughout the pipeline and facilities construction phase, field compliance and/or quality control inspectors subject to authorizing agency approval will be provided by the ROW grant holder to support and oversee implementation of the VRP in all construction phases including abandonment and restoration. The provided inspectors could include professional landscape architects, botanists, etc. depending on the issue at hand and are to be knowledgeable of the geographic region and responsible for interfacing with construction contractors, managers, design engineers, and agency personnel to ensure that the intent of the environmental provisions incorporated in the execution plans are followed.

Field verification of facility layout and staking will ensure that preventive VRP mitigation measures are maintained throughout the project, including critical topographic and vegetation buffers incorporated during design. Controlling the visible appearance of excavation cut and fill slopes is an important measure in reducing contrast resulting from construction. Direct environmental participation during project construction will ensure continuous response to pre-closeout grading and field design changes, which could arise due to unforeseen project requirements, altered field conditions, and unpredictable weather conditions.

Construction Impact Assessment

Construction impact assessment will be completed using the Visuals specialist report for the project and staff knowledge of field conditions incorporated with on-site analysis to determine site visibility once construction-level documents have been completed. A description of the extent of site visibility resulting from construction, and a determination of the success of preventive mitigation strategies utilized during design and construction will be documented and incorporated into construction specifications and/or implemented on-site with staff oversight in the field. VRP rehabilitation concepts for visible sites will be formulated during this evaluation and will be synthesized with other treatment goals for the site. Revegetation recommendations, for example, will be based on the objectives and methods described in Rehabilitation Section.

The site-specific rehabilitation plan will be focused on the restoration of the site to pre-existing conditions. If located in an IRA, even with a change to a utility corridor management area prescription, the rehabilitation plan will focus on achieving the highest visual condition possible to reflect IRA characteristics and the pre-existing visual classification of the site to protect the characteristics of the adjacent IRAs. A material site for example, may be needed for operations and maintenance or by other industrial or public users. In these instances visual rehabilitation measures will include basic landform grading to reduce contrasting slopes and ensure slope stability. The site would then be left operational. The types of sites, which may be required for future use, include material sites, disposal sites, solid waste disposal sites, and access roads. The post-construction field assessment should also include a recommendation of candidate sites, which appear visually suitable for operations and maintenance in order to minimize and/or prevent adverse visual effects throughout the operations phase of the project.

VRP Rehabilitation and Maintenance

It is expected that most contrast-related visual impacts will be remedied during construction and rehabilitation. However, impacts at some sites will be unavoidable, and a few sites may require rehabilitation treatments. Two general types of landscape treatment, or a combination of the two, will be considered at locations where a site requires additional measures to mitigate visual contrast. Based on site-specific conditions, treatment will be selected based on grading and revegetation activities.

The primary treatment objective will be the reduction of site contrast through landform grading. Visible landform contrasts can be mitigated by the following measures:

- Modify slopes final grading to reduce visibility or blend with slopes adjacent topography.
- Round top and toe of slopes transition grading to blend, cut, or fill edges with adjacent topography.

- Grading earth forms in aspect with wind and solar orientation to increase survival of transplants, creating a deposit zone and a range of soil temperatures. Create depressions to capture water.
- Consider the potential long-term visual impact mitigation rather than creation of short-term screening.
- Use a variety of sizes of vegetation weighting heavy towards young plants with greater chance of survival.
- On introduced landforms redistribute unused material or block undesirable views with earthwork mounding.
- Scatter natural and woody debris and use vertical mulching to break and cover land scarring from construction activities.

Grading and contouring will be a basic recommendation for most visible disturbed areas. This treatment generally accelerates recovery time of a disturbed area. However, at no time will landscape grading supercede site stability, structural integrity, or operational requirements, nor will it increase critical habitat loss.

A secondary treatment objective will be the reduction of visual contrast through vegetation recovery. Color and texture are other elements to consider in reducing visual contrast and these elements can often be controlled during rehabilitation through revegetation. In some site-specific situations, vegetation can also provide screening and/or blending of a disturbed area over time. Many sites and disturbed areas will be prepared to encourage natural revegetation. Native species and appropriate plans for the prevention of noxious weeds will be a component of all the revegetation plans.

Visual contrast mitigation by revegetation will be generally accomplished by the following measure:

- Natural succession-prepare site for natural reinvasion of the local flora and prevention of noxious weeds.
- Sites adjacent to, or in close proximity of a public roadway or a public recreation area may require induced revegetation measures to accelerate blending or screening of a disturbed area. Site-specific measures for these areas may include the following treatments:
- Seed with native plant species-seed surface areas to accelerate the appearance of established natural plant growth and surface cover.
- Cuttings, seedlings, and salvaged native plant materials install native plant cuttings and/or seedlings and salvaged plant material to establish woody plant growth within one growing season.

VRP Rehabilitation Plan - Scheduling and Maintenance

All visual rehabilitation treatments will be incorporated within the Site Rehabilitation Plan. Actual treatment for vegetation recovery, for example, will be subject to succession potential as determined through rehabilitation planning. VRP goals will be included in site documents and plans to help ensure quality inspection and assurance during field implementation. Scheduling of materials and installation, procedures for installation, quality assurance, and maintenance will all be conducted in accordance with the criteria and methodologies described in the Rehabilitation Section.

Post Rehabilitation Evaluation

Following rehabilitation plan implementation, treatment success will be evaluated, determined, and addressed in accordance with the criteria and methodologies described in the Rehabilitation Section. Adjustments may be made in the field or prior to implementation to ensure success. Annual monitoring plans for review and adjustment of rehabilitation activities will include KOPs monitoring and review to track the progress and success of rehabilitation measures. These post-rehabilitation monitoring and evaluations will provide data and information regarding the success of mitigation treatments for use during the operation and maintenance of the project.

Design Application of Rehabilitation Mitigation Measures

The following range of techniques will be considered for each visible disturbed area to develop rehabilitation design strategies. Actual design is dependent upon site-specific conditions and other rehabilitation goals for the site.

Blend Impact Site

- Vegetation
    - edge alignment
    - color
    - texture
- Landform
    - edge condition
    - skyline profile
    - cut/fill slopes

Rehabilitate Impact Site

- Revegetation
    - natural succession
    - seed with native species
    - cuttings and seedlings
    - salvaged plant material
- Grade and contour Landform
    - modify slope
    - round top/toe of slope
    - introduce landforms
    - scarify
- Operation Considerations -preserve planned buffers
    - Standards
    - training and supervision of personnel

Figure 1. VRP Model

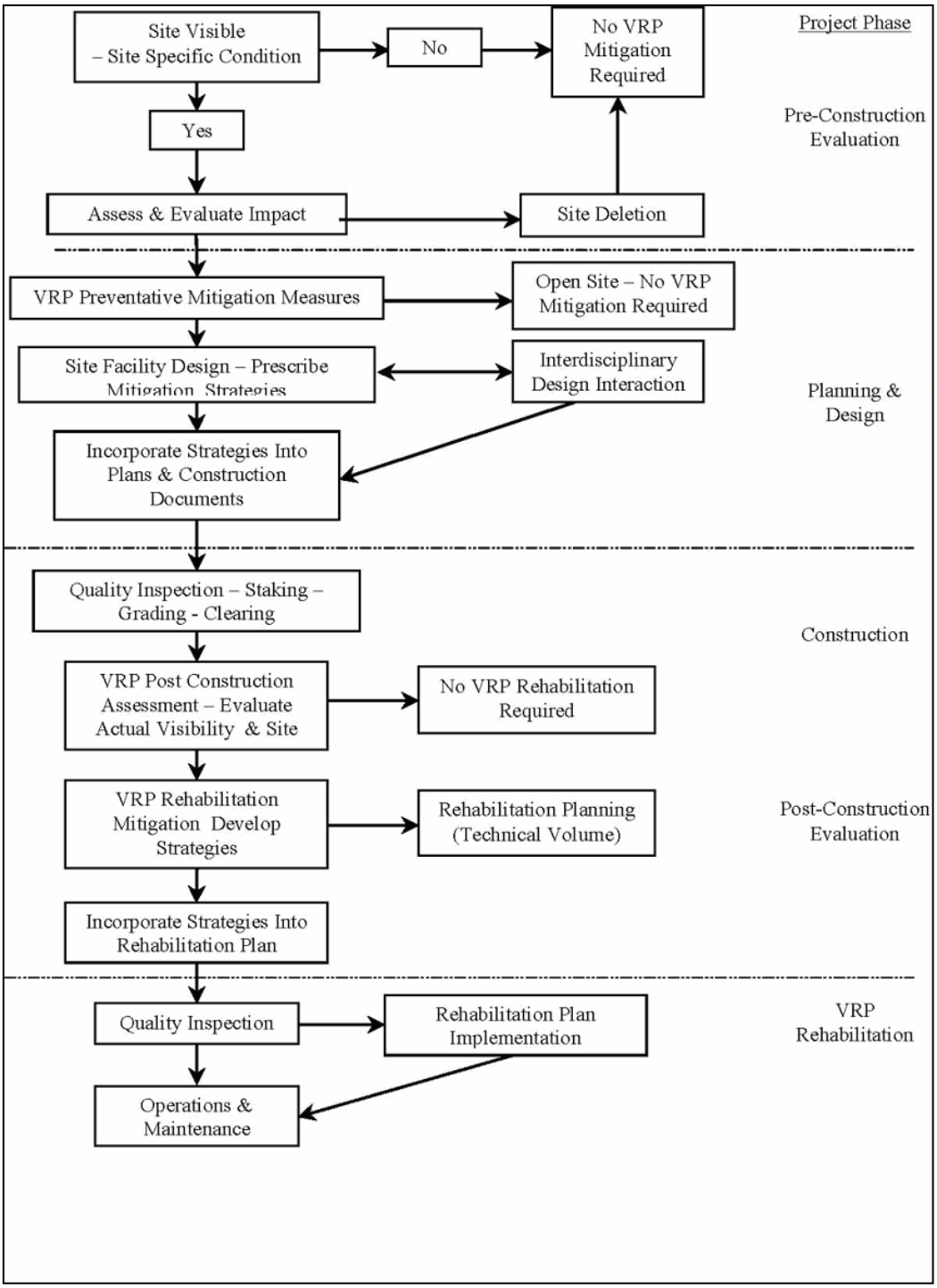


Figure 2. Occurrence of Visual Impact Types Per Construction Activity

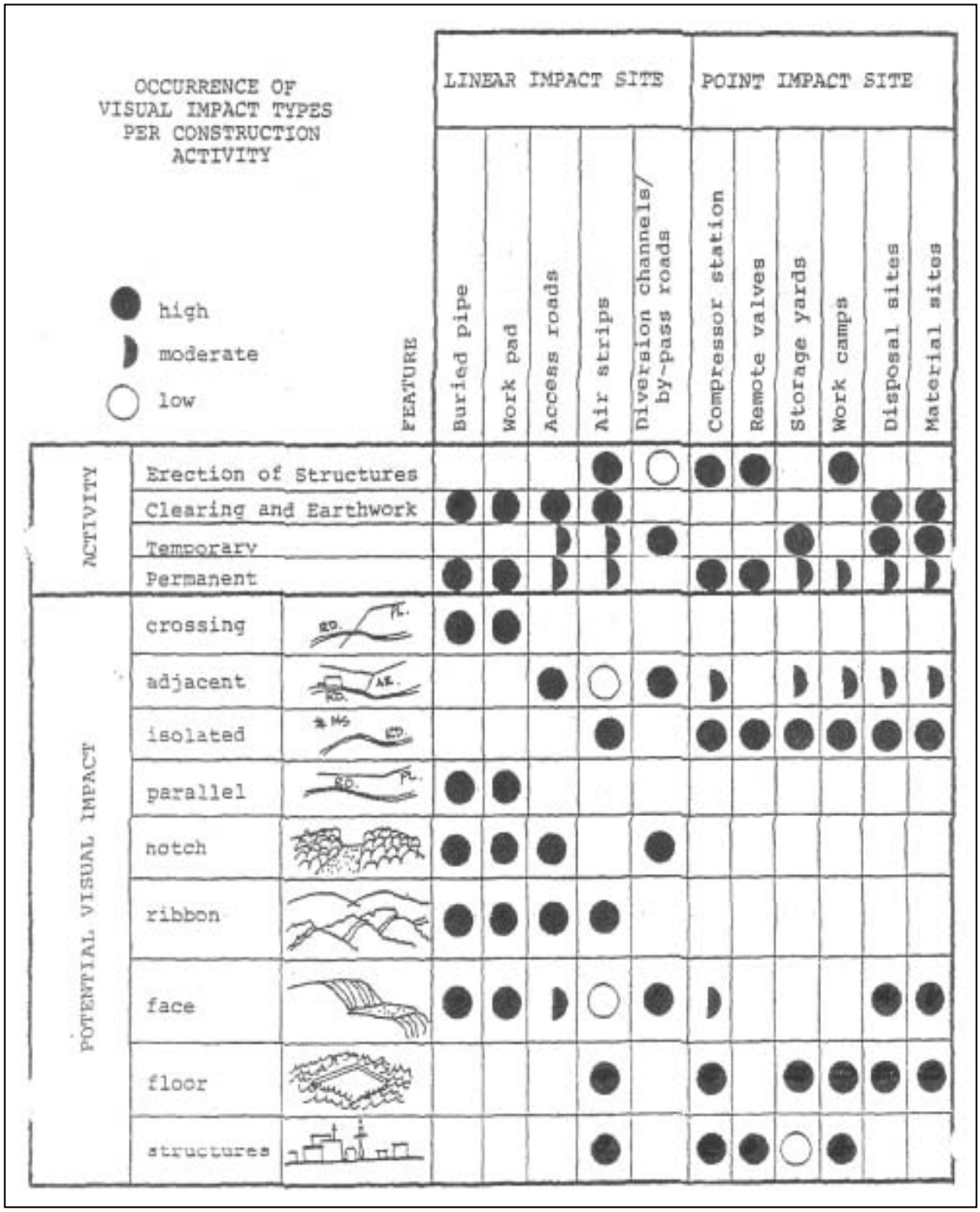


Table 1. General Visual Characteristics of Material Sites

	Material Site Type				
	RIVER/ FLOODPLAIN	**ALLUVIAL FAN**	**UPLAND/ ROCK**	**OUTWASH**	**SPECIAL**
Viewer Position	Level or Above Site	Level or slightly above or site	Below or level	Level or slightly above or below site	Depends on site type
Site Character	Meander and Braided forms	Drainage form of fan and channels clumps of vegetation	Open exposed ridge line or side slope areas varied vegetation	Level, lowland sites vegetation	Depends on site type
Cut Face	-	Depends on depth of excavation	Major visible element of site	Depends on depth of excavation	-
Fill Face	-	-	Depends on placement of debris	-	-
Floor	Major visible element of Site	Major visible element of site	Depends un viewer position	Major visible element of site	-
Clearing Edge	Limited vegetation	Major visible element	Major visible element in forested areas	Major visible element in forested areas	-
Berms & Diversions	Yes	Yes	-	-	-
Ridge line	-	If total fan site is used	Depends on placement of site	-	-
Closeout Relationship Surrounding Area	River forms related to drainage pattern	Minor gravel landforms related to drainage pattern	Mimic land-forms in scale slope and material size	Minor land forms related to side slopes	-

APPENDIX N-2-VRPP - ATTACHMENT 1

GENERAL CRITERIA FOR VISUAL RESOURCE PROTECTION

The following guidelines have been developed for use during facility planning, design and implementation. The consideration of these factors during this phase will help to develop visual mitigation alternatives for site-specific situations. This information is presented in guideline form as opposed to standard design criteria. Each site or facility generally presents a different set of physical conditions that must be considered. Guidelines or criteria which are applicable to one location may not be applicable to another. Thus guidelines serve as a checklist of potential preventive visual impact mitigation strategies, to be evaluated with other requirements during the planning and design and implementation process.

The first section, General Project Guidelines consists of general design considerations. This section is generally applicable to all of the various facility types being developed for the project and addresses site selection, design and construction and operation considerations. The Site Specific Guidelines section of this Attachment addresses the facility by site type. Different facility types may exhibit design considerations which are particular to that facility. This section is intended to present the designer with guidelines for the type of facility being designed. Due to the site-specific nature of this section, additional or new parameters may arise when actually developing detail site designs or during on site implementation.

General Project Guidelines

The following planning and design guidelines present general visual resource management concepts to be considered during final site selection and design of facilities. Visual resource considerations are to be combined with other design criteria (environmental, geotechnical, economic, operational, etc.) during facility planning and design, and are general guidelines which can be modified on a site-specific basis during the planning and design process. The guidelines are impact preventive in nature, and through design application may reduce the extent or eliminate the need for extensive rehabilitation work at site close out.

- Siting
  Focus location or placement of a facility to minimize or eliminate visual impacts and contacts from public travelways.
    - Eliminate or reduce number of sites in critical areas (Class I landscapes for BLM, Partial Retention and Higher landscapes for GMUG, and SIOs of Moderate to Very High for WRNF (project area includes a “Low” SIO) or as determined by unit staff) and other sensitive areas and consider alternate locations more suited to limiting visibility or with greater potential for meeting design criteria.
    - Concentrate facilities within existing disturbed areas except when the disturbance is minor and the landscape value high (i.e. focus in particular on use of cleared area for Ragged Mountain Pipeline to avoid unnecessary additional vegetation clearing and grading activities if Proposed Action or Alternative 1 are selected).
    - Reduce visible portion of sites. Generally sites which parallel contours will be less visible than sites perpendicular to the contours.
    - Locate sites to create least difference in elevation between the viewer and the site.
    - Limit potential of views down to site.

- Consider distances of visibility - generally, increasing distance reduces visual contrast. This factor must be considered against the impact of increased view duration, where applicable.
- In areas of low topographic relief and low growing vegetation siting will stress simplicity of design and the integration of structures with terrain features.

- Visibility
  Use existing vegetation and/or topographic buffers to reduce or eliminate site visibility.
  - Utilize topography and/or vegetation to screen view of site from public travelways.
  - Locate site outside of view from public travelways.
  - If site must be visible, locate site so it is visible from public travelways in one direction only. The least prominent view or traveled direction is generally the most appropriate site view.
  - Locate and align site to reduce site visibility from the principal views (longest duration, most prominent, viewer above or below) from public travelways, and key observation points.
  - Locate site to minimize the duration of views from public travelways.

- Project Limits Restriction of project limits to the minimum required.
  - Restrict site "foot print" or limits of construction to minimum size required for construction, operation and rehabilitation.
  - Utilize the least visible portions of phased sites first.
  - Reflect natural features of the area, i.e., drainage patterns, water bodies, topography, vegetation, in shaping the configuration of project limits. Natural features influence site design and provide naturally-shaped boundaries.

- Design
  Detailed site design activities to reduce visibility of the facility.
  - Relate resultant landform and vegetation shapes to surrounding vegetation and landform patterns.
  - Relate exposed material to surrounding landforms in scale, slope and size of material. Wherever possible, mimic surrounding landforms at site closeout.
  - Consider future use or reuse potential (recreation, tourist turnout, disposal site, permanent material site) in design.
  - Consider potential for natural succession in revegetation of site in design.

- Clearing and Grading
  Clearing and earthwork operations to minimize or eliminate visual impact.
  - Protect existing topographic and vegetation buffers.
  - Protect integrity of ridgelines. Generally do not "daylight" the site from one side of the ridgeline to the other.
  - Utilize and protect buffers of existing vegetation to reduce magnitude of the visible portion of the site.
  - Relate site shape, size and orientation to surrounding topographic and vegetation patterns.
  - Utilize an undulating and irregular edge rather than geometric edge to clearing.

- Utilize selective thinning of trees along an edge of a newly cleared forest to feather the edge. This will allow light to penetrate the forest edge to develop a natural succession of edge plants.
- Reduce the length of individual edges. Break long edges, into a series of undulating tangents.
- Clear lower portion of site first, (assuming the viewer is below the site), move up-slope as necessary by phases.
- Keep the height of cut and fill slopes to a minimum.
- Provide transition grading with the surrounding landscape. This would include but not be limited to, rounding the top and toe of slopes.

- Operations
  Ongoing consideration of visual resources during the operation of the facility and pipeline system.
  - Reflect operational requirements in design.
  - Preserve vegetation and topographic buffers during operation of the site (to the maximum extent possible in the 50-foot maintenance ROW).
  - Consider visibility in establishing top elevation of facility elements in permanent use sites.
  - Place permanent facilities (processing sites, stock- piles, material storage) in least visible portion of the site.
  - Consider reuse potential of sites, for other operational activities or public use.

Site Specific Planning and Design Guidelines

Each element of the pipeline facility possesses unique visual characteristics, which require specific visual resource planning and design considerations. The following guidelines address specific conditions reflected by the type of facility being constructed. Because range allotments are not anticipated for change during and after construction, coordination of design would need to occur with range specialist to ensure that design guidelines and range activities are compatible and reach the highest levels of implementation success.

- Material Sites
  General
  - Reduce, minimize and/or eliminate site visibility, in order to reduce the need for visual rehabilitation of material sites.
  - Reduce number of sites required by the following methods:
    1. Reduce material, requirements.
    2. Deepen and/or expand sites which are not visible or are not major visual impact sites.
  - Utilize existing pipeline corridors and use areas where possible, unless already considered an impact site.
  - Minimize site "footprint", or area disturbance.
  - Protect vegetation buffers during operation.
  - Grade to match and mimic surrounding topography at close-out.

- Stream/Flood Plain Sites
  - Locate site as close to screening bluff or terrace edge as possible to screen views of site.
  - Orient site perpendicular to view direction where possible.
  - Utilize bluff or terrace edge adjacent to viewer screen views of site.

  - Reflect the orientation and scale of stream flow forms in site boundaries. Irregular, undulating site shape is desired. Minimize depth of excavation to retain gravel bar configuration and natural shape.
  - Diversion berms should be removed at close-out, if not required for drainage or erosion control. Care should be taken to locate berms in a manner which will reduce environmental impact and minimize the quantity of material required.

- Alluvial Fan Sites
  - Locate site in old channel where possible.
  - Identify fan ridge line and locate site on the least visually significant side. Where possible protect the integrity of the ridgeline. If forested, protect vegetation buffer at roadway.
  - Site size, shape, and orientation should reflect alluvial fan shape and vegetation pattern.
  - Limit clearing to protect vegetation buffer and minimize site "footprint" and area of disturbances.
  - Reflect size of surrounding material (rocks, etc.) at close-out. Do not leave contrasting material visible.
  - Diversion berms, not necessary for erosion control, should be removed at close-out. Care should be taken to locate berms in a manner which will reduce environmental impact and minimize the quantity of material required.
  - Maintain vegetation and landform buffers during operation.
  - Grade to match surrounding topography at close- out. Whenever possible, mimic surrounding land- forms at site close-out.
  - Develop design to mimic alluvial fan shape.

- Upland/Rock Sites
  - Orient site parallel to and not perpendicular to contours to reduce visibility.
  - Reduce the difference in elevation between the site and the viewer to reduce the site visibility (greater difference in elevation = greater visibility).
  - Locate site on non-visible side of ridge line.
  - If site must be on the viewer's side of the ridge line, place site so that it is visible from one direction only.
  - Protect integrity of ridge lines.
  - If vertical cuts in rock outcrops are visible, evaluate different methods of rehabilitation of the cuts to blend the cut into the surrounding rock slopes or terrain to reduce the appearance of a manmade cut. This can be accomplished by over blasting and laying the slope back to an angle that is the same as the surrounding area.
  - Relate shape of site to surrounding topography and vegetation patterns. Irregular, undulating site shape is desired.
  - Utilize buffers of protected existing vegetation to reduce magnitude of the visible portion of the site. The spacing of buffers should depend on view angle, vegetation height and degree of screening desired.
  - Utilize topographic berms to screen view of working face of site.
  - Consider re-use potential (scenic turnouts, recreation sites) in close-out design of exhausted material sites.
  - Operate lower portions of site first.
  - Alignment of access roads is a critical factor for upland sites.

- Relate scale, slope and size exposed material to surrounding landforms and material. Wherever possible mimic surrounding landforms at site close-out.

- Outwash Sites
  - Orient site parallel to and not perpendicular to contours to reduce visibility.
  - Reduce the difference in elevation between the site and the viewer to reduce the site visibility (greater difference in elevation = greater visibility).
  - Relate shape of site to surrounding topography and vegetation patterns.. Irregular, undulating site shape is desired.
  - Minimize site "footprint", and area of site disturbance.
  - Utilize buffers of protected existing vegetation to reduce view magnitude of the visible portion of the site. The spacing of buffers will depend on view angle, vegetation height and degree of screening des/red.
  - Maintain vegetation/landform screening between site and viewer.
  - Consider re-use potential (scenic turnouts, recreation sites) in close-out design of exhausted material sites.
  - Operate lower portions of site first.
  - Alignment of access roads at intersection of travelways is critical.
  - Transition grade at close out.
  - Relate exposed material to surrounding landforms in scale, slope and size of material. Wherever possible mimic surrounding landforms at site close-out.

- Special Sites
  - Criteria depend on specific site type.

Table 1 identifies general visual characteristics of the five material site type categories.

Disposal Sites
Unsuitable materials (spoils) resulting from clearing operations should be evaluated and stockpiled for reuse in rehabilitation and as screening material, including soil, vegetation (rootstock), rocks, gravels, timbers and root wads.

- General Siting Criteria
  - Minimize number of sites
    1. Utilize larger, least visible sites to place additional spoil.
    2. Minimize quantity of spoil where possible.
  - Storage of useable spoil for rehabilitation
    1. Material sites adjacent to work areas
    2. Adjacent to workpad
  - Use appropriate existing exhausted material sites and disposal sites
    1. Utilize mined areas for spoil disposal
    2. Expand least visible sites if required
    3. If new areas must be selected choose ones that are not in visible locations

- Site Design Criteria
  - Site configuration must reflect operational requirements of spoil disposal.
  - Reflect natural vegetation and topographic patterns in shaping the configuration of site work limits. Provide irregular edge where possible.

- Protect and utilize existing topography and/or vegetation buffers to limit visibility of disposal area from roadways.
- Limit top elevation of spoil piles to general elevation of surrounding topography (natural or human made), and blend the shape with the surrounding topography.
- Long axis of site should parallel contours.

Access Roads

- General
  - Minimize access points and other roadways as much as possible.
  - Utilize existing routes, highway, and other existing roads for access to project.

- Site Design Criteria
  - Provide "dogleg" in horizontal alignment near intersection with roads in areas with the majority of vegetation higher than three feet tall. Minimize vegetation clearing at these locations while maintaining proper sight distances for safety.
  - Parallel contours where possible.
  - Minimize cut and fill slopes and keep width of clearing to a minimum.
  - Consider reuse potential in design.
  - Use existing vegetation and/or landforms screening.

Pipeline ROW and Workpad

- General Criteria
  - Minimize clearing width of ROW consistent with construction needs.
  - Parallel contours where possible
  - Utilize topography and/or vegetation to screen views of workpad from public travelways
  - Minimize duration of view of the workpad. Provide offset in ROW alignment on road curves where the ROW and road adjacent to eliminate appearance of extended road tangent
  - Provide areas adjacent to ROW for storage of organics.
  - Provide "feathered" or undulated edge in clearing of ROW in highly visible locations while not increasing clearing width.

- Pipeline Stream Crossings - Evaluate on site-specific basis.
  - Locate staging areas in least visible portion of ROW. Configuration and location must reflect operational requirements.
  - Provide buffer at edge of stream to limit visibility of staging area and minimize width of clearing on bank of river or stream.
  - Minimize excavation and/or cut slopes at river banks.

- Pipeline Road Crossings.
  - Evaluate on a site-specific basis.
  - Reduce standard workpad width at intersection with roads.
  - Reduce standard clearing width at intersection with roads.
  - Minimize width of clearing required for bypass road.
  - Protect and retain vegetation between roadway and bypass road during construction.

  - Eliminate workpad where possible, at intersection with roads.

- Compressor station (located on private land – recommendations only)
  - Evaluate on a site-specific basis
  - Minimize clearing for station pad and associated temporary facilities.
  - Locate permanent facilities in least visible portion of site.
  - Blend permanent facilities in size, scale, color, and height with adjacent topography and vegetation.
  - Match relative height of permanent facilities to adjacent topography.
  - Consider visual form of facility massing to reduce visual contrast.
  - Utilize topography and/or vegetation to screen and blend the facility.
  - Utilize existing topography and landforms in pad configuration and layout of facilities.
  - Design consideration should occur on access road, entry structures, security fencing and facility graphics.

- Remote Valves and Metering Stations
  - Evaluate on site-specific basis.
  - Locate in non-visible or least visible parts of ROW, consistent with pipeline flow needs.
  - Utilize topography and or vegetation to screen and blend facility.
  - Design consideration should occur for access roads, entry structures and security fencing.

- Temporary Facilities
  - Storage Yards
  - Utilize existing cleared areas and exhausted material sites for storage
  - Minimize clearing and disturbance
  - Utilize existing topography and landforms to shape site boundaries
  - Orient long axis of site parallel to contours
  - If visible, locate site so it is viewed from one direction only
  - Locate site as close as possible to level with viewer positions
  - Consider future use potential in design
  - Utilize existing topography and/or vegetation buffers to screen or blend site

Exterior Color Selection Guidelines

A coating, paint, or stain modifies the color of a surface by modifying the way that it reflects incident light. The color of the light that is reflected from a surface is called "object color" and has three types of characteristics:

- Reflectance, value, or lightness - the attribute by which the surface reflects more or less of the incident light and is often expressed as a percentage figure.
- Hue - the attribute that permits a surface to be classified as red, yellow, green, blue, or an intermediate shade between these; it often refers to that portion of the visible spectrum to which the reflected light appears to correspond.
- Saturation - the chromatic purity of a color; reflected colors that correspond closely to a single hue in the visible spectrum are said to be highly saturated; color mixtures such as brown or gray have low saturation.

Our basic strategies for reducing the visual impact of pipeline facilities, including facilities, are to keep them out of view or to reduce their contrast with the surrounding environment. From this standpoint, reflectance is the most important aspect of color selection. In general, it is difficult to distinguish an object if its reflectance is less than 1.5 times that of its surrounding environment. The average reflectance of the environment is about 18% (the reflectance of a photographer's "gray card"). Therefore, reflectance should not exceed 27% for colors chosen to minimize visual contrast.
Hues of surface colors can also be chosen to minimize contrast. Several hues are usually present in the natural environment along the pipeline corridor: browns and deep greens in forested settings; greens, browns, reds and tans in tundra setting; bright yellow-greens are characteristic of non-native grasses and often contrast sharp with surrounding vegetation. The saturation of natural colors is usually low.

If reflectance is controlled, hue and saturation are less important and can be manipulated to improve the appearance of facilities for workers end visitors who will see them at close range. Nevertheless, earth tones (tan-browns), light greens, and sage grays are the most likely to blend with the pipeline environment.

Exterior Lighting Considerations
The primary visual resource consideration for the use of exterior lighting is to not use excessive light sources that distract from the natural lighting. Consider having the lights directed away from roadways.

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GLOSSARY

Aspect – The apparent position of an earth form or vegetation in relation to the sun and or wind direction.

Color - An objects value of reflective brightness, (light, dark) or the visual perception of its hue ({red, green, yellow).

Deposit Zone – The area that is non the lee side of an object such as an earth form, vegetation, or a structure that is protected from the wind.

Feathered – A transitional form between extremes that reduces visual impact (e.g., vegetation of varying heights between the forest and a cleared area).

Form - The visual mass, bulk or shape of an object.

Landscape Type - A visually homogeneous area formed by a combination of relatively uniform landforms and land cover, such as a steep tundra hillside or a forested valley bottom; useful for visual assessment and management, particularly of to reduce the visual contrast introduced development.

Landscape Unit - An area of distinct, but not necessarily homogeneous, visual character that is spatially enclosed at ground level; a visually identifiable place or "outdoor room"; useful for visual assessment and management, particularly of visual quality.

Line - Introduced by the edges of objects or parts of objects, composed of horizons, silhouettes, edges of areas or man-made development.

Microclimate – The smaller unit of climate that creates a change in habitat by utilizing the aspect of other features to make that change (e.g., a large log lying on the ground creates a microclimate that allows moisture to settle at the point of contact with the soil and a deposit zone for seeds to gather).

Mitigation - Measures to prevent, reduce, or offset adverse impact.

Plant Succession – The directional, cumulative change in the species which occupy a given area through time.

Regional Landscape - A large area defined by similar patterns of landform and land- cover, (such as the Arctic plains or the Livengood Uplands).

Texture - The apparent roughness or coarseness of a visual Surface.

Visibility - The existence of an unobstructed line of sight between a viewing position, such as a public road, and all or part of a developed construction feature, such as a material site.

Visual Character - The visual character of a landscape is formed by the order of the patterns composing it; the visual elements of these patterns are the form, line, color and texture of the landscape's components; their interrelationships can be described in terms of dominance, scale, diversity, and continuity.

Visual Contrast - The relative difference between the visual character of a man-made feature and the surrounding landscape. May be determined by specific visual pattern elements, a combination of elements such as form, line, color and texture, or visual pattern relationships such as dominance, scale, diversity and continuity.

Visual Impact - The extent of visible change and contrast in visual resources resulting from a development project.

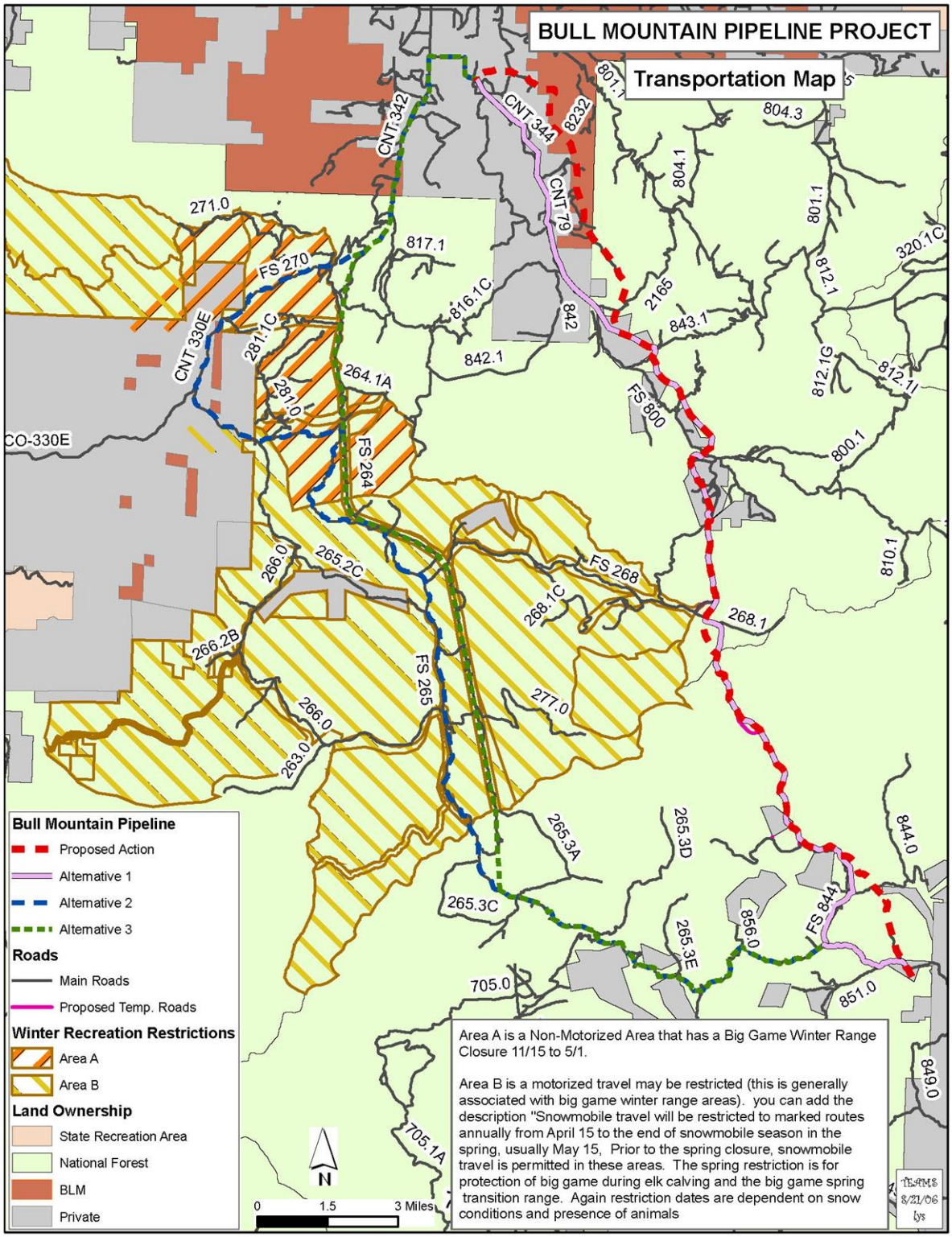
Visual Quality - An evaluative appraisal of the relative excellence of a view or a sequence of views; individual judgments of quality are affected by the values and activity of the viewer; nevertheless, broad consensus can be established on the relative quality of different landscapes within a geographic region.

Visual Resources - The presence or existence of scenic resources based on aesthetic appreciation of visual perception. The appearance of the features that make up the visible landscape.

VRP (Visual Resource Protection) - The planning, design and implementation of structures, sites and construction-related activities to minimize and reduce the visibility and visual contrast for a project as part of the design features and mitigation measures as adopted through the Record of Decision for the Bull Mountain Pipeline Project.

APPENDIX O – TRANSPORTATION APPENDICES

Appendix O-1. Figure 1 - Transportation Restrictions Map



Appendix O-1. Figure 2 - Transportation Management Map

This is a large color map (22" x 34", 2.1 megabytes, .pdf file) and is available online for download at the White River National Forest website (http://www.fs.fed.us/r2/whiteriver/*) or available on the BMNGP Project CD upon request.*

APPENDIX P – LIST OF CUMULATIVE ACTIONS

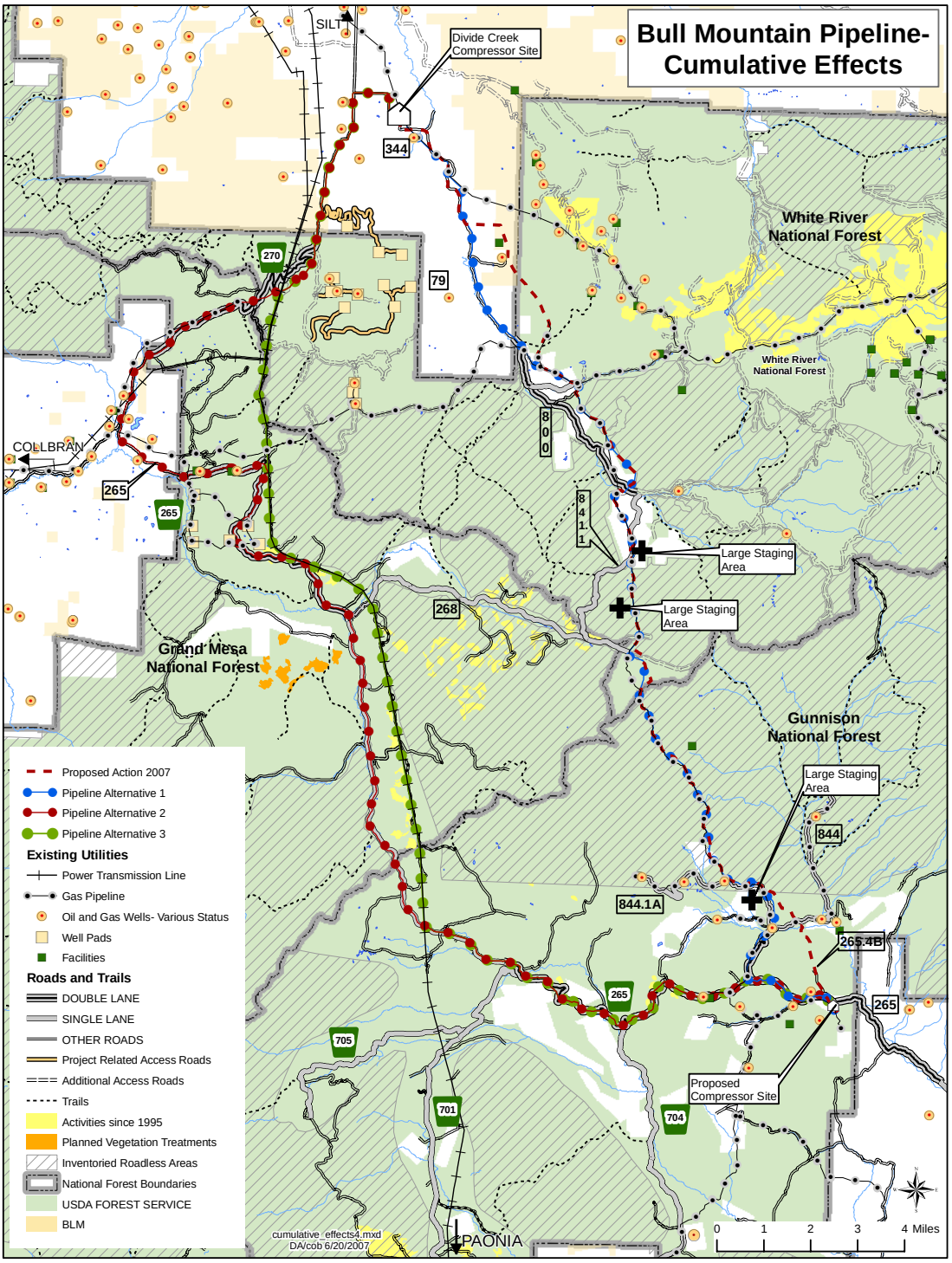
This section summarizes the list of potential cumulative effects actions known as of June 21, 2007 to be considered for cumulative effects analysis for the Bull Mountain Natural Gas Pipeline Project. Cumulative actions relevant to this project occurring after this date will be disclosed and considered in the Final EIS. Each resource analysis section in Chapter 3 discloses the specific cumulative effects for that particular resource area. Refer to those sections for a specific discussion of cumulative effects.

SCOPE OF THE CUMULATIVE EFFECTS AREA (CEA)

The cumulative effects area would be at a minimum the project area. In addition, some resources would use a larger CEA such as 6TH Code HUC subwatersheds (**See Appendix A, Map Figure 9**) although cumulative effects areas will vary depending on resource. Appendix P, Figure 1 Cumulative Effects Map. A list of projects that corresponds to the cumulative effects map can be found in the project file.

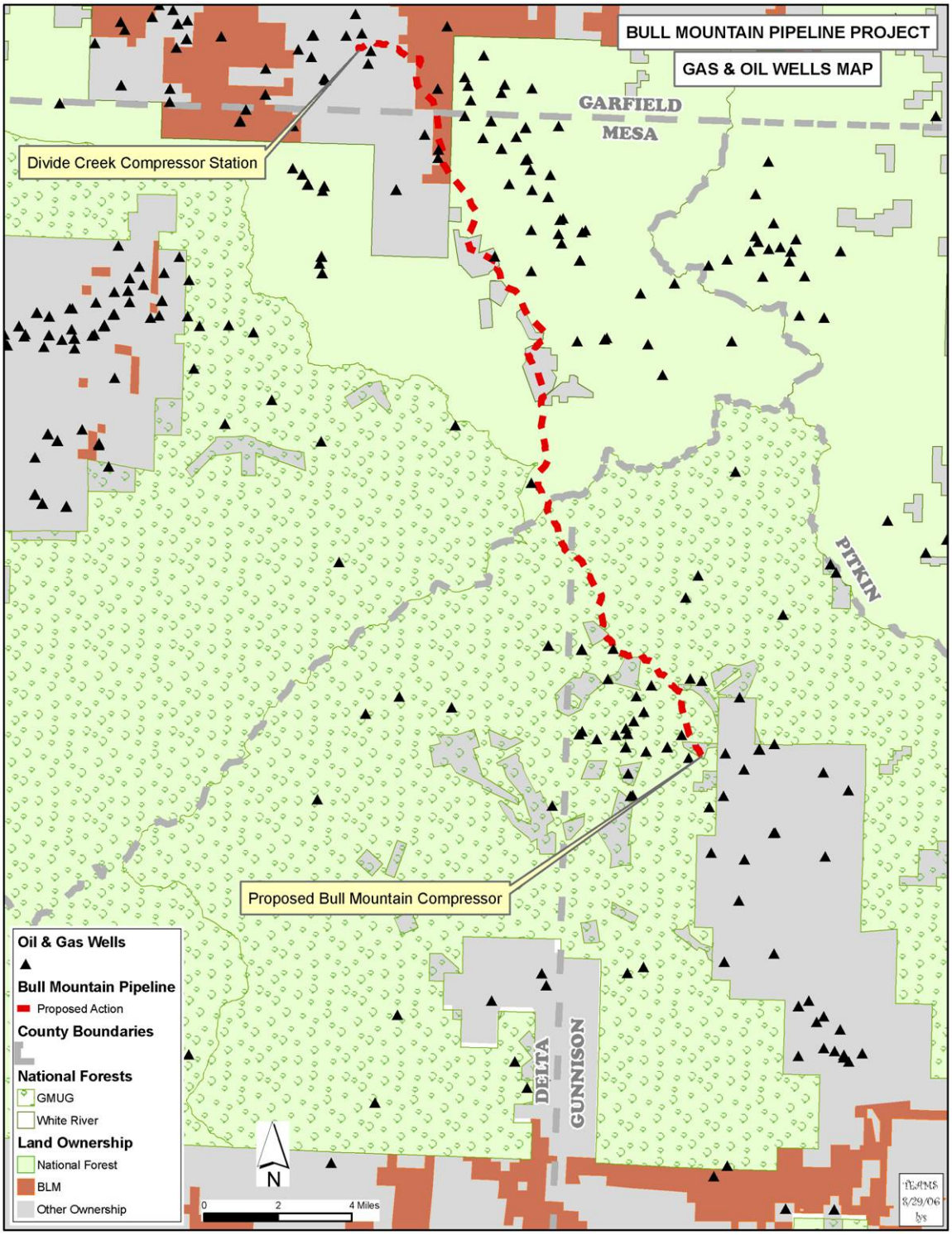
APPENDIX P, FIGURE 1. CUMULATIVE EFFECTS MAP

Map depicts all past, present and reasonably foreseeable projects in area for all resources.



APPENDIX P, FIGURE 1. OIL AND GAS WELLS MAP

Note: This information is from the Colorado Oil and Gas Conservation Commission and the data is not available for which of these existing wells is pending, active or capped. The website for COGCC is at: http://www.oil-gas.state.co.us



APPENDIX Q, RESPONSE TO COMMENTS

BULL MOUNTAIN NATURAL GAS PIPELINE PROJECT

DEIS Formal Notice and Comment

(Public Comments received and inserted to December 08, 2006)
(Internal Agency responses inserted to March 07, 2007)

1.0 List of Respondents to DEIS Notice and Comment Period (60-days: September 15th to November 14th, 2006)	
Letter #	Agency, Organization, Business, or Individual
1.	Sloan Shoemaker, Wilderness Workshop, P.O. Box 1442, Carbondale, CO. 81623 (1 page E-mail with attachment: 2006 Court Decision on the 2001 Roadless Rule. Email dated 09.20.2006).
2.	David Baumgarten, County Attorney, Gunnison County, 200 E Virginia Ave., Gunnison CO 81230. 1-page Letter dated September 20, 2006
3.	Dan Morse, High Country Citizens Alliance, P.O. Box 1066, 724 Elk Ave., Crested Butte, CO 81225 (6-page FAX and USPS letter dated October 05, 2006). Co-signed by Dave Baumgarten, Gunnison County Attorney; Sloan Shoemaker, Wilderness Workshop; and Rob Peters, Western Slope Environmental Resource Council.
4.	Dow and Kathy Rippy, P.O Box 309, Carbondale, CO. 2-page Hand-written letter dated October 07, 2006
5.	Kurt and Susan Flynn, 4825 E. Collinsville Place, Highlands Ranch, CO. 80130. 3 page Letter dated October 11, 2006.
6.	USDI-Office of Environmental Policy and Compliance, Denver, CO. 80225. 3 page Letter dated November 02, 2006
7.	Kathy Kilmer, 1235 S Elizabeth, Denver, CO 80210 1-page E-mail comments recd November 09, 2006
8.	Judy Kolb, 320 N. Sawtelle Ave. Tucson, Arizona 85716-4727. 1-page E-mail comments recd November 10, 2006
9.	Jason Suazo, 9170 W Progress Pl, Littleton, Colorado 80123. 1 page E-mail comments recd November 10, 2006
10.	Evalinda Walrack, 121B Arroyo Calabasa, Santa Fe, NM 87506. 1 page E-mail comments recd November 10, 2006
11.	Gernot and Ava Heinrichsdorff, 418 Dahlia St., Colorado Springs, Colorado 80904. 1-page E-mail comments recd November 10, 2006
12.	Linda Schermer, 500 Mtn. Lilac Dr., Sedona, Arizona 86336 1-page Email comments recd November 10.2006
13.	Brad Frank, Box 152, Hesperus, Colorado 81326 1-page Email comments recd November 10, 2006
14.	Herbert W. Samenfeld, 13631 E. Marina Dr., #603, Aurora, Colorado 80014-3733 1-page Email comments recd November 10, 2006
15.	James Gilland, 3980 W. Linda Vista Blvd. Apt. 9101, Tucson, Arizona 85742-8786. 1-page Email comments recd November 10, 2006
16.	Luke J. Danielson, Attorney at Law, 108 W. Tomichi Ave. Suite B Gunnison CO 81230 1-page Email comments recd 11.10.2006
17.	Audrey Franklin, 434 West 4th St. Loveland, Colorado 80537-5418 1-page Email comments recd 11.10.2006
18.	Patricia Del Tredici, (NEED USPS Address yet) 1-page Email comments recd 11.10.2006
19.	David Witt, PO Box 317, Taos, NM 87571 1-page Email comments recd 11.11.2006
20.	Carolyn Sommerville, 4901 S. Monaco Street, Denver, CO 80237 1-page Email comments recd 11.12.2006
21.	Jennifer Clarke, 35 Arado Way, Greeley, CO 80634 1-page Email comments recd 11.12.2006
22.	Bobbe Besold, 302 Lomita Street, Santa Fe, NM 87505 1-page Email comments recd 11.12.2006
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29.	Justin Johns (need usps address yet) 1-page Email comments recd 11.13.2006
30.	Mike Kluthe, 5766 Monte Verde Dr., Mtn. Green, UT 84050 1-page Email comments recd 11.13.2006

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31.	Gunnison County Commission, signed by County Attorney David Baumgarten. Gunnison County, 200 E Virginia Ave., Gunnison CO 81230. 2-page Letter dated November 7, 2006
32.	Daniel D. McPherson, 1859 County Rd 344, Silt, CO 81652 2-page Phone log of comments to Project Manager, 11.13.2006
33.	Daniel D. McPherson, 1859 County Rd 344, Silt, CO 81652. 2-page Email with attachment comments dated 11.13.2006
34.	Falcon Seaboard, 109 N. Post Oak Lane, Suite 540, Houston, TX 77024. 1-page Fax letter recd 11.13.2006
35.	SG Interests I, Ltd. 909 Fannin, Suite 2600, Houston, TX. 77010. 15 page Fax letter recd 11.13.2006
36.	Wilderness Workshop, PO Box 1442, Carbondale, CO. 40 page Letter recd 11.13.2006
37.	Delta County Commissioners, CO. 3-page letter recd 11.14.2006
38.	Colorado Dept. of Natural Resources (DNR), Division of Wildlife (DOW). (2-page comment letter dated 11.1. 2006, rcvd 11.13.2006)
39.	Arthur Beavers, PO Box 638, Paonia, CO. 81428. (1-page letter dated Nov. 10, 2006, rcvd 11.14.2006 via email bundle attachments from David Ludlam)
40.	Beavers Construction Company, PO Box 638, Paonia, CO. 81428. (1-page letter dated Nov. 10, 2006, rcvd 11.14.2006 via email bundle attachments from David Ludlam)
41.	Dennis Green, 10530 3200 Rd, Hotchkiss CO. (1-page letter no date, rcvd 11.14.2006 via email bundle attachments from David Ludlam)
42.	Mark Helder, no address noted, Delta County CO. (1-page letter dated Nov. 14, 2006, rcvd 11.14.2006 via email bundle attachments from David Ludlam)
43.	Vicki Jones, 330 W. Bridge Street, Hotchkiss, CO. (1-page letter dated Nov. 10, 2006, rcvd 11.14.2006 via email bundle attachments from David Ludlam)
44.	Pat Knaub, 12424 Rock Hill Road, Eckert CO. (1-page letter dated Nov. 10, 2006, rcvd 11.14.2006 via email bundle attachments from David Ludlam)
45.	Jeff Nieman, 132 Grand Ave., Paonia, CO. (1-page letter dated Nov. 14, 2006, rcvd 11.14.2006 via email bundle attachments from David Ludlam)
46.	Michelle Phelps, 34916 Powell Mesa Road, Hotchkiss, CO. (1-page letter dated Nov. 11, 2006, rcvd 11.14.2006 via email bundle attachments from David Ludlam)
47.	Ted Pierce, 42106 Foothills Rd., Paonia, CO. (1-page letter dated Oct. 25, 2006, rcvd 11.14.2006 via email bundle attachments from David Ludlam)
48.	Curtis Wright, no address noted, Delta County, CO. (1-page letter dated Nov. 13, 2006, rcvd 11.14.2006 via email bundle attachments from David Ludlam)
49.	Scanned letter has no readable NAME or ADDRESS noted, Delta County, CO. (1-page letter dated Nov. 10, 2009, rcvd 11.14.2006 via email bundle attachments from David Ludlam)
50.	Jerry Fazz, Divide Creek Ranches. Silt, CO. 1 page letter via FAX dated 11.15.2006
51.	Rosemary Patterson, Grand View Ranch, 228 Rd. 343, Silt, CO. 81652. 2 page letter via FAX dated 11.15.2006
52.	Bjork-Lindley-Little Law firm, 1600 Stout St, Suite 1400, Denver CO. 80202. 3-page letter dated Nov. 03, 2006 but recd at FS office via email attachment November 29, 2006.
53.	Gunnison Energy Corporation, 1801 Broadway, Suite 1200, Denver, CO. 8-page letter dated Nov. 07, 2006 but recd at FS office via email attachment November 29, 2006.
54.	United States Environmental Protection Agency (EPA). Region 8, Denver CO. 8 page letter recd Nov. 07, 2006
55.	Center for Water Advocacy, PO Box 583, Clifton, CO. 81520. 7 page letter recd Dec. 11, 2006
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84.	Justin Johns (need usps address yet) 1-page Email comments recd 11.13.2006
85.	Mike Kluthe, 5766 Monte Verde Dr., Mtn. Green, UT 84050 1-page Email comments recd 11.13.2006
86.	Gunnison County Commission, signed by County Attorney David Baumgarten. Gunnison County, 200 E Virginia Ave., Gunnison CO 81230. 2-page Letter dated November 7, 2006
87.	Daniel D. McPherson, 1859 County Rd 344, Silt, CO 81652 2-page Phone log of comments to Project Manager, 11.13.2006
88.	Daniel D. McPherson, 1859 County Rd 344, Silt, CO 81652. 2-page Email with attachment comments dated 11.13.2006
89.	Falcon Seaboard, 109 N. Post Oak Lane, Suite 540, Houston, TX 77024. 1-page Fax letter recd 11.13.2006
90.	SG Interests I, Ltd. 909 Fannin, Suite 2600, Houston, TX. 77010. 15 page Fax letter recd 11.13.2006
91.	Wilderness Workshop, PO Box 1442, Carbondale, CO. 40 page Letter recd 11.13.2006
92.	Delta County Commissioners, CO. 3-page letter recd 11.14.2006
93.	Colorado Dept. of Natural Resources (DNR), Division of Wildlife (DOW). (2-page comment letter dated 11.1. 2006, rcvd 11.13.2006)
94.	Arthur Beavers, PO Box 638, Paonia, CO. 81428. (1-page letter dated Nov. 10, 2006, rcvd 11.14.2006 via email bundle attachments from David Ludlam)
95.	Beavers Construction Company, PO Box 638, Paonia, CO. 81428. (1-page letter dated Nov. 10, 2006, rcvd 11.14.2006 via email bundle attachments from David Ludlam)
96.	Dennis Green, 10530 3200 Rd, Hotchkiss CO. (1-page letter no date, rcvd 11.14.2006 via email bundle attachments from David Ludlam)
97.	Mark Helder, no address noted, Delta County CO. (1-page letter dated Nov. 14, 2006, rcvd 11.14.2006 via email bundle attachments from David Ludlam)
98.	Vicki Jones, 330 W. Bridge Street, Hotchkiss, CO. (1-page letter dated Nov. 10, 2006, rcvd 11.14.2006 via email bundle attachments from David Ludlam)
99.	Pat Knaub, 12424 Rock Hill Road, Eckert CO. (1-page letter dated Nov. 10, 2006, rcvd 11.14.2006 via email

1.0 List of Respondents to DEIS Notice and Comment Period (60-days: September 15th to November 14th, 2006)	
Letter #	Agency, Organization, Business, or Individual
	bundle attachments from David Ludlam)
100.	Jeff Nieman, 132 Grand Ave., Paonia, CO. (1-page letter dated Nov. 14, 2006, rcvd 11.14.2006 via email bundle attachments from David Ludlam)
101.	Michelle Phelps, 34916 Powell Mesa Road, Hotchkiss, CO. (1-page letter dated Nov. 11, 2006, rcvd 11.14.2006 via email bundle attachments from David Ludlam)
102.	Ted Pierce, 42106 Foothills Rd., Paonia, CO. (1-page letter dated Oct. 25, 2006, rcvd 11.14.2006 via email bundle attachments from David Ludlam)
103.	Curtis Wright, no address noted, Delta County, CO. (1-page letter dated Nov. 13, 2006, rcvd 11.14.2006 via email bundle attachments from David Ludlam)
104.	Scanned letter has no readable NAME or ADDRESS noted, Delta County, CO. (1-page letter dated Nov. 10, 2009, rcvd 11.14.2006 via email bundle attachments from David Ludlam)
105.	Jerry Fazz, Divide Creek Ranches. Silt, CO. 1 page letter via FAX dated 11.15.2006
106.	Rosemary Patterson, Grand View Ranch, 228 Rd. 343, Silt, CO. 81652. 2 page letter via FAX dated 11.15.2006
107.	Bjork-Lindley-Little Law firm, 1600 Stout St, Suite 1400, Denver CO. 80202. 3-page letter dated Nov. 03, 2006 but recd at FS office via email attachment November 29, 2006.
108.	Gunnison Energy Corporation, 1801 Broadway, Suite 1200, Denver, CO. 8-page letter dated Nov. 07, 2006 but recd at FS office via email attachment November 29, 2006.
109.	United States Environmental Protection Agency (EPA). Region 8, Denver CO. 8 page letter recd Nov. 07, 2006
110.	Center for Water Advocacy, PO Box 583, Clifton, CO. 81520. 7 page letter recd Dec. 11, 2006

[1] The DEIS formal Notice and Comment period of 60-days started with publication of a Notice of Availability of the DEIS in the Federal Register on September 15th, 2006. Letters were mailed to 137 agencies, tribal governments, groups and individuals on September 13th, 2006. In addition, PAO press releases were sent by the White River NF and the BLM to local newspaper and radio media outlets on September 15th, 2006. The formal comment period ended on November 14, 2006. Comment Letters are numbered by the approximate date they were received at the FS TEAMS office (Boise Idaho) for analysis.

BULL MOUNTAIN NATURAL GAS PIPELINE PROJECT
DEIS COMMENTS RECEIVED IN RESPONSE TO FEDERAL REGISTER NOA DATED SEPTEMBER 15, 2006 AND LEGAL NOTICES IN LOCAL NEWSPAPERS, PAO PRESS RELEASES BY FS AND BLM, AND LETTERS SENT TO THE PROJECT MAILING LIST.

Respondent #1: Sloan Shoemaker, Wilderness Workshop Citizens Group. (Email with attachment dated September 20, 2006)	
Comment	**Comment Analysis and FS/BLM Response**
1.1 Please tell me how this decision (9th Circuit Roadless 2001) affects the Bull Mountain Pipeline's Preferred Alternative.	Roadless Topic Response: The recent decision (Sept 19th, 2006) in California v. Dept. of Agriculture that set aside the State Petitions Roadless Rule and reinstated the 2001 Roadless Rule (Jan. 12, 2001), is being evaluated as it pertains to the Bull Mountain project DEIS. The FEIS and any final decision would be consistent with the legal determination for the Roadless Rule that is in effect at the time of the decision. The DEIS Proposed Action (Identified as the Preferred Alternative) and Alternative #1 are the alternatives that would be routed through Roadless Areas. Both the Proposed Action route and Alternative #1 route would follow an existing 20-ft wide pipeline ROW (Ragged Mountain Natural Gas Pipeline) that was constructed in 1983, for the majority of the length through the roadless areas. The BMNG pipeline ROW would be adjacent to the Ragged Mountain Natural Gas Pipeline ROW to the north side, and the two pipeline ROWs would overlap each other (overlap estimated at 12 feet) to the extent possible while maintaining safety measures, in the roadless area portions of the route. DEIS Alternatives #2 and #3 both travel a longer route and avoid all Roadless Areas. However, at this time the FS offers the following interpretations on the BMNG Pipeline Project and consistency with the 2001 Roadless Rule: • The 2001 Roadless Rule does not prohibit pipelines or utility corridors (2001 Roadless Rule, FR 66(9): 3273, interpretation of paragraph (b) (2) of the Rule). Utility corridors are listed as one example of a management activity. In addition the following is from the 2001 Rule preamble (Federal Register / Vol. 66, No. 9, p 3249): o *The Roadless Area Conservation rule, unlike the establishment of wilderness areas, will allow a multitude of activities including motorized uses, grazing, and oil and gas development that does not require new roads to continue in inventoried roadless areas. (* • Definition of a Road: *Road. A motor vehicle travelway over 50 inches wide, unless designated and managed as a trail. A road may be classified, unclassified, or temporary.* (2001 Roadless Rule at 294.11) • Definition of Road construction: *Activity that results*

Respondent #1: Sloan Shoemaker, Wilderness Workshop Citizens Group. (Email with attachment dated September 20, 2006)	
Comment	Comment Analysis and FS/BLM Response
	in the addition of forest classified or temporary road miles (2001 Roadless Rule at 294.11). • For the BMNG pipeline, construction vehicles would use existing roads to access the construction zone for the pipeline Right-of-Way (ROW). No new road construction or maintenance is proposed in any roadless area. No temporary or permanent roads are needed in Roadless Areas to allow motorized access of equipment to build the BMNG pipeline. • Equipment and vehicles needed to support pipeline construction and reclamation would be authorized to travel within the pipeline ROW in a defined "construction zone", which would not be considered a "road" (temporary or otherwise) by the Agency. • After ROW rehabilitation, the holder of the ROW grant would not be allowed to use the pipeline Row or utility corridor as a vehicle access way except under emergency conditions, as authorized by the surface land management agency. In addition, the 2001 Rule provides for *"cutting, sale, or removal of timber incidental to the implementation of a management activity not otherwise prohibited by this subpart"* (2001 Roadless Rule, Section 294.13 (2)). Utility corridors are listed as one example of a management activity. Therefore, timber may be cut and the soil surface graded in a ROW and Temporary Use Areas needed for pipeline construction.

Respondent #2: David Baumgarten, Gunnison County Attorney, Gunnison County CO. (Email with Memorandum attachment dated September 20, 2006)	
Comment	Comment Analysis and FS/BLM Response
2.1 Gentlemen: As I am sure you are already aware, an order was issued yesterday in California v. Dept. of Agriculture setting aside the State Petitions Rule and reinstating the Roadless Rule. Gunnison County will continue to draft and timely submit comments on the draft EIS, Bull Mountain Natural Gas Pipeline. However, Gunnison County suggests that because both the Preferred Alternative and Alternative 1 in the draft EIS directly cross Inventoried Roadless Areas in contravention of the Roadless Rule, the draft EIS should be withdrawn and redrafted	The recent decision (Sept 19th, 2006) in California v. Dept. of Agriculture that set aside the State Petitions Roadless Rule and reinstated the 2001 Roadless Rule, is being evaluated as it pertains to the Bull Mountain project DEIS. The FEIS and any final decision in a ROD would be consistent with the legal determination for the Roadless Rule at the time of the decision. See Response 1.1 for a detailed discussion of the BMNG project and consistency with the 2001 Rule.
2.2 May I ask that you advise Gunnison County, through me, of the action to be taken regarding the draft EIS as a result of the order in California v. Department of Agriculture. Thank you.	See Response 2.1 above

Respondent #3: Dan Morse, High Country Citizens Alliance, P.O. Box 1066, 724 Elk Ave., Crested Butte, CO 81225 (FAX and USPS letter dated October 05, 2006). Co-signed by Dave Baumgarten, Gunnison County Attorney; Sloan Shoemaker, Wilderness Workshop; Rob Peters, Western Slope Environmental Resource Council.

BULL MOUNTAIN NATURAL GAS PIPELINE PROJECT

Comment	Comment Analysis and FS/BLM Response
3.1 Re: Reinstatement of the 2001 Roadless Rule Bars Construction of Bull Mountain Natural Gas Pipeline Through Roadless Areas. As you are aware, on September 19.2006 Judge Elizabeth D. Laporte of the U.S. District Court for Northern California set aside the Forest Service's State Petitions Rule and reinstated the 2001 Roadless Area Conservation Rule. In effect, this order validates the wishes of the large majority of Coloradoans who have clearly stated their support for maintaining Colorado's roadless areas in their present condition. While the court order and reinstatement of the 2001 Rule affirms the public's will as expressed during the Colorado petition process, it prompts a number of questions regarding the Bull Mountain Natural Gas Pipeline Draft Environmental Impact Statement (DEIS).	The recent decision (Sept 19th, 2006) in California v. Dept. of Agriculture that set aside the State Petitions Roadless Rule and reinstated the 2001 Roadless Rule, is being evaluated as it pertains to the Bull Mountain project DEIS. The FEIS and any final decision in a ROD would be consistent with the legal determination for the Roadless Rule at the time of the decision. See Response 1.1 for a detailed discussion of the BMNG project and consistency with the 2001 Rule.
3.2 Reinstatement of the 2001 role will require changes to the way new proposals within roadless areas are evaluated and/or implemented, and will generally prohibit any future agency decision approving new road construction or commercial1ogging within roadless areas. The ruling also arguably renders unlawful agency approval of such projects that occurred since the 2001 rule was originally issued. The protections of the 2001 rule, specifically the prohibitions on temporary roads and timber cutting, should now be applied to all projects, proposals, leases and other uses proposed within roadless areas during the intervening five year period. Since the 2001 roadless rule prohibitions now apply to any future decisions within GMUG and WRNF roadless areas, we suggest that the GMUG and WRNF move quickly to explain why a decision to implement the Bull Mountain DEIS' Preferred Alternative or Alternative 1 would not directly violate the 2001 Rule, and how the GMUG and WRNF can consider alternatives that are now illegal. Failing that, the Forests should immediately redesign or withdraw the Bull Mountain DEIS (and any other proposals in roadless areas that may violate the 2001 Rule).	See Response 3.1 above.
3.3 USFS Washington Office Roadless Rule Direction In a memorandum dated September 22, 2006 to all regional foresters, deputy chief foresters, and Washington Office Staff Directors, Chief Dale Bosworth issued a directive for immediate compliance with the 2001 Roadless Rule. In part his memo states: ..."the following action must be taken immediately to comply with the Court's order. Do not approve any further management activities in inventoried roadless areas that would be prohibited by the 2001 Roadless Rule."... The clear implication of this directive for the Bull	See Response 3.1 above.

Respondent #3: Dan Morse, High Country Citizens Alliance, P.O. Box 1066, 724 Elk Ave., Crested Butte, CO 81225 (FAX and USPS letter dated October 05, 2006). Co-signed by Dave Baumgarten, Gunnison County Attorney; Sloan Shoemaker, Wilderness Workshop; Rob Peters, Western Slope Environmental Resource Council.

Comment	Comment Analysis and FS/BLM Response
Mountain Pipeline DEIS is that the Preferred Alternative and Alternative 1 can not and should not be approved under the prohibitions of the 2001 Roadless Rule. The onus is on the Forest service to prove otherwise. Existing case law mandates that, therefore, that the USFS revoke the preferred alternative from the DEIS and select an alternative that avoids roadless areas. As mandated by the recent ruling in People of the State of California v. U.S. Department of Agriculture, No. CQS-O3508 EDL. (September 20, 2006). The Forest Service's policy objective in promulgating the Rule is to "prohibit[] activities that have the greatest likelihood of degrading desirable characteristics of inventoried roadless areas and [to] ensur[e] that ecological and social characteristics of inventoried roadless areas are identified and evaluated through local land management planning efforts". The Forest Service defined these values as, among other things undisturbed landscapes, sources of water, biological diversity, protection against invasive species, and educational opportunities. This type of road construction and related activity is exactly the type of project that are prohibited under the Roadless Rule. See People of the State of California *Id.* In fact, under that case a variety of projects including road construction, timber harvest and mining activity as long as they affect the "roadless" character of an area would be prohibited *Id.*	
3.4 The actions proposed under the DEIS Preferred Alternative and Alternative 1 would result in the creation of temporary and permanent roads within three GMUG and WRNF Inventoried Roadless Areas. Although the DEIS attempts to construe activities associated with construction and maintenance of the Bull Mountain Pipeline as surface disturbance other than road construction, the activities could hardly be considered as anything but the development and continuing use of roads. Specifically, the DEIS calls for "Temporary "Use Areas" to accommodate the movement of vehicular traffic during construction. These linear, 50-100 foot wide temporary use areas created by the removal of timber and widespread surface disturbance are intended to act as travelways to facilitate access to the construction zone by dozens of vehicles and clearly meet the 2001 Roadless Rule definition of a temporary road. (3) *Temporary road* A road authorized by contract,	See Response 3.1 above.

Respondent #3: Dan Morse, High Country Citizens Alliance, P.O. Box 1066, 724 Elk Ave., Crested Butte, CO 81225 (FAX and USPS letter dated October 05, 2006). Co-signed by Dave Baumgarten, Gunnison County Attorney; Sloan Shoemaker, Wilderness Workshop; Rob Peters, Western Slope Environmental Resource Council.

Comment	Comment Analysis and FS/BLM Response
permit, lease~ other written authorization, or emergency operation, not intended to be part of the forest transportation system and not necessary for long-term resource management. (36 CFR 294 Special Areas: Roadless Area Conservation; Final Rule. Federal Register / Vol. 66, No. 9/ Friday, January 12, 2001 / Rules and Regulations, p. 3272)	
3.5 The Forest Service cannot escape the 2001 Rule's ban on construction of temporary roads simply by renaming the routes as "temporary use areas". Furthermore, continued access along the pipeline right-of-way (ROW) for inspection and maintenance would require ongoing vehicular access and consequent ground disturbance for the useful life of the pipeline. Ongoing vehicular use of a pipeline corridor by vehicles over 5O inches wide is quite clearly the development of a long-term road. Such use further violates the prohibitions of the 2001 rule, which specifically prohibits roads authorized by contract, permit, lease, other written authorization, not intended to be part of the forest transportation system and not necessary for long-term resource management (36 CFR 294 § 294.12). Furthermore, the construction of such a temporary road fails to meet the limited exceptions allowing the construction of a temporary road under the 2001 Roadless Rule. None of the DEIS Alternatives for the pipeline demonstrate that their intent is in conjunction with the continuation of a mineral lease nor do any of the alternatives meet any part of the six other limited exceptions for the construction of roads under the 2001 Roadless Rule.	See Response 3.1 above.
3.6 <u>Bull Mountain Proposal Impacts to Roadless Area Characteristics.</u> The 2001 Roadless Rule defines roadless area characteristics as those resources or features that are often present in and characterize inventoried roadless areas. These resources can include high quality or undisturbed soil, water, and air; a diversity of plant and animal communities; habitat for threatened, endangered, proposed, candidate; and sensitive species and for those species dependent on large undisturbed areas of land. Roadless areas also typically contain primitive, semi-primitive non-motorized and semi-primitive motorized classes of dispersed recreation as well as reference landscapes; natural appearing landscapes with high scenic quality, and other locally identified unique characteristics. The Clear Fork, East Willow and Baldy Mountain Roadless Areas contain all of these	In Addition, See Response 3.1 above. Wildlife Topic Response: The roadless areas in the project area do contribute to a diverse range of habitats for many wildlife species, as discussed in the DEIS pages 174-186 and 190-194. Effects to wildlife species are analyzed in the DEIS pages 196-228. Species analyzed includes threatened, endangered and sensitive species and management indicator species. Species dependent on large undisturbed areas of land are represented in the analysis by wolverine and elk. As disclosed in the DEIS, there would be direct and indirect effects during construction, and indirect and cumulative effects after the pipeline would be installed. To mitigate these effects, design criteria have been included into all the alternatives (shown in DEIS Table 80 and DEIS Appendix B). Recreation Topic Response: The Proposed Action and Alternative 1 pass though the East Willow, Baldy Mountain and Clear Creek IRA's. These IRA's are not characterized as

Respondent #3: Dan Morse, High Country Citizens Alliance, P.O. Box 1066, 724 Elk Ave., Crested Butte, CO 81225 (FAX and USPS letter dated October 05, 2006). Co-signed by Dave Baumgarten, Gunnison County Attorney; Sloan Shoemaker, Wilderness Workshop; Rob Peters, Western Slope Environmental Resource Council.

Comment	Comment Analysis and FS/BLM Response
characteristics.	Primitive or Semi-Primitive Non-Motorized for recreation purposes, using the Recreation Opportunity Spectrum (ROS). The ROS designation is SPM for all IRA's for winter recreation in the IRA's. The existing Ragged Mountain Pipeline is within the SPM ROS class. The proposed Bull Mountain ROW follows the Ragged Mountain Pipeline and would not change the SPM designation. Summer ROS designations are Roaded Natural (RN), Roaded Modified (RM) and Roaded Natural – Non Motorized (RN-NM). These designations recognize the presence of the Ragged Mountain Pipeline and its effect on recreation character of the landscape. Visual Topic Response: Although the 2001 Roadless Rule defines roadless area characteristics that include natural appearing landscapes with high scenic quality, both the Clear Fork and East Willow roadless areas already contain a gas pipeline within it. Its presence is apparent by the altered vegetation pattern that exists where the line is buried. Not only is the treeless strip visible from within the wooded areas, but also the reseeded grases are visibly different from the native grasses, creating a "path" of a different color. The proposed pipeline will be placed in this already disturbed area, along side the existing pipeline. However, the proposed line will further enlarge the scar. The scenic integrity of the area where the existing line occurs is not classified as "high" but "moderate" because of this slightly altered appearance of its character. The landscape attributes are largely a mosaic of of gamble oak, aspens and open grasslands within rolling hill topography. While the vegetative mosaic puts on a good show in the fall, the overall scenic attractiveness of the landscape is described as "Level B", typical. This means that the attributes are providing, ordinary scenic quality. Within the Baldy Mountain roadless area, the existing pipeline skirts just outside the Baldy Mountain roadless area boundary. Since the proposed pipeline location was not surveyed on the ground but only a general location, the line on the map shows the pipeline going through the roadless area. The actual location may or may not intrude into Baldy Mountain roadless area. See Soils and watershed analysis in sections 3.2 and 3.3 of the DEIS and FEIS.
3.7 The preferred alternative would significantly impact the Clear Fork, East Willow, and Baldy Mountain Roadless Areas by routing 8.33 miles of the proposed 25.5 mile pipeline through their core. <u>The DEIS states</u>: The Bureau of Land Management (BLM), with USDA Forest Service (FS) consultation, proposes to issue	See Response 3.1 above.

Respondent #3: Dan Morse, High Country Citizens Alliance, P.O. Box 1066, 724 Elk Ave., Crested Butte, CO 81225 (FAX and USPS letter dated October 05, 2006). Co-signed by Dave Baumgarten, Gunnison County Attorney; Sloan Shoemaker, Wilderness Workshop; Rob Peters, Western Slope Environmental Resource Council.

Comment	Comment Analysis and FS/BLM Response
a right-of-way (ROW) grant and temporary use area (TUA) permits that would authorize SG Interests (SG) to construct, operate and maintain the Bull Mountain Natural Gas Pipeline (BMNGP). The BMNGP project would involve installing approximately 25.5 miles of 20-inch diameter buried steel natural gas pipeline and related aboveground appurtenances within a 50-foot right-of-way. The BLM and FS also propose to authorize SG to install a produced water pipeline of 8-inch diameter steel pipeline within the same ROW as the gas pipeline. Surface disturbance during construction is estimated to be 309 acres considering a proposed construction right-of-way of approximately 100 feet. The 50-foot ROW would encompass 154 acres out of the 309 acres mentioned above. The proposed pipelines and related facilities would be located on BLM public lands administered by the Glenwood Springs Field Office and on National Forest System (NFS) lands administered by the White River (WRNF) and Grand Mesa-Uncompahgre-Gunnison (GMUG) National Forests. *DEIS at I.*	
1. Effects on Inventoried Roadless Areas (IRAs) Of the 25.5 miles of proposed pipeline, approximately 8.33 miles would traverse portions of three Inventoried Roadless Areas: Clear Creek IRA (GMUG) -5.75 miles; East Willow IRA (WRNF) -1.72 miles; and Baldy Mountain IRA (WRNF) -0-86 miles. Pipeline ROW construction and ROW grant could alter roadless character in Inventoried Roadless Areas due to initial land	See Response 3.1 above. See Response 1.1 for a detailed discussion of the BMNG project and consistency with the 2001 Rule. Wildlife Topic Response: Changing management allocation of the pipeline corridor to a Utility Corridor management prescription is no longer part of the proposed action or any action alternative. The changes to wildlife habitat as a result of pipeline construction under the proposed action and other alternatives are displayed on pages 224-225 of the DEIS. The permanent clearing of woody vegetation is expected to be 10-12' wide. The remainder of the ROW and construction zone would be allowed to revegetate with woody native species. The area is no longer being proposed as a utility corrodor.

Respondent #3: Dan Morse, High Country Citizens Alliance, P.O. Box 1066, 724 Elk Ave., Crested Butte, CO 81225 (FAX and USPS letter dated October 05, 2006). Co-signed by Dave Baumgarten, Gunnison County Attorney; Sloan Shoemaker, Wilderness Workshop; Rob Peters, Western Slope Environmental Resource Council.

Comment	Comment Analysis and FS/BLM Response
disturbance and long-term appearance of a linear pipeline ROW Utility Corridor management designation could alter roadless character in Inventoried Roadless Areas due to the change in management prescription and the potential for other underground utilities to be located in the same corridor. 3.8 Based on the fact that the area of surface disturbance and "vegetation" removal is so large, the preferred alternative is analogous to a large logging unit. In addition, the proposal would also amend the GMUG and WRNF Forest Plans to permanently dedicate a 100 ft. wide swath maintained in a treeless condition through these roadless areas as a utility corridor, a significant change from the management prescriptions that emphasize wildlife habitat and forage values. The DEIS itself states that the Roadless Areas would be impacted as described in Table 1 *(DEIS at* 1). It is a definitional conflict to say that roadless areas will be impacted while on the other hand arguing that proposed activities would not be prohibited by the rule designed to eliminate the possibility of such impacts. Table 1 – Bull Mountain DEIS – Impacts to Roadless Areas	
3.9 Roadless values are recognized not only by the 2001 Rule, but also by the vast majority of Colorado residents, and USFS policy. The importance of roadless areas is also recognized by the Colorado Division of Wildlife and conservation biologists for the critical role they play in supporting wildlife populations and hunting recreation. The Bull Mountain gas pipeline, if developed as specified in the Preferred Alternative or Alternative 1, would have regional impacts on biodiversity and wilderness values. The rights of way for the pipeline in these alternatives would lie in a narrow isthmus of inventoried roadless lands that forms a bridge between the West Elk Wilderness and roadless areas to the north in the White River NF.	See Response 3.1 above. Wildlife Topic Response: See Response 3.6 above. The proposed action and Alternative 1 corridors cross an area of land located between Battlement Mesa to the west, Grand Mesa to the south and west, and NFS lands that include several other roadless areas and wilderness as well as the Maroon Bells-Snowmass, Raggeds, and West Elk Wilderness areas to the east and south. The installation of an underground pipeline is not expected to create extensive development. Disturbance associated with pipeline installation would last three seasons (May 15 to December 1 unless adverse weather conditions require shortened seasons) and activities may disrupt movements of some species during this time. Over the long-term, there are limited above-ground facilities associated with this proposal (DEIS pg 34-35). Motorized vehicle use along the pipeline ROW would only be allowed on a case-by-case basis for emergency repair (DEIS, pg 54). The cleared corridor is not expected to be a hazard or obstacle to movements by wildlife. Species vary in their ability to cross openings, and effects are discussed by species,

Respondent #3: Dan Morse, High Country Citizens Alliance, P.O. Box 1066, 724 Elk Ave., Crested Butte, CO 81225 (FAX and USPS letter dated October 05, 2006). Co-signed by Dave Baumgarten, Gunnison County Attorney; Sloan Shoemaker, Wilderness Workshop; Rob Peters, Western Slope Environmental Resource Council.

Comment	Comment Analysis and FS/BLM Response
	where relevant (ie marten). Movement between roadless or wilderness areas would not be affected by this proposal. Recreation Topic Response: The impacts to hunting in conjunction with inventoried roadless areas are described in Section 3.11.5 – Effects on Hunting/Outfitter Guides
3.10 This habitat bridge is likely to be critical to the future of the biological integrity of the region because it will allow the persistence of ecologically effective populations of highly interactive species. These species, including large carnivores, help maintain healthy forests. For example, Colorado Division of Wildlife radio collar "soundings" of released lynx are numerous and concentrated in this area, especially in the northern half of the Clear Fork Roadless Area. Without carnivores such as lynx, forest ecosystems tend to decline over time- extensive gas development in this region, including the Bull Mountain Pipeline, would have a deleterious effect on lynx and other species	Wildlife Topic Response: See Response 3.9 above. Potential effects to lynx and other large carnivores (i.e. wolverine) are analyzed in the DEIS pgs 196-201, and 204-205.
3.11 Our concern is that intensive extractive activities that depend on roads and motorized vehicles for ongoing maintenance of the pipeline and on other industrial infrastructure could create an obstacle and hazard to the movement of animals between the West Elk Wilderness and the roadless areas to the north; thus jeopardizing the viability of wildlife populations throughout the entire region. Therefore, we ask you to consider the long-term integrity and viability of the ecosystems in this region as you consider further energy development in these roadless areas. Projects within roadless areas that impact these values are not simply illegal; they also cause very real impacts to natural resources vitally important to our state's economy, the continued vitality of our environment and our quality of life. Simply put, such projects are not good ideas and are not in the nation's collective best interest.	See Response 3.1 above. Wildlife Topic Response: See Response 3.9 above. This project does not lie between the West Elk Wilderness and other roadless areas to the north (Response 3.9 above). The pipeline has been sized to accommodate anticipated natural gas production from the Bull Mountain Unit in addition to "common carrier" capacity needs that could arise from other existing leased production areas (DEIS, p5). There are numerous gas lease parcels in the project area, and the BLM has quarterly lease auctions that could add new leases in or close to the project area (DEIS, pg 87). These actions that are ongoing or are reasonably foreseeable (Appendix P) have been included in the cumulative effects analysis. The anticipated short-term and long-term effects on animal movement through the project area and cumulative effects areas for the various species evaluated for this project are discussed on FEIS pages #-#.
3.12 <u>Potential Remedies for Bull Mountain Roadless Rule Conflicts</u> Consistent with Judge Laporte's order and Chief Bosworth's directive, the Forest Service cannot approve any new project involving the construction of permanent or temporary roads within USFS Inventoried Roadless Areas. This includes the Bull Mountain Pipeline as proposed. As a result the Forest Service should withdraw the Bull Mountain DBIS for further consideration and either; 1) Eliminate the Preferred Alternative and Alternative 1	See Response 3.1 above. See Response 1.1 for a detailed discussion of the BMNG project and consistency with the 2001 Rule.

Respondent #3: Dan Morse, High Country Citizens Alliance, P.O. Box 1066, 724 Elk Ave., Crested Butte, CO 81225 (FAX and USPS letter dated October 05, 2006). Co-signed by Dave Baumgarten, Gunnison County Attorney; Sloan Shoemaker, Wilderness Workshop; Rob Peters, Western Slope Environmental Resource Council.	
Comment	Comment Analysis and FS/BLM Response
from the DEIS for further consideration or 2) Redesign and amend the Preferred Alternative and Alternative 1 in order to reroute the pipeline to avoid roadless areas.	
3.13 <u>Gas Leasing may also need reconsideration and remedy under the 2001 Roadless Rule</u> Judge Laporte's order also calls into question other Forest Service actions impacting roadless areas such as the issuance of gas leases that have occurred or been proposed since the 2001 Rule was originally enacted. We request that the Forest Service consider how national gas leases issued since January 12, 2001 should be modified to address potential conflicts with the prohibitions of the rule. At a minimum, Judge Laporte's order compels the BLM and/or Forest Service to amend all leases issued within Roadless Areas since 2001 to include permanent and <u>non-waivable</u> No Surface Occupancy (NSO) Stipulations covering the entire inventoried roadless portion of the lease parcel. The 2001 Rule may also require changes to existing, approved applications for permits to drill (APDs) in order to ensure that activities approved since 2001 are in legal compliance.	See Response 3.1 above. See Response 1.1 for a detailed discussion of the BMNG project and consistency with the 2001 Rule.
3.14 <u>Summary</u> The Bull Mountain Natural Gas Pipeline DEIS contemplates agency action that would clearly violate the 2001 Rule which bars new road construction and logging in Inventoried Roadless Areas. We request that the DEIS be withdrawn and reconsidered with respect to the reinstatement of the 2001 rule	See Response 3.1 above. See Response 1.1 for a detailed discussion of the BMNG project and consistency with the 2001 Rule.

Respondent #4: Dow and Kathy Rippy, Carbondale, CO. (Letter dated October 07, 2006)	
Comment	Comment Analysis and FS/BLM Response
4.1 Our names are Dow & Kathy Rippy, we own and operated a cattle business on West Divide Creek. We have visited with SG several times in the past year, so we are somewhat familiar with the Bull Mountain project.	Introductory comments, no response needed.

Respondent #4: Dow and Kathy Rippy, Carbondale, CO. (Letter dated October 07, 2006)	
Comment	Comment Analysis and FS/BLM Response
4.2 After reading the information you sent to use we believe that Alternative #1 is the best choice. It appears to be only .1 mile more in length or 1 ½ % more. Our reasons for choosing Alt #1 are environmental. We believe installing the pipeline corridor along the existing road through West Divide utilizing an existing route. This will minimize clearing, revegetation, wildlife and cattle disturbance. The wildlife and cattle are already adjusted to this corridor and its traffic.	Support for Alternative #1 route.
4.3 As landowners and permittees grazing cattle on the BLM and forest, we would prefer the easement along the existing road through our property, rather than cutting through open land and subdividing new lands. Thank your for your consideration	Support for placing pipeline ROW route along road through their property.

Respondent #5: Kurt and Susan Flynn, Highlands Ranch, CO. (Letter dated October 11, 2006)	
Comment	Comment Analysis and FS/BLM Response
5.1 We appreciate the time and effort the Bureau of Land Management and Forest Service have spent in the development of the Bull Mountain Natural Gas Pipeline Project, Draft Environmental Impact Statement (DEIS). Overall, the DEIS provides useful information regarding the impacts and mitigation measures that would be used if an action alternative were selected. However, we believe the following areas of concern should be addressed in the final environmental impact statement (FEIS) to ensure full disclosure of the impacts of the project. Please send a copy of the FEIS to us at the above address.	Introductory comments, no response needed.
5.2 P. iv. The Abstract and several other areas of the document, states the proposed 8-inch diameter production water pipeline would be installed in the same ROW as the proposed 20-inch diameter natural gas pipeline. On pages 33 and 34 (and possibly elsewhere) the EIS states the water and natural gas pipelines would be installed in the same trench. Please confirm that the two pipelines would be constructed in the same trench. If not, please describe how far apart the trenches would be for the pipelines.	The application submitted by SG indicates that the two pipes (8-inch water and 20-inch natural gas) would be in the same trench, about 1-foot apart at the bottom of the trench. The trench would be about 5 feet across. This is disclosed in the EIS Chapter 2, Proposed Action Description. The Proponent (SGI) recently requested a change in the proposal (Proposed Action and all alternatives) that would drop the need for an 8-inch water line and only include the 20-inch natural gas pipeline. SG has found an alternative method of water disposal for the wells in the Bull Mt Lease Unit. If this change is incorporated, this would change the trench dimensions to be approx. 3 feet wide at the bottom and approximately 5 feet deep.
5.3 P.4. The DEIS states that the current Bull Mountain Unit would accommodate 55-60 wells. Only 3 wells have been constructed. The No Action Alternative	The No Action alternative assesses that if this alterative were selected, then existing lease rights would not be exercised, and other pipeline routes would be investigated (EIS, pg. 29).

Respondent #5: Kurt and Susan Flynn, Highlands Ranch, CO. (Letter dated October 11, 2006)	
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should identify how many of these wells would be constructed if no action were selected and the resource sections should describe the impacts of these well under the no action alternative.	According to SG, the No Action alternative would see the same number of wells drilled in the Bull Mountain Unit, however over a much longer timeframe (i.e. greater than the 12 years disclosed in the DEIS). The Final EIS has been revised accordingly. Pipeline Engineering Topic Response: With the current push for energy development in the Rocky Mountain Region (due to declining supplies in other areas), it's unlikely that local well development would stop but would continue at levels dictated by market conditions. With continued well development, other pipeline projects to transport the natural gas would likely be proposed in the foreseeable future. The Proponent (SGI) notes: that they would continue drilling operations to maintain leases and prevent the Bull Mountain Unit from contracting. These additional wells would be constrained due to lack of transportation capacity. Existing lease rights would not be exercised by not being able to produce at maximum efficient rates. At this time, 7 wells have been drilled and completed in the Bull Mountain Unit and 1 well is currently drilling. 2 wells are currently producing at the combined rate of 4 MMCFD. 2 additional wells will be turned on soon which will likely fill up available transportation capacity.
5.4 P.4. Would temporary construction ROW and/or TUA's be required along the areas of the approximate 10 miles of the route adjacent to existing pipeline ROW? If so, why?	The need for a temporary ROW of up to 100 feet for construction is noted in the DEIS. The proposed ROW is offset from the existing Ragged Mt ROW and does not have a significant overlap. Heavy equipment cannot operate over the top of another existing and active pipeline without the risk of damage to the existing pipeline. Operating equipment over the existing pipeline would increase risk of damage to pipe and injury to workers. Pipeline Engineer Response: The construction ROW and TUAs are required for the storage of topsoil and spoil from the trench, pipe staging, and construction lane as illustrated in EIS Appendix A - Figure 12. Adjacent to the existing Ragged Mt ROW, the extra TUA is needed to store the downed timber, rocks, etc. that are on the existing ROW.
5.5 P.4. Would road modification or construction be required in areas where the proposed pipeline would follow adjacent to existing pipeline? If so, please explain why the existing ROW would not be used for access to the proposed pipeline construction area.	Transportation Topic Response: Where existing road conditions are not adequate for the commercial traffic associated with the transport of equipment and pipe, upgrades may occur such as resurfacing and curve widening. Currently roads do not exist in the pipeline corridor adjacent to the proposed pipeline. Pipeline Engineer Response: Construction vehicles would use existing roads to access the construction ROW. Once on the construction ROW, vehicles would move up and down the construction ROW. The construction ROW does not overlay the existing Ragged Mountain Pipeline since construction traffic over a working line is not recommended for safety

Respondent #5: Kurt and Susan Flynn, Highlands Ranch, CO. (Letter dated October 11, 2006)	
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	reasons. (Note: pipe under road crossings is designed to meet more stringent requirements to bear the vehicle loads anticipated for the road.)
5.6 P.6. The DEIS indicates that the proposed pipeline would facilitate the transportation of "existing federal oil and gas leases and privately-held mineral interests". Please identify and describe, if any, environmental compliance activities/documents that were previously conducted for the existing leases.	The federal oil and gas leases in the Bull Mountain Unit are on public lands and/or federal minerals administered by the BLM from the Uncompahgre Field Office in Montrose, CO. The leasing of these federal lands and minerals for oil and gas was authorized in the Uncompahgre Resource Management Plan and environmental impact statement (1989).
5.7 P.7. The DEIS states that the action alternatives would include FS authorization of road use permits for construction, reconstruction, use, upgrade, and/or maintenance of existing or temporary roads". However, the analysis of the impacts from the action alternatives in each resource area, does not include the impacts of the road activities. Please indicate why these impacts should not be analyzed as part of the National Environmental Policy Act process.	Pipeline Engineer Response: Commonly, pipeline EISs include access roads in the overall surface disturbance footprint (which should include access roads, pipe yards, and other disturbances in addition to the ROW), which is carried forward and evaluated for each resource. There is also usually a distinction made between construction ROW disturbance and permanent ROW disturbance (e.g., permanent vegetation changes, such as prevention of tree growth along the permanent ROW). Transportation Topic Response: These impacts are addressed in the Transportation Section 3.13.3 of the DEIS.
5.8 P.10. Would the Federal Energy Regulatory Commission (FERC) need to approve any part of the BMNGP? If so, please indicate when the FERC would conduct its own environmental compliance? Please identify the other Federal agencies that would use the EIS for their environmental compliance. Also, indicate why they were not considered as cooperating agencies on the EIS. Table 1. The agencies are responsible for the protection of T/E species, on private land that would be included as part of the proposed project, as well as federal land.	This project is not a FERC action due to the fact that the BMP pipeline is not over 24-inches in diameter and is not an interstate pipeline. Both these requirements are needed for a pipeline to be a FERC action. The authorizing actions for the BMP are listed in Section 1.5 of the EIS. The agencies participating in the EIS, the BLM Glenwood Springs Field Office, USDA-Forest Service White River and Grand-Mesa-Uncompahgre-Gunnison National Forests are listed on the front cover, and in Section 1.1 of the EIS. The respective agency's decision frameworks are detailed in Section 1.9 of the EIS.
5.9 P.29. The DEIS states that 3 wells exist but it is not clear how many additional wells would be constructed under the no action alternative. Please identify the maximum number of wells that would be constructed under the no action alternative. This information would be important for the comparison of the no action with the action alternatives.	Section 2.2.1 of the Final EIS has been updated to reflect that SG has installed 3 additional wells in the Bull Mountain unit since preparation of the Draft EIS, bringing the total to 6. According to SG, the No Action alternative would result in drilling the same amount of projected wells (55 to 60) over a longer time frame. SG affirms that should the No Action alternative be selected, then other pipeline routes would be sought out of the production area. The resources sections in Chapter 3 have been updated to reflect that the same number of wells would be drilled under the No Action alternative albeit over a longer timeframe.
5.10 P.29. The DEIS states "SG is still searching for an appropriate disposal well site on the unit". Would discovery of such site eliminate the need for the proposed water pipeline? If so, please explain why the potential disposal well site is not discussed as an	Waterline will be included in analysis at the company's option to install.

Respondent #5: Kurt and Susan Flynn, Highlands Ranch, CO. (Letter dated October 11, 2006)	
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alternative to the water pipeline in the DEIS.	
5.11 P.30. On page 99, the DEIS states as many as 282 new wells would be constructed as part of the action alternatives. The DEIS does not include an environmental analysis of the direct or cumulative impacts of the construction and operation of these wells. In each of the action alternatives, please describe the number of wells that would be constructed as part of the alternative. Also, include the impacts of the construction and operation of these wells on the resources analyzed in the document.	The section noted is the Air Quality Section. Each resource area develops a cumulative effects analysis based on that resource. For the Air Quantity resource area, they used what the maximum # of wells that could be possibly be serviced by a 20-inch diameter pipeline. However, the proponent (SGI) has indicated that their full development of the Bull Mt Lease Unit would likely be approximately 55-60 wells, and that is what many other resource areas used for the CEA analysis in the DEIS.
5.12 P.31. How much of the existing ROW width would be used for the "temporary construction ROW of 75-100 feet"?	The BMP ROW would only overlap the existing Ragged Mt ROW about 12 feet. The heavy construction equipment has to stay off the top of other existing pipelines for safety reasons. The existing Ragged Mountain ROW will be used to store dirt, rocks, and removed vegetation that will be used later for rehabilitation uses.
5.13 P.43. The DEIS states that there would be additional sedimentation of several drainages due to the road construction. Please describe these impacts in the watershed analysis.	Watershed Topic Response: See EIS-Watershed Section, Table 65: Miles of road risk as a function of distance to streams and road surface material.
5.14 P.144. he statement is made that the no action alternative could result in the construction of smaller pipelines. This statement is inconsistent with the description of the no action alternative (section 2.2.1). This statement is also inconsistent with the analysis of no action impacts on page 196, which states .there would be no clearing of habitat. Please clarify whether no action would result in construction of smaller pipeline.	Pipeline Engineer Response: While it is reasonable to assume that the natural gas extracted from the area will be transported by some unknown and likely new pipeline, there are (presumably) no other active pipeline proposals for removing the gas production from the Bull Mt area. Consequently, evaluating the potential effects of a future pipeline under the No Action Alternative is speculative. Rare Plants Topic Response: The No Action Alternative states that the existing capacity of the current pipeline infrastructure is not adequate to transport the quantity of natural gas predicted to be extracted in the future from the Bull Mountain Unit. Because SG would not likely expend the resources to expand the capacity of the Ragged Mountain Pipeline, the resulting shortage of transportation capacity would reduce the supply of natural gas available to the national market. The statement citing the possible construction of smaller pipelines in lieu of one larger pipeline is a hypothetical scenario meant to illustrate that the assumption that existing environmental conditions would continue to persist indefinitely into the future if the No Action Alternative should be selected, may not be entirely accurate.

Respondent #6: USDI-Office of Environmental Policy and Compliance, Denver, CO (Letter dated November 2, 2006)	
Comment	Comment Analysis and FS/BLM Response

BULL MOUNTAIN NATURAL GAS PIPELINE PROJECT

Respondent #6: USDI-Office of Environmental Policy and Compliance, Denver, CO (Letter dated November 2, 2006)	
Comment	Comment Analysis and FS/BLM Response
6.1 The Department of the Interior (Department) has reviewed the Draft Environmental Impact Statement (DEIS) for the Bull Mountain Natural Gas Pipeline, White River National Forest and Grand Mesa, Uncompahgre, and Gunnison National Forests, and provides the following comments:	Introductory remarks.
6.2 <u>Threatened and Endangered Species</u> For the Canada lynx, a federally threatened species, we recommend that any area mapped as denning or winter habitat within the proposed pipeline corridor be surveyed for its actual suitability and value to lynx. We recommend that the impact of the loss of these habitats be minimized through the enhancement of other habitats in the affected Lynx Analysis Unit (LAU), or through some other means to promote the conservation of lynx in central Colorado.	Wildlife Topic Response: One LAU (Huntsman) is currently below the LCAS direction to have a minimum of at least 10% denning habitat (DEIS, Table 98). The DEIS identified that the Proposed Action and Alternative 1 would affect 0.8 acres of potential denning habitat in this LAU. The DEIS also identified that this stand would be evaluated for suitability in the summer of 2006 (DEIS, pg 198). In July of 2006, the spruce-fir habitat on Spruce Mountain (Proposed Action and Alternative 1) was field validated for its suitability for lynx denning habitat. Where the proposed corridor is aligned within spruce-fir stands, it is very near the edge of the stand, adjacent to the large open meadows and the existing pipeline corridor. The spruce-fir habitat in the area does not contain much down woody debris and would not be considered suitable for lynx denning habitat, with its lack of security due to lack of cover and den sites (J.Grode, USFS Wildlife Biologist, pers. comm.). The FEIS has been updated to reflect this new information. The other LAUs would continue to meet LCAS direction for denning habitat, and potential denning habitat was assumed to be suitable for the analysis. Additional field verification was not done.

Respondent #6: USDI-Office of Environmental Policy and Compliance, Denver, CO (Letter dated November 2, 2006)	
Comment	Comment Analysis and FS/BLM Response
6.3 The DEIS states that a small amount (approximately 4.6 acres) of lynx denning habitat would be made unsuitable by the project. This is particularly relevant in the Huntsman Mountain LAU, which currently only has 2 percent of the area in denning habitat. According to the Lynx Conservation and Assessment Strategy (LCAS), each LAU should contain at least 10 percent defining habitat. If an LAU does not contain at least 10 percent denning habitat, then management actions that delay development of lynx denning habitat should be deferred. The DEIS recognizes this and states "These alternatives may not meet the guidance of the LCAS for this LAU. Field surveys of the stands during the summer 2006 would determine whether these stands actually provide structure needed for denning habitat." If the field surveys reveal that the mapped habitat is not actually suitable for denning, or that it is simply a small patch of peripherally-located or isolated defining habitat, then the loss of 0.8 acre is likely to be insignificant. However, if high-quality, centrally-located defining habitat would be lost, even if it is a small amount, then the effects of the action may have an adverse effect on the lynx. The Final Environmental Impact Statement (FEIS) should describe the initiation of formal section 7 consultation that would follow an adverse effect determination.	Wildlife Topic Response: See Response 6.2 above. Evaluation of the proposed action and the action alternatives identified that there would only be minimal effects to the amount of currently unsuitable habitat and denning habitat in all of the LAUs, which would result in a “may affect not likely to adversely affect” determination for lynx. (See FEIS pages #-#, and Biological Assessment.)

Respondent #6: USDI-Office of Environmental Policy and Compliance, Denver, CO (Letter dated November 2, 2006)	
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6.4 Fish and Wildlife Resources In addition to the project's effects on threatened and endangered species, there is the need to address potential impacts to migratory birds from the proposed project. The Migratory Bird Treaty Act of 1918, as amended, 16 U.S.C. 703 et seq. (MBTA) and the Bald and Golden Eagle Protection Act of 1940, as amended, 16 U.S.C. 668 et seq. (BGEPA) should therefore be considered in your assessment of project effects. The MBTA does not require intent to be proven and does not allow for "take," except as permitted by regulations. Pertinent wording from this law includes "...it shall be unlawful at any time, by any means or in any manner, to...take, capture, kill, attempt to take, capture, or kill, possess...any migratory bird, any part, nest, or eggs of any such bird." The BGEPA prohibits knowingly taking, or taking with wanton disregard for the consequences of an activity, any bald or golden eagles or their body parts, nests, or eggs, which includes collection, molestation, disturbance, or killing activities. We recommend that all areas within the pipeline corridor, where vegetation is to be removed, be surveyed for bird nests. Active bird nests should be marked and avoided. "The MBTA specifically protects migratory bird nests from possession, sale, purchase, barter, transport, import, and export, and take" (USFWS, 2003). This is particularly important for species on the Birds of Conservation Concern list (USFWS 2002) that may be nesting in the area including, but not limited to, the Virginia warbler, black-throated gray warbler, and pinyon jay.	Wildlife Topic Response: The analysis for landbirds follows direction from the 2001 Executive Order and MOU between the US Forest Service and US Fish and Wildlife Service, dealing with migratory bird conservation (See Wildlife Report in project record). There is no known or potential habitat for bald eagles within the project area. Project design criterion WL-7 (as rewritten in the FEIS, Appendix B) requires pre-construction surveys for nesting raptors and owls within mature pinyon/juniper, aspen and coniferous habitats. These surveys would also discover other bird nesting activity. Delay of construction activities within specified buffers and time periods for the specific raptors and owls would also provide protection to other bird species which may be nesting within the specified buffers.
6.5 Regarding raptors in particular, the DEIS makes it clear that pre-construction surveys would be conducted for active goshawk, boreal owl, and flammulated owl nests, and that construction activities would not occur within one-quarter mile of their active nests. It is not clear to us, however, whether or not surveys would be conducted for raptor nests of other species and whether or not their active nests would be similarly protected. We recommend surveying for any and all raptor species within one-quarter mile of the pipeline corridor, and providing a similar protective buffer for any active raptor nest that might be in the area (e.g., Cooper's hawk, golden eagle, red-tailed hawk.). We recommend that a one-half mile buffer be used for active goshawk nests, and a one-third mile buffer for active red-tailed hawk nests as recommended by the Colorado Division of Wildlife (CDOW 2002).	Wildlife Topic Response: Preconstruction surveys would be required for goshawks, boreal and flammulated owls. These species were identified for surveys as they have been identified as USFS Regional or BLM State Director's sensitive species that have suitable habitat in the project area (FEIS, Appendix I). Sensitive species are those for which population viability is a concern (FSM 2670.5). Nests of other raptor species encountered during pre-construction activities would be considered for protection with a species-appropriate spatial and temporal buffer as agreed upon with the appropriate land management agency. Design criteria WL-6 from the DEIS has been incorporated with WL-7, and WL-7 has been rewritten to clarify this direction (FEIS, Appendix B).

Respondent #6: USDI-Office of Environmental Policy and Compliance, Denver, CO (Letter dated November 2, 2006)	
Comment	Comment Analysis and FS/BLM Response
6.6 The DEIS also states that in lieu of raptor surveys, construction could be prohibited in aspen and/or conifer habitats from March 1 through July 31. We recommend conducting raptor surveys and avoiding nest sites until the young have fledged over simply avoiding suitable nesting habitats until July 31. The young of some raptor species, such as the northern Goshawk, may not fledge until after July 31.	Wildlife Topic Response: Both options were included to provide some management flexibility. Either option should achieve the same objective. The July 31st date has been used to be consistent with WRNF and GMUG Forest Plan direction (FEIS, Table 115).
6.7 Wetlands The DEIS states the Right-of-Way grant holder shall avoid construction through ponded wetlands from May 1 through August 31 unless surveys are done in July to evaluate use and no use by breeding amphibians is detected. Although we approve of the avoidance of disruption of amphibian breeding, we recommend that every reasonable effort be made to avoid disturbing wetlands altogether, whether they are currently being used as breeding sites by amphibians or not. Executive Order 11990 directs all Federal agencies to minimize the destruction, loss, or degradation of wetlands and preserve and enhance the natural beneficial values of wetlands (http://www.fws.gov/policy/613fw2.html). USFWS policy further specifies that appropriate mitigation measures be requested for any loss of wetland habitat regardless of the type, size, location, or functional value of the wetland or reason for its loss or degradation. If wetland impacts are unavoidable, the related wetlands should be inventoried and fully described according to "Classification of Wetlands and Deepwater Habitats of the United States" (Cowardin et al. 1979, FWS/OBS-79/31, FWS Manual, 660 FW 2.4A) (see also http://www.fws.gov/policy/660fw2.html). Acreage of wetlands, by type, should be disclosed and specific actions should be outlined to compensate for all unavoidable impacts. Unavoidable impacts to streams should be assessed in terms of their functions and values, linear feet and vegetation type lost, potential effects on wildlife and potential effects on bank stability and water quality. All applicable actions that may result in the fill of wetlands should be in compliance with the Clean Water Act and the applicable Permit obtained from the U.S. Army Corps of Engineers.	Fisheries Topic Response: Wetlands were covered in the watershed section and amphibians were covered in the wildlife section Watershed Topic Response: See DEIS Page 131, wetland discussion, POD Main Body, Sec 1.3 Required Permits, POD Appendix 12 Sec's 6 and 7.2, attachments 1 and 2. Wildlife Topic Response: Pipeline route selection criteria (DEIS, pg 27) include reducing crossings (for public and construction safety) and avoiding point resource impacts (including wetlands and streams). These criteria were used in the initial identification of the proposed action corridor. The proposed action route was further modified after field reviews as discussed in the DEIS, pg 32. Route variations 1, 2 and 4 were made to reduce effects to streams, beaver dams and seeps/springs. While it would be preferred to avoid all wetlands, t is impossible to avoid all wetland or stream crossings in a 20-mile plus corridor. The number of perennial and intermittent stream crossings is shown in Table 62, and the acres of wetlands affected by alternative, are shown in Table 64. Design features to do perennial stream crossing work under low flow conditions, and to avoid ponded wetlands and intermittent stream crossings through August 31st (unless surveyed) were designed to mitigate the effects of these crossings where they could not be totally avoided (DEIS, Table 83, and Appendix B).
6.8 The Department appreciates the opportunity to review this DEIS. If we can be of further assistance, please contact Creed Clayton at the USFWS Glenwood Springs Energy office at (970) 947-5219.	Closing remarks.

Respondent #6: USDI-Office of Environmental Policy and Compliance, Denver, CO (Letter dated November 2, 2006)	
Comment	Comment Analysis and FS/BLM Response
6.9 References Colorado Division of Wildlife (CDOW). 2002. Recommended buffer zones and seasonal restrictions for Colorado Raptors. Prepared by G.R. Craig, updated December 19, 2002. U.S. Fish and Wildlife Service (USFWS). 2003. Migratory Bird Permit Memorandum, MBPM- 2, April 15, 2003, signed by Steve Williams, USFWS Director. 2pp. Online version available at http://www.fws.gov/policy/m0208.pdf. U.S. Fish and Wildlife Service (USFWS). 2002. Birds of conservation concern 2002. Division of Migratory Bird Management, Arlington, Virginia. 99 pp. Online version available at http://migratorybirds.fws.gov/reports/bcc2002.pdf.	Cited References noted in comments above.

Respondent #7: Kathy Kilmer, 1235 S Elizabeth, Denver, CO 80210 (email comments recd 11.09.2006)	
Comment	Comment Analysis and FS/BLM Response
7.1 As a Colorado resident who cares deeply about our natural world, I am strongly opposed to the plan to put a pipeline through the Clear Fork Divide.	Opposition to the proposed action and Alternative 1 is noted.
7.2 You should reroute the pipeline so that it neither goes through nor impacts ANY roadless areas.	DEIS Alternatives 2 and 3 were developed to avoid all Roadless areas.

Respondent #8: Judy Kolb, 320 N. Sawtelle Ave. Tucson, Arizona 85716-4727	
Comment	Comment Analysis and FS/BLM Response
8.1 I urge you to choose an alternative in the Bull Mountain Natural Gas Pipeline Draft Environmental Impact Statement that routes the pipeline around any Inventoried Roadless Areas, so as to leave them undisturbed. I also ask that you consider the cumulative impacts of the new wells and other facilities that would be created as a result of this pipeline.	Support of (Alternatives (#2 and #3) are noted. Cumulative impacts are disclosed in the DEIS and will be disclosed in the FEIS.
8.2 The Clear Fork, East Willow, and Baldy Roadless Areas provide a habitat corridor that is critical to the future biological integrity of the region. Maintaining a diversity of wildlife species, including large carnivores such as mountain lion and lynx, is essential to preserving a healthy forest ecosystem. Extensive gas development in this region would have a harmful effect on wildlife and would create hazards and obstacles to animal movement between the West Elk Wilderness and the Roadless areas to the north, jeopardizing the viability of wildlife	Wildlife Topic Response: The proposed action and Alternative 1 corridor crosses an area of land located between Battlement Mesa to the west, Grand Mesa to the south and west, and NFS lands that include several other roadless areas and wilderness as well as the Maroon Bells-Snowmass, Raggeds, and West Elk Wilderness areas to the east and south. This project does not lie between the West Elk Wilderness and other roadless areas to the north. The installation of an underground pipeline is not expected to create extensive development. Disturbance associated with pipeline installation would last three seasons (May 15 to

Respondent #8: Judy Kolb, 320 N. Sawtelle Ave. Tucson, Arizona 85716-4727	
Comment	Comment Analysis and FS/BLM Response
populations throughout the entire region.	December 1 unless adverse weather conditions require shortened seasons) and activities may disrupt movements of some species. Over the long-term, there are limited above-ground facilities associated with this proposal (DEIS pg 34-35). Motorized vehicle use along the pipeline ROW would only be allowed on a case-by-case basis for emergency repair (DEIS, pg 54). The cleared corridor is not expected to be a hazard or obstacle to movements by wildlife. Species vary in their ability to cross openings, and effects are discussed by species, where relevant (i.e. American marten). Potential effects to lynx and other large carnivores (i.e. wolverine) are analyzed in the DEIS pgs 196-201, and 204-205. Movement between roadless or wilderness areas by wide-ranging species would not be affected by this proposal.
8.3 Building a pipeline, right-of-way, and roads through the Inventoried Roadless Areas would also violate the 2001 Roadless Rule and impact the areas' roadless characteristics. Soil, water, and air quality; the diversity of plant and animal communities; and habitat for species dependent on large, undisturbed areas of land would inevitably be disturbed, and opportunities for primitive recreation would be reduced significantly.	The recent decision (Sept 19th, 2006) in California v. Dept. of Agriculture that set aside the State Petitions Roadless Rule and reinstated the 2001 Roadless Rule, is being evaluated as it pertains to the Bull Mountain project DEIS. The FEIS and any final decision in a ROD would be consistent with the legal determination for the Roadless Rule at the time of the decision. See Response 1.1 for a detailed discussion of the BMNG project and consistency with the 2001 Rule. Wildlife Topic Response: The roadless areas in the project area do contribute to a diverse range of habitats for many wildlife species, as discussed in the DEIS pages 174-186 and 190-194. Effects to wildlife species are analyzed in the DEIS pages 196-228. Species analyzed includes threatened, endangered and sensitive species and management indicator species. Species dependent on large undisturbed areas of land are represented in the analysis by wolverine and elk. As disclosed in the DEIS, there would be direct and indirect effects during construction, and indirect and cumulative effects after the pipeline would be installed. To mitigate these effects, design criteria have been included into all the alternatives (shown in Table 80 and Appendix B). For example, Design Criterion WL-10 would require barriers be placed in the pipeline ROS to deter illegal motorized uses. No additional roads would be constructed within the affected IRAs as part of this proposal. Recreation Topic Response: The Proposed Action and Alternative 1 pass though the East Willow, Baldy Mountain and Clear Creek IRA's. These IRA's are not characterized as Primitive or Semi-Primitive Non-Motorized for recreation purposes, using the Recreation Opportunity Spectrum (ROS). The ROS designation is SPM for all IRA's for winter recreation in the IRA's. The existing Ragged Mountain Pipeline is within the SPM ROS class. The proposed Bull Mountain ROW follows the Ragged Mountain Pipeline and would not change the SPM designation. Summer ROS designations are Roaded Natural (RN), Roaded Modified (RM) and Roaded Natural – Non Motorized (RN-NM). These designations recognize the

Respondent #8: Judy Kolb, 320 N. Sawtelle Ave. Tucson, Arizona 85716-4727	
Comment	Comment Analysis and FS/BLM Response
	presence of the Ragged Mountain Pipeline and its effect on recreation character of the landscape.
8.4 When considering Colorado's current development boom, we need the quiet sanctuaries provided by roadless areas so that animals can roam freely and people can have the opportunity to discover the rewards of peace and solitude. The Clear Fork, East Willow, and Baldy Roadless Areas are a few of the remaining large undisturbed places and should be managed in a way that preserves their wild and natural character.	Wildlife Topic Response: See Response 8.3 above. Recreation Topic Response: See Response 8.3 above.

Respondent #9: Jason Suazo, 9170 W Progress Pl, Littleton, Colorado 80123. E-mail comments recd 11.10.2006	
Comment	Comment Analysis and FS/BLM Response
9.1 I urge you to choose an alternative in the Bull Mountain Natural Gas Pipeline Draft Environmental Impact Statement. I also ask that you consider the impacts of the new wells and other facilities that would be created as a result of this pipeline.	An alternative will be selected by the Responsible Official. (*Support of Alternatives (#2 and #3?*). Cumulative impacts are disclosed in the DEIS and will be disclosed in the FEIS.
9.2 The area of concern provides a habitat corridor that is critical to the future biological integrity of the region. It is important to maintain a diversity of wildlife species, including large carnivores such as mountain lion and lynx. Extensive gas development in this region would have a harmful effect on wildlife and would create hazards and obstacles to animal movement between the West Elk Wilderness and the roadless areas to the north.	Wildlife Topic Response: See Response 8.2 above
9.3 Building a pipeline, right-of-way, and roads through the Inventoried Roadless Areas would also violate the 2001 Roadless Rule and impact the areas' roadless characteristics. Soil, water, and air quality; the diversity of plant and animal communities; and habitat for species dependent on large, undisturbed areas of land would inevitably be disturbed, and opportunities for primitive recreation would be reduced significantly.	The recent decision (Sept 19th, 2006) in California v. Dept. of Agriculture that set aside the State Petitions Roadless Rule and reinstated the 2001 Roadless Rule, is being evaluated as it pertains to the Bull Mountain project DEIS. The FEIS and any final decision in a ROD would be consistent with the legal determination for the Roadless Rule at the time of the decision. See Response 1.1 for a detailed discussion of the BMNG project and consistency with the 2001 Rule. Wildlife Topic Response: See Response 8.3 above Recreation Topic Response: See Response 8.3 above.
9.4 Colorado should maintain the quiet sanctuaries provided by roadless areas so that animals can continue to live in viable ecosystem. The Clear Fork, East Willow, and Baldy Roadless Areas are a few of the remaining large undisturbed places and should be managed in a way that preserves their wild and natural character.	Wildlife Topic Response: See Response 8.3 above.

Respondent #10: Evalinda Walrack, 121B Arroyo Calabasa, Santa Fe, NM 87506. E-mail comments recd 11.10.2006	
Comment	Comment Analysis and FS/BLM Response
10.1 As someone who values Colorado's roadless areas, wildlife and wildlands, I urge you to choose an alternative in the Bull Mountain Natural Gas Pipeline Draft Environmental Impact Statement that routes the pipeline around any Inventoried Roadless Areas, so as to leave them undisturbed. I also ask that you consider the cumulative impacts of the new wells and other facilities that would be created as a result of this pipeline.	Support of (Alternatives (#2 and #3) are noted. Cumulative impacts are disclosed in the DEIS and will be disclosed in the FEIS.
10.2 The Clear Fork, East Willow, and Baldy Roadless Areas provide a habitat corridor that is critical to the future biological integrity of the region. Maintaining a diversity of wildlife species, including large carnivores such as mountain lion and lynx, is essential to preserving a healthy forest ecosystem. Extensive gas development in this region would have a harmful effect on wildlife and would create hazards and obstacles to animal movement between the West Elk Wilderness and the roadless areas to the north, jeopardizing the viability of wildlife populations throughout the entire region.	Wildlife Topic Response: See Response 8.2 above
10.3 Building a pipeline, right-of-way, and roads through the Inventoried Roadless Areas would also violate the 2001 Roadless Rule and impact the areas' roadless characteristics. Soil, water, and air quality; the diversity of plant and animal communities; and habitat for species dependent on large, undisturbed areas of land would inevitably be disturbed, and opportunities for primitive recreation would be reduced significantly.	The recent decision (Sept 19th, 2006) in California v. Dept. of Agriculture that set aside the State Petitions Roadless Rule and reinstated the 2001 Roadless Rule, is being evaluated as it pertains to the Bull Mountain project DEIS. The FEIS and any final decision in a ROD would be consistent with the legal determination for the Roadless Rule at the time of the decision. See Response 1.1 for a detailed discussion of the BMNG project and consistency with the 2001 Rule. Wildlife Topic Response: See Response 8.3 above Recreation Topic Response: See Response 8.3 above.
10.4 When considering Colorado's current development boom, we need the quiet sanctuaries provided by roadless areas so that animals can roam freely and people can have the opportunity to discover the rewards of peace and solitude. The Clear Fork, East Willow, and Baldy Roadless Areas are a few of the remaining large undisturbed places and should be managed in a way that preserves their wild and natural character.	Wildlife Topic Response: See Response 8.3 above. Recreation Topic Response: See Response 8.3 above.

Respondent #11: Gernot and Ava Heinrichsdorff, 418 Dahlia St., Colorado Springs, Colorado 80904. Email comments recd 11.10.2006	
Comment	Comment Analysis and FS/BLM Response

BULL MOUNTAIN NATURAL GAS PIPELINE PROJECT

Respondent #11: Gernot and Ava Heinrichsdorff, 418 Dahlia St., Colorado Springs, Colorado 80904. Email comments recd 11.10.2006	
Comment	Comment Analysis and FS/BLM Response
11.1 We urge you to choose an alternative in the Bull Mountain Natural Gas Pipeline Draft Environmental Impact Statement, one that routes the pipeline AROUND any Inventoried Roadless Areas, so as to leave these undisturbed. Please also consider the wilderness impacts of the new wells and other facilities that would be created as a result of this pipeline.	Support of (Alternatives (#2 and #3) are noted. Impacts from other potential wells and facilities are disclosed in the DEIS and will be disclosed in the FEIS.
11.2 The Clear Fork, East Willow, and Baldy Roadless Areas provide a habitat corridor that is critical to the future biological integrity of the region. Maintaining a diversity of wildlife species, including large carnivores such as mountain lion and lynx, is essential to preserving a healthy forest ecosystem. Gas development in this region would have a harmful effect on wildlife and would create hazards and obstacles to animal movement between the West Elk Wilderness and the roadless areas to the north, jeopardizing the viability of wildlife populations throughout the entire region.	Wildlife Topic Response: See Response 8.2 above
11.3 Building a pipeline, right-of-way, and roads through the Inventoried Roadless Areas would also violate the 2001 Roadless Rule and impact the areas' roadless characteristics. Soil, water, and air quality; the diversity of plant and animal communities; and habitat for species dependent on large, undisturbed areas of land would inevitably be disturbed, and opportunities for primitive recreation would be reduced significantly.	The recent decision (Sept 19th, 2006) in California v. Dept. of Agriculture that set aside the State Petitions Roadless Rule and reinstated the 2001 Roadless Rule, is being evaluated as it pertains to the Bull Mountain project DEIS. The FEIS and any final decision in a ROD would be consistent with the legal determination for the Roadless Rule at the time of the decision. See Response 1.1 for a detailed discussion of the BMNG project and consistency with the 2001 Rule. Wildlife Topic Response: See Response 8.3 above Recreation Topic Response: See Response 8.3 above.
11.4 When considering Colorado's current development boom, we need the quiet sanctuaries provided by roadless areas so that animals can roam freely and people can have the opportunity to discover the rewards of peace and solitude. The Clear Fork, East Willow, and Baldy Roadless Areas are a few of the remaining large undisturbed places and should be managed in a way that preserves their wild and natural character.	Wildlife Topic Response: See Response 8.3 above. Recreation Topic Response: See Response 8.3 above.

Respondent #12: Linda Schermer, 500 Mtn. Lilac Dr., Sedona, Arizona 86336 Email comments recd 11.10.2006	
Comment	Comment Analysis and FS/BLM Response

Respondent #12: Linda Schermer, 500 Mtn. Lilac Dr., Sedona, Arizona 86336 Email comments recd 11.10.2006	
Comment	Comment Analysis and FS/BLM Response
12.1 As someone who values roadless areas, wildlife and wildlands, I urge you to select an alternative in the Bull Mountain Natural Gas Pipeline Draft Environmental Impact Statement that routes the pipeline around any Inventoried Roadless Areas, so as to leave them undisturbed. I also ask that you consider the cumulative impacts of the new wells and other facilities that would be created as a result of this pipeline.	Support of (Alternatives (#2 and #3) are noted. Cumulative Impacts from other potential wells and facilities are disclosed in the DEIS and will be disclosed in the FEIS.
12.2 The Clear Fork, East Willow, and Baldy Roadless Areas provide a habitat corridor that is critical to the future biological integrity of the region. Maintaining a diversity of wildlife species, including large carnivores such as mountain lion and lynx, is essential to preserving a healthy forest ecosystem. Extensive gas development in this region would have a harmful effect on wildlife and would create hazards and obstacles to animal movement between the West Elk Wilderness and the roadless areas to the north, jeopardizing the viability of wildlife populations throughout the entire region.	Wildlife Topic Response: See Response 8.2 above
12.3 Building a pipeline, right-of-way, and roads through the Inventoried Roadless Areas would also violate the 2001 Roadless Rule and impact the areas' roadless characteristics. Soil, water, and air quality; the diversity of plant and animal communities; and habitat for species dependent on large, undisturbed areas of land would inevitably be disturbed, and opportunities for primitive recreation would be reduced significantly.	The recent decision (Sept 19th, 2006) in California v. Dept. of Agriculture that set aside the State Petitions Roadless Rule and reinstated the 2001 Roadless Rule, is being evaluated as it pertains to the Bull Mountain project DEIS. The FEIS and any final decision in a ROD would be consistent with the legal determination for the Roadless Rule at the time of the decision. See Response 1.1 for a detailed discussion of the BMNG project and consistency with the 2001 Rule. Wildlife Topic Response: See Response 8.3 above Recreation Topic Response: See Response 8.3 above.
12.4 When considering Colorado's current development boom, we need the quiet sanctuaries provided by roadless areas so that animals can roam freely and people can have the opportunity to discover the rewards of peace and solitude. The Clear Fork, East Willow, and Baldy Roadless Areas are a few of the remaining large undisturbed places and should be managed in a way that preserves their wild and natural character.	Wildlife Topic Response: See Response 8.3 above. Recreation Topic Response: See Response 8.3 above.

Respondent #13: Brad Frank, Box 152, Hesperus, Colorado 81326 Email comments recd 11.10.2006	
Comment	Comment Analysis and FS/BLM Response

BULL MOUNTAIN NATURAL GAS PIPELINE PROJECT

Respondent #13: Brad Frank, Box 152, Hesperus, Colorado 81326 Email comments recd 11.10.2006	
Comment	Comment Analysis and FS/BLM Response
13.1 I urge you to choose an alternative in the Bull Mountain Natural Gas Pipeline Draft Environmental Impact Statement that routes the pipeline around any Inventoried Roadless Areas, so as to leave them undisturbed. I also ask that you consider the cumulative impacts of new wells and any other facilities that would be created as a result of this pipeline.	Support of (Alternatives (#2 and #3) are noted. Cumulative Impacts from other potential wells and facilities are disclosed in the DEIS and will be disclosed in the FEIS.

Respondent #14: Herbert W. Samenfeld, 13631 E. Marina Dr., #603, Aurora, Colorado 80014-3733 Email comments recd 11.10.2006	
Comment	Comment Analysis and FS/BLM Response
14.1 I value Colorado's roadless areas, wildlife and wildlands, and urge you to choose an alternative in the Bull Mountain Natural Gas Pipeline Draft Environmental Impact Statement that routes the pipeline around any Inventoried Roadless Areas, so as to leave them undisturbed. I also ask that you consider the cumulative impacts of the new wells and other facilities that would be created as a result of this pipeline.	Support of (Alternatives (#2 and #3) are noted. Cumulative Impacts from other potential wells and facilities are disclosed in the DEIS and will be disclosed in the FEIS.
14.2 The Clear Fork, East Willow, and Baldy Roadless Areas provide a habitat corridor that is critical to the future biological integrity of the region. Maintaining a diversity of wildlife species, including large carnivores such as mountain lion and lynx, is essential to preserving a healthy forest ecosystem. Extensive gas development in this region would have a harmful effect on wildlife and would create hazards and obstacles to animal movement between the West Elk Wilderness and the roadless areas to the north, jeopardizing the viability of wildlife populations throughout the entire region.	Wildlife Topic Response: See Response 8.2 above
14.3 Building a pipeline, right-of-way, and roads through the Inventoried Roadless Areas would also violate the 2001 Roadless Rule and impact the areas' roadless characteristics. Soil, water, and air quality; the diversity of plant and animal communities; and habitat for species dependent on large, undisturbed areas of land would inevitably be disturbed, and opportunities for primitive recreation would be reduced significantly.	The recent decision (Sept 19th, 2006) in California v. Dept. of Agriculture that set aside the State Petitions Roadless Rule and reinstated the 2001 Roadless Rule, is being evaluated as it pertains to the Bull Mountain project DEIS. The FEIS and any final decision in a ROD would be consistent with the legal determination for the Roadless Rule at the time of the decision. See Response 1.1 for a detailed discussion of the BMNG project and consistency with the 2001 Rule. Wildlife Topic Response: See Response 8.3 above Recreation Topic Response: See Response 8.3 above.
14.4 When considering Colorado's current development boom, we need the quiet sanctuaries provided by roadless areas so that animals can roam freely and people can have the opportunity to discover the	Wildlife Topic Response: See Response 8.3 above. Recreation Topic Response: See Response 8.3 above.

Respondent #14: Herbert W. Samenfeld, 13631 E. Marina Dr., #603, Aurora, Colorado 80014-3733 Email comments recd 11.10.2006	
Comment	Comment Analysis and FS/BLM Response
rewards of peace and solitude. The Clear Fork, East Willow, and Baldy Roadless Areas are a few of the remaining large undisturbed places and should be managed in a way that preserves their wild and natural character.	

Respondent #15: James Gilland, 3980 W. Linda Vista Blvd. Apt. 9101, Tucson, Arizona 85742-8786. Email comments recd 11.10.2006	
Comment	Comment Analysis and FS/BLM Response
15.1 I urge you to choose an alternative in the Bull Mountain Natural Gas Pipeline Draft Environmental Impact Statement that routes the pipeline around any Inventoried Roadless Areas, so as to leave them undisturbed. I also ask that you consider the cumulative impacts of new wells and any other facilities that would be created as a result of this pipeline.	Support of (Alternatives (#2 and #3) are noted. Cumulative Impacts from other potential wells and facilities are disclosed in the DEIS and will be disclosed in the FEIS.
15.2 The Clear Fork, East Willow, and Baldy Roadless Areas provide a habitat corridor that is critical to the future biological integrity of the region. Maintaining a diversity of wildlife species, including large carnivores such as mountain lion and lynx, is essential to preserving a healthy forest ecosystem. Extensive gas development in this region would have a harmful effect on wildlife and would create hazards and obstacles to animal movement between the West Elk Wilderness and the roadless areas to the north, jeopardizing the viability of wildlife populations throughout the entire region.	Wildlife Topic Response: See Response 8.2 above
15.3 Building a pipeline, right-of-way, and roads through the Inventoried Roadless Areas would also violate the 2001 Roadless Rule and impact the areas' roadless characteristics. Soil, water, and air quality; the diversity of plant and animal communities; and habitat for species dependent on large, undisturbed areas of land would inevitably be disturbed, and opportunities for primitive recreation would be reduced significantly.	The recent decision (Sept 19th, 2006) in California v. Dept. of Agriculture that set aside the State Petitions Roadless Rule and reinstated the 2001 Roadless Rule, is being evaluated as it pertains to the Bull Mountain project DEIS. The FEIS and any final decision in a ROD would be consistent with the legal determination for the Roadless Rule at the time of the decision. See Response 1.1 for a detailed discussion of the BMNG project and consistency with the 2001 Rule. Wildlife Topic Response: See Response 8.3 above Recreation Topic Response: See Response 8.3 above.
15.4 When considering Colorado's current development boom, we need the quiet sanctuaries provided by roadless areas so that animals can roam freely and people can have the opportunity to discover the rewards of peace and solitude. The Clear Fork, East Willow, and Baldy Roadless Areas are a few of the remaining large undisturbed places and should be managed in a way that preserves their wild and natural character.	Wildlife Topic Response: See Response 8.3 above. Recreation Topic Response: See Response 8.3 above.

Respondent #16: Luke J. Danielson, Attorney at Law, 108 W. Tomichi Ave. Suite B Gunnison CO 81230 Email comments recd 11.10.2006	
Comment	Comment Analysis and FS/BLM Response
16.1 As a lifelong Coloradoan (my family were among the earliest settlers of Basalt) I am saddened to see how we are, for one "good reason" after another "good reason" degrading our marvelous natural heritage.	Introductory comments.
16.2 One of the most problematic tendencies is the trend -- always for very good reasons -- to chop up and fragment wildlife habitat and natural areas into smaller and smaller pieces, always pretending that next time we will do better.	Statement of opinion. No project specific comments.
16.3 You need to adopt one of the alternatives that will route the pipeline around all inventoried roadless areas, and avoid more fragmentation of our diminishing natural habitats.	Notes support of (Alternative 2 and 3).
16.4 It is not enough to promise to do better next time. We have to do better this time.	Statement of opinion. No project specific comments.
16.5 If is involves a little extra cost -- well, the oil and gas industry is enjoying the highest profitability of any set of companies in the history of our country, indeed in the history of the human race. If they can't afford to build a few extra miles of pipeline, no one can, and no one ever will. We might as well simply fold up the Forest Service, blow out the lights, and yell "grab stakes!"	Notes support of alternatives that do not impact IRAs.
16.6 A century of conservation efforts by dedicated individuals, many of them in the Forest Service, has done much to slow the destruction of natural habitats. But the pressure has often been too much. We are losing our heritage.	Statement of opinion. No project specific comments.
16.7 This is precisely the kind of project where we need to be making not the easy decision but the right one for the resources.	Statement of opinion. No project specific comments.

Respondent #17: Audrey Franklin, 434 West 4th St. Loveland, Colorado 80537-5418 Email comments recd 11.10.2006	
Comment	Comment Analysis and FS/BLM Response
17.1 Please can't you use another pathway to route a pipeline in our pristine and valuable roadless areas in Colorado? I understand that the Bull Mountain Natural Gas Pipeline Draft Environmental Impact Statement routes the pipeline around any Inventoried Roadless Areas, so as to leave them undisturbed. You know that any new wells and other facilities that would be created as a result of this pipeline would damage the environment and wildlife even further.	Support of (Alternatives (#2 and #3) are noted. Cumulative Impacts from other potential wells and facilities are disclosed in the DEIS and will be disclosed in the FEIS.

Respondent #17: Audrey Franklin, 434 West 4th St. Loveland, Colorado 80537-5418 Email comments recd 11.10.2006	
Comment	Comment Analysis and FS/BLM Response
17.2 The corridor provided by the Clear Fork, East Willow, and Baldy Roadless Areas for our wildlife is critical to its health and diversity. The large carnivores such as mountain lion and lynx are very essential to preserving a healthy forest ecosystem. Extensive gas development in this region would have a harmful effect on wildlife and would create hazards and obstacles to animal movement between the West Elk Wilderness and the Roadless areas to the north, jeopardizing the viability of wildlife populations throughout the entire region.	Wildlife Topic Response: See Response 8.2 above
17.3 There is a 2001 Roadless rule and I think that any building of pipelines, right-of-ways, and roads through the Inventoried Roadless Areas would also violate that law. In addition it would negatively impact the soil, water, and air quality; the diversity of plant and animal communities; and habitat for species dependent on large, undisturbed areas of land would inevitably be disturbed, and opportunities for primitive recreation would be reduced significantly.	The recent decision (Sept 19th, 2006) in California v. Dept. of Agriculture that set aside the State Petitions Roadless Rule and reinstated the 2001 Roadless Rule, is being evaluated as it pertains to the Bull Mountain project DEIS. The FEIS and any final decision in a ROD would be consistent with the legal determination for the Roadless Rule at the time of the decision. See Response 1.1 for a detailed discussion of the BMNG project and consistency with the 2001 Rule. Wildlife Topic Response: See Response 8.3 above Recreation Topic Response: See Response 8.3 above.
17.4 When considering Colorado's current development boom, we need the quiet sanctuaries provided by roadless areas so that animals can roam freely and people can have the opportunity to discover the rewards of peace and solitude. The Clear Fork, East Willow, and Baldy Roadless Areas are a few of the remaining large undisturbed places and should be managed in a way that preserves their wild and natural character.	Wildlife Topic Response: See Response 8.3 above. Recreation Topic Response: See Response 8.3 above.

Respondent #18: Patricia Del Tredici, (NEED USPS Address yet) Email comments recd 11.10.2006	
Comment	Comment Analysis and FS/BLM Response
18.1 I urge you to choose one of the alternatives that would route the Bull Mountain Pipeline around the inventoried roadless areas, leaving them undisturbed.	Support of (Alternatives (#2 and #3) are noted.
18.2 Additionally, it is imperative that you consider the cumulative impacts of the new wells and other facilities that would be enabled by the creation of this new pipeline.	Cumulative Impacts from other potential wells and facilities are disclosed in the DEIS and will be disclosed in the FEIS.

Respondent #19: David Witt, PO Box 317, Taos, NM 87571 Email comments recd 11.11.2006	
Comment	Comment Analysis and FS/BLM Response

BULL MOUNTAIN NATURAL GAS PIPELINE PROJECT

Respondent #19: David Witt, PO Box 317, Taos, NM 87571 Email comments recd 11.11.2006	
Comment	Comment Analysis and FS/BLM Response
19.1 Some places really are too wild to drill - or to run pipes through. Regarding the Bull Mountain Natural Gas Pipeline, it would be better to find an alternative route through less pristine and sensitive areas. As is often the case, the economic value of wildlife and clear water are in the long run is greater than that of a pipeline. The area itself is too special to ruin. So don't.	DEIS Alternatives 2 and 3 propose routes for the pipeline that avoid all Roadless areas.

Respondent #20: Carolyn Sommerville, 4901 S. Monaco Street, Denver, CO 80237 Email comments recd 11.12.2006	
Comment	Comment Analysis and FS/BLM Response
20.1 I urge you to choose an alternative in the Bull Mountain Natural Gas Pipeline Draft Environmental Impact Statement that routes the pipeline around any Inventoried Roadless Areas, so as to leave them undisturbed. I also ask that you consider the cumulative impacts of the new wells and other facilities that would be created as a result of this pipeline.	Support of (Alternatives (#2 and #3) are noted. Cumulative Impacts from other potential wells and facilities are disclosed in the DEIS and will be disclosed in the FEIS.
20.2 The Clear Fork, East Willow, and Baldy Roadless Areas provide a habitat corridor that is CRITICAL to the future biological integrity of the region. Maintaining a diversity of wildlife species, including large carnivores such as mountain lion and lynx, is essential to preserving a healthy forest ecosystem. Extensive gas development in this region would have an extremely harmful effect on wildlife and would create hazards and obstacles to animal movement between the West Elk Wilderness and the roadless areas to the north, jeopardizing the viability of wildlife populations throughout the entire region.	Wildlife Topic Response: See Response 8.2 above
20.3 Building a pipeline, right-of-way, and roads through the Inventoried Roadless Areas would also violate the 2001 Roadless Rule and impact the areas' roadless characteristics. Soil, water, and air quality; the diversity of plant and animal communities; and habitat for species dependent on large, undisturbed areas of land would inevitably be disturbed, and opportunities for primitive recreation would be reduced significantly.	The recent decision (Sept 19th, 2006) in California v. Dept. of Agriculture that set aside the State Petitions Roadless Rule and reinstated the 2001 Roadless Rule, is being evaluated as it pertains to the Bull Mountain project DEIS. The FEIS and any final decision in a ROD would be consistent with the legal determination for the Roadless Rule at the time of the decision. See Response 1.1 for a detailed discussion of the BMNG project and consistency with the 2001 Rule. Wildlife Topic Response: See Response 8.3 above Recreation Topic Response: See Response 8.3 above.

Respondent #20: Carolyn Sommerville, 4901 S. Monaco Street, Denver, CO 80237 Email comments recd 11.12.2006	
Comment	Comment Analysis and FS/BLM Response
20.4 When considering Colorado's current development boom, we need the quiet sanctuaries provided by roadless areas so that animals can roam freely and people can have the opportunity to discover the rewards of undisturbed Nature. The Clear Fork, East Willow, and Baldy Roadless Areas are a few of the remaining large undisturbed places and should be managed in a way that preserves their wild and natural character.	Wildlife Topic Response: See Response 8.3 above. Recreation Topic Response: See Response 8.3 above.

Respondent #21: Jennifer Clarke, 35 Arado Way, Greeley, CO 80634 Email comments recd 11.12.2006	
Comment	Comment Analysis and FS/BLM Response
21.1 I value Colorado's roadless areas, wildlife and wildlands and I urge you to choose an alternative in the Bull Mountain Natural Gas Pipeline Draft Environmental Impact Statement that routes the pipeline around any Inventoried Roadless Areas, so as to leave them undisturbed. I also ask that you consider the destructive impacts of the new wells and other facilities that would be created as a result of this pipeline.	Support of (Alternatives (#2 and #3) are noted. Cumulative Impacts from other potential wells and facilities are disclosed in the DEIS and will be disclosed in the FEIS.
21.2 The Clear Fork, East Willow, and Baldy Roadless Areas provide a habitat corridor that is critical to the future biological integrity of the region. Maintaining a diversity of wildlife species, including large carnivores such as mountain lion and lynx, is essential to preserving a healthy forest ecosystem. Extensive gas development in this region would have a harmful effect on wildlife and would create hazards and obstacles to animal movement between the West Elk Wilderness and the Roadless areas to the north, jeopardizing the viability of wildlife populations throughout the entire region.	Wildlife Topic Response: See Response 8.2 above
21.3 Building a pipeline and roads through the Roadless Areas would also violate the 2001 Roadless Rule and impact the areas' roadless characteristics. Soil, water, and air quality; the diversity of plant and animal communities; and habitat for species dependent on large, undisturbed areas of land would inevitably be disturbed, and opportunities for primitive recreation would be reduced significantly.	The recent decision (Sept 19th, 2006) in California v. Dept. of Agriculture that set aside the State Petitions Roadless Rule and reinstated the 2001 Roadless Rule, is being evaluated as it pertains to the Bull Mountain project DEIS. The FEIS and any final decision in a ROD would be consistent with the legal determination for the Roadless Rule at the time of the decision. See Response 1.1 for a detailed discussion of the BMNG project and consistency with the 2001 Rule. Wildlife Topic Response: See Response 8.3 above Recreation Topic Response: See Response 8.3 above.

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Respondent #21: Jennifer Clarke, 35 Arado Way, Greeley, CO 80634 Email comments recd 11.12.2006	
Comment	Comment Analysis and FS/BLM Response
21.4 Coloradoans need the quiet sanctuaries provided by roadless areas so that animals can roam freely and people can have the opportunity to discover the rewards of peace and solitude. The Clear Fork, East Willow, and Baldy Roadless Areas are a few of the remaining large undisturbed places and should be managed in a way that preserves their wild and natural character.	Wildlife Topic Response: See Response 8.3 above. Recreation Topic Response: See Response 8.3 above.

Respondent #22: Bobbe Besold, 302 Lomita Street, Santa Fe, NM 87505 Email comments recd 11.12.2006	
Comment	Comment Analysis and FS/BLM Response
22.1 In another appalling move by the Forest Service (as we here here in New Mexico struggle to save our wilderness areas from the greed of the gas and oil industry) you present the American public with this flea bitten idea to build a pipeline through a Colorado roadless area.	The Bull Mt Pipeline proposal is being brought to the land management agencies by a private Oil and Gas company (SGI). Under current federal regulations, the affected federal land management agencies must respond to Oil and Gas Industry proposals to develop valid Oil and Gas leases, if those actions fall within current law and policy.
22.2 Roadless, uh, means, like, no roads, and to install a pipeline one has to build a road. Roads actually.	The DEIS notes that no temporary or permanent roads are needed in Roadless Areas to build the BMNG pipeline. See Response 1.1 for a detailed discussion of the BMNG project and consistency with the 20 01 Rule regarding roads.
22.3 The Clear Fork, East Willow, and Baldy Roadless Areas provide a habitat corridor that is critical to the biological integrity of the region, including the health of the watershed that feeds the regions life (forests, animals, humans, soil and plants).	Wildlife Topic Response: See Response 8.2 above Soils Topic Response: All design criteria and best management practices aimed at controlling erosion , preventing sediment from entering the stream network and those used for restoration reclamation and revegetation will protect the soil and watershed values.(These are located in the design criteria, and the Plan of Development (POD), and are all based on R-2's Watershed Conservation Practices Handbook.
22.4 Oh and just a reminder: your job is to PROTECT our forests and lands, to preserve them for generations to come, not destroy them. And one other thing, you work for the American people, not for the gas and oil industry. Kindly do your job.	Thank you for supportive remarks about the USFS and BLM professionals that are managing the public's lands.

Respondent #23: Michael Newell, 6488 Tilbury Ave., Firestone, CO. 80504 Email comments recd 11.12.2006	
Comment	Comment Analysis and FS/BLM Response

Respondent #23: Michael Newell, 6488 Tilbury Ave., Firestone, CO. 80504 Email comments recd 11.12.2006	
Comment	Comment Analysis and FS/BLM Response
23.1 I am an experienced backcountry hiker of Colorado. I have thru-hiked the entire Colorado trail and spent tons of time outdoors. Please don't threaten this roadless area with a massive pipe running down the center. George Bush and his big-time congress are no longer in control of everything you do. You can say no to all this crap from the last few years. Re-route the darn bull mountain pipeline project please. Thank you very much!	There is an existing 6" pipeline and ROW that affects the same IRAs as the Bull Mt Pipeline, and that project was built in 1983. The Bull Mt Pipeline proposal is being brought to the land management agencies by a private Oil and Gas company (SGI). Under current federal regulations, the affected federal land management agencies are required to respond to Oil and Gas Industry proposals to develop valid Oil and Gas leases, if those actions fall within current law and policy. Alternatives 2 and 3 in the DEIS propose routes for the pipeline that avoid all Roadless areas

Respondent #24: Gene, Jan, Randy, Lance, Vanessa, and Erika Roberts, Wilderness Trails Ranch, Bayfield, CO Email comments recd 11.13.2006	
Comment	Comment Analysis and FS/BLM Response
24.1 We are writing to strongly oppose the invasion of public lands and critical wildlife habitat for the proposed Bull Mountain Pipeline. We oppose pipelines, drilling, and road building in established roadless corridors such as this area and the HD Mountains in southwestern Colorado.	Opposition to the Proposed Action noted.
24.2 We all know the oil and gas industry has a finite life, and it will most likely dead-end within many of our lifetimes. Why would we continue to put these private interests in front of the irreplaceable and dwindling corridors of wildlands?	The Bull Mt Pipeline proposal is being brought to the land management agencies by a private Oil and Gas company (SGI). Under current federal regulations, the affected federal land management agencies must respond to Oil and Gas Industry proposals to develop valid Oil and Gas leases, if those actions fall within current law and policy.
24.3 We urge you to look beyond the short-term, and the monetary gain of a few, and see the big, long-term picture. Protect our wilderness, roadless areas, and wildlife habitat, please. There is no second chance.	Effects to wilderness, Roadless areas, wildlife habitat is disclosed in the DEIS and the FEIS. Best Management Practices, project design features and mitigation measures to project various resources are part of the alternatives and are listed in Appendix B of the DEIS and FEIS and the various appendices of the POD.

Respondent #25: Dana Bell, 614 Alvarado Dr NE, Albuquerque, NM 87108 Email comments recd 11.13.2006	
Comment	Comment Analysis and FS/BLM Response
25.1 I write to ask you to include in the Bull Mountain Natural Gas Pipeline Draft Environmental Impact Statement a plan that would route the pipeline around any Inventoried Roadless Areas. We have three generations in our family who spend time in and around wilderness areas, including in Colorado. The value of roadless areas, habitat corridors, and protected areas of species diversity are abundantly obvious to us. I am concerned that this area remains undisturbed, and hope that you will take a careful look at the impact of constructing facilities to support the proposed pipelines as well.	Opposition to the Proposed Action noted. DEIS Alternatives 2 and 3 propose routes for the pipeline that avoid all Roadless Areas. The DEIS and FEIS will disclose the effects of the alternatives on resource values.

Respondent #25: Dana Bell, 614 Alvarado Dr NE, Albuquerque, NM 87108 Email comments recd 11.13.2006	
Comment	Comment Analysis and FS/BLM Response
25.2 It is my understanding that construction of the type being considered through the Inventoried Roadless Areas would also violate the 2001 Roadless Rule and impact the areas' Roadless characteristics. Soil, water, and air quality; the diversity of plant and animal communities; and habitat for species dependent on large, undisturbed areas of land would inevitably be disturbed, and opportunities for primitive recreation would be reduced significantly. Thank you for your careful consideration.	The recent decision (Sept 19th, 2006) in California v. Dept. of Agriculture that set aside the State Petitions Roadless Rule and reinstated the 2001 Roadless Rule, is being evaluated as it pertains to the Bull Mountain project DEIS. The FEIS and any final decision in a ROD would be consistent with the legal determination for the Roadless Rule at the time of the decision. See Response 1.1 for a detailed discussion of the BMNG project and consistency with the 2001 Rule. Wildlife Topic Response: See Response 8.3 above Recreation Topic Response: See Response 8.3 above.

Respondent #26: Barb D'Autrechy, 14A Riversedge Court, Basalt, Colorado 81621 Email comments recd 11.13.2006	
Comment	Comment Analysis and FS/BLM Response
26.1 I am writing you to voice my strong objection to the proposed Bull Mountain Natural Gas Pipeline, which will traverse roadless areas in the Clear Fork Divide region. The proposed pipeline will not only introduce impacts and disturbances to these protected areas, it will also usher in additional impacts from gas well development. Furthermore, the proposed pipeline violates the 2001 Roadless Rule.	Opposition to the Proposed Action noted. The DEIS and FEIS will disclose the effects of the alternatives on resource values. The recent decision (Sept 19th, 2006) in California v. Dept. of Agriculture that set aside the State Petitions Roadless Rule and reinstated the 2001 Roadless Rule, is being evaluated as it pertains to the Bull Mountain project DEIS. The FEIS and any final decision in a ROD would be consistent with the legal determination for the Roadless Rule at the time of the decision. See Response 1.1 for a detailed discussion of the BMNG project and consistency with the 2001 Rule.
26.2 Roadless areas such as Clear Fork, East Willow and Baldy provide important habitat on a landscape proportion that it essential for large predators, a necessary component of any healthy ecosystem. Colorado's wild areas are part of what define our great state, and make it such a desirable place to live. Our healthy and intact forests provide a place for solitude and recreation to residents and visitors, and habitat that can still support a diversity of wildlife.	Wildlife Topic Response: See Response 8.3 above
26.3 Please explore an alternative alignment for the Bull Mountain Pipeline, one that would not introduce impacts to roadless areas.	DEIS Alternatives 2 and 3 propose routes for the pipeline that avoid all Roadless Areas.

Respondent #27: E.B. Zukoski, 1105 Ithaca Drive, Boulder, CO 80305-6329 Email comments recd 11.13.2006	
Comment	Comment Analysis and FS/BLM Response
27.1 As someone who values Colorado's roadless areas, wildlife and wildlands, and who has visited roadless areas on the White River and GMUG National	DEIS Alternatives 2 and 3 propose routes for the pipeline that avoid all Roadless Areas.

Respondent #27: E.B. Zukoski, 1105 Ithaca Drive, Boulder, CO 80305-6329 Email comments recd 11.13.2006	
Comment	Comment Analysis and FS/BLM Response
Forests, I urge you to choose an alternative in the Bull Mountain Natural Gas Pipeline Draft Environmental Impact Statement that routes the pipeline around any Inventoried Roadless Areas, so as to leave them undisturbed.	
27.2 I also ask that you consider the direct and indirect impacts of pipeline construction, including the development of the Bull Mountain unit to oil and gas drilling. The air quality analysis portion of the EIS assumes that between 55 and 282 wells could be drilled as a result of the pipeline (see DEIS at 98-99), and makes clear that without the pipeline, no drilling and other related development in the Bull Mountain Unit would otherwise occur. Thus, the Forest Service must analyze the impacts of developing the Bull Mountain unit NOT as a cumulative or connected action, but as a DIRECT (or, at a minimum an indirect) impact of permitting pipeline construction. Failure to do so would clearly violate NEPA and federal caselaw.	Direct, indirect and cumulative impacts of the proposed pipeline are noted in the DEIS. The FEIS would also disclose direct, indirect and cumulative impacts of the action alternatives. The Air quality analysis used the range of wells based on speculation on the maximum capacity of a 20" pipeline. The Proponent (SGI) notes that their development of the Bull MT lease unit may result in 55-60 wells over 10 years. Those estimates are speculative and are dependent on markent conditions and other factors. This information is best addressed as potential foreseeable actions in the CEA analysis. The direct action is the installation of the pipeline. The connected action that would have to happen for the use of a new pipeline is the installation of the Compressor site on private ground. The # of wells that would result on the Bull Mt lease unit or on other leases in the larger area is entirely speculative in nature.
27.3 The Clear Fork, East Willow, and Baldy Roadless Areas provide a habitat corridor that is critical to the future biological integrity of the region. Maintaining a diversity of wildlife species, including large carnivores such as mountain lion and lynx, is essential to preserving a healthy forest ecosystem. Extensive gas development in this region - let alone 300 acres of logging and a 100-foot-wdie strip open for motorized use by those maintaining the pipeline - would have a harmful effect on wildlife and would create hazards and obstacles to animal movement between the West Elk Wilderness and the roadless areas to the north, jeopardizing the viability of wildlife populations throughout the entire region.	Wildlife Topic Response: See Response 8.2 above
27.4 Building a pipeline, right-of-way, and roads through the Inventoried Roadless Areas would also violate the 2001 Roadless Rule and impact the areas' roadless characteristics. Soil, water, and air quality; the diversity of plant and animal communities; and habitat for species dependent on large, undisturbed areas of land would inevitably be disturbed, and opportunities for primitive recreation would be reduced significantly.	The recent decision (Sept 19th, 2006) in California v. Dept. of Agriculture that set aside the State Petitions Roadless Rule and reinstated the 2001 Roadless Rule, is being evaluated as it pertains to the Bull Mountain project DEIS. The FEIS and any final decision in a ROD would be consistent with the legal determination for the Roadless Rule at the time of the decision. See Response 1.1 for a detailed discussion of the BMNG project and consistency with the 2001 Rule. Wildlife Topic Response: See Response 8.3 above Recreation Topic Response: See Response 8.3 above.
27.5 In light of Colorado's current petroleum development boom, we need even more the quiet sanctuaries provided by roadless areas so that animals can roam freely and people can have the opportunity to	Recreation Topic Response: See Response 8.3 above. Wildlife Topic Response: See Response 8.3 above.

Respondent #27: E.B. Zukoski, 1105 Ithaca Drive, Boulder, CO 80305-6329 Email comments recd 11.13.2006	
Comment	Comment Analysis and FS/BLM Response
discover the rewards of peace and solitude. The Clear Fork, East Willow, and Baldy Roadless Areas are a few of the remaining large undisturbed places and should be managed in a way that preserves their wild and natural character.	

Respondent #28: Bettina Bickel, 9218 N. 51st Dr., Glendale, AZ 85302 Email comments recd 11.13.2006	
Comment	Comment Analysis and FS/BLM Response
28.1 As someone who values Colorado's roadless areas, wildlife and wildlands, (and spends time backpacking in Colorado every summer) I urge you to choose an alternative in the Bull Mountain Natural Gas Pipeline Draft Environmental Impact Statement that routes the pipeline around any Inventoried Roadless Areas, so as to leave them undisturbed. I also ask that you consider the cumulative impacts of the new wells and other facilities that would be created as a result of this pipeline.	Support of (Alternatives (#2 and #3) are noted. Cumulative Impacts from other potential wells and facilities are disclosed in the DEIS and will be disclosed in the FEIS.
28.2 The Clear Fork, East Willow, and Baldy Roadless Areas provide a habitat corridor that is critical to the future biological integrity of the region. Maintaining a diversity of wildlife species, including large carnivores such as mountain lion and lynx, is essential to preserving a healthy forest ecosystem. Extensive gas development in this region would have a harmful effect on wildlife and would create hazards and obstacles to animal movement between the West Elk Wilderness and the Roadless areas to the north, jeopardizing the viability of wildlife populations throughout the entire region.	Wildlife Topic Response: See Response 8.2 above
28.3 Building a pipeline, right-of-way, and roads through the Inventoried Roadless Areas would also violate the 2001 Roadless Rule and impact the areas' roadless characteristics. Soil, water, and air quality; the diversity of plant and animal communities; and habitat for species dependent on large, undisturbed areas of land would inevitably be disturbed, and opportunities for primitive recreation would be reduced significantly.	The recent decision (Sept 19th, 2006) in California v. Dept. of Agriculture that set aside the State Petitions Roadless Rule and reinstated the 2001 Roadless Rule, is being evaluated as it pertains to the Bull Mountain project DEIS. The FEIS and any final decision in a ROD would be consistent with the legal determination for the Roadless Rule at the time of the decision. See Response 1.1 for a detailed discussion of the BMNG project and consistency with the 2001 Rule. Wildlife Topic Response: See Response 8.3 above Recreation Topic Response: See Response 8.3 above.
28.4 When considering Colorado's current development boom, we need the quiet sanctuaries provided by roadless areas so that animals can roam freely and people can have the opportunity to discover the rewards of peace and solitude. The Clear Fork, East Willow, and Baldy Roadless Areas are a few of the remaining large undisturbed places and should be	Recreation Topic Response: See Response 8.3 above. Wildlife Topic Response: See Response 8.3 above.

Respondent #28: Bettina Bickel, 9218 N. 51st Dr., Glendale, AZ 85302 Email comments recd 11.13.2006	
Comment	Comment Analysis and FS/BLM Response
managed in a way that preserves their wild and natural character.	

Respondent #29: Justin Johns (need USPS address yet) Email comments recd 11.13.2006	
Comment	Comment Analysis and FS/BLM Response
29.1 I ask that this pipeline proposal be abolished. This is a terrible mistake for wildlife and the habitat around them. This area should not be impacted for this matter and will open a huge can of worms with many negative effects to this area should this be allowed to happen. I am 100% against.	Opposition to the proposal is noted. Effects to wildlife species and habitats are disclosed in the DEIS and will be in the FEIS.

Respondent #30: Mike Kluthe, 5766 Monte Verde Dr., Mtn. Green, UT 84050 Email comments recd 11.13.2006	
Comment	Comment Analysis and FS/BLM Response
30.1 I urge you to choose an alternative in the Bull Mountain Natural Gas Pipeline Draft Environmental Impact Statement that routes the pipeline around any Inventoried Roadless Areas, so as to leave them undisturbed. I also ask that you consider the cumulative impacts of the new wells and other facilities that would be created as a result of this pipeline.	Support of (Alternatives (#2 and #3) are noted. Cumulative Impacts from other potential wells and facilities are disclosed in the DEIS and will be disclosed in the FEIS.
30.2 The Clear Fork, East Willow, and Baldy Roadless Areas provide a habitat corridor that is critical to the future biological integrity of the region. Maintaining a diversity of wildlife species, including large carnivores such as mountain lion and lynx, is essential to preserving a healthy forest ecosystem. Extensive gas development in this region would have a harmful effect on wildlife and would create hazards and obstacles to animal movement between the West Elk Wilderness and the Roadless areas to the north, jeopardizing the viability of wildlife populations throughout the entire region.	Wildlife Topic Response: See Response 8.2 above
30.3 Building a pipeline, right-of-way, and roads through the Inventoried Roadless Areas would also violate the 2001 Roadless Rule and impact the areas' roadless characteristics. Soil, water, and air quality; the diversity of plant and animal communities; and habitat for species dependent on large, undisturbed areas of land would inevitably be disturbed, and opportunities for primitive recreation would be reduced significantly.	The recent decision (Sept 19th, 2006) in California v. Dept. of Agriculture that set aside the State Petitions Roadless Rule and reinstated the 2001 Roadless Rule, is being evaluated as it pertains to the Bull Mountain project DEIS. The FEIS and any final decision in a ROD would be consistent with the legal determination for the Roadless Rule at the time of the decision. See Response 1.1 for a detailed discussion of the BMNG project and consistency with the 2001 Rule. Wildlife Topic Response: See Response 8.3 above Recreation Topic Response: See Response 8.3 above.
30.4 When considering Colorado's current development boom, we need the quiet sanctuaries provided by	Wildlife Topic Response: See Response 8.3 above. Recreation Topic Response: See Response 8.3 above.

Respondent #30: Mike Kluthe, 5766 Monte Verde Dr., Mtn. Green, UT 84050 Email comments recd 11.13.2006	
Comment	Comment Analysis and FS/BLM Response
roadless areas so that animals can roam freely and people can have the opportunity to discover the rewards of peace and solitude. The Clear Fork, East Willow, and Baldy Roadless Areas are a few of the remaining large undisturbed places and should be managed in a way that preserves their wild and natural character.	

Respondent #31: David Baumgarten, Gunnison County Attorney, Gunnison County CO. (Email with letter attachment dated November 07, 2006)	
Comment	Comment Analysis and FS/BLM Response
31.1 Thank you for the opportunity to review and comment on the *Draft Environmental Impact Statement, Bull Mountain Natural Gas Pipeline.* Generally, because of the judgment in the recent California v. Dept. of Agriculture case setting aside the *State Petitions Rule* and reinstating the *Roadless Rule* and because both the Preferred Alternative and Alternative in the DEIS directly cross Inventoried Roadless Areas in contravention of the *Roadless Rule*, Gunnison County recommends that this DEIS be withdrawn and redrafted. While there potentially may be challenges to this judgment and the issue could remain in flux for some time, the ruling currently stands and may substantively affect the information, analysis and conclusions as presented in this DEIS: All must be reevaluated in the context of this ruling, and the public must have the opportunity to review and respond.	The recent decision (Sept 19th, 2006) in California v. Dept. of Agriculture that set aside the State Petitions Roadless Rule and reinstated the 2001 Roadless Rule, is being evaluated as it pertains to the Bull Mountain project DEIS. The FEIS and any final decision in a ROD would be consistent with the legal determination for the Roadless Rule at the time of the decision. See Response 1.1 for a detailed discussion of the BMNG project and consistency with the 2001 Rule.
31.2 As to the document currently within the review process, our comments are primarily specific to those activities located within the boundaries of Gunnison County and described within this DEIS.	Introduction comments.
31.3 Should additional compressors or other facilities that are not described in this DEIS be needed in the future to operate the Bull Mountain pipeline at maximum capacity, we assume the Forest Service will require additional assessment, and we reserve the opportunity to participate in that review and submit additional comments at that time. The Final EIS should include language that identifies activities in addition to those defined in this DEIS that would trigger such assessment and how public notification and opportunity for comment will be assured.	Any additional compressors or facilities would be proposed at that time and would be analyzed under NEPA if those proposals were on Federal lands. Public scoping and comments would be sought at that time for those specific NEPA actions.
31.4 Construction, operation and maintenance of the pipeline, all facilities at the proposed Bull Mountain Compressor Station, and attendant roads are subject to all applicable Gunnison County permitting requirements. Because Gunnison County	Required permits from Gunnison County would be the responsibility of the proponent (SGI).

Respondent #31: David Baumgarten, Gunnison County Attorney, Gunnison County CO. (Email with letter attachment dated November 07, 2006)	
Comment	**Comment Analysis and FS/BLM Response**
regulations seek to avoid duplicative review processes, we would urge the applicant to initiate those permit reviews, so that such reviews may be conducted in tandem with this EIS review process.	
31.5 Specific comments are these: The proposed pipeline design accommodates five times the capacity necessary to convey gas from the Bull Mountain unit. Though the analysis of cumulative effects addresses the project area, and considers some future, as well as the past 20 years, development, it does not fully address the effects of the "increased opportunity factor," i.e. that the presence of a line of this capacity would facilitate and encourage drilling and production at greater levels and over a broader area than has been addressed within the identified CEA's. Secondary growth from construction, employees and a service population should be considered outcomes, including impacts to infrastructure and both detriment and benefit to the public.	Cumulative impacts are disclosed in the DEIS and will also be disclosed in the FEIS. Pipeline Engineer Response: The scope of cumulative analysis was carefully considered and it is unreasonable to expect the EIS to include the analysis of impact associated with speculative oil and gas development. Further, we believe that an increasing nationwide demand for clean-burning natural gas is the primary driving force behind the growing level of exploration and development in the Rocky Mountain region during the last several years. Additional infrastructure to transport the gas into the interstate pipeline grid is a result, not a cause, of development.
31.6 Forest Plan Amendment 2 notes that, "Management activities within roadless areas should emphasize long-term maintenance of roadless characteristics and… maintenance and restoration of ecosystem composition and structure such as reducing the risk of uncharacteristic wildfire effects." Risk of fire during operation is attributed primarily to "unauthorized entry onto the right-of-way." While the potential for a pipeline breach and resultant release of flammable vapor may be minimal, design and monitoring measures to minimize such an occurrence (which logically might also be caused by construction failure or weather events) ought to be included within applicable sections of the Final EIS, including the fire prevention and suppression section.	Pipeline Engineer Response: Based on historical probabilities (OPS 2003), one incident would be predicted every 150 years for the Bull Mountain Pipeline. Other contributing factors, such as the pipeline's remote location, would suggest that this predicted interval likely overestimates the chance of a pipeline incident. In the unlikely event of an accident, an ignition source would be required to ignite the gas. Consequently, the chance of a fire caused by a Bull Mountain Pipeline accident is low. The pipeline would be designed, constructed, and operated in conformance with Federal pipeline safety standards (49 CFR Part 192). These regulations would reduce the chance of pipeline incidents, including fires. Additionally, these regulations require SG to routinely monitoring the pipeline for hazards, such as landslides, that could potentially damage the pipeline.
31.7 Though Alternatives 2 and 3 would generate total construction emissions greater than those of the Preferred Alternative, the time during which those emissions would be generated is limited and so does not offset the likely long-term impacts of road construction and maintenance within the designated roadless area.	No new temporary or permanent roads are proposed within any Roadless Area. Air Quality Topic Response: All new road construction related to the project will be for temporary access. Best management practices will be applied to reduce dust emissions related to construction activity. The Fugitive Dust Control Plan (Appendix 6 to Plan of Development) identifies these requirements for dust abatement. Following project construction these roads will be closed and revegetated. No new permanent roads are proposed anywhere in the project area (see DEIS, page 7). As such, there will not be an increase in long-term emissions related to road construction as a result of the proposed project. Transportation Topic Response: System road maintenance

Respondent #31: David Baumgarten, Gunnison County Attorney, Gunnison County CO. (Email with letter attachment dated November 07, 2006)	
Comment	Comment Analysis and FS/BLM Response
	is a long-term activity that will occur regardless of the proposed project on designated roads. No new road construction or maintenance is proposed in any roadless area. The use of BMPs for air quality during construction will reduce emissions and fugitive dust (Appendix B, DEIS).
31.8 Selection of the routes in either Alternative 2 or 3 within the Gunnison County area of the plan is preferable to either the Preferred Alternative or Alternative 1: In particular, impacts to water bodies, to visual quality, to meadowlands, and to long-term air quality will be less as the proposed routes in those alternatives follow existing roads, and to a considerable extent, the routing of existing pipelines.	Watershed Topic Response: See DEIS Watershed Section Pg 131. Rankings of Risk by alternative. Wildlife Topic Response: Besides being longer than the other alternatives, Alternatives 2 and 3 would affect more acres of wetlands (DEIS, Table 64). In addition, while Alternative 2 follows existing roads it has the most perennial and intermittent stream crossings. A population of boreal toads is found along the Alternative 2 route, and this alternative could have effects on that population, as discussed in the DEIS. Alternatives 2 and 3, being longer, affect more acres of grass/forb and mountain shrub cover types (DEIS, Tables 85, 88, 91, and 94). Pipeline Engineer Response: Based on observations of the routes, the Proposed Action would be the best route, both from an environmental impacts and pipeline routing perspective. Alternatives 2 and 3 are much longer, would result in greater surface disturbance, and are not desirable pipeline routes in terms of terrain for both construction and long term maintenance and safety. Visual Topic Response: Selection of Alternative 2 or 3 are not preferable to preferred Alternative or Alternative 1 regarding impacts to visual quality. Both alternatives 2 and 3 are longer and will incur more disturbances. In addition both 2 &3 will place the pipeline in steeper sloped ground which equates to an increased cross-sectional footprint of the disturbance. The pipeline disturbance will be within the immediate foreground of the viewing platform, i.e. the road and eminently noticeable. In addition, the steepness of the slopes will make revegetation to natural conditions significantly more challenging because it will take longer to establish and limit vegetation type to forbs and grasses. Road 265 has an objective of partial retention. The scar that would be incurred would permanently alter the slope, creating an unnatural bench like feature the entire length of the road. Visual impact in both alternative 2 & 3 will be greater than the preferred alternative or alternative 1. (Review appendix a figure 17.)
31.9 Final noxious weed management and reclamation plans should be required to comply in Gunnison County with County reclamation and revegetation requirements for noxious weed control.	Noxious weed management and reclamation would comply with County, State and Federal requirements. BMPS, project design features and mitigation measures for noxious weeds are disclosed in the DEIS and FEIS.
31.10 Again, thank you for the opportunity to comment.	Closing remarks.

Respondent #32: Dan McPherson, 1859 County Rd 344, Silt, CO 81652. Phone log comments recorded by Bill Jackson, Project Manager on 11.13.2006	
Comment	Comment Analysis and FS/BLM Response
32.1 Dan is a local resident/landowner along the proposed route, the son of Leslie and Jeanne McPherson (indicated as landowners on the SG base map of alternative routes).	Phone log introduction by Bill Jackson, Project Manager
32.2 Regarding the proposed action Dan had the following comments: SG does not have permission to go across their property (surface ownership #15 in the SG base map of alternatives). He doesn't support the proposed action because of the environmental damage that would result from taking the pipeline across the side hill along Flatiron Mountain and all the blasting that would be required. He doesn't support the proposed action route as a utility corridor because the terrain (side hill issues) is not a good location for it. He says there are already many pipelines existing and being proposed in the general area and that local landowners are being affected. He doesn't have much problem with the proposed route until it intersects with the RMNG pipeline – from the RMNG to the Divide Creek compressor site is the section he has concerns with because of the side hill issue (erosion, visuals) and the fact that it would have to go thru private property that SG doesn't have permission to be on (i.e., McPherson property, Wheeler property)	Pipeline Engineer Response: If approved, SG would attempt to acquire an easement with private landowners. The easement is a legal instrument that gives the pipeline company the right to construct, operate, and maintain the pipeline in the right-of-way and, in return, compensates the landowner for the use of the land. If easement negotiations were unsuccessful, SG may acquire the easement for pipeline construction and operation under state eminent domain laws. State statutes have been enacted that define the right-of-way acquisition process on private and nonfederal public lands for utilities engaged in either intrastate or interstate commerce. Due to the terrain in the area, some amount of side-slope construction would be required, regardless of the pipeline alternative. Minimizing the total amount of side slope construction and adherence to reclamation standards would minimize long-term impacts from construction. Routine surveillance of the right-of-way during operations would include inspection of the right-of-way for signs of slope instability or erosion problems. Visual impacts associated with this alternative are discussed in the EIS (Section 3.12). Soils Topic Response: The impacts to the soil on side slopes situations are discussed in section 3.2.3 Environmental Consequences Soils, page 112 and 113. This is also displayed in tables 50,52,53,56 as amount of area in various side slope situations by alternatives. Sgi Response: SG would attempt to find another route avoiding non-negotiable ownerships before contemplating use of eminent domain. The Proposed Action is the route that affects the least number of landowners. Eminent domain is available and would be used under circumstances where the Proposed Route is approved and rights of way acquired from the majority of landowners and one or two landowners refuse to grant rights of way.
32.3 Regarding Alternative 1 Dan had the following comments: From the intersection of RMNG to the Divide Creek compressor site there isn't enough room to locate a 20 inch pipeline along Divide Creek road because the road is low, narrow and located next to Divide Creek. The pipeline would have to be built uphill of the Divide Creek road and would impact private property.	Pipeline Engineer Response: Agree with the comments. As stated in site visit report, it was recommended that the pipeline should not be constructed along the Divide Creek Road between the Morris Property south to FS 841 (Willow Creek Road). The site report indicated that some portions of the route would be in riparian areas along Divide Creek and construction would require the removal of many riparian trees, including large cottonwoods. Secondly, steep slopes would preclude construction on the west side of the road in some portions, obligating the construction ROW to be placed upslope and to the east of the road. Since the existing RMNG ROW already is upslope and to the east of the road, it would be most reasonable to follow the existing RMNG ROW rather

Respondent #32: Dan McPherson, 1859 County Rd 344, Silt, CO 81652. Phone log comments recorded by Bill Jackson, Project Manager on 11.13.2006

Comment	Comment Analysis and FS/BLM Response
The Divide Creek road is narrow and windy and having more industry traffic beyond what is already occurring would have more safety issues with the landowners that use the road on a daily basis.	than creating a new ROW. Rather, the suggestion again would be to follow the Proposed Action north until reaching the existing pipeline corridor (Questar??) that intersects FS 8233, and then follow this route west, until the route intersects Alternative 1. This would bypass the constricted riparian area along West Divide Creek and would avoid the side slope construction across the pinon-juniper hillside near the West Divide Compressor Station. Adopting this combination of Alternative 1 and the Proposed Action would likely reduce environmental impacts by avoiding riparian areas and minimizing steep or side slope construction. Soils Topic Response: The potential impact to the soils in these situations is discussed on page 115, Direct effects of alternative 1 on the soil resource. Transportation Topic Response: Pipelines can be built in the roadbed by building the road and pipeline together. It can be built like a railroad by running concurrent operations and activities. Start with salient activities like excavation, installing pipe, final road building and inspection, seeding and erosion control. Divide Creek Road is a public road and safety is concern not just for landowners, but for all users. Road safety (turnouts and traffic control plan) is addressed in the EIS. Delays necessary for safety reasons are also addressed in the EIS. Proponent may have to renegotiate with landowner and/or condemnation in order to obtain ROW outside the roadway.
32.4 Regarding Alternative 2 Dan had the following comments: The pipeline would be better off being built along existing roads because access needed for maintenance wouldn't be an issue and it would avoid the sidehill effects at Flatiron Mountain and wouldn't affect local landowners in West Divide. The roads to be used under Alt. 2 aren't narrow and windy like the Divide Creek Road is and this would make the construction equipment more visible and therefore be a safer situation.	Pipeline Engineer Response: See responses to comments 32.3 and 33.4. The proposed route around Flatiron Mountain does not appear unreasonable based on topographic maps. Soils Topic Response: A summary of the impacts on the soil resource is displayed at the end of section 3.2.3 Environmental Consequences, Soils, on pages 119,120 and 121 of the draft EIS. Transportation Topic Response: See Response 32.3
32.5 Regarding Alternative 3 Dan had the following comments: He prefers this alternative to all the rest because it is only 7 or so miles more than the proposed action, avoids the Divide Creek area and the sidehill issue at Flatiron Mountain, avoids private property along Divide Creek, follows existing roads and follows an existing utility corridor. The roads to be used under Alt. 3 aren't narrow and	Pipeline Engineer Response: See response to comment 33.5. While it is not uncommon for electrical powerlines and pipelines to be co-located (though it does require additional mitigation to avoid induced current in the pipeline), the alternative 3 route is not desirable due to constructability, maintenance, and possible safety hazards. Soils Topic Response: Each alternative has its plus's and minuses. However, our analysis shows that alternative 3 has the greatest potential for impact to the soils resource. This is displayed in the summary of soil effects for alternative 3, table

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windy like the Divide Creek Road is and this would make the construction equipment more visible and therefore be a safer situation. He mentions that it's not unheard of to have a powerline and a gas line in the same general vicinity – not necessary one right under the other but in the same general area offset to standard like the line going up to Meeker from Rifle. He mentions that for the long-term it would make more sense to spend a little more money to build the extra 7 miles or so and avoid some of the problems he mentions above that would occur under the proposed action and Alt. 1.	60, page 121 of the draft EIS. Transportation Topic Response: See Response 32.3
32.6 Phone call received and summarized to the best of my ability and recollection by Bill Jackson, Bull Mt. Pipeline Project Manager. /s/ Bill Jackson 11/13/06	Closing notations by Bill Jackson, Project Manager

Respondent #33: Dan McPherson, 1859 County Rd 344, Silt, CO 81652. E-mail with attachment comments dated 11.13.2006	
Comment	Comment Analysis and FS/BLM Response
33.1 I have received your notification for public comment on the proposed Bull Mountain Natural Gas and Produced Water Pipelines. I am an interested local citizen with the following concerns:	Introduction remarks.
33.2 The route the pipelines would be laid in the proposed action is on steep slopes with rock outcropping along much of the north portion of the total distance. This would require much blasting and earth moving to install the pipelines and later more erosion and mass wasting. With these conditions this would not be a good area to declare a utility corridor. This route would leave the associated scar on the surface visible from much of the valley.	Pipeline Engineer Response: Construction through rock and side-slope construction would both require specialized construction techniques as described in Section 2.1. Blasting may be required in some areas, while ripping equipment may be used to trench through some rocky areas. Proper construction procedures, adherence to best management practices and mitigation, and successful reclamation would reduce the potential for future soil erosion and hillside slumping. Soils Topic Response: We appreciate your comment and concern. And, yes, some sections may require blasting; this is discussed on page 53, in chapter. 2 Alternatives, including the Proposed action. The impacts to the soil resource is discussed beginning on page 112, Section 3.23 environmental consequences, soils, of the draft EIS. : All design criteria and best management practices aimed at controlling erosion, preventing sediment from entering the stream network and those used for restoration reclamation and revegetation should, if appropriately implemented, prevent large amounts of erosion from occurring. (These are located in the design criteria, and the Plan of Development (POD), and are all based on R-2's Watershed Conservation Practices Handbook. Visuals Topic Response: The cut along the rock

Respondent #33: Dan McPherson, 1859 County Rd 344, Silt, CO 81652. E-mail with attachment comments dated 11.13.2006

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	outcroppings on BLM land at the northern end of the project as described in the proposed alternative will be visible by the viewer along the road and through out much of the valley. However, this area of BLM land is designated as class IV (pg275). The objective of this area designation is to provide for management activities, which require major modifications. The proposed pipeline placement within the outcroppings would meet the class IV object of the area. The VRPP describes several techniques for the proponent to consider implementation of, that would decrease visual impacts associated with rock cuts. These techniques would be included as part of pipeline design as well as mitigation that would alleviate some visual impacts. Alternative 1, which places the pipeline along county road 79, would have less visual impacts. It was necessary to include an alternative along the rock outcroppings and one along the road because attainment of private land ROW might not be securable.
33.3 Alternative 1 does not seem plausible due to the size of the pipelines and the work space they require.	Pipeline Engineer Response: See Response 32.3.
33.4 Alternative 2 follows the roads but increases the distance and therefore the disturbance to the surface. However, maintenance of the pipelines would be less disturbing in the many years to follow.	Pipeline Engineer Response: Compared to the Proposed Action, this alternative contains 2.1 times more area that is categorized as moderate or high risk of landslides (Table 25), which poses a threat to pipeline integrity and safety. If selected, adherence to best management practices (e.g., trench breakers, slope breakers), agency proposed mitigation, and successful reclamation of the right-of-way would be critical for the success of this alternative. Maintenance of a right-of-way along this alternative route would likely require diligent attention in future years. Successful reclamation would be more difficult due to steep slopes and landslide areas, compromising slope stability. Regardless of revegetation success, there also would be a greater chance of erosion and earth slumping along the right-of way due to greater landslide areas compared to the Proposed Action. While slope and trench breakers should help stabilize these slopes, there still would be a greater chance of earth movement, resulting in greater levels of maintenance activities and, at worst, damage to the pipeline with the associated safety hazards to the public and environment.
33.5 Alternative 3 makes a lot of sense following the Curecanti to Rifle 230-kilovolt transmission line. This portion of the route is obviously an existing utility corridor.	Pipeline Engineer Response: While this route would follow an existing utility corridor (electrical transmission line), compared to the Proposed Action, this alternative contains 1.9 times more area that is categorized as moderate or high risk of landslides (Table 25), which poses a threat to pipeline integrity and safety. If selected, adherence to best management practices (e.g., trench breakers, slope breakers), agency proposed mitigation, and successful reclamation of the right-of-way would be critical for the success of this alternative. Maintenance of a right-of-way along this alternative route

Respondent #33: Dan McPherson, 1859 County Rd 344, Silt, CO 81652. E-mail with attachment comments dated 11.13.2006	
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	would likely require diligent attention in future years. Successful reclamation would be more difficult due to steep slopes and landslide areas, compromising slope stability. Regardless of revegetation success, there also would be a greater chance of erosion and earth slumping along the right-of way due to greater landslide areas compared to the Proposed Action. While slope and trench breakers should help stabilize these slopes, there still would be a greater chance of earth movement, resulting in greater levels of maintenance activities and, at worst, damage to the pipeline with the associated safety hazards to the public and environment.
33.6 If the proposed Bull Mountain Pipelines were to follow the existing Ragged Mountain Pipeline to the Owens Creek Road (FR 268) then follow it to the Curecanti to Rifle 230-kilovolt transmission line and follow it to the point at which it crosses the Silt to Colbran Road (FR 270, CR 330E, CR 342), follow it to the West Divide Creek Road (CR 344), and follow it to the Divide Creek Compressor Station, it would be paralleling existing pipelines and power lines along the entire distance except along the Owens Creek Road (FR 268). The distance along the Owens Creek Road is approximately seven miles. The new Hell's Gulch Pipeline is now being installed along CR342 and CR344. The Encana Pipeline follows CR342 and CR344 for part of the distance to the Divide Creek Compressor Station, also. The Owens Creek Road is over terrain with low relief and mostly grassy vegetation and mostly soil at the surface.	Pipeline Engineer Response: The route would be substantially longer than the Proposed Action, leading to more environmental impacts. Based solely on an evaluation of topo maps, pipeline construction primarily along the south-side Owen's Creek Road would be less difficult terrain, but a route that followed the electrical transmission line north of Owen's Road would have similar impacts as those already discussed in Alternatives 2 and 3. Further, the USFS notes that this would not eliminate the roadless area impacts issue as a portion of the suggested route would affect roadless due to off-sets required from the powerline. Therefore, this suggested alternative will not be carried forward for analysis. Transportation Topic Response: This is a viable alternative route. But a portion of the existing Ragged Mountain Pipeline south of Owens Creek road is in Clear Creek IRA.
33.7 I appreciate your notification for my comments on the proposed action. Thank you for your consideration of my views	Closing remarks.

Respondent #34: Falcon Seaboard. 109 N Post Oak Lane, Suite 540, Houston TX 77024. Fax letter recd 11.13.2006	
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34.1 Falcon Seaboard Diversified, Inc. ("FSDI") is the owner of a 3,000 acre ranch in Gunnison County. In addition, we are an owner, with our partners, of over 70,000 acres of mineral interests in the area. Many of these arrangements were entered into as far back as the year 2000. FSDI has the right to maximize its asset values. This is a basic legal right. The Bull Mountain Pipeline is a well-sited, environmentally-friendly project that allows the transport of clean natural gas to market. This natural gas will help reduce this country's dependency on foreign oil. This natural gas is a clean substitute for crude oil based products. We encourage approval of all necessary permits to allow construction of the Bull Mountain Pipeline.	Support for the project noted.

Respondent #35: SG Interest I, Ltd. 909 Fannin, Suite 2600, Houston TX. 15-pg Letter rcd. via FAX, 11.13.2006	
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35.1 SG Interests, the Bull Mountain Natural Gas Pipeline project proponent, is pleased to submit the attached detailed comments on the Draft Environmental Impact Statement for the Bull Mountain Natural Gas Pipeline. SG is pleased that the Environmental Impact Statement process for this vital project is moving forward. Of all the alternatives analyzed, the Proposed Action has been carefully designed and routed to have the least impacts on all resources and satisfy the purpose and need. SG looks forward to the publication of the Final Environmental Impact Statement for this project and approval by the Bureau of Land Management and Forest Service for SG to begin construction. Thank you for your consideration of the attached comments. SG Interests Specific Comments on BMP DEIS BELOW	Introduction and support for the Proposed Action
35.2 Summary and Chapter 1: Project should be described as one gas pipeline that is up to 20" in diameter and one water pipeline that is up to 8" in diameter.	Corrections and clarifications noted. Update: SGI has recently requested that the 8" water line be deleted from the proposal. A water disposal site has been found in the Bull Mt lease unit.
35.3 page 1, Table S-1, row 1 lists 0.86 miles of pipeline ROW in Baldy Mountain IRA, but the route was shifted out of this IRA (FS requested shift out of IRA, SG agreed).	The original Proposed Action was kept as noted in the Federal Register and released to the public. This change would be noted in the FEIS and the ROD, if this route option is possible for the Proposed Action or Alternative 1. The amount of area between the IRA boundary and the unavailable private land is limited and would need to be surveyed on the ground. The Proponent (SGI) has agreed in concept to route the pipeline between the private land boundary and the IRA boundary.
35.4 page 1, Table S-1, row 2 - The landscape's appearance will not be reduced. Effect to visual resources is not made clear in this row.	Corrections and clarifications noted. Visual Topic Response: The table states that the pipeline "could" reduce the visual appearance of the landscape. In all likelihood the disturbance will reduce the visual appearance of the landscape. However, depending on the alternative selected, it may or may not exceed its current designated visual objective. Effects cannot be specifically quantified because impacts will vary greatly depending on which alternative is selected and exact location of the pipeline.
35.5 page 2, table S-2, row 3, column 2 - IDT should be spelled out so the reader knows this is a FS team of specialists.	Corrections and clarifications noted.
35.6 page 4, first sentence, paragraph 5 is incorrect. It is correct to say that the increase in production per year is predicted to be 8 MMSCFD.	Corrections and clarifications noted.
35.7 page 5, section 1.3 - This section states that the FS	The DEIS discloses that a Utility corridor designation is a

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has identified a need to designate a utility corridor adjacent to the selected pipeline route. Please make it clear throughout the document that the proposed action does not include designation of a utility corridor. This component of the analysis was added by the FS independently of the proponent's proposed action.	component of every alternative, including the proposed action (see "Land Management Plan Consistency" section at the end of each alternative description in Chapter 2. The decision to amend the respective Forest Plans with a utility corridor designation is a separate decision for each, and would require that separate decision documents be issued by the WR and GMUG, aside from the ROD that will be prepared by the BLM pertaining to issuing the ROW grant (see Sections 1.5 and 1.9 of the EIS).
35.8 Page 4, last sentence, paragraph 6 is incorrect. The estimated capacity of the RMP is a function of compression and could be as much as 7 MMSCFD, which is the maximum that the Rocky Mountain Pipeline can accommodate. This also needs to be corrected on Page 29, second paragraph.	Corrections and clarifications noted.
35.9 Page 5, first paragraph, add a sentence that says "Rocky Mountain Natural Gas Pipeline only has capacity to accept 7 MMSCFD from the RMP" after the first sentence.	Corrections and clarifications noted.
35.10 page 7, first full paragraph - Why are separate road use permits issued by the FS needed? Isn't access to the project area included in the BLM right-of-way grant?	Transportation Topic Response: Both Forests will issue Road Use Permits to allow commercial use and upgrades or maintenance of public roads. ROWs apply only to the pipeline corridor.
35.11 page 21, Draft Land and Resource Management Plan Revision 2006 - States that the PA and alternatives will have to be reviewed for consistency with this revised plan. Will this review add time to the ROD schedule?	Depending on the timing of the GMUG Forest Plan Revision Final EIS and the timing of the decision for the Bull Mt Pipeline EIS, additional consistency review time may occur. Many projects are reviewed post-decision if new Forest Plan documents or amendments go into effect before a specific NEPA project is implemented or even during implementation of that NEPA project.
35.12 Chapter 2 Alternatives 2.2.1 No Action Alternative - This description leaves out any mention of lost royalties to federal and state governments. It also suggests that No Action might prevent development. Other consequences of No Action include lost employment opportunities, lost sales tax, and lost local business revenues. There is a statement in this section that the PA would parallel the Ragged Mountain Pipeline for 9 miles. This distance is 10 miles in other sections of this document.	Chapter 2 is a description of the alternatives. The effects of the alternatives, including the No Action are displayed in Chapter 3. Corrections and clarifications noted.
35.13 Proposed Action page 31: 4th full paragraph, and on page 35, Pipeline ROW - SG has agreed to use a 15' offset from the existing Ragged Mountain line when installing in an IRA.	Corrections and clarifications noted. The Proponent notes: The entire length of the ROW (not just in the IRA) would utilize the 15' offset and RMP previously cleared corridor would be used.
35.14 Aboveground Appurtenant Facilities - Pipeline markers are included in this section. Pipeline markers will not be painted in accordance with the color chart. 49CFR195.410 states that the writing on the marker must sharply contrast with the marker's background color.	Corrections and clarifications noted.

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35.15 subsection of Aboveground Appurtenant Facilities - Pipeline Markers - Markers will be installed in sufficient number along the route so that route location is accurately known (not just at road and fence crossings). See 49CFR195.410.	Corrections and clarifications noted.
35.16 page 35, Block Valve - There would be another block valve located near the existing Gunnison Energy compressor off FS 844. Please add this into the analysis for the FEIS.	Corrections and clarifications noted.
35.17 page 37, Transportation Activities Common to All Action Alternatives - This section states that improvements must be made to all existing roads. This statement should be removed because not all existing roads will be used for this project.	Transportation Topic Response: Delete word "all" and use "Improvements to existing access roads within the project area". See Bull Mountain Pipeline Road summary spreadsheets in DEIS Appendix O-2 for detailed information about road improvements for each alternative.
35.18 page 38, first full paragraph - The last sentence of this paragraph should be changed to read "Several thousand cubic yards of aggregate may be hauled over this road". It is not clear how much aggregate would actually be needed to make the roads usable for this project and to restore them to pre-existing conditions following construction. Further a source of aggregate has not been identified yet by SG, therefore FS701 may not be used for this project.	Transportation Topic Response: Make recommended change on grammar. The nearest commercial sources of aggregate are located in Paonia, it will be assumed for the purposes of analysis and impact determination, that due to haul costs the closest source will be used.
35.19 page 41, Table 9. - CR 344 is listed twice.	Transportation Topic Response: This will be corrected in this table and Appendix O-2 spreadsheet because it refers to Divide Creek access. Mamm Creek access is the only option Garfield County will allow as the industrial corridor route for oil/gas companies to access the WRNF.
35.20 page 42, end of first paragraph at top - Remove discussion of the county road. Upgrades to Mesa County roads will be according to Mesa County road use permit stipulations.	Transportation Topic Response: This is a connected direct action and effect that should be analyzed under NEPA, however mentioning use under Mesa County permit is appropriate. Leave this section as is.
35.21 NFSR 265 - FS 265 has undergone substantial upgrades recently, but none are mentioned in this description. The sentence - "There will be additional surface disturbance which will cause additional sedimentation in several drainages only this road." is unclear and needs to be rewritten. Also rewrite "To accommodate traffic (types and volumes) generated by pipeline construction, operation, and maintenance traffic calls for the need for improvements to the transportation facility." The sentence "These improvements will allow the project to proceed in a timely and economical manner." is untrue as additional work on this road will not contribute positively to either the time or financial budget of this project. The sentence at the end of this section suggests that 2 bridges need to be replaced for public benefit and safety, which implies a shared use of these bridges (36CFR212.5). Who will be replacing these bridges? SG proposes to use low	Transportation Topic Response: On NFSR 265, these are not upgrades. It was work performed for deferred maintenance needs to replace necessary aggregate for structural strength or reinforcement for winter daily light pickup traffic and removal of occasional generated well water. This deferred maintenance work for limited winter access is not adequate for the needs of the Bull Mountain pipeline project. Rewrite this section to as follows: "Reconstruction/improvements will generate additional surface disturbance which will cause additional sedimentation in several drainages along this road." Rewrite "Reconstruction to a double lane road template, with needed curve widening, sight distance improvements, and adequate structural section will allow the facility to accommodate oversized pipeline construction, operation and maintenance traffic as well as projected increases in recreation traffic and oil/gas field development.

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water crossings at these two creek crossings instead of replacing the bridges. Flagmen would be used for public safety. This section needs to be rewritten for clarity.	The two Forest Service bridges have restricted access. Proponent is responsible for replacing bridges to accommodate operational needs for access associated with pipeline construction operation, and maintenance traffic. Proponent must meet the maximum equipment load requirements over the minimum HS 20-44 load requirements or be prepared to mitigate by approved means. FSM 7710.44 It is the responsibility of Forest Supervisors, when motor vehicle use on a road or trial or in an area is causing or will cause considerable adverse effects on (1) public safety or soil; (2) vegetation; (3) wildlife or wildlife habitat; or (4) cultural resources, close that NFS road, NFS trail, or area on NFS land to motor vehicle use until such adverse effects have been mitigated or eliminated and measures have been implemented to prevent future recurrence (36 CFR 212.52(b)(2);FSM 7716.51). CFR 261.12(c) damaging and leaving in a damaged condition any road, trail or segment thereof. There will be ecological effects for damaging stream crossing. Bridge designs shall be approved by RO bridge engineers and Forest Supervisors. R-2 Director of Engineering shall review design prior to construction.
35.22 NFSR 265.4B - Remove this section since this is not a requested access road.	Transportation Topic Response: Leave section as is. This road runs adjacent to the PA pipeline for 0.6 miles. It may be temporarily closed during pipeline construction. The pipeline construction will adversely affect the access to dispersed campsites during summer and hunting use and is used for local horseback and ATVs. See Appendix O-3
35.23 NFSR 268 - This section, and several other road descriptions (ex. see NFSR 844 next in text and table 11), contain exact mileage of road in need of reconstruction. Where did these mileages come from? Later in the document the proponent is asked to perform a CBT on the roads and also to perform a road survey in the spring to determine road quality. These requirements contradict one another.	Transportation Topic Response: Mileages are based on road segment length in Forest Service GIS layers. Segments of roads generally have common characteristics such as road width and surfacing. Where entire segment is at a specified maintenance and use level that requires work such as curve radius widening, resurfacing, etc. to bring the road to a suitable standard for commercial use, that segment length is indicated for reconstruction. Requirements of contractor will be spelled out further in the Road Use Permit; road reconstructions will be designed or proposed by the contractor and approved by the Forest Service Engineering Department according to AASHTO standards.
35.24 NFSR 844.1 A - The description of required upgrades in paragraph 2 should be removed because paragraph 6 states that necessary upgrades have already been made.	Transportation Topic Response: Do not remove Paragraph 2. Remove paragraph 6. On NFSR 844.1A, these are not upgrades. It was work performed for deferred maintenance needs to replace necessary aggregate for structural strength or reinforcement for winter daily light pickup traffic and removal of occasional generated well water. This deferred maintenance work for limited winter access is not adequate for the needs of the Bull Mountain pipeline project.
35.25 page 45, Construction Schedule - This schedule will have to be updated to reflect recent shortages in	Pipeline Engineer Response: This comment seems reasonable and does reflect current regional shortages being

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work crews due to national increase in construction activities. The PA would take 6 months in current estimates.	experienced by other Oil and Gas companies.
35.26 Page 46, third paragraph, delete "Unless otherwise requested by the landowner".	Pipeline Engineer Response: The sentence would be correct with the requested change. However, the landowner can request different topsoil handling procedures as part of the easement negotiations. Some landowners may prefer topsoil stripping across the full ROW, particularly in agricultural areas. The purpose of full ROW stripping would be to avoid mixing topsoil and subsoil by construction traffic. Whether this practice is valid, depends on who you talk to and site-specific conditions. Those that advocate trench-line only stripping believe that reclamation success is greater with this method (with the exception of rutting during wet conditions). Land-management agencies/personnel have widely differing philosophies, even those with extensive pipeline experience. Transportation Topic Response: Delete as requested.
35.27 Page 46, Trenching and Blasting - Excavated rock may be used to backfill the trench to the top of the existing bedrock profile. Should read "may" not "would". Also in this section, last sentence; soft plugs would be installed every 1/4 mile for livestock and wildlife.	Pipeline Engineer Response: Suggested change is acceptable. However, if excavated rock is not used as backfill or if there is excess rock, SG would need to handle/dispose of the excavated rock per agencies guidelines.
35.28 Page 47, Boring - Remove this section because no paved roads are crossed by the PA. Also remove description of road boring from page 49 in Road Crossings section.	Pipeline Engineer Response: According to the Alternatives Comparison Table, there would currently be no roads bored, as there are no paved roads that need to be crossed. Consequently this section should be removed. Please note that the POD also contains information on boring and the two documents should be consistent. Transportation Topic Response: Do not remove. Add: All permanently lined/unlined irrigation ditches and canals will be bored unless waived by the Authorized Officer. WRNF - If the pipeline comes down the Powerline/Silt-Collbran road there is a canal (Highland Ditch) that will be crossed (probably 20 cfs size). It is not lined. Depending on how the project may follow the Divide Creek Road from the Silt-Collbran road east to the compressor, there may be another irrigation ditch (canal) (Porter Ditch) along that route. This ditch will also have to be crossed coming from the East off of the PA. Both of these ditches take water from West Divide Creek. None are lined. GMUG- If PA is chosen, no ditches are affected. But there are Owens Creek Ditch and Van Den Heuvel Ditch #1 that may be affected within the project area.
35.29 page 48, Pressure Testing - There is an error in this section. Pipeline segments will be pressure tested to 1.1 times the MAOP not 1.25 times MAOP.	Pipeline Engineer Response: Suggested change is correct and complies with federal regulations (49 CFR 192).
35.30 page 55, last paragraph of Pipeline and Site	Transportation Topic Response: Weed control will be part of

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Maintenance and Repair - "The proponent would be responsible for noxious weed control on ...forest access roads." What about existing weed infestations along access roads?	Road Use Permit. Proponent will not be responsible for infestations along public assess roads, but will be responsible for proponent-only access as part of the project. Pipeline Engineer Response: Typically the pipeline companies are not responsible for noxious and invasive weed control on existing access roads. Noxious Weeds Topic Response: SG will consult with the Bureau of Land Management (BLM)/US Department of Agriculture Forest Service (FS) and local weed control districts to determine pretreatment for existing noxious weed infestations. Depending upon the species and the time of construction, methods of pretreatment may include mechanical or chemical treatments. SG will continue to monitor the distribution and density of noxious weeds on the right-of-way for the life of the pipeline. At those locations where preexisting populations have expanded, SG will take action to eradicate the population or control their spread.
35.31 Alternative 1 page 56, narrative description - The mileage of access road for Alt 1 is longer than that for PA route. They should be very similar with mob/demob and daily traffic use similar also. There are roads missing on the PA road table. The tables of roads used for PA and for Alt 1 need to be revised for accuracy.	Transportation Topic Response: Need to verify distances and redo road tables and Appendix O-2
35.32 page 59, NFSR 265 -the same length of FS 265 would be used for both Alt 1 and for the PA. The text says Alt 1 would use 1.3 miles more. This paragraph also says that roads shall remain open to the public with only minor delays. This would not be possible in Alts that use roads as part of the route. This paragraph also says that all of FS 265 must be upgraded without mentioning the work that has already been done on this road.	Transportation Topic Response: Replace with: Use an additional 1.83 miles of NFSR 265 (to the intersection of NFSR 844) to access Alt 1 compared to PA. Also see 35.95 Reconstruction to a double lane road template, with needed curve widening, sight distance improvements, and adequate structural section will allow the facility to accommodate oversized pipeline construction, operation and maintenance traffic as well as projected increases in recreation traffic and oil/gas field development. On NFSR 265, the work that has been already done are not upgrades. It was work performed for deferred maintenance needs to replace necessary aggregate for structural strength or reinforcement for winter daily light pickup traffic and removal of occasional generated well water. This deferred maintenance work for limited winter access is not adequate for the needs of the Bull Mountain pipeline project.
35.33 page 60, top paragraph - This calculation only appears here. How would it be useful to decision-maker in comparisons among alternatives?	Transportation Topic Response: Need to verify.
35.34 page 61, first sentence - This sentence needs to be revised for clarity.	Transportation Topic Response: Replace sentence with “At MP 1.65, proposed pipeline begins to follow existing Ragged Mountain Pipeline ROW.”
35.35 page 61, second paragraph - Remove this paragraph as it calls for an unnecessary temporary road to be built.	Transportation Topic Response: According to Trigon’s plan and profiles at approx Sta. 629+37 there is a 125’x125’ TUA (truck turn around) and a 175’x300’ TUA. If staging areas are

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	still needed, approx 1500' of temp road will be needed. As indicated by GIS, this area is outside WR East Willow IRA.
35.36 page 61, third paragraph - Remove this paragraph if it is discussing the unnecessary temporary road mentioned in the previous paragraph. If is applies to NFSR 841.1, revise the paragraph for clarity.	Transportation Topic Response: It applies to NFSR 841.1. Delete first sentence ONLY in third paragraph on pg 61. Keep the rest of the paragraph.
35.37 page 61, first paragraph, NFSR 843 - This sentence states that FS 843 and FS 800 account for 100% of the pipeline equipment traffic. This does not seem reasonable. This road would be used for daily traffic and stringing trucks in PA and Alt 1.	Transportation Topic Response: This should be changed to 50% as is reflected in Chapter 3 of DEIS.
35.38 page 61, second paragraph, NFSR 843 - This road would be used for daily traffic and stringing truck access, not for construction equipment. Remove or revise this paragraph.	Transportation Topic Response: Make recommended change by removing "hauling construction equipment" and replacing with "daily traffic and stringing truck access". This is already reflected in Chapter 3 of the DEIS.
35.39 page 61, third paragraph, NFSR 843 - This paragraph calls for realignment of the road prior to commercial access even though it uses an existing gas well as a landmark in its description. It is not clear why the road would need to be realigned for daily traffic use, but not for commercial access by drill rigs and other construction equipment needed for the well. This paragraph also describes about 5 miles of FS 843. This is probably a longer segment of road than would be required to access the proposed ROW from FS 800.	Transportation Topic Response: Add this statement: "NFSR 843.has steep grades and side slopes, poor alignment, and is a narrow high clearance native surface local road. The road is untrafficable when wet, ruts easily, has low strength and stability to support vehicles and is not safe when wet to accommodate volumes daily traffic and pipeline construction equipment.
35.40 page 61, sixth paragraph, NFSR 843 - This paragraph appears to have been pasted into the wrong section since it refers to a staging area that is probably off FS 268 (although the road number is missing from this paragraph). Move or revise this paragraph.	Transportation Topic Response: This is temporary access road for PA and Alt 1. Move entire statement to Pg 43 under NFSR 268.
35.41 page 62, Construction Activities - This section states that there are fewer miles of steep slope construction on Alt 1, but does not provide any figures nor does it mention what it is less steep than.	Pipeline Engineer Response: According to the Alternatives Comparison Table, Alternative 1 has roughly 0.7 fewer miles of steep slopes, but about 0.6 miles more of side slope construction. The net result is that there is slightly more special construction TUAs necessary on Alternative 1 than required for the Proposed Action. The total difference is 5 acres more. Consequently, modify the text to read: "This route would require a comparable amount of special construction areas compared to the Proposed Action". Transportation Topic Response: Design criteria TR-8 limits road construction to slopes less than 15% (Appendix B, DEIS).
35.42 Alternative 2 page 64, Construction Yards - This sentence could be made clearer by stating that Alt 2 would require 3 storage yards whereas the PA would require 2.	Pipeline Engineer Response: This contradicts the information previously provided by SG for the Alternative Comparison, but is probably correct since SG is making the comment. Recommend that SG update the Alternatives Comparison Table for use in the FEIS to ensure there are no other notable changes. The acres of the pipe yards should be included in the overall surface disturbance associated with the

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	project. Also, it may be worthwhile having a map that identifies the location of these pipe yards. Transportation Topic Response: Make recommended changes. The Proponent (SGI) notes: There would not be a need for another storage yard with Alt. 2.
35.43 page 64, Compressor Station Facilities - It should be noted that for the longer Alt 2, additional compression would be needed. It is not true that facilities would be the same for Alt 2 as for the PA.	Pipeline Engineer Response: According to the Alternative Comparison Table provided by SG, the number of compressor sets, electrical power requirements, and site requirements would be identical between the Proposed Action and Alternative 2. There is a slight difference in ISO hp requirements (80 hp), which is about 0.5 percent different than the Proposed Action. The Proponent (SGI) notes: The number of compressors would be the same, but they would consume more horsepower (run harder) to move gas through a longer pipeline.
35.44 page 66, first paragraph - This paragraph ignores the huge amount of cut and fill that would be required to install a pipeline and a travel lane in FS 270, especially in steep areas.	Pipeline Engineer Response: Agreed. Alternative 3 would result in a substantial increase in surface disturbance. Table 25 indicates that Alternative 3 would require 53 percent more disturbed soils and 60 percent more soil excavation than the Proposed Action. This should be identified early in the discussion of Alternative 3. Transportation Topic Response: See TR-18 in Appendix B. Notes approximate 210,000 CYs. Soils Response: The impact to soil resource is discussed on page 112, section 3.2.3 Environmental Consequences “Soil”. One of the main factors considered was amount of soil material that was estimated to be displaced through excavation of the ditch itself and the work area needed for the heavy equipment . This is discussed under the Direct Effects for each alternative under the heading “Soils Excavated, starting on page 115 through page 119. It is summarized in tables 57,58, 59 and 60 on pages 119-121 of the DEIS.
35.45 page 66, second paragraph - Delays of 1-2 hours are most likely a severe underestimate.	Transportation Topic Response: See Appendix B DEIS Design Criteria GEN-3, RE-1, RE-4, RE-7, and TR-1(c) for restrictions placed on proponent regarding public road access. Update construction schedule and plans.
35.46 page 67, Land Management Plan Consistency - change "proposed action" to Alternative 2 in first sentence. Has there been any consideration of whether or not a Utility Corridor is feasible along Alternative 2? FS 270 would have to be made wide enough to accommodate several pipelines or buried cables each offset from one another 15' - 25'. How is this valid alternative?	Pipeline Engineer Response: The use of this corridor for other utilities would depend on the type of utility considered. For example, buried cables may not need as large offset as a pipeline and the terrain would be more conducive to a buried cable than a pipeline.
35.47 page 67, Construction Schedule, first sentence - This sentence should make it clear that construction would take 5 months in each of two years of construction.	Corrections and clarifications noted.
35.48 Alternative 3	Pipeline Engineer Response: According to the Alternative

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page 69, Compressor Station Facilities - There would be more compression needed for the longer Alt 3 than for PA. Rewrite this statement to reflect the larger compressor station needed for Alt 3.	Comparison Table provided by SG, the number of compressor sets, electrical power requirements, and site requirements would be identical between the Proposed Action and Alternative 3. There is a slight difference in ISO hp requirements (40 hp), which is about 0.2 percent different than the Proposed Action The Proponent (SGI) notes: Same response as 35.43
35.49 page 71 - NSFR 270, Description of this road should not be the same as for Alternative 2 because less of 270 would be closed for less time since less of it would be used. The amount of cut and fill required would also be less because a shorter length of 270 would be used for Alternative 3 than for Alternative 2.	Transportation Topic Response: Using Alt 3, approximately 2 to 2.5 miles of NFSR 270 will be reconstructed/relocated to address environmental issues and provide adequate drainage and safety. See Response 35.44
35.50 page 71, NFSR 277, The percentages listed for traffic on particular roads are confusing.	Transportation Topic Response: NFSR 277 10%, NFSR 265.1A and 265.1B 20%, NFSR 265.3A 20%, and NFSR 264 remains at 50%.
35.51 page 71, NFSR 268 - The description for this road should not be the same as for the Proposed Action because much less of this road is used for Alternative 3 than for the PA -just the segment from 265 to the ROW, which is less than one mile.	Transportation Topic Response: See Table 21 Pg. 70 for correct miles on NFSR 268.
35.52 page 71, NFSR 264 -This appears to be a road where the ROW would be if Alternative 3 were selected. No upgrades would be necessary because ROW equipment and other traffic use the pipeline ROW and do not use a road along the pipeline. Remove this section.	Transportation Topic Response: Do not remove. Portions may need to be reconstructed or upgraded to provide sufficient access because road is impassable when soft roadbed conditions exist, then gated as the route is also managed as a trail. It's anticipated NFSR 264 would be used for project traffic to haul in pipeline equipment and store materials. See Appendix O-2 Transportation Existing Conditions Spreadsheet for NFSR 264 comments column.
35.53 Alternatives Considered But Not Analyzed page 74, Option A - The last two sentences should be rewritten for clarity.	Corrections and clarifications noted.
35.54 page 76, Western Route - The reasons why this route was dropped from analysis should be more clearly listed at the end of this section.	Corrections and clarifications noted.
35.55 page 78, Comparison of Alternatives, Table 24, column "Project Objectives/Purpose and Need", item 1 - One objective of this project is to deliver gas from federal leases to the national market in accordance with requirements of lease contract obligations. This objective would not be met by the No Action Alternative.	Corrections and clarifications noted.
35.56 page 81, Comparison of Alternatives, table 25, Recreation, effects on illegal ATV use -This section states that there would be no increase in illegal ATV use for Alts 2 or 3. There is no reason to suspect that illegal ATV use would not occur on these routes if not properly blocked. The section on page 263	That was an error. Illegal ATV use could be possible for any alternative. Corrections and clarifications noted for Table 25 in the DEIS.

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"Indirect Effects" in "Effects on Summer/Fall Motorized Recreation" states that illegal ATV activity causing resource damage occurs along roads and utility corridors. Table 25 should be corrected to rectify this contradiction.	
35.57 Chapter 3 Comments (by Resource Section) Overall - Not every resource section is well organized. It is not clear that there are two distinct decisions to be made; PA pipeline and utility corridor designation. The organization scheme used in the Wildlife section could be applied to each resource section so that the reader can clearly compare the alternatives for each of the two decisions that will be made.	The discussion on the decisions to be made is noted in Chapter one. It clearly notes that the decision to designate a utility corridor is independent of the decision to issue a ROW permit. However the utility corridor is a proposal for all alternatives and many resource areas just included as a part of that alternative.
35.58 There is not a single definition for No Action Alternative among resource specialists/sections. Some specialists have assumed that No Action means nothing will happen in the study area. Under a No Action scenario, change will occur, therefore to set an accurate baseline by which comparisons to and among action alternatives can be made, the No Action Alternative should describe current access and use and current and planned maintenance and management activities in the area (without the proposed action activities).	Corrections and clarifications noted.
35.59 Air Quality, page 101, 5th paragraph - This paragraph is repeated from bottom of page 100-top of page 101.	Corrections noted.
35.60 Watershed, page 125, Executive Order 11998 - instead of reading "reduce the risk of flood loss" it should read "reduce the risk of floodplain loss"	Watershed Topic Response: Corrections and clarifications noted.
35.61 Watershed, page 129, third paragraph - This paragraph needs to be revised for accuracy. The contamination described in this paragraph (and in the Daily Sentinel article) was the result of EnCana improperly drilling a gas well. This contamination was not related to transportation of produced water. Piping of produced water has environmental benefits over trucking the water including less disturbance, less dust, less vehicle emissions, etc. It is misleading to refer to a benzene leak resulting from improper drilling when discussing produced water. This section of the paragraph should be removed. The water disposal site mentioned in this paragraph is in Debeque, Colorado not Utah.	Watershed Topic Response: Noted. Discussion will be removed.
35.62 Watershed - The direct and indirect effects are not discussed separately.	Watershed Topic Response: Corrections and clarifications noted.
35.63 Watershed - page 130, table 63 - This table is used to determine that PA is most detrimental to stream and wetland health. What data were used to determine ROW distance to stream (and wetland?)? Better data are available for the PA (from surveys that	Watershed Topic Response: Somewhat better data is available for the location of the proposed action in relation to streams and wetlands. However, that does not change the fact that the proposed action crosses more steep slopes than the other project alternatives.

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Cirrus conducted) than are available for other alternatives.	
35.64 Watershed - page 131, last paragraph - The Environmental Protection Plan in the POD appendix not the Transportation Management Plan should reduce the potential of adverse short term impacts.	Watershed Topic Response: Corrections and clarifications noted.
35.65 Rare Plants - page 138, table 68, row 2, column 5 - The alternative routes should not be referred to as proposed alternatives because they have not been proposed by the project proponent. This wording is confusing to the reader. These routes should simply be called alternatives.	Rare Plants Topic Response: The language will be changed from "proposed alternatives" to read as "alternatives".
35.66 Rare Plants - page 141, Utricularia minor- This paragraph infers that removal of canopy could reduce shading of ponds where this species lives and cause the water to warm. Suggesting that the water could reach temperatures of greater than 45°C (113°F) for 10 minutes or longer due to removal of canopy is unrealistic. This statement should be removed.	Rare Plants Topic Response: Although canopy alteration may affect thermal regimes and thereby alter plant communities, it is unlikely that temperatures would reach lethal levels as described in the Draft EIS and directly impact Utricularia minor in this way. However, the potential effects of canopy alteration cannot be entirely discounted as production shifts and species composition changes could occur as a result of such action. The statement suggesting water temperatures could reach 45C for sustained periods will be removed from the DEIS-Rare Plants section.
35.67 Rare Plants - page 142, Populus tremuloides - This section discusses aspen regeneration within the TUA. It is worth mentioning that most of the truck turn-a-rounds and storage TUAs are located in tree-less areas. It is true that aspen regeneration could occur in running TUA once other species have been cleared.	Clarifications noted. Turn a-rounds and storage TUAs where placed in open treeless areas to reduce the amount of timber that had to be removed. In addition, grass and shrub parklands openings are easier to rehabilitate and recover quicker.
35.68 Rare Plants - page 142, Table 70 - The effects of the No Action Alternative would be just as uncertain as those of the other Alternatives and the PA. Some attempt to set the baseline by which the other alternatives and the PA could be compared should be made.	Rare Plants Topic Response: Direct and indirect effects of the No Action Alternative would be a continuation of those effects experienced under current management and existing conditions at the present time.
35.69 Range - page 149, second paragraph under Range heading - This paragraph discusses compliance with existing land management plans, but the PA is not separated from utility corridor designation as a potentially separate action. This paragraph suggests that utility corridor designation will occur with any of the action alternatives for Bull Mountain Pipeline and this is not true.	Corrections and clarifications noted.
35.70 Range - page 153, section 3.5.3 Environmental Effects, subheading Range - As stated in the POD, watering areas would be replaced with temporary facilities if blocked by construction activities or if temporarily fenced off during the reclamation process. The POD also states that existing structures will be returned to as good or better condition than they were pre-construction.	Range Topic Response: Paragraph three in the Range section states that existing structures will be replaced by the proponent after construction.

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Paragraphs 1 and 2 in the range section do not refer to these agreed upon mitigation measures and therefore suggest greater impact to range livestock than would occur.	
35.71 Fisheries section Fisheries - Effects on Aquatic Species, begins on page 166 - This section could be reorganized for clarity. For example, all species could be discussed under a single heading for each alternative. Care should be taken not to include purely speculative effects for the action alternatives. For example, stating that all action alternatives would result in reduced macroinvertebrate diversity. No citation is included with this assertion. See McCabe and Gotelli (Oecologia [2000] 124: 270-279) for an alternate potential outcome.	Fisheries Topic Response: Effects to species were separated due to the fact that different species occur in different streams; therefore each alternative had different direct effects to each species since each alternative crossed different streams. A citation (Suttle etal 2004) will be added to the analysis to support the statement that macroinvertebrate diversity is generally reduced with the introduction of sediment.
35.72 Fisheries - page 166, Bluehead Sucker, Proposed Action, paragraph one -We need to come to an agreement about when in-stream work could occur and to what streams, wetlands, riparian areas, or other waterbodies these timing restrictions would apply. We have included the FERC work window for construction in Coldwater Fisheries in Appendix 1 of the POD. The Fisheries section restricts construction in streams to after August 31st each year. If all 103 stream crossings required for the PA installation cannot be constructed prior to August 31st each year, construction within one season will not be possible. In the Wildlife section (3.7), wetland and riparian areas are included in the timing restriction for in-stream work stated in the Fisheries section; after August 31st. When we last discussed this timing restriction (in reference to the POD), fish-bearing streams were the only streams that could not be crossed prior to August 31st. The DEIS says simply "in-stream work" would not occur prior to August 31st.	Fisheries Topic Response: The instream work restriction period for Fisheries Resource protection is during the spawning season, from April-August 31st on perennial fish-bearing streams only, and those are listed as: Henderson, NF Henderson, Little Henderson and West Divide Creek (See EIS Appendix B, FISH-1). The fish section notes that of the 103 stream crossings, six are perennial in the Proposed Action and Alternative 1. Alternative 2 has nine perennial streams and Alternative 3 has five perennial stream crossings. The specific names of perennial streams for each of the alternatives are listed in the Fish Section.
35.73 This section also states that the flume method of stream crossing is the only stream crossing method that would be used in perennial streams. This is not stated in the POD.	Fisheries Topic Response: It was decided during the analysis process that the flume method would be used to cross perennial streams. The fisheries analysis is based on that assumption. Watershed Topic Response: The Watershed analysis indicates that the flume method will be used (See EIS Appendix B-Watershed). The POD will need to edited to reflect that the flume method will be used to cross perennial streams. The POD discusses the “Flume” stream-crossing method in POD-Appendix 12. The Proponent (SGI) notes: SG will make it clear in the final version of the POD that the flume method will be used in all perennial stream crossings.

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35.74 **Wildlife** - page 176, section 3.7.2 Affected Environment, second paragraph - The description of habitats crossed by PA and Alt 1 should mention that the grass/forb habitat that occurs on private lands at the north end of these routes is managed grass/forb habitat.	**Wildlife Topic Response:** Corrections noted.
35.75 Wildlife - page 176 - The statement "Aspen and conifer regeneration would be removed as it would interfere with leak detection. The area directly above the pipeline would be maintained as grass/forb habitat." should be changed to "Shrubs and trees will be cleared in a 10' wide area immediately over the pipeline to prevent potential root damage to its protective coating."	**Wildlife Topic Response:** Corrections noted.
35.76 Wildlife - page 186, table 83, row 2 - The project design feature requiring all riparian and wetland crossings to be done at annual low flow conditions is too restrictive. Can surveys be done prior to construction to clear the wetlands and riparian areas for sensitive species and allow work to begin prior to August 31st if no sensitive species use is documented?	**Wildlife Topic Response:** The design feature addresses concerns for riparian-associated species such as amphibians and fish. The perennial streams provide habitat for sensitive fish species and construction earlier in the season would have the potential to affect these species as disclosed in DEIS, pgs 165-172. The Buzzard Creek drainage does include one breeding pond used by boreal toads. Perennial crossings need to be done at low-flow. Because of the large number of intermittent stream crossings (DEIS, Table 100), the need to be able to finish the work in as few seasons as possible, and the lower risk of amphibian use in the intermittent drainages, the Design Criteria in the FEIS (WL-3) has been changed to allow surveys of intermittent drainages to determine if sensitive species use is occurring as a condition of approval for construction activities, similar to ponded wetlands. Crossings of ponded wetlands already include the option of surveys; if surveys find that the wetland is not being used in July (earliest time to say there is no use, based on egg masses or tadpoles), construction of the crossing could begin.
35.77 Wildlife - page 186, table 83, row 10 - The required distance from a wetland or waterbody for storage of hazardous materials should be one standard distance for all resource specialists. Specialists have stipulated various distances in their comments on the POD, therefore the FERC stipulated distance of 100 feet was used in the POD.	**Wildlife Topic Response:** Corrections noted.
35.78 Wildlife - page 195, last paragraph on page - The sentence that describes activities and facilities on private lands should specify that the Henderson Lateral is a natural gas pipeline.	**Wildlife Topic Response:** Corrections noted.
35.79 **Social and Economics** - Why is there no information in this section? SG and Trigon responded to several data requests from TEAMS economist Stephanie Gripne.	The economics and social section in chapter 3 was the result of direction by the line officers.

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35.80 Heritage Resources - page 232, Native American Concerns - This section mentions consultation with the Ute Indian Tribe. Should this be the Ute Mountain Ute Tribe or the Northern Ute Tribe?	Heritage Topic Response: The Ute Indian Tribe of Fort Duchesne, Utah, and the Southern Ute Indian Tribe of Ignacio, Colorado, was consulted. (Clarification made)
35.81 Heritage Resources - page 233, No Action Alternative - It should be noted that the historic site is located on private land that is currently accessible by an existing road. Construction of the pipeline would not open this area to collection or vandalism any more than it currently is.	Heritage Topic Response: Under the No Action Alterative, the pipeline would not be built resulting in no direct impacts to cultural resources or identified traditional cultural properties. (Clarification made)
35.82 Heritage Resources - page 234, Alternative 2 - It seems strange that one of the long-term impacts is increased access and personnel since this route follows an existing road.	Heritage Topic Response: Construction of the pipeline and the associated use by construction crews are likely to cause a short-term increase in the use of the road during the implementation phase. This has potential to create an increase in direct and indirect impacts to cultural resources in the vicinity such as illegal collection, excavation and vandalism, during pipeline construction. Once construction of the pipeline is completed, it is expected that the use of the road will not significantly increase long-term impacts to cultural resources. (Clarification made)
35.83 Heritage Resources - page 234, Cumulative Effects All Alternatives - The project proponent is SG Interests, not Trigon. Please change this reference and any others that refer to the project proponent.	Heritage Topic Response: Correction noted and revision made.
35.84 Inventoried Roadless Areas - This section will have to be updated according to the current ruling on roadless area protection. Although the level of protection that will be afforded to IRAs has not been settled (i.e. appeal likely by US District Court of Wyoming and Colorado governor's petition to be submitted to federal government this month), the fact remains that rulings on road building in IRAs will not affect this project because this project does not include road building in any IRA. This section should include a description of how disturbance in IRAs will be minimized by using the area cleared for installation of the Ragged Mountain Pipeline. Disturbance will be further minimized by reducing the offset from the existing pipeline from 25' to 15' in IRAs. How this translates to impact reduction in terms of acres was provided to the FS when we answered Heidi Tillquist's questions (3/31/06). SG has also agreed to move a staging area that had been planned for the northern part of East Willow IRA further north onto private property.	See Response 1.1 also. The revised roadless section in the FEIS will disclose the impacts on IRAs as a result of any changes since the DEIS.
35.85 This section should also state that the 2001 Roadless Rule does not prohibit the construction of a pipeline. If pipeline construction in an IRA is somehow considered to be a road, the 2001 Roadless Rule contains an exception for roads that are "needed in conjunction with the continuation, extension, or renewal of a mineral lease" that were in effect as of January 12, 2001. The majority of the Federal oil	The recent decision (Sept 19th, 2006) in California v. Dept. of Agriculture that set aside the State Petitions Roadless Rule and reinstated the 2001 Roadless Rule, is being evaluated as it pertains to the Bull Mountain project DEIS. The FEIS and any final decision in a ROD would be consistent with the legal determination for the Roadless Rule at the time of the decision.

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and gas leases within the Bull Mountain Unit were issued prior to January 12, 2001, and there is a significant amount of acres covered by Federal leases within the Clear Creek IRA that were in existence prior to January 12, 2001.	See Response 1.1 for a detailed discussion of the BMNG project and consistency with the 2001 Rule.
35.86 Inventoried Roadless Areas - page 238, Existing Condition, second paragraph - Is the 42,500 acres of leased area within the Clear Creek IRA?	Minerals Topic Response: The acreage for the IRA is correct, but there are 27,280 ac. currently under lease within the Clear Creek IRA.
35.87 Inventoried Roadless Areas - page 238, third paragraph - Is the entire East Willow IRA open to leasing? How much of it currently has leases?	Roadless Response: The entire East Willow IRA is available for leasing. Various stipulations apply. Currently the East Willow IRA has a total of 7, 118 acres. Leased Acres to date total 5,792 acres. Acres of Available and Authorized for Leasing Remaining total 1,326 acres.
35.88 Inventoried Roadless Areas - page 238, forth paragraph - If the edge of the Bald Mountain IRA can be defined, it is possible that the pipeline could be routed to avoid it. No one has been able to accurately define its boundaries yet. SG agreed to move the route slightly downslope to avoid this IRA, but the FS has said that the boundary is not exact.	Roadless Response: Roadless area boundaries for the 2001 Inventory was mapped through the utilization of other mapped inventories such as RARE II, roads, vegetation, watershed, topology, land status, and other available information (see WRNF Forest Plan). Other sources included hard copy aerial photos and 1:24,000 USGS maps. A buffer distance of 300 feet was used from the mapped roads layer of the time. This layer became the official Inventory Roadless Area under the 2001 Rule. Since that time electronic ortho-photos have become available and the road layer has been updated to be more aligned with what is seen on these digital representations (photos). The Inventory Roadless Area map however will remain as submitted in 2001. The layer was originally designed to represent areas that would go under further study to determine their potential for Wilderness designation. As required by the 1982 Planning Rule, the WRNF made determinations as to which of these areas would be carried forward as Potential Wilderness areas. The authority to declare an area Wilderness resides with Congress. It is at the time of declaration that a land-line survey of the boundary would be conducted and become part of the declaration.
35.89 Inventoried Roadless Areas - page 239, Proposed Action, second paragraph - The statement that the proposed action includes a change in the current management direction to allow a utility corridor management area is incorrect. This statement should be removed. The proposed action, Bull Mountain Pipeline, and the management direction change are two separate decisions. Because the specialists do not understand the decisions that need to be made, there is no clear presentation of the effected environment or consequences of the action alternatives.	Roadless Response: The presenter is correct that the proposed action to allow for the construction of a pipeline and the change of Forest Plan management prescription lie as two different decisions. This statement will be corrected to be clearer. The specialists however did understand the decisions to be made and did analyze the effects accordingly. The decision-maker has the information necessary to make the necessary decisions outlined in the purpose and proposed action.
35.90 Inventoried Roadless Areas - page 240, end of first full paragraph - Some description of the reasons why the proposed pipeline does not follow the Ragged Mountain Pipeline should be included in this section.	Roadless Response (Jackson): When the Ragged Mt. Pipeline (RMP) was built (1983), it was aligned and installed on the best geographic and technical location for a pipeline. When developing the proposed alignment for the Bull

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	Mountain Pipeline, we tried to keep its installation as close as possible to the RMP, in some locations overlapping rights-of-ways. But due to lack of safe construction width, wetland, geologic and other resource issues we had to move the proposed Bull Mountain Pipeline in several locations away from the RMP corridor. Along the south end of the Clear Creek Roadless Area (on the GMUG) the proposed alignment for the Bull Mountain Pipeline does not follow the existing RMP, which was installed in FS Road 844.1A (sections 29 and 30, T10S, R90W). Because the RMP is already located in the road, the proposed pipeline would have to be installed in a sidehill adjacent to the road and the RMP. The terrain was considered too rough through this area to install the pipeline in this sidehill. The road is too narrow to accommodate another pipeline (in addition to the RMP). The proposed alignment for the Bull Mountain pipeline is east of the existing RMP in sections 30 and 19, T10S, R90W due to rough, side-slope terrain. This occurs in the Clear Creek IRA. The proposed Bull Mountain pipeline departs from the alignment of the RMP along the Knife Edge Reroute (section 13, T10S, 91W) because the knife-edge area in which the RMP is installed is too narrow to accommodate another pipeline. Instead this route will be used as a travel lane for equipment and the proposed route will cross steep, but constructible terrain to the northeast of the RMP. The Knife-edge Reroute occurs in the Clear Creek IRA.
35.91 Recreation - page 248, Summer/Fall Motorized Recreation - This section leaves out Mesa County Road 79 and describes this area as part of the Forest Service System. At the end of this paragraph there is a description of FS 800, which does not mention the upgrades that have been made to this road to make it suitable for commercial traffic.	Recreation Topic Response: Upgrades to roads are disclosed in the Transportation Section of the EIS. No changes to the recreation section are necessary.
35.92 Recreation - page 257, Alternative 1, Winter - Alternative 1 does not include BLM lands.	Recreation Topic Response: Correction noted. Sentence deleted in Recreation Section of the EIS that refers to ROS on BLM lands for Alternative 1.
35.93 Recreation - page 262, Effects Common to all Action Alternatives, Direct Effects, end of second paragraph - Mitigation is described in the Safety Plan as well.	Recreation Topic Response: Correction noted and made to the recreation section in the EIS.
35.94 Recreation - page 262, Effects Common to all Action Alternatives, Direct Effects, beginning of third paragraph - No ATVs will be allowed to weave in and among construction equipment, but will be subject to the same traffic delays as other motorists.	Recreation Topic Response: Correction noted and made to the recreation section in the EIS.
35.95 Recreation - page 263, top of the page - The maximum two-hour delay may not be possible for Alternatives that involve construction along roads. These roads may be closed for periods of construction (except for emergency access).	Recreation Topic Response: Correction noted and made to the recreation section in the EIS. Transportation Topic Response: See Appendix B DEIS Design Criteria GEN-3, RE-1, RE-4, RE-7, and TR-1(c) for restrictions placed on proponent regarding public road access.

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	Proponent updates construction plans and schedules.
35.96 Recreation - page 268,Connected Actions, second paragraph - It should be noted that people recreating on this private land are trespassing.	Recreation Topic Response: recreation on private land in EIS is not specifically referring to recreation on the compressor site.
35.97 Recreation - page 268, Connected Actions, third paragraph - The compressor station will be held to the FERC noise threshold standard of less than or equal to 55 dBA measured at the facility fence.	Clarifications noted. Recreation Topic Response: no edits are necessary.
35.98 Visual Resources - This section also describes the Utility Corridor designation as part of the proposed action. This should be rewritten for clarity.	Visual Topic Response: Purpose and Need, page 5, explains with clarity the utility corridor designation as part of the proposed action.
35.99 Visual Resources - page 275, top of page - This paragraph seems to be describing a drilling program not a pipeline project.	Visual Topic Response: 43 CFR Part 1610 describes resource management planning guidance, which includes among other topics both drilling and pipeline projects.
35.100 Visual Resources - page 286, Alternative 1, Conclusion - There is no BLM land in Alternative 1.	Visual Topic Response: This correction will be made to the document. Change page 286, *Alternative 1, Conclusion* to read, "Alternative 1 would be compliant with the current visual resource direction on the WRNF and GMUG national forest lands for pipeline construction and ROW grant with implementation of project design criteria and VRPP guidelines. The proposed change to a Utility Corridor Management Area would also be compliant with current visual resource direction on the WRNF and GMUG with implementation of the project design criteria and VRPP guidelines. No BLM lands are involved in Alternative 1."
35.101 Transportation - This section presents analysis for PA and Alternatives only. There is no analysis of the proposed utility corridor designation.	Transportation Topic Response: Utility corridors are not an access issue.
35.102 page 289, WRNF and GMUG Forest Plan Management Goals, first bullet - Clarify the meaning of "designed" in the sentence "A minimum road system would be designed to meet the goals of the project."	Transportation Topic Response: Bullet is directly from GMUG LRMP.
35.103 Transportation - 290, second bullet - The roads are closed in this area through May 15th?	Transportation Topic Response: Under existing travel management decisions roads may be closed by snow or gate to temporarily restrict or prohibit motorized travel for protection of resources and during critical wildlife periods. Area B – Snowmobile travel will be restricted to marked routes annually from April 15 to the end of snowmobiling season in the spring, usually May 15. The spring restriction is for protection of big game during elk calving and the big game spring transition range. Restriction dates are depended on snow conditions and presence of animals.
35.104 Transportation - page 291, Authorized and Unauthorized Roads, third paragraph - This paragraph is vague and needs to be rewritten for clarity. FLPMA is the Federal Lands Policy and Management Act not the Forest Land Planning Management Act. Is this paragraph stating that BLM	Transportation Topic Response: Change "Forest" to "Federal". BLM will issue a FLPMA ROW for use of "user created routes" not part of BLM's vehicle transportation management system (assume referring to BLM 8233 from private land accessing PL ROW?). Forest Road use will be permitted under a Road Use Permit for the commercial use

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will issue a ROW under FLPMA for use of BLM roads? This section also states that although the BLM roads requested for use during PA construction have BLM road system numbers they are not legal roads. Is this accurate? The Mineral Leasing Act allows for the 20" pipeline, 8"pipeline, access roads, and all ancillary facilities to be included as related facilities under one permit. If the FS wants to permit each component of this single project under different acts, provide justification for this decision.	associated with construction of the pipeline (FSM 7731.16, FSH 7709.59§ 24.1). Defer to ROW Specialist or Special Uses for permitting of pipeline and related facilities.
35.105 Transportation - page 292, third full paragraph - This section should say that roads would be used to deliver pipe - not that the roads string the pipe. The forest service system roads are described as suitable for use in variable weather conditions, but not for all season use. It should be noted that the PA (and other alternatives) would be built (would require road use) during the spring and summer months only. All year access is not requested.	Transportation Topic Response: Change “stringing of pipe” to “delivery of pipe”. Add sentence at end of paragraph, “No seasonal exceptions for road use are requested for any alternative.”
35.106 Transportation - page 292, Existing Transportation System - Strike "to the greatest extent practicable" from the first paragraph. No new roads are requested.	Transportation Topic Response: Delete as requested.
35.107 Transportation - page 293, Proposed Action - County Road 79 is missing from the list. 9.7 (should be 9.77) and part of 311 is listed as a county road, but it is a prescriptive use road that has gone back to private use. Forest Service roads 800, 843, 841, and 844.1 A are missing from the list of FS roads. The transportation map we received from FS shows BLM roads 8233 and 8233B as access to the ROW from CR 79. This section includes the statement "Changes are only anticipated to occur on Forest Service Roads." What does this mean?	Transportation Topic Response: Add CR 79. Change 9.7 to CR 9.77. Mamm Creek access is the only option Garfield County will allow as the industrial corridor route for oil/gas companies to access the WRNF. Divide Creek (CR 311) and Dry Hollow Creek access routes are not permitted by Garfield County. Delete “Changes” and replace with reconstruction or improvements. Delete “only”. Add: Counties require over weight and over size road use permits. There are seasonal load restrictions on county roads which may require Proponent to make upgrades/improvements to roads for commercial access.
35.108 Transportation - page 293, NFSR 265 - This section does not refer to the current commercial use of the road and the upgrades that have already been done. It is stated that NFSR 265 will see a traffic increase of only 2 times per month during operations and maintenance. What does this mean? Two additional trips per month or twice the total vehicle trips per month. What is the total number of vehicle trips per month? ESAL should be defined.	Transportation Topic Response: On the east side of NFSR 265 SG , Riviera, and GEC gas companies are all under current Road Use Permits (RUP) for commercial use. On the West side, Laramie gas company is currently under a RUP. They have placed additional aggregate and performed regular maintenance. These are not upgrades. It was work performed for deferred maintenance needs to replace necessary aggregate for structural strength or reinforcement for winter daily light pickup traffic and removal of occasional generated well water. This deferred maintenance work for limited winter access is not adequate for the needs of the Bull Mountain pipeline project. Traffic will double for the life of the project. Add: ESAL=Equivalent single axle load. Nomenclature used in road design which is a means of equating various axle loads

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	and configurations to the damage that comes from heavy vehicles.
35.109 Transportation - page 294, second paragraph - What does this paragraph refer to?	Transportation Topic Response: Move paragraph to pg 301 under Alt 2.
35.110 Transportation - page 294, third paragraph - As stated in the POD, flagmen would direct traffic during heavy traffic flow periods, minimizing conflicts.	Transportation Topic Response: Road improvements will result in increased use or accessibility for both recreational users and potential commercial traffic beyond the construction time frame. POD would only be in effect during construction activities.
35.111 Transportation - page 294, forth paragraph - This paragraph is confusing. It states that the West Muddy Bridge #4 is "on the verge of being replace". Who will replace this bridge and when? "Rate the bridge to determine the safe loading rate." Shouldn't this safe rate be discussed in the Effected Environment section? Where are bridges #4 and #5?	Transportation Topic Response: Delete "on the verge of being replaced" and replace with "in need of replacement". West muddy #4 is a restricted access bridge. FS bridges have restricted access. Proponent is responsible for replacing bridges to accommodate operational needs for access associated with pipeline construction operation, and maintenance traffic. Proponent must meet the maximum equipment load requirements over the minimum HS 20-44 load requirements or be prepared to mitigate by approved means. (See 35.21) According to standard Road Use Permits and FS policy (R2 Supplement 7104 Exhibit #3), all construction work on new or existing ridges must be done using plans and specification stamped by a PE and must meet the maximum equipment load requirements the Proponent has over the minimum HS 2—44 load requirements. The proponent is responsible for engineering and designing AASHTO-approved bridges to support their equipment and activities. Bridges shall be replaced prior to authorizing reconstruction and commercial use on NFSR 265. Bridge #4 is located at T10S, R91W, Section 4, 6th P.M. on NFSR 265 milepost 12.1. Bridge #5 is located at T10S, R91W, Section 4, 6th P.M. on NFSR 265 milepost 15.6, 30 miles north of Paonia.
35.112 Transportation - page 294, NFSR 265.4B - Use of this road was not requested for the PA.	Transportation Topic Response: See Response #35.22 See Appendix O-3
35.113 Transportation - page 294, NFSR 268 - Remove the statement that refers to use of this road to haul compressor station materials on. The compressor station is located off 265. The estimate of a 10% increase in traffic over existing use seems too low. This road is one of the mob/demob routes. Break the information regarding NFSR 270 into a separate section - its proposed use and current condition are different from that of 268.	Transportation Topic Response: Do not remove statement. Delete only "at their proposed compressor site" and replace with "daily construction traffic". Pg 294, under 268, first paragraph second to last sentence, delete "representing 10% increase of existing traffic". Add "Traffic will more than double for the life of the project." Pg 294, second paragraph NFSR 270 should be broken out into a separate section.
35.114 Transportation - page 295, NFSR 844 - This section states that this road would be used for storing materials. This is not accurate. Again, the increase	Transportation Topic Response: On pg 295 under NFSR 844 first paragraph delete the first 3 sentences and replace with "NFSR 844 would be used for 50% of the project traffic to

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in use expected on this road during operations and maintenance should be more clearly stated. There is a statement that about 1.59 miles of this road will be reconstructed. Who will reconstruct this road segment and when will this construction take place? How was this precise mileage calculated?	haul in ROW and pipeline construction equipment and for daily crew traffic trucks. Traffic will more than double on this road for the life of the project." On NFSR 844 SG, Riviera, and GEC gas companies are all under current Road Use Permits (RUP) for commercial use. They have placed additional aggregate and performed regular maintenance. These are not upgrades. It was work performed by SG and others for deferred maintenance needs to replace necessary aggregate for structural strength or reinforcement for winter daily light pickup traffic and removal of occasional generated well water. This deferred maintenance work for limited winter access is not adequate for the needs of the Bull Mountain pipeline project. SG will need to reconstruct for 1.59 miles on NFSR 844. Miles were obtained from GIS.
35.115 Transportation - page 295, NFSR 844.1 A - Materials would not be stored on this road. There is no mention of the current commercial use of this road. This section also states that this road would be use to haul in compressor site materials, which is not accurate. The compressor site is off FS 265. FS 844.1A would be used for daily traffic (i.e. pickup trucks). These road descriptions seem to have the same text copied and pasted into each one. The increase in traffic for this road is also stated to be "2 times per month". This section calls for reconstruction of about 3 miles of this road, but the PA requires only about half this distance. It should be noted in the FEIS that the bridge over Little Muddy is being replaced by SG.	Transportation Topic Response: Pg 295 under NFSR 844.1A, in the first sentence, delete "store materials" and replace with "pipeline construction traffic". On NFSR 844.1A SG, Riviera, and GEC gas companies are all under current Road Use Permits (RUP) for commercial use. They have placed additional aggregate and performed regular maintenance. These are not upgrades. It was work performed by SG and others for deferred maintenance needs to replace necessary aggregate for structural strength or reinforcement for winter daily light pickup traffic and removal of occasional generated well water. This deferred maintenance work for limited winter access is not adequate for the needs of the Bull Mountain pipeline project. Delete "stored materials at their proposed compressor site" and replace with "daily construction traffic." Add: Traffic will double for the life of the project. Pg 296, second paragraph, replace "3" with 2 (approximately 2 miles of road……) Add a statement in FEIS on pg 296 third paragraph, "The defective bridge crossing Little Muddy Creek is in the process of being replaced.
35.116 Transportation - page 296, NFSR 701 - This road is not one of the roads requested for use for the PA. The projected use for this road and timeframe over which this use is expected is confusing. A very high number of loads of are expected (223 dump trucks per day) in the 16 week construction period. How was this 25,000 belly dump load number calculated? This section also states that all road improvements must be completed before any pipeline construction traffic is allowed on the road. Does this refer to NFSR 701 or all NFSRs? If road upgrades must be made prior to road use, they would have to be made before the 16 week construction period. A better description of necessary road upgrades and timeframe for this construction is needed.	Transportation Topic Response: The nearest commercial sources of aggregate are located in Paonia. It will be assumed for the purposes of analysis and impact determination, that due to haul costs the closest source will be used. If proponent identifies Paonia gravel pit as the local aggregate source, all road improvements must be completed before any traffic associated with pipeline construction will be allowed on this road. Road Use Permits are required for commercial use. No person, commercial enterprise, company, or other division of Government, shall be permitted to perform maintenance, repair, or reconstruction on any National Forest System Road (NFSR) under Forest Service jurisdiction without first obtaining authorization or approval from the appropriate Forest Officer,

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	unless said persons are under existing agreement or permit. All road improvements must be completed before any traffic associated with pipeline construction will be allowed on all NFSRs. One loaded belly dump truck weights approximately 85,000 lbs. As the nearest commercial aggregate source is located in Paonia, an estimated 500,000 CYs will be hauled over NFSR 701 (see Appendix O-2 under 701). Divide 500,000 CYs by 20 CY (belly dump) = 25,000. FS will require SG submittals prior to commencing any project work activities. Timeframe for submittal needs to be worked out. SG/Trigon will provide a preliminary and final road reconstruction/improvement design packages for FS approval. Road design shall comply with AASHTO Green Book, 2006 Gold Book, and Forest Service Low Volume Road Engineering BPM guide. SG will conduct field surveys of access roads as per alternative. SG needs to communicate plans to both GMUG and WRNF as soon as possible.
35.117 Transportation - page 296, Specific Mitigations - This section calls for the replacement of the existing crossing on West Divide Creek with a FS-approved structure. Currently there is a low water crossing here.	Transportation Topic Response: Delete "existing" and replace with low water crossing. Add: the current crossing will need significant improvements to allow large trucks/construction equipment to use this road to access ROW construction
35.118 Transportation - page 297, second bullet on top of page - The structure on Mosquito Creek Road is beyond the segment of road requested for use for PA.	Transportation Topic Response: Do not remove. NFSR 843 crosses Mosquito Creek crossing at approximately 0.8 miles. The PA would cross/parallel NFSR 843 for a small distance; parallel the private fence, crossing Mosquito Creek to the RMNG Pipeline ROW.
35.119 Transportation - page 298, CR 344 -Why is there a single county road included in this analysis?	Transportation Topic Response: Delete entire paragraph. Move last sentence starting with "Garfield County provides…" to page 296 under County Roads.
35.120 Transportation - page 303, County Roads - This section states that Garfield County provides special transportation provisions for oil and gas companies. What does this mean? This statement is also included under Alt 3, County Roads, but not under PA or Alt 1 road descriptions.	Transportation Topic Response: This statement "Garfield County provides…" should be under each alternative under "County Roads". It means the proponent is responsible for contacting Garfield County and obtaining a special provision list (permit) when using the designated Garfield County oil/gas route to access Bull Mtn Pipeline construction, operations and maintenance
35.121 Other Disclosures - page 309 -These disclosures should consider both decisions; BMP and Utility Corridor Designation.	The effects of either the pipeline row separate or combined with the utility corridor are not different in their effects for these discloser items.
35.122 Appendix A The maps of the FS route wiggles are shown on figures 4-7 but not on figure 2, where the route wiggles are shown only on Alternative 1. SG has agreed to incorporate these route wiggles into the	The FEIS will likely delete the discussion of these minor route corrections and they would just be considered to be part of the alternatives that are pertinent (PA and Alt 1).

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proposed action. Maps should indicate these reroutes to the PA for resource protection.	
35.123 Appendix A- Figure 13 - An updated compressor facility layout drawing can be provided prior to FEIS.	Corrections and clarifications noted.
35.124 Appendix B - Project Design Criteria and Monitoring AQ-1 The phrase "dust-free" should be removed. This is not realistic.	Air Quality Topic Response: Corrections made for AQ-1, Appendix B.
35.125 GEN-6 The agency work called for in this criterion must be specified in the ROW grant.	Specific required agency work for the ROW permit will be detailed at the time the ROW permit is issued.
35.126 HR-2 Add "project" before access roads. A cultural resource inventory of all project access roads would be conducted.	Heritage Response: Correction noted and made.
35.127 HR-5 Areas for which archaeological monitoring is required must be specified on a map or with coordinates.	Heritage Response: Areas requiring archeological monitoring will be identified on maps by agency archeologists (Clarification made)
35.128 HR-7 This isn't quite how 43CFR10.4 "Resumption of activity" reads.	Heritage Response: Design Criteria HR-7 is intended to summarize. For a complete citing of NAGPRA, refer to Title 43 – Public Lands: Interior, Subtitle A – Office of the Secretary of the Interior, Part 10 – Native American Graves Protection and Repatriation Regulations available from the U. S Government Printing Office). The "Resumption of activity" paragraph is stated as follows: *Sec 10.4 Resumption of activity. The activity that resulted in the inadvertent discovery may resume thirty (30) days after certification by the notified Federal agency of receipt of the written confirmation of notification of inadvertent discovery if the resumption of the activity is otherwise lawful. The activity may also resume, if otherwise lawful, at any time that a written, binding agreement is executed between the Federal agency and the affiliated Indian tribes or Native Hawaiian organizations that adopt a recovery plan for the excavation or removal of the human remains, funerary objects, sacred objects, or objects of cultural patrimony following Sec. 10.3 (b)(1) of these regulations. The disposition of all human remains, funerary objects, sacred objects, or objects of cultural patrimony must be carried out following Sec. 10.6.*
35.129 IRA-1 Appendix P is List of Cumulative Actions.	Corrections and clarifications noted.
35.130 RE-1 Longer delays would occur if construction is occurring on a BLM/FS road.	Transportation Topic Response: See Appendix B DEIS Design Criteria GEN-3, RE-1, RE-4, RE-7, and TR-1(c) for

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	restrictions placed on proponent regarding public road access.
35.131 TR-1 Please clarify when PE signed and stamped plans are required. The requirement for a Road Maintenance and Improvement Plan be submitted to FS for approval needs to be discussed with SG so that details and procedure can be agreed upon.	Transportation Topic Response: Providing PE drawings to the Forest Service at an initiation meeting will be the responsibility of SG.
35.132 TR-2 841.1 A, not 841.1 would be used by stringing trucks.	Transportation Topic Response: According to INFRA, NFSR 841.1A does not exist on the WR NF.
35.133 TR-3 "All roads" must be defined. We need to discuss this requirement especially in light of "shared proportional use". Also, if no testing of road condition has been performed, how did the FS arrive at the road reconstruction mileages listed in the Transportation section?	Transportation Topic Response: TR-3 is providing direction for design of roadway sections, not a factor of current condition (Reconstruction needs). Distances were estimated based on known facility condition.
35.134 TR-18 Will these road improvements require NEPA analysis? No detail on what would be done is included in this document. Is this survey and review of roads the plan referred to in TR-3? No road-related documents mentioned in this criterion have been provided to the proponent.	Transportation Topic Response: This NEPA document must make some needed additions to encompass specific changes. SG and the FS will work together to identify specifically what changes are needed with regard to road classification, maintenance and duration of use.
35.135 TR-22 How does car pooling reduce speeding?	Transportation Topic Response: ROW holder will work with employees, agent and contractors to follow design speeds of roads.
35.136 VEG-2 We have received from the FS one FS-approved seed mix.	Range Topic / Noxious Weeds Topic Response: A seed mix document has been prepared that includes four different mixtures of seed for three habitat types as well as temporary revegetation needs.
35.137 VEG-7 Thurber fescue seed is available from Western Nature Seed. How would the areas requiring Thurber fescue be identified?	Range Topic / Noxious Weeds Topic Response: Selection of grass and shrub species for revegetation will be based on pre-construction community composition and soil types, as well as establishment potential, soil stabilizing qualities, post-construction land use objectives, and BLM/FS and fee-landowner recommendations. Native species will be utilized on BLM/FS lands and native species will be utilized to the extent possible on feelands unless nonnatives are specifically requested by a fee-landowner.
35.138 VQ-24 What does this directive mean?	Visual Topic Response: Mitigation of ground disturbance is described on Appendix N-2 VRPP pages 87-92.
35.139 Appendix D, Soils and Geology Soil Types and Geologic Hazards Map - This information is probably useful in GIS, but a better method of presenting it is needed to present the information clearly. It is impossible to decipher as currently presented.	Soils Topic Response: This landscape is dominated by landslide related erosion features, the intent of this appendix was to display this in relation to each alternative. The tool we used to do this analysis was GIS. This is also discussed in section 3.2 Soils and Geology of Chapter 3. This information is displayed in a tabular fashion by alternative starting on page 119, Summary of all Alternatives, tables 57,58,59 and 60.
35.140 Appendix G, Range/Noxious Weed page 56 last sentence above formula - This sentence is unclear. It suggests that the FS will pay for the seed used in reclamation. If this is not the	Range Topic / Noxious Weeds Topic Response: The Contractor will be responsible for seeding the right-of-way, temporary use areas and off-right-of-way ancillary sites using SG supplied BLM/FS approved seed mixes and the seed will

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case, revise and state how seed that falls short of AOSCA tolerances will be handled.	be randomly tested to ensure weed free status is maintained. The Forest Service and BLM reserve the right to refuse acceptance of seed if it contains any seed from one or more weeds on the Colorado Noxious Weed List. PLS - if the % PLS of the tested seed is equal to or above the % PLS of the offered seed, and the purity and germination are still within AOSCA tolerances, it should be accepted at the quoted price. If the % PLS of the tested seed is below the % PLS of the offered seed, and is also below the purity and germination of the AOSCA tolerances, the BLM/FS may elect to reject the seed and require the Vendor to replace the lot of seed with seed meeting AOSCA tolerances. Or BLM/FS may accept the seed and SG will pay the Vendor at a reduced unit price computed as follows: Reduced Unit Price = $\frac{\text{Tested \% PLS}}{\text{Offered \% PLS}}$ X Offered Unit Price
35.141 Appendix I. Wildlife page 62, table 1-1-1 - If a column has a "T" or "E" shown, does that indicate that the species has potential to occur in that forest (or BLM)? That it was considered in that forest (BLM)? for what reason was a species considered? If a species is listed federally, it should have the same value (T or E) in each column. Please add clarification for this table.	Wildlife Topic Response: Table I-1-1 identifies the federally isted (threatened or endangered) or petitioned for listing (candidate) species that have the potential to occur on the WRNF, GMUG or the BLM Glenwood Springs Field Office. Threatened species are denoted with a “T”, endangered species with an “E”, and candidate species with a “C” in the column for the unit(s) on which if has the potential to occur. The last column on the right identifies if habitat for a species is located along the proposed ROW in any alternative.
35.142 page 63, table 1-1-2 - This table heading should be revised to indicate that its subjects are sensitive species considered in the analysis. Federally-listed species were also considered and they are listed in the previous table.	Wildlife Topic Response: Correction noted.
35.143 page 65, table 1-1-3, row 3 - "PP" should be spelled out for clarity. Ponderosa pine?	Wildlife Topic Response: Correction noted.
35.144 page 67, table 1-2-1, row 2, column 2 - States management standard is not being met in the Huntsman LAU. Is this an impact of the PA or of other activities?	Wildlife Topic Response: The table will be clarified to state that Huntsman LAU is not meeting the standard under existing conditions. The Huntsman LAU is dominated by aspen forests that regenerated following fires in the late 1800s and early 1900s. Not enough time has passed since these fires to allow development of late succession conifer forests on areas within this LAU where spruce/fir/aspen forests are the potential natural vegetation. Much of the Huntsman LAU has been mapped as aspen potential natural vegetation, and conifer dominated forest will not develop in these locations.
35.145 Appendix N-2, Visual Resource Protection Program The plan lacks specific recommendations to mitigate visual resources. There are guidelines, but most of these recommendations have already been incorporated into project design through work of other specialists who have edited the POD and its appendices. Some of these guidelines conflict with recommendations of other resource specialists (ex. sites should parallel contours not be perpendicular to	Visual Topic Response: The pipeline alignments for each alternative were a general location, give or take 100 feet on either side of the proposed line; they were not surveyed on the ground. This general alignment was not particular enough to pin point specific recommendations. The VRPP is a resource of standard practices designed to reduce visual impacts. Once a specific alignment is surveyed on the ground, a variety of techniques can be incorporated into the project regardless of which alignment is chosen. The VRPP is to be used in concert with both the design of the

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them). There are three maps at the beginning of Appendix N (N-1, figures 1-3) that show visual resource categories, but no description of how the project does/does not meet the objectives set for these categories is included in the Visual Resource Protection Plan. Much of the VRPP deals with reclamation activities and therefore should be blended into this appendix of the POD to prevent confusion and contradiction (Appendix 12). The VRPP calls for visual resource specialists to be involved in project design and during project construction. It should be noted that all recommendations made by visual resource specialists should be made using appropriate channels of communication, i.e. communication with project construction managers will be through the authorized officer or his/her agent only.	pipeline, as well as the implementation. Sites that parallel contours have a decreased impact on the visual landscape, than sites perpendicular to the contours. Paralleling sites along contours when possible is a preferred standard practice to decrease visual impact.
35.146 Appendix O-1 The map is not clear where proposed temp, roads are located.	Corrections noted.
35.147 Appendix O-2 General Comments - Roads that cross private property to reach the ROW from FS 800 or CR 79 are used and maintained in accordance with agreements reached with landowners along each road. The spreadsheet headers are confusing. Some definitions should be provided to the reader.	Transportation Topic Response: The BLM and FS cannot issue permission for proponent to cross private lands. Proponent is responsible for obtaining access.
35.148 FS 800 - What about Delta Petroleum's work on this road?	Transportation Topic Response: The Forest placed aggregate and constructed other improvements in 2000/2001. From the Forest Boundary south, Delta Petroleum has placed additional aggregate and performed regular maintenance. Much of Delta Petroleum's investment has been done on the road from the Divide Creek Cow Camp south. From the Mesa County line south Delta has performed spot work placing aggregate in the worst places. Road work previously completed was not sufficient for current use. The road is still not considered an all-weather road
35.149 FS 265 - What about work that has already been done on this road?	Transportation Topic Response: On NFSR 265, the work that was already done was work performed for deferred maintenance needs to replace necessary aggregate for structural strength or reinforcement for winter daily light pickup traffic and removal of occasional generated well water. This deferred maintenance work for limited winter access is not adequate for the needs of the Bull Mountain pipeline project. (See Response 35.21)
35.150 CR 9.77 - This road appears to be a prescriptive right road that has reverted back to private ownership and maintenance. Use and maintenance of this road will be according to agreements signed between SG and private land owners.	Transportation Topic Response: It is the Proponent's responsibility to pursue rights of way off forest.
35.151 Notes at the end of the Existing Condition	Transportation Topic Response: Vehicles will use

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Spreadsheet, 1 - Traffic would not use "switchback avoidances" - switchbacks were created for vehicle use.	switchbacks, construction equipment which cannot maneuver, will not.
35.152 Appendix O-3 FS 265 - Mentions that spot graveling has been done, but there has been additional work done at least at the east end. Volume of commercial traffic is estimated at 15%, which seems too low considering all the oil and gas activity taking place there currently. Will the West Muddy Creek #4 bridge be replaced prior to project start? This row states that the bridge is "on the verge of being replaced".	Transportation Topic Response: The additional work done on NFSR 265 was work performed for deferred maintenance needs to replace necessary aggregate for structural strength or reinforcement for winter daily light pickup traffic and removal of occasional generated well water. This deferred maintenance work for limited winter access is not adequate for the needs of the Bull Mountain pipeline project. Percentage was an estimate on existing condition. Maybe should be higher. Estimated volume of commercial traffic was too low. Change Appendix O-3 to recreation 25%, commercial 65%, administrative 5%, residential 5%. West Muddy #4 is a restricted access bridge (rated less than HS-20 loading). See 35.21 and 35.111. Delete “on the verge of being replaced” and replace with “in need of replacement”.
35.153 FS 844.1 A - The bridge over Little Muddy Creek will have been replaced prior to project start.	Transportation Topic Response: Currently under progress.
35.154 FS 800 - There is a comment that the WR engineer thinks segments of this road that cross private land may be county roads. Could they be private roads through here? Who will determine their ownership?	Transportation Topic Response: It is the Proponent’s responsibility to pursue rights of way off forest.
35.155 The Bull Mountain Pipeline Project Transportation Map should have road 9.77 added to it because we reference this road in the text. Roads 851.1B and 851 should not be shown as PA and Alt 1 access roads. 842 and 842.1 should not be shown as access roads for Alt 1 or PA. There is a string of roads at the north end that are shown as access roads that should not be: 801.1, 801.21,812.1, 812.1A, and 300.1P. This map could be improved by showing only the segments of road that reach the ROW as access roads. For example, road 844 shows most of its length in yellow but very little of this road would be impacted. There are additional roads that fit this description on the map. Also, the ROW should not be shown as an access road.	Corrections noted.
35.156 Appendix P. List of Cumulative Actions page 174, Oil and Gas, first bullet -What is this sentence describing?	This section is describing the CEA effects analysis area the District wanted for past, ongoing and future Oil and Gas actions.

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36.1 I. Introduction In response to the Draft Environmental Impact Statement (DEIS) for the proposed Bull Mountain Natural Gas Pipeline (Pipeline), these comments are	Introduction comments and summary. The recent decision (Sept 19th, 2006) in California v. Dept. of Agriculture that set aside the State Petitions Roadless Rule

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hereby submitted on behalf of Wilderness Workshop, High Country Citizens' Alliance, Western Colorado Congress, The Wilderness Society and the Western Environmental Resources Council and the Natural Resources Defense Council, Rocky Mountain Chapter, Sierra Club, Central Colorado Wilderness Coalition to White River, Grand Mesa, Uncomphagre and Gunnison, National Forests (herein collectively referred to as the Forest Service) leadership and planners in order to communicate our concerns. In general, we believe that the Pipeline project will have multiple negative impacts on federal land resources and will directly result in development of additional oil and gas resources on both the White River (WR) and Grand Mesa, Uncomphagre and Gunnison, (GMUG) with little to no planning for such development. Our three major concerns related to the project are that the Forest Service is prohibited from building the Pipeline through three Inventoried Roadless Areas Under the 2001 Roadless; the DEIS fails to compensate for the Forest Service's current land management plans and NEPA analysis complete lack of any analysis related to future oil and gas development that will result from the Pipeline and the Forest Service's Preferred alternative in the DEIS will violate the Endangered Species Act (ESA), the National Forest Management Act (NFMA), the National Environmental Policy Act (NEPA), and related laws due to the impacts the Preferred alternative will have on fish and wildlife species	and reinstated the 2001 Roadless Rule, is being evaluated as it pertains to the Bull Mountain project DEIS. The FEIS and any final decision in a ROD would be consistent with the legal determination for the Roadless Rule at the time of the decision. See Response 1.1 for a detailed discussion of the BMNG project and consistency with the 2001 Rule. Impacts to resources, including roadless, fish and wildlife is disclosed in the DEIS and in the FEIS.
36.2 Project Specifics The DEIS describes the Project as potentially involving the issuance of: a 30-year 50-foot ROW grant and temporary use area (TUA) permits that would authorize [the permittee, SG Interests] to construct, operate and maintain the Bull Mountain Natural Gas Pipeline (BMNGP) for the purpose of transporting natural gas from the Bull Mountain Unit to the existing Divide Creek Compressor Station for delivery into interstate natural gas pipeline systems and the national energy market. The BMNGP project would involve installing approximately 25.5 miles of 20-inch diameter buried steel natural gas pipeline and related aboveground appurtenances. DEIS at 30. In addition to the pipeline proposals, the Forest Service proposes to designate the current management areas within and adjacent to the selected pipeline right-of-way for a width of 100 feet as a "Utility Corridor" management area *for*	Restatement of DEIS information.

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underground linear utilities only. The designation of a 'Utility Corridor' management area and changes in management area prescriptions would require a Forest Plan amendment for each Forest." DEIS at iv (emphasis in original). "The proposed utility corridor management area designation would be approximately 8.2 miles in length on the WRNF and 8.4 miles in length on the GMUG. The WRNF would change the existing management areas of MA 5.43-Elk Habitat and MA 5.41-Deer and Elk Winter Range to MA 8.32-Designated Utility Corridor. The GMUG would change the existing management area of MA 6B Livestock Grazing and MA 7A-Timber Management on Slopes <40% to MA 1D-Utility Corridor." DEIS at 30-31. Finally, logging of trees, clearing of vegetation and surface disturbance during construction and for clearing a 100 foot right of way that will include a 50 foot construction right of way (ROW) is estimated to be about 309 acres. DEIS at iv and 114.	
36.3 III. The USFS Cannot Propose – or Implement – an Alternative Building the Pipeline through Three Roadless Areas Because Such a Project Would Violate the 2001 Roadless Rule. A. <u>The Proposed Construction of Temporary Roads Through Roadless Areas Violates the Letter of the Roadless Rule.</u> The Forest Service cannot adopt, nor should it analyze, the Preferred Alternative which proposes to construct temporary roads within three Inventoried Roadless Areas (IRAs), which include the Clear Creek, East Willow and Baldy Mountain. Such a proposal clearly violates the agency's 2001 Roadless Rule.	The recent decision (Sept 19th, 2006) in <u>California v. Dept. of Agriculture</u> that set aside the State Petitions Roadless Rule and reinstated the 2001 Roadless Rule, is being evaluated as it pertains to the Bull Mountain project DEIS. The FEIS and any final decision in a ROD would be consistent with the legal determination for the Roadless Rule at the time of the decision. See Response 1.1 for a detailed discussion of the BMNG project and consistency with the 2001 Rule.
36.4 The 2001 Roadless Rule (Roadless Rule) prohibits the construction of roads in IRAs, except in a small number of narrowly-defined exceptions. The definition of a "road" under the Rule includes a "motor vehicle travelway over 50 inches wide, unless designated and managed as a trail. A road may be classified, unclassified, or *temporary*." 66 Fed. Reg. 3273 (Jan. 12, 2001) (emphasis added). A temporary road is defined as a "road authorized by contract, permit, lease, other written authorization, or emergency operation, not intended to be part of the forest transportation system and not necessary for long-term resource management." *Id.*	See Response 36.3 above.
36.5 The Forest Service added the prohibition on temporary road construction in order to cover a wide variety of circumstances. The preamble to the rule	See Response 36.3 above.

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in the Federal Register provides that: For agency consistency, this final rule includes the same definitions of 'road,' 'classified road,' 'unclassified road,' and *'temporary road'* that are contained in the National Forest System Road Management regulations (36 CFR part 212) and policy (Forest Service Manual 7700 and 7710) transmitted on January 4, 2001 for publication in the Federal Register. Based on consideration of public comment received on the road management proposal, these definitions were revised for clarity and a definition for "temporary road" was added…. The definition of "rebuilding" has been removed; the definition of "road" has expanded to include 'temporary road;' and the other terms were revised in the final road management policy and are used verbatim in this rule for consistency. *Id.* p. 3251. (Emphasis added).	
36.6 The Forest Service cannot ignore the Roadless Rule's provisions by asserting that it is not now in effect. A recent court ruling in *People of the State of California v. U.S. Department of Agriculture*, N o. C05-03508 EDL, (September 20, 2006), found that the USFS's 2005 Roadless rule was illegal and clarified that the 2001 Roadless rule remains in effect. Therefore, the Forest Service is bound by the protections of the 2001 rule, specifically the prohibitions on temporary roads and timber cutting, are now in effect. Chief Bosworth has specifically directed the Forest Service not to "approve any further management activities in inventoried roadless areas that would be prohibited by the 2001 Roadless Rule." Dale N. Bosworth letter to Regional Foresters, Station Directors, Area Director, IITF Director, Deputy Chiefs, WO Staff Directors, RE: District Court Decision in *California v. USDA* (C05-03508) and *Wilderness Society v. USFS* (05-04038).(September 22, 2006). (Attachment 1).	See Response 36.3 above.
36.7 The preferred alternative in the EIS proposes significant amounts of construction within three roadless areas, and proposes the creation of "temporary use areas" (TUAs) along the pipeline corridor. The DEIS states: Existing roads, the ROW, and some temporary roads would be used for access. Existing roads that are used in conjunction with the ROW would be periodically maintained during construction. Maintenance would include blading throughout the construction period to keep roads level and not rutted. Roadways would be maintained and kept open for public access throughout construction as prescribed by the respective authorizing agencies. Following construction	See Response 36.3 above.

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completion, roadways would be returned to as good or better condition than prior to construction or as prescribed by the respective authorizing agencies. Temporary roads would be decommissioned by obliteration at the end of construction. Operations and maintenance activities could require year round access post construction. DEIS at 40.	
36.8 Further the DEIS provides: [t]he Bureau of Land Management (BLM), with USDA Forest Service (FS) consultation, proposes to issue a right-of-way (ROW) grant and temporary use area (TUA) permits that would authorize SG Interests (SG) to construct, operate and maintain the Bull Mountain Natural Gas Pipeline (BMNGP). The BMNGP project would involve installing approximately 25.5 miles of 20-inch diameter buried steel natural gas pipeline and related aboveground appurtenances within a 50-foot right-of way. The BLM and FS also propose to authorize SG to install a produced water pipeline of 8-inch diameter steel pipeline within the same ROW as the gas pipeline. In addition to the pipeline proposals, the WRNF and the GMUG propose to designate the current management areas within and adjacent to the selected pipeline right-of-way for a width of 100 feet as a "Utility Corridor"management area for underground linear utilities only. DEIS at iv.	Statement of DEIS content.
36.9 It is clear, however, that the TUA and Utility Corridor (Corridor) are nothing more than temporary roads masquerading under another name and are, therefore, prohibited by the Roadless Rule. The fact that the temporary roads will be part of TUAs that will be present in the planning area for 30-years and will be 50-foot wide for the purpose of constructing, operate and maintaining the Pipeline, DEIS at 1, illustrates that these are exactly the type of roads the Roadless Rule was intended to cover.	See Response 36.3 above.
36.10 In addition, the TUA will clearly be more than 50 inches wide, since the FS proposes to allow them to be used to facilitate the access of heavy construction equipment in and out of the area through the life of the construction project as well as for maintenance of the pipeline in the future. In fact, "[s]urface disturbance during construction [of the pipeline, TUA and Corridor] is estimated to be 309 acres considering a proposed construction right-of-way of approximately 100 feet. The 50-foot ROW would encompass 154 acres out of the 309 acres mentioned above.	See Response 36.3 above.
36.11 Although the EIS is devoid of any information about logging and clearing of vegetation, it is clear that such activity will take place under the preferred	**Wildlife Topic Response**: Changes in vegetation cover types within the 100 foot right-of-way are shown in Tables 85, 88, 91, and 94. Vegetation conditions over the long-term are

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alternative during construction and for clearing a 100 foot right of way due to the level of surface disturbance authorized in that alternative. See e.g., DEIS at iv and 114. Further, the Forest Service admits that such activity will significantly alter elk, deer and riparian habitat and other forest uses by providing that "The WRNF would change the existing management areas of MA 5.43-Elk Habitat and MA 5.41-Deer and Elk Winter Range to MA 8.32-Designated Utility Corridor within the 8.2 miles on the WRNF at a width of 100 feet. The GMUG would change the existing management area of MA 6B-Livestock Grazing, MA 7A-Timber Management on Slopes <40% and MA 9A-Riparian Area Management to MA 1D-Utility Corridors within the 8.4 miles on the GMUG at a width of 100 feet." DEIS at 6.	described on page 31 of the DEIS as 10-12 foot wide corridor maintained as grass/shrub while the remainder would be allowed to revegetate with surrounding shrubs or trees. However, the wildlife analysis used the assumption that most of the corridor would be maintained as a grass/forb habitat over the long-term (page 190). The changes to wildlife habitat as a result of changes in management allocation are displayed on pages 224-225 of the DEIS. The proposal to change the management prescription along the resulting pipeline corridor to a Utility Corridor has been dropped from all alternatives and the proposed action.
36.12 In fact, Charlie Richmond, Forest Supervisor for the GMUG National Forest has publicly admitted that it is an open question as to whether the TUA in the DEIS "constitute a road or not." (See Attachment 2). If it is a question whether the TUA is a road, then the agency must err on the said of the law and cannot implement the project.	See Response 36.3 above.
36.13 B. <u>The Proposed Construction of a Massive Pipeline Through Roadless Areas Violates the Purpose of the Roadless Rule</u>. The Forest Service must protect IRAs consistent with the 2001 Roadless Rule as mandated by the Court's opinion in California v. U.S., and other Court precedent. The Forest Service's policy objective in promulgating the Rule: is to 'prohibit[ ] activities that have the greatest likelihood of degrading desirable characteristics of inventoried roadless areas and [to] ensur[e] that ecological and social characteristics of inventoried roadless areas are identified and evaluated through local land management planning efforts.' The Forest Service defined these values as, among other things undisturbed landscapes, sources of water, biological diversity, protection against invasive species, and educational opportunities. Kootenai Tribe v. Veneman, 313 F.3d 1094, 1121 (9th Cir. 2002).	See Response 36.3 above.
36.14 The proposed action will clearly undermine the very purpose of the Rule, as is illustrated by the vastness of the action under the preferred alternative in the DEIS. In addition to the 25.5 miles of pipeline, according to the preferred alternative in the DEIS "[o]f the 25.5 miles of proposed pipeline, approximately 8.33 miles would traverse portions of	See Response 36.3 above.

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three Inventoried Roadless Areas: Clear Creek IRA (GMUG) – 5.75 miles; East Willow IRA (WRNF) – 1.72 miles; and Baldy Mountain IRA (WRNF) – 0.86 miles." DEIS at 1. Further, "[p]ipeline ROW construction and ROW grant could alter roadless character in Inventoried Roadless Areas due to initial land disturbance and long-term appearance of a linear pipeline ROW." Id. Finally, "[u]tility Corridor management designation could alter roadless character in Inventoried Roadless Areas due to the change in management prescription and the potential for other underground utilities to be located in the same corridor. Id.	
36.15 Because the DEIS admits that the Preferred Alternative will have significant, damaging impacts to the roadless character of the IRAs, these alternatives cannot and should not be approved under the prohibitions of the 2001 Roadless Rule. The onus is on the Forest Service to prove otherwise.	See Response 36.3 above.
36.16 IV. The DEIS Failure to Analyze the Direct and Indirect Impacts in the Preferred Alternatives Violates NEPA. A. <u>NEPA Requires the FS to Disclose and Analyze the Impacts of Additional Mineral Development Activity Induced by or Ancillary to Pipeline Construction.</u> 1. Direct and Site Specific Impacts The Forest Service has not satisfied its independent duty under NEPA to prepare a site-specific analysis of the environmental impacts of the Pipeline project. The agency, for example, downplays the direct and indirect impacts of the Pipeline by relying on the "Plan of Development" or POD. For example, the DEIS says with respect to watershed impacts: There is a notable increase in Index Value when the Foreseeable Future Projects or the Bull Mountain Project Alternatives are accounted for. This is due to the increase in well site and pipeline construction activities. However, at this scale, there is very little difference between the Bull Mountain Alternatives when considered in context with all the other past, current, and future projects. There would be an increase in watershed disturbance with any Bull Mountain Alternative, but the implementation of the POD measures should keep those impacts to relatively short time frames. Active restoration activities would continue until there is at least 80 % recovery of all disturbed riparian and wetland vegetation (See POD Appendix 12). DEIS at 134.	Watershed Topic Response: Direct and indirect effects to watersheds are discussed on pages 129 – 133 in the DEIS. The Plan of Development is used to avoid and/or mitigate environmental impacts to the watershed. Specific information on additional mineral development activity induced by or ancillary to the pipeline construction was not available during project analysis.

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36.17 While this passage discusses "well site[s]," it does not address how many or where they may be, so it is unclear if this is attempting to truly analyze the impacts of the 50-282 wells that the DEIS' air analysis section assumes would be built. In addition, while the POD itself does not address or explain mitigation measures related to the 50-300 well pads that will be drilled over the next 47 years, it admits that at least 55-60, wells that would not otherwise be built, will be drilled. The "Purpose and Need" section of the DEIS, for example, provides: SG plans to increase gas production in the area by developing their Bull Mountain Unit, on an approximately 20,000 acre area comprised of private surface, private minerals, and federal minerals in Gunnison County, Colorado…. Approximately 55 to 60 wells could be drilled on the current 320 acre spacing level at a pace of approximately five to six wells drilled in the unit per year. Unit development is anticipated to require approximately 10 to 12 years. Three wells have been drilled on private land in the Bull Mountain Unit, tested for production volume, and shut in. Under this development schedule, current well test data indicate an approximate 8 MMSCFD increase in unit production each year. The maximum volume from the unit is 80 MMSCFD. The existing Ragged Mountain 6-inch pipeline out of the area will not accommodate the anticipated production volumes and does not deliver gas to a pipeline linked to a hub serviced by an interstate pipeline system." POD overview document at 7-9. The Forest Service, therefore, cannot rely on the POD to consider (or reduce) impacts from the 50-280 wells because the POD does not pretend to address the 50-280 wells.	To the extent possible, the agencies have included for the purposes of cumulative effects analysis the number of wells that could reasonably be serviced by the Bull Mountain pipeline. Although the presence of the Bull Mountain pipeline would create a situation in which the area is more attractive for natural gas production operations, there are no assurances that other leases in the area would be developed by drilling. Projecting number of wells based on amount of leased acreage is not meaningful because development of specific lease holds depends on gas price and demand, among many other variables. Thus, there are too many variables to predict future activities with any certainty. The cumulative effects as germane to this project are described in Appendix P of the EIS, and in each resource section in Chapter 3. To the extent feasible to facilitate cumulative effects analysis, the BLM and FS have projected the number of wells that may be serviced by the BMNGP (EIS, Appendix P). The scope of cumulative analysis was carefully considered and it is unreasonable to expect the EIS to include the analysis of impact associated with speculative oil and gas development. Further, we believe that an increasing nationwide demand for natural gas is the primary driving force behind the growing level of exploration and development in the Rocky Mountain region during the last several years. Additional infrastructure to transport the gas into the interstate pipeline grid is a result, not a cause, of development. A Reasonably Foreseeable Development (RFD) scenario is used specifically in leasing analyses, and is not germane to issuing a right-of-way grant. The term RFD refers to a specific requirement when conducting oil and gas leasing analyses and as this project is not a leasing analysis, there is no requirement for an RFD. The Air Quality resource section used a CEA analysis based on maximum possible wells that could be drilled to fill the maximum capacity of a 20" line. The Proponent notes that their plans would be for 55-60 wells on the Bull Mt lease unit. Anything more is speculative in nature.
36.18 In addition, the recent decision in *New Mexico v. BLM*, No. CIV 05-0460 BB/RHS, slip op. (D. N.M. September 27, 2006) reiterates and clarifies the requirement that agencies must conduct a sufficiently site-specific NEPA analysis before leasing. In that case, "BLM issued a document entitled "Documentation of Plan Conformance and NEPA Adequacy" ("DNA)" stating that the required environmental study had already been performed in the FEIS. BLM therefore did not perform any site-specific review of potential impacts to the BRU lease parcel prior to the lease sale, relying instead on the general review of environmental impacts contained	Background information on a legal opinion for another project.

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in the FEIS." *Id.* at 16. The court held this to be a violation of BLM's duties under NEPA and held that "some type of site-specific environmental analysis must be performed before the BRU lease may be executed." *Id.* at 20-21. The court clarified that the EIS for the Resource Management Plan did not and could not provide this site-specific analysis: The Court has purposely used the phrase 'some type of environmental analysis,' as the Court need not decide at this time whether an EA would be sufficient or whether an EIS is necessary. To the extent any party might argue that the PRMF'AFEIS is sufficient to satisfy the requirement of an environmental analysis, the Court would disagree. The FEIS contains no information about the particular BRU lease parcel, and merely discusses the Otero Mesa area in general. Similarly, the FEIS does not address the question of how much development might be expected on this particular parcel, and where it might be located (to the extent BLM might or might not be able to predict that, given the geology and environment on the parcel). The habitat fragmentation discussion in the FEIS is not specifically tailored to the BRU lease parcel. No other examples are necessary; the FEIS is simply not site-specific enough to allow BLM to decide whether this particular 1600-acre parcel should be leased or should not be leased, and is therefore not adequate to satisfy the site-specificity requirements of NEPA. *Id.* at 21 n. 12.	
36.19 2. Indirect Impacts NEPA requires that federal agencies take a "hard look" at the environmental impacts of reasonably foreseeable post-leasing oil and gas development <u>before</u> any action that will lead to leasing takes place. *See Pennaco Energy, Inc. v. U.S. Department of the Interior*, 377 F.3d 1147 (10th Cir. 2004); *Conner v. Burford*, 848 F.2d 1441 (9th Cir. 1988); *Sierra Club v. Peterson*, 717 F.2d 1409 (D.C. Cir. 1983). Further, NEPA's regulations provide that the "effects" on the environment that agencies must consider include those that are "direct, indirect, or cumulative." 40 C.F.R. § 1508.8. To ensure that the combined effects of separate activities do not escape consideration, NEPA requires the Forest Service to consider cumulative environmental impacts in its environmental analyses. *See*, *e.g., Grand Canyon Trust*, 290 F.3d 339, 345-47 (D.C. Cir. 2002); *Davis v. Mineta*, 302 F.3d 1104, 1125 (10th Cir. 2002); *Neighbors of Cuddy Mountain*, 137 F.3d at 1379; *Wyoming Outdoor Council, et al.*, 158 IBLA 155, 172 (2003); *Colorado Envtl. Coalition, et al.*, 108 IBLA 10, 16 (1989) ("<u>CEC</u>").	See Response 36.17 above.

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Curiously, the Forest Service maintains that: All three of the IRAs are within areas noted as "available and authorized" for leasing and are also in areas with existing leases (WRNF and GMUG Forest Plans, leasing maps – Project Record). Oil and gas leases constitute valid existing rights to development of oil and gas resources. An indirect effect of this action may or may not lead to increased development of existing leases – those are business decisions that lease holders have to make and have been making independent of this proposed action. As of the writing of this document no additional development has been proposed or is anticipated on existing leases beyond that which is included in DEIS Appendix P. DEIS at 241.	
36.20 This conclusion, however, directly contradicts other language in the DEIS which provides: …without the pipeline, there is *no way to move gas away from the Bull Mountain unit*, so …drilling emissions would not otherwise occur. The drill rig emissions listed in Table 46 are based on the POD prepared for the Bull Mountain Project which assumes that *55 to 60 wells would be drilled over a ten to twelve year period* (assuming six wells drilled per year) to produce up to 80 MMSCFD. The emissions estimated for future drilling activity that could supply 375 MMSCFD through the Bull Mountain pipeline were also based on the POD's *assumption of six wells drilled* annually. For the purposes of modeling air quality effects, the production ratio was scaled for future development assuming this same drilling rate to accommodate full capacity at 375 MMSCFD. Thus, the analysis assumes that *282 additional wells could be drilled* to supply 375 MMSCFD. *Id.* at 99 (emphasis added).	Pipeline Engineer: Remove statement on p. 99 that states "However, there is no way to move gas away from the Bull Mountain unit, so the drilling emissions would not otherwise occur. As suggested in responses to comments 5.14 and 31.5, drilling would likely continue and would find other alternative means of transport from the area.
36.21 In addition, the DEIS provides that a 52-well project on the White River is "reasonably foreseeable. " *See* appendix P, page 178 and that because the proposed pipeline is sized to accommodate future natural gas development outside of the Bull Mountain Unit, this analysis also includes an estimate of emission sources over an assumed 47-year period associated with this reasonably foreseeable development." *Id.* at 88.	See Response 36.17 above.
36.22 Moreover, the DEIS states: "Long-term emissions are associated with one or more compressor stations located along the proposed pipeline. Over time, *as more natural gas wells within the Bull Mountain Unit are drilled*, more compression will be needed to accommodate the additional gas conveyed through the pipeline. Direct	See Response 36.17 above.

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long-term effects are those associated with full development of the Bull Mountain Unit. According to SG's Plan of Development (POD) *full development of the Bull Mountain Unit is assumed to occur in year 12* (based on six wells drilled annually) and reflect a maximum gas production of 80 million standard cubic feet per day (MMSCFD)." Because the pipeline is designed for a capacity nearly *five times greater than that needed to convey gas from the Bull Mountain Unit*, this assessment includes an analysis of what emissions might be at maximum pipeline capacity. Assumptions in the maximum pipeline capacity analysis include a pipeline capacity of 375 MMSCFD and the same drilling rate provided in SG's POD (six wells per year) with maximum capacity reached within a 47-year period. *Id.* at 98 (emphasis added).	
36.23 As in this case, where there are large-scale plans for regional development, NEPA requires that both programmatic and site-specific impacts be analyzed in the EIS. CEQ guidance states, The preparation of an area-wide or overview EIS may be particularly useful when similar actions, viewed with other reasonably foreseeable or proposed agency actions, share common timing or geography. For example, when a variety of energy projects may be located in a single watershed… the overview or area-wide EIS would serve as a valuable and necessary analysis of the affected environment and the potential cumulative impacts of the reasonably foreseeable actions under that program or within that geographical area. CEQ NEPA Guidance, 46 Fed. Reg. 18026, 18033 (1981).	See Response 36.17 above. To clarify; both the White River National Forest and the GMUG National Forest prepared oil and gas leasing analyses in 1993 that amended the respective forest plans (GMUG NF Oil & Gas Leasing ROD, April 19, 1993; WRNF Oil and Gas Leasing ROD, May 26, 1993) to comply with the Federal On Shore Oil and Gas Leasing Reform Act of 1987. In addition, the Bureau of Land Management prepared an amended oil and gas leasing EIS/RMP and ROD dated March, 1999. These analyses related specifically to making lands available and authorized for leasing. Oil and gas leasing is a separate action that falls under different authorities and attendant regulations from issuing right-of-way (ROW) grants for pipelines or other special uses (see Section 1.5 of the EIS). The term Reasonably Foreseeable Development (RFD) scenario refers to a specific requirement when conducting oil and gas leasing analyses. A RFD scenario is used specifically in leasing analyses, and is not germane to issuing a right-of-way grant (36 CFR 228.102(c)(3)). This analysis for granting a right-of-way (ROW) for a natural gas pipeline is a separate and distinct action from leasing oil and gas resources .Decisions relating to this right-of-way grant will be made according to the authorities listed in Section 1.5 of the EIS, and according to management plan direction right-of-way grants.. As such, it is being documented on its own merits in the BMNGP EIS. This EIS tiers to the applicable land management plans, standards and guidelines related to right-of-way issuance and special uses management (see section 1.6 of the EIS). Further, the EIS analysis includes amending the respective forest plans to designate the right-of-way areas as Utility Corridor management areas (see Section 1.4 of the EIS).
36.24 It is clear, therefore, that the DEIS must analyze the broader and long term impacts of the Pipeline	See Response 36.17 above. See Response 36.23 above.

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project including future leasing, well construction and other oil and gas development in order to be consistent with the mandate of NEPA. In addition, the agency's determination that there is no way it can predict whether the preferred alternative will result in the construction of additional wells because these are "business decisions" that SG will make independent of the ability to remove gas, is arbitrary based on the agency's own statements that such development is, not only reasonably anticipated, but highly likely. "The emissions estimated for future drilling activity that could supply 375 MMSCFD through the Bull Mountain pipeline were also based on the POD's assumption of six wells drilled annually. For the purposes of modeling air quality effects, the production ratio was scaled for future development assuming this same drilling rate to accommodate full capacity at 375 MMSCFD. Thus, the analysis assumes that *282 additional wells* could be drilled to supply 375 MMSCFD." DEIS at 99 (emphasis added).	To the extent possible, the agencies have included for the purposes of cumulative effects analysis the number of wells that would foreseeably be serviced by the Bull Mountain pipeline. Although the presence of the Bull Mountain pipeline would create a situation in which the area is more attractive, there are no assurances that other leases in the area would be developed by drilling as these activities depend on price of gas and demand. Thus there are too many variables to predict future activities with any certainty.
36.25 3. Irretrievable Commitment of Resources. In this case, because the GMUG and White River forest plans and environmental impact statements never planned for or analyzed the proposed future leasing and related oil and gas development, the Forest Service is moving ahead with the Pipeline project, without first adequate completing the NEPA process. This is contrary to the directive of the CEQ regulations which require agencies to prepare an EIS early enough so that it can make an adequate contribution to the decision making process. 40 C.F.R. § 1502.5. In addition, 40 C.F.R. § 1501.2 which states: "[a]gencies shall integrate the NEPA process with other planning at the earliest possible time to insure that planning and decisions reflect environmental values, to avoid delays later in the process and to head off potential conflicts." NEPA, itself, mandates procedures to ensure that agencies prepare an EIS before "any irreversible and irretrievable commitment of resources." 42 U.S.C. § 4332(2)(c)(v). In addition, "[t]he 'heart' of the EIS – the consideration of reasonable alternatives to the proposed action — requires federal agencies to consider seriously the 'no action' alternative…." *Conner v. Burford*, 836 F.2d 1521, 1532 (9th Cir. 1988). *See also*, 40 C.F.R. §1502.14(d). In addition, "[t]he 'heart' of the EIS-the consideration of reasonable alternatives to the proposed action-requires federal agencies to consider seriously the 'no action' alternative…." *Sierra Club v. Peterson*, 717 F.2d 1409 (D.C. Cir.	To clarify, each the White River and the GMUG prepared oil and gas leasing analyses that amended the respective forest plans in 1993. These analyses related specifically to making lands available and authorized for leasing. This analysis for granting a right-of-way in which a natural gas pipeline would be placed, and is a separate and distinct action from leasing oil and gas resources, and is done so according to a differing set of laws and regulations. As such, it is being documented on its own merits in the EIS. Decisions relating to this right-of-way grant will be made according to the authorities listed in Section 1.5 of the EIS, and according to management plan direction right-of-way grants.

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1983). That analysis would serve no purpose if at the time the EIS is finally prepared, the option is no longer available."*Id.*	
36.26 Further, the Forest Service states: The natural gas and water pipelines proposed by SG consist of approximately 25.5 miles of up to 20- inch diameter natural gas pipeline and 8-inch water pipeline and related aboveground appurtenances. The water pipeline would be installed in the same trench with a minimum 1 foot of separation between the pipelines. The gas pipeline would be designed for a maximum operating pressure (MAOP) of 1440 psig. Probable natural gas system operating pressure is approximately 900 psig with a resulting design flow rate in excess of 80 MMSCFD, the anticipated production volume from the Bull Mountain Unit over a 10 to 12 year time period based on test well pressure data. DEIS at 33.	Restatement of DEIS information, no response needed.
36.27 As a result, because the USFS says that expansion of pipeline from 8" to 20" is necessary to anticipate expanded oil and gas development outside of the Bull Mountain Plan throughout both White River and GMUG National Forests, this is an action to irretrievably commit resources prior to NEPA analysis for such outside development and would be in violation of federal law unless and until the Forest Service prepares a programmatic EIS that addresses all oil and gas development on the Western Slope.	See Response 36.23 above.
36.28 As the investment in a particular project increases, so does its relative weight when measured against its potential environmental impact. Edelson *The Management of Oil and Gas leasing on Federal Wilderness Lands*, 10 B.C. Envtl. Aff. L. Rev. 905, 936 n. 178 (1982-83). This can be compounded by political pressure exerted on the agency once such an investment is made. *Id*. The reality of the dynamic between federal agencies and big investments in projects on federal lands is recognized by the courts. "After major investment of both time and money, it is likely that more environmental harm will be tolerated." *Environmental Defense Fund v. Andrus*, 596 F.2d 848 (CA9 1979). Based on the fact, therefore, that the Pipeline is needed for the future development such development is an indirect effect and a connected action. The Pipeline, therefore, represents the on-off switch for development of more wells on the Forest. It is unlikely that SG will spend millions on a pipeline without knowing where the material to fill it will come from. It's all part of a big development plan. As the on-off switch for development, therefore, the future development near the pipeline	See Response 36.23 above.

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is either a direct or indirect impact of building the pipeline.	
36.29 Under the Preferred Alternative in the DEIS the Forest Service would authorize the irretrievable commitment of resources that will lead to development of gas resources, including the development of wells upstream of the Pipeline project and throughout the White River and GMUG National Forests. This is a violation of NEPA because the DEIS's analysis does not examine the gas development that this project will have. The construction of the infrastructure analyzed in the DEIS should include the irretrievable commitment of resources for oil and gas development of the entire White River and GMUG National Forests. Therefore, because the GMUG and White River forest plans and environmental impact statements never planned for or analyzed the currently experienced and anticipated leasing related activity, the Forest Service is moving ahead with the Pipeline without first completing the NEPA process in a manner that sufficiently complies with federal law. This is contrary to the directive of the CEQ regulations which require agencies to prepare an adequate EIS early enough so that it can make an adequate contribution to the decision making process. 40 C.F.R. § 1501.2. Based on the fact that, under the DEIS, the Forest Service is committing resources in anticipation of additional oil and gas leases outside of those covered in the DEIS, it must study the impacts of the DEIS with all "reasonably foreseeable future" actions related to oil and gas on both Forests. This analysis must incorporate anticipated oil and gas development in the White River and GMUG National Forests since it is clear that the Forest Service is preparing pipeline capacity and making other accommodations for such development.	See Response 36.23 above.
36.30 B. <u>The Forest Service Cannot Rely on the Outdated, Insufficient Oil and Gas Forest Plans to Analyze the Indirect, Connected, and Cumulative Impacts of the Pipeline Project.</u> Existing GMUG and White River Forest Plans and EISs never planned for or analyzed the development that would occur as a result of, or in conjunction with, the Pipeline project. As a result, authorizing the pipeline without producing sufficiently analyzing the broader and future development that will result from the Pipeline project would violate both NFMA and NEPA. The current the O&G White River and GMUG Forest Plans which were adopted in the 1993	See Response 36.23 above.

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fail to address recent changes taking place on the White River and GMUG National Forests due to anticipated and dramatic amounts of oil and gas development on both Forests.	
36.31 1. Inadequacies of the Current LRMPs As depicted by the map of oil & gas Leasing in the GMUG/White River NF Area" as of September 26, 2006 (Attachment 3), oil and gas leasing and development is blanketing the region around the western portion of the White River and near the GMUG National Forests. The map, which depicts lease data from the BLM's geocommunicator database, shows that the Forest Service has already leased significant areas of the GMUG and White River National Forests. *Id.* Three hundred square miles of the White River and GMUG National Forests have already been leased to oil and gas companies, and proposals for more leasing continue to come in. *Id.*	See Response 36.23 above.
36.32 2. Inadequacies of the GMUG NF Oil and Gas Amendments. Moreover, the Forest Service's reliance on the Land and Resource Management Plan's (LRMP's) use of historical development as a basis for WRNF projections for future development in relation to the Pipeline violates the NEPA mandate to analyze and account for the current demand and likely increase in oil and gas production. The GMUG Forest Plan EIS predicted that only 27 wells would be drilled throughout the life of the plan outside of existing units. Gas development activity on the Forest will soon exceed that projection and sale of these proposed leases would further compound the problems of going beyond that projection. The total number of wells outside of existing units approved or in process since the RFD is 28 as shown below, already one more than the projected and analyzed level of development. Any additional leasing related activity such as the Pipeline would commit the GMUG to exceed its projection and go beyond its existing analysis. The Forest Service itself predicts at least some future well construction and related oil and gas development on both federal and private land within the project planning area. DEIS at 175-180. Further, a query of the BLM's LR2000 database, for example, finds that there are 145 parcels, covering 215,857 acres, within the GMUG already. At a conservative estimate of 1 well per 320 acres, the leases already allowed by the Forest commit it to development of approximately 532 wells, a level *over 10* times the total of 47 planned for in the Forest Plan and analyzed in the EIS.	See Response 36.23 above. Projecting number of wells based on amount of leased acreage is not meaningful because development specific lease holds depends on gas price and demand, among many other variables. There are no assurances that all leases will be developed. However, to the extent feasible to facilitate cumulative effects analysis, the BLM and FS have projected the number of wells that would foreseeably be serviced by the BMP (EIS, Appendix P).

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36.33 3. 3. Inadequacies of the WRNF Oil and Gas Amendments. Similarly, gas development activity on the White River National Forest will soon exceed the provided in the Forest's LRMP reasonably foreseeable development (RFD) section, a mere three years into the revised plan since the number of wells already approved for the White River National Forest already exceeds the level of development in the Forest Plan by almost 400% (see Table 2 below). Further, a query of the BLM's LR2000 database finds that there are 150 oil and gas lease parcels, covering 155,527 acres, already leased on the White River National Forest. At a conservative estimate of 1 wells per 320 acres, the leases already allowed by the Forest likely commit it to development of approximately 468 wells, a level *over 20 times* the 23 wells that formed the basis of the planning and analysis in the Forest Plan and analyzed in the EIS. Even the DEIS anticipates that the level of development in the Pipeline planning area alone will exceed the development anticipated in the White River LRMP's RFD See DEIS, Appendix P pp. 175-180. Although, some of the wells identified by these sources have not yet been developed, these numbers demonstrate that existing Forest Plans and the NEPA documentation never planned for nor analyzed, the development that these leases would entail. The Forest Service recognized, in the White River National Forest's 1993 Oil and Gas Leasing FEIS, that accurate predictions of oil and gas development "are necessary for a meaningful and reasoned analysis of the potential direct, indirect, and cumulative impacts resulting from such leasing and development. DEIS p. 6.	See Response 36.23 above.
36.34 4. Because of Currently Approved Development, and the Projected Onslaught of Natural Gas Development on the Forests, the LRMPs' Analysis of the Impacts of Petroleum Development Is Grossly Inadequate. As the petroleum development projects represented by the data in section 3 above have already been approved or are about to be approved they must be incorporated into the NEPA analysis related to realization of the RFDS. In addition, the Pipeline and other actions related to petroleum development on the GMUG and White River National Forests must therefore stop now or violate both NFMA and NEPA. NFMA, governs the Forest Service's management of	See Response 36.23 above.

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the national forests and requires the Forest Service to develop, maintain, and revise land and resource management plans ("LRMPs") for each national forest. 16 U.S.C. § 1604(a); see also 36 C.F.R. § 219.10(a), (b). Given, therefore, that the decisions to open areas to leasing in the Forest Plans, and the analysis contained in the accompanying EISs, were both premised on a level of development 10 to 20 times less than that already authorized, further development-related activities – such as the Pipeline – are inconsistent with the current LRMPs and beyond the scope of impacts analyzed in the oil and gas leasing EISs. Instead, given that the Forest Service never planned for nor analyzed oil and gas development at these levels, NFMA requires that the plans be revised, or possibly amended, to plan for protecting the Forests' resources in light of the increased development, a process the BLM is currently undertaking in its nearby White River Field Office. NEPA similarly requires that the Forest Service prepare an EIS for that revision or amendment that takes a hard look at the indirect, direct, and cumulative effects that increased development would have on the forests' resources before allowing any further leasing to proceed. A comprehensive analysis is crucial at this juncture given the likely indirect, direct, cumulative impacts the already approved oil and gas leasing related activity would have on the Forests and all of their resources, including recreation, wildlife, and watersheds.	
36.35 All gas leasing and development on the White River National Forest, for example, is subject to the 1993 Oil and Gas Leasing EIS and tiered to the National Forest's Revised LRMP of 2002. The associated cumulative impacts analysis is based on a RFDS that predicted 23 gas wells (Forest-wide) between 1993 and 2008. The RFDS was based on obsolete drilling rates, estimates of geological potential, and economic analyses. To this end, the 1993 EIS used a 1991 gas price of $1.20 MCF, a level the EIS describes as "marginally economic." The 1993 EIS notes, "gas prices are not expected to motivate drilling activity beyond historic levels." "[A]dvanced technology will not be considered a determining factor in projecting drilling activity on the Forest. [O]il and gas activity is expected to continue at the same rate established by historic trends." White River NF 1993 Oil and Gas Leasing EIS at S – 1.Historic rates were very low compared to the present. The revised LRMP simply incorporates this flawed analysis without updating the assumptions driving the RFD, the RFD itself, or the projected cumulative impacts of gas leasing and	See Response 36.23 above.

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development over the life of the plan (as far out as 2022). Critically, all pertinent variables have changed dramatically since the 1993 O/G EIS. Gasoline prices remain high, the use of natural gas for electricity generation has grown dramatically, and extraction technologies are rapidly improving and becoming more cost-effective. These economic factors, coupled with the rapid technological developments that make formerly unrecoverable deposits accessible, effectively nullify and void the 1993 EIS's RFD scenario as well as its cumulative impacts analysis. The 1993 EIS is entirely inadequate and supplies insufficient, perverse guidance for the gas development activity now occurring on the Forest. Given ample new information (technological advances, gas price, and demand), it is unlikely that the Forest Service can present a reasonable explanation as to why the DEIS relies on obsolete RFDS and programmatic EISs. Inexplicably, regardless of the liquid mineral resources oil and gas juggernaut now targeting the Forest Service, the agency has failed to conduct a broader programmatic impacts analysis on air, water, social costs, quality of life, wildlife, ecological integrity, or other important considerations affecting the planning area. In addition to the NEPA violations if this does not occur, the oil and gas boom will overtake the Forest Service, turning lands with profitable gas potential into a single use, industrialized zone, trampling all other values and uses for which the agency must account under its multiple use mandates. [1] *In fact, the data layer for several existing and proposed leases is probably an underestimate, as explained in the map's caption, and thus there could be more leases already sold or issued that do not appear on the map*	
36.36 5. RFD Acreage Disturbed. The DEIS is devoid of any analysis of RFD and inaccurately accounts for all the potential impacts of the pipeline project in inducing or facilitating the development of additional gas wells. Not only is this a violation of NEPA's requirement that the Forest Service accurately anticipate and analyze the impacts of its actions, but it under values the importance of the three IRAs affected. In this case the RFDs are relevant to the extent that the pipeline will be a direct cause of additional oil and gas development in the Forests. In other words, oil and gas development, in the vicinity of the planning area,	See Response 36.23 above.

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would not and could not happen without the pipeline. The White River National Forest's 1993 programmatic Oil and Gas Leasing FEIS notes that RFD analysis is necessary: to plan for the orderly management of National Forest System lands, resolve potential conflicts in land and resource use in a meaningful way, and study the aggregate and cumulative effects of oil and gas leasing…[RFD] projections are necessary for a meaningful and reasoned analysis of the potential direct, indirect, and cumulative impacts resulting from oil and gas leasing and development. (p.11-12, App. C) This language illustrates that the pretense that the use of this 14 year old, obviously stale document for managing the present gas boom unfolding on both the WRNF, GMUG, and surrounding BLM and private lands is a violation of federal law. NEPA and NFMA require the Forest Service to conduct significant analysis to understand the full implications of the Pipeline and each additional incremental project that has yet to be conducted. The Forest Service must, therefore, produce reasonable RFDS forecasts to incorporate current price data, technology, and updated exploration projections. Current RFDS forecasts are inaccurate and obsolete and basing management on such obsolete analyses breaches the Forest Service's fiduciary duty to the public and constitutes an arbitrary and capricious basis for management decisions affecting these public lands.	
36.37 6. Other federal agencies and Entities Verify Massive Oil and Gas Development for the White River and GMUG National Forests and the State In direct contrast to the DEIS, the federal agency that shares the responsibility with the Forest Service of regulating oil and gas development on federal lands, the Bureau of Land Management (BLM) expressly states that the RFD acreage disturbance limits sets a firm cap not to be exceeded without triggering a new NEPA review. In fact, the Planning Bulletin 1 (Bulletin) for the BLM's White River Field Office Oil and Gas RMPA/EIS (EIS) provides that the BLM's 1997 RMP (1997 RMP) is outdated related to the oil and gas rush for the agency's western slope lands. (Attachment 4). Especially since the EIS "will identify the existing condition of the environment that could be affected by oil and gas development; identify the potential impacts that oil and gas development and associated activities could have on the environment; and identify	See Response 36.23 above.

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appropriate measures to mitigate those impacts." 1993 O/G FEIS at I-19 In addition, the intent behind the drafting of the new BLM EIS is to specifically address the need for a programmatic approach to future oil and gas development on BLM lands since the "oil and gas decisions made in this RMPA will be broad planning decisions" which will "streamline and facilitate" planning and evaluation of site specific leasing and development proposals. Bulletin at 3. This implies that the 1997 RMP is insufficient to act as the legal basis for site specific proposals such as the Bull Mountain Pipeline because the current WRNF RMP was developed before the 1997 RMP, at minimum, the WRNF RMP's oil and gas provisions are based on the same out dated data. The BLM's prediction that current federal land and oil and gas management plans are completely inadequate to predict the overwhelming level of oil and gas development in the White River and GMUG National Forests is supported by other experts in this area. In October 2006, for example, the Wilderness Society's BLM Action Center conducted a preliminary analysis of land use plans and large-scale projects approved or in the process of approval in the states of Colorado, Montana, New Mexico, Utah and Wyoming in order to estimate the number of new oil and gas wells likely to be approved for drilling over the next 15 to 20 years. This analysis estimates that over 118,000 new wells are expected in the five-state region from the 28 federal actions analyzed with 22,802 wells predicted in Colorado. (*See* Attachment 5). Moreover, an article in the Grand Junction Dailey Sentinel states that 118, 803 acres were sold as oil and gas leases on Thursday November 9, 2006 throughout Colorado. (Attachment 6).	
36.38 V. The DEIS Violates NEPA and NFMA by Failing to Adequately Analyze the Impact of Roads and Ecological Degradation The Ninth Circuit states that: "the comprehensive 'hard look' mandated by Congress and required by [NEPA] must be timely, and it must be taken objectively and in good faith, not as an exercise in form over substance, and not as a subterfuge designed to rationalize a decision already made." Metcalf v. Daley, 214 F.3d 1135, 1142 (9th Cir. 2000). Further, NEPA requires an agency to insure that it has carefully and fully contemplated the environmental effects of its actions. Robertson v. Methow Valley Citizens, 490 U.S. 332, 349 (1989).	Impacts to various resources are disclosed in the DEIS and cumulative impacts are also noted. Wildlife Topic Response: The comment seems to focus on road building and resulting fragmentation. The proposed action and Alternative 1 include less than 1 mile of temporary road, none of which is in roadless areas. These temporary roads are actually existing, unauthorized two-track roads. There would be no fragmentation as a result of road building. The pipeline corridor itself would not prevent wildlife movements. Over the long-term, there are limited above-ground facilities associated with this proposal (DEIS pg 34-35). Motorized vehicle use would only be allowed on a case-by-case basis for emergency repair (DEIS, pg 54). The cleared corridor is not expected to be a hazard or obstacle to movements by wildlife. Species

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Similarly, a vast body of ecological science literature documents the strong correlation between road building and ecological degradation. Roads introduce and provide an ongoing (usually permanent) vector for propagation and proliferation of noxious, invasive weeds, pathogens, and pests. They serve as mortality sinks for wildlife and serve as ongoing sources of sediment loading to water courses and can thus deteriorate and destroy riparian and aquatic habitat. Roads fragment terrestrial and aquatic habitat and contribute to genetic deterioration of wildlife populations from inbreeding and random drift in gene frequencies, environmental catastrophes, fluctuations in habitat conditions, and demographic stochasticity. By fragmenting habitat, roads impose a significant threat to biological diversity. Habitat fragmentation associated with this and other energy development projects is particularly deleterious in the context of rapid climate change. If organisms are prevented from migrating to track shifting climatic conditions, and cannot adapt quickly enough because of limited genetic variation, then chances for extinction increase. The preferred alternative in the DEIS, therefore, violates NEPA because it does not represent management of non-wilderness and forest lands not recommended for wilderness with sufficient consideration of ecological values. All parcels of land in the planning area —whether zoned as wilderness or for commodity production—should be managed in the holistic context of ecological systems. It cannot be argued that there are no direct ecological benefits associated with oil and gas development diminishes and destroys habitat, species, commercial and non-commercial recreational opportunities, aesthetic qualities, existence values, option values, and other ecological and recreational values. The preferred alternative in the DEIS must better protect ecological values and mitigate harm to ecological integrity. Finally, it is clear that the Forest Service is building new roads including temporary roads as discussed above because the temporary roads listed in the preferred alternative are within the definition of prohibited roads in the 2001 Roadless Rule.	vary in their ability to cross openings, and effects are discussed by species, where relevant (i.e. American marten). Movement between roadless or wilderness areas would not be affected by this proposal. Watershed Topic Response: See DEIS pg. 132 table 65 and following discussion. Range Topic / Noxious Weeds Topic Response: Noxious weed management and reclamation would comply with County, State and Federal requirements. BMPS, project design features and mitigation measures for noxious weeds are disclosed in the DEIS and FEIS. 2001 Roadless Rule response: The recent decision (Sept 19th, 2006) in California v. Dept. of Agriculture that set aside the State Petitions Roadless Rule and reinstated the 2001 Roadless Rule, is being evaluated as it pertains to the Bull Mountain project DEIS. The FEIS and any final decision in a ROD would be consistent with the legal determination for the Roadless Rule at the time of the decision. See Response 1.1 for a detailed discussion of the BMNG project and consistency with the 2001 Rule.
36.39 The DEIS Violates NEPA and the Multiple Use and Sustained Yield Act by Failing to Analyze Road Maintenance and Ongoing Costs NEPA is our "basic national charter for protection of the environment." 40 C.F.R. § 1500.1(a). Earth Island Inst. v. U.S. Forest Serv.,	Transportation Topic Response: Level of funding for road maintenance projects is subject to change several times per year. Any road maintenance costs associated with the proposed project will be the responsibility of the proponent. Additional miles of road are not proposed to be added to the Forest Road System. Present road maintenance backlogs are not germane to the project proposal.

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442 F.3d 1147, 1153–54 (9th Cir. 2006) (citing Kern v. U.S. Bureau of Land Mgmt., 284 F.3d 1062, 1066 (9th Cir. 2002)); Baltimore Gas & Elec. Co. v. Natural Res. Def. Council, 462 U.S. 87, 97 (1983). See also 40 C.F.R. § 1500.1(b), (c). The statute's twin objectives are to ensure that the BLM "consider[s] every significant aspect of the environmental impact of a proposed action" and to "inform the public that it has indeed considered environmental concerns in its decision making process." Id. § 1500.1(b). The Ninth Circuit states that: "the comprehensive 'hard look' mandated by Congress and required by [NEPA] must be timely, and it must be taken objectively and in good faith, not as an exercise in form over substance, and not as a subterfuge designed to rationalize a decision already made." Metcalf, 214 F.3d at 1142. Further, NEPA requires an agency to insure that it has carefully and fully contemplated the environmental effects of its actions. Thus, "NEPA procedures must insure that environmental information is available to public officials and citizens before decisions are made and before actions are taken. . . . Accurate scientific analysis, expert agency comments, and public scrutiny are essential to implementing NEPA." Blue Mtns. Biodiversity Project, 161 F.3d at 1216. NEPA's emphasis on "the importance of coherent and comprehensive up-front environmental analysis [] ensure[s] informed decision making to the end that the agency will not act on incomplete information, only to regret its decision after it is too late to correct." Id. Further, roads generate ongoing maintenance costs, which Congress and the USFS Headquarters have proven unwilling and/or unable to fund. The DEIS, therefore, must provide the present road maintenance backlog in the planning area and whether the public will pay ongoing direct and indirect costs of roads associated with this decades-long project. In addition the Forest Service must reveal whether the Lessee will establish a bond for restoration of disturbed land, damage to watersheds, damage to wildlife populations, and the need for perpetual treatment of noxious weed populations that will be introduced and proliferate within previously unroaded national forest. The Project Proposed Action indicates "the BLM would issue a ROW grant for a term of 30 years with right to renew. The estimated life of the pipeline is approximately 50 years based on industry standard." DEIS at. 4. The DEIS, however, does not	Wildlife Topic Response: Both ends of the proposed corridor (all alternatives) lie in areas mapped as general elk winter range by CDOW. On the south end, there are no areas of elk winter concentration areas or elk severe winter areas. On the north end, all alternatives cross areas mapped as elk winter concentration areas or elk severe winter areas. Most of these areas are on private land, and none are in roadless areas. Because project activities would occur between May 15 and December 1 unless adverse weather conditions require shortened seasons, there would be no overlap in time with elk on winter range during construction. The physical presence of the cleared corridor would have no effect on the ability of elk to use these areas as winter range, as discussed in the DEIS, pg 219. Black bears were not analyzed for this project, but they are associated with general forest and riparian habitats. No new roads are proposed (temporary roads are actually existing, unauthorized, two-track roads), and increased vulnerability to hunters is not an issue. Project Design Criteria GEN-8 (DEIS Appendix B) requires the grant holder to provide and service sanitary and trash facilities. This would reduce the potential for conflicts with bears during construction.

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provide whether SG (Lessee) will take appropriate measures to protect the public trust from 30-50 years of ecological impacts and disturbed ecosystems including how much SG has been required to bond or how such amount will be calculated or whether it accounts for future price increases for remediation services. Projects such as that proposed here cause permanent ecological damage and social costs that are typically unaccounted for—for which the public is rarely compensated. We respectfully request that the DEIS explore and study ecological and social costs to a higher degree than that which presently informs the Forest Service's oil and gas development projects (as evidenced by the absence of an updated and holistic cumulative impacts analysis for oil and gas development in the document). In addition, the document must be candid about the costs and benefits of this and other such projects, so that members of the public may provide informed comment to the agency. Proposal of oil and gas development on unroaded deer and elk winter range and core black bear habitat within the planning area prompts questions as to the Forest Service's management priorities. The DEIS places the interests of private lessees over public ecological, recreation-based, and economic values associated with unroaded patches of public land. This is a violation of 16 U.S.C.A. § 1631, which provides that Forest Service multiple use management entails "consideration being given to the relative values of the various resources, and not necessarily the combination of uses that will give the greatest dollar return or the greatest unit output… " The Pipeline at issue militates against the aforementioned statutory definition of multiple use under the Multiple Use and sustained Yield Act of 1960. 16 U.S.C.A. § 1631 et seq.	
36.40 The DEIS Fails to Protect Wildlife Species in Violation of the ESA, NEPA, NFMA and MUSY A. <u>The DEIS's Lack of Analysis of Mitigation Measures Violates NEPA</u> The DEIS provides that: Project design features, mitigation, and monitoring are all provided in detail in the Bull Mountain Pipeline Plan of Development (POD). The POD covers all aspects of water quality, stream bank stability, and wetland protection. It was developed to provide the project proponent with a list of measures to implement so that the project would be consistent with Forest Plan direction, Forest Service Regional direction, Bureau of Land	Wildlife Topic Response: The POD was reviewed and revised by the IDT to ensure that it is consistent with management direction. The project design criteria in Appendix B of the FEIS are incorporated into the POD (as discussed in Appendix B). The wildlife analysis considers these design criteria in evaluating effects of the alternatives on wildlife.

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	Management direction, and other Federal and State Laws and Executive Orders. All POD measures for the protection of water quality, stream stability, and wetlands are consistent with current Forest Service and Bureau of Land Management Best Management Practices and have been identified as being effective (Seyedbagheri, 1996). DEIS at 127. POD Appendix 12 (POD), however, was a document drafted by SG and not the Forest Service, it therefore does not comply with the Forest Service Handbook or other standards for mitigation of the type of project in question and instead simply lists general prescriptions using minimal mitigation requirements measures for preventing degradation to ecological values. See e.g., POD at section 6.1 Construction in Wetlands. Nor do the prescriptions specific to the type of project or impacts that will result in the Preferred alternative. The mitigation measures provided in the DEIS, therefore, fail to "include a detailed statement regarding any adverse environmental effects that cannot be avoided. "42 U.S.C. § 4332(2)(C)(ii). "Implicit in this requirement is an understanding that the EIS will discuss the extent to which steps can be taken to mitigate adverse environmental consequences." Gaule V. Meade 402 F.Supp.2d 1078, 1085 (D. Alaska 2005). This discussion must be "in sufficient detail to ensure that environmental consequences have been fairly evaluated," Robertson v. Methow Valley Citizens Council, 490 U.S. 332, 352, 109 S.Ct. 1835, 104 L.Ed.2d 351 (1989). As in this case, a mere listing of mitigation measures, therefore, is insufficient. Westlands Water Dist. v. United States Dep't of Interior, 376 F.3d 853, 872 (9th Cir.2004). The POD's failure to comply with NEPA is further illustrated by the fact that the document is merely in draft form and therefore is subject to change by SG at any time. More importantly, neither the DEIS or POD even mentions mitigation measures necessary to address the massive impacts on fish and wildlife and other ecological values that future oil and gas development will bring to the White River and GMUG National Forests. This is contrary to the requirement that the DEIS must provide sufficient detail for federal courts to ensure that the agency took a "hard look" at the "environmental consequences of its proposed action."Id and therefore, constitutes arbitrary and capricious agency action.	
36.41	B. The Impacts on Canada Lynx under the Preferred Alternative in the DEIS's Violates the ESA Under ESA Sections 7, 9 and 10 the Forest Service	Wildlife Topic Response: Effects on lynx are addressed in the DEIS, pgs 196-201. In addition, compliance with lynx management direction (LCAS) is shown in Appendix I-2. One LAU (Huntsman) is currently below the LCAS direction to have

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must protect the aquatic habitats of threatened and endangered species on federal lands. Specifically, the Act requires the agency to stop, change or curtail activities including logging, road building and road maintenance that threatens water quality and habitat needed by listed fish species. The preferred alternative in the DEIS, however, violates these standards in relation to several federally listed species including the admission that it will eliminate almost 40 acres of habitat for the Canada lynx a species listed as threatened under the Endangered Species Act. DEIS at 197. The ESA was enacted to "provide a means whereby the ecosystems upon which endangered species and threatened species depend may be conserved [and] to provide a program for the conservation of such [] species." 16 U.S.C. § 1532(b). The ESA requires the Secretary of Commerce ("the Secretary") to list species either as endangered or threatened based on the present or threatened destruction, modification, or curtailment of a species' habitat or range; overutilization for commercial, recreational, scientific, or educational purposes; disease or predation; the inadequacy of existing regulatory mechanisms; or other natural or manmade factors affecting the species' continued existence. 16 U.S.C. § 1533(a)(1). A threatened species is one that is "likely to become an endangered species within the foreseeable future." Id. at § 1532(20). The ESA requires that the Secretary make listing determinations "solely on the basis of the best scientific and commercial data available." Id. § 1533(b)(1)(A). Section 9 of the ESA prohibits any person from "taking" a threatened or endangered species. 16 U.S.C. § 1538(a)(1); see also 50 C.F.R. § 17.31. "Take" is defined broadly under the ESA and its regulations to include harassing, harming, wounding, killing, trapping, capturing, or collecting a protected species either directly or by degrading its habitat sufficiently to impair essential behavior patterns. 16 U.S.C. § 1532(19). One exception to Section 9's take prohibition is relevant here. A federal agency may take listed species in accordance with an Incidental Take Statement ("ITS"). 16 U.S.C. § 1536(b)(4). Only if the Terms and Conditions of the ITS are followed is a person exempted from Section 9's take prohibitions. Id. § 1536(o)(2). Under ESA § 7(a)(2), all federal agencies must "insure that any action authorized, funded or carried out by such agency . . . is not likely to jeopardize the continued existence of any endangered or	a minimum of at least 10% denning habitat (DEIS, Table 98). The Proposed Action and Alternative 1 would affect 0.8 acres mapped as potential denning habitat in this LAU. In July of 2006, the spruce-fir habitat on Spruce Mountain (Proposed Action and Alternative 1) was field validated for its suitability for lynx denning habitat. Where the proposed corridor is aligned within spruce-fir stands, it is very near the edge of the stand, adjacent to the large open meadows and the existing pipeline corridor. The spruce-fir habitat in the area does not contain much down woody debris and would not be considered suitable for lynx denning habitat, with its lack of security due to lack of cover and den sites. The FEIS has been updated to reflect this new information. The Forest Service is not authorizing an action that will result in "take" of lynx, as shown in the analysis. A Biological Assessment has been prepared (based on the analysis in the EIS), and the Deciding Officia'sl selection of an alternative. Regional direction will be followed to ensure that consultation (informal) with the USFWS follows standard procedures. Fisheries Topic Response: There are no listed fish species in the analysis area. Downstream effects on listed fish species from water depletions has been previously consulted on and is covered under a programmatic biological opinion (ES/GJ-6-CO-99-F-033-CP062) dated April 27, 2007. Estimated annual water depletions associated with the construction phase of the Bull Mountain Pipeline approximately 5 acre feet for dust suppression on the pipeline ROW and access roads, and hydrostatic testing of the pipeline. Watershed Topic Response: See DEIS Pg. 130, second paragraph.

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threatened species or result in the destruction or adverse modification of [designated critical] habitat." 16 U.S.C. § 1536(a)(2). Authorization of construction of the pipeline is an action "authorized, funded, or carried out" by the U.S. Forest Service and therefore requires consultation under the ESA. 16 U.S.C. § 1536(a)(2). Finally, even though it is clear that the Forest Service is authorizing an action that will result in "take" of Lynx it has further violated the ESA by not producing a Biological Assessment addressing such take. To fulfill its Section 7(a)(2) mandate, if a species may be present, an action agency must prepare a biological assessment ("BA") for the purpose of identifying endangered or threatened species which are likely to be affected by an action. 16 U.S.C. § 1536(c)(1). Through BAs, action agencies evaluate potential effects and determine whether a species is "likely to be adversely affected" ("LAA") or "not likely to be adversely affected" ("NLAA") by the action. 50 C.F.R. § 402.12. If a proposed action "may affect" a listed species or its critical habitat, the action agency must consult with either NMFS or FWS, depending on which agency has jurisdiction over the species. 16 U.S.C. § 1536(a)(2); 50 C.F.R. § 402.14(a). For the LAA actions, the action agency must seek "formal" consultation with NMFS or FWS. 50 C.F.R. § 402.14(a). For the NLAA actions, the agency action may seek "informal" consultation with NMFS or FWS. See id. § 402.14(b). NMFS is responsible for consultations regarding anadromous species such as steelhead trout, while FWS is responsible for inland and terrestrial species such as bull trout. See Id. § 402.01.	
36.42 C. The DEIS Analysis of Management Indicator Species Violates NEPA, MUSY and NFMA In addition to state efforts, the United States Forest Service also has management responsibility and authority over conservation efforts for these species. The elk and Merriam turkey are listed as a Management Indicator Species ("MIS") in the DEIS. Id. MIS are "those species used as a `bellwether' for `the other species that have the same special habitat needs or population characteristics.'" Center For Biological Diversity V. Norton 411 F.Supp.2d 1271, 1293 (D. N.M. 2005) citing, Forest Guardians v. United States Forest Service, 180 F.Supp.2d 1273, 1276 (D.N.M. 2001). The DEIS, however, fails to provide adequate data for management indicator species in violation of the NFMA and NEPA. The only reference to MIS Elk in	Wildlife Topic Response: Management indicator species for the Forests were selected during Forest Planning. That process is outside the scope of this project. For this project, all WRNF and GMUG MIS were reviewed. Table I-1-3 shows the species, which Forest it is an MIS for, what habitat association it represents, and whether that habitat is present along the right-of-way. Management Indicator Species with habitat present within the project area were analyzed (six species). Two of these (northern goshawk and American marten) are also sensitive species and are analyzed in that section. As mentioned in the DEIS, both Forests have recently amended their Plans for MIS. During those processes, habitat and population trends for each species were assessed. The FEIS will incorporate more of this information into the project analysis. It will also more clearly state how the project effects relate to these Forest-wide trends.

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the DEIS, for example, provides that effects on elk "during construction would be of short duration and magnitude, and would avoid key habitat (elk production areas) during critical periods. Because elk are very adaptable, and use a wide variety of habitats, the conversion of existing vegetation to grass/forb cover types would not have any measureable effect." DEIS at 175, Table 80. This is, however, contrary to the "short term" impacts that the preferred alternative will have on Elk. DEIS at 83, Table 27. Similarly, in relation to MIS Merriam's turkey, the DEIS provides only that the "range primarily in dry forests of broken, mountainous terrain to about 8,000 foot elevation. Surveyors found them most often in forested habitats, primarily lower-elevation conifers and oak brush. Riparian deciduous forests, usually cottonwoods are also used (Kingery1998)." Id. at 185. NFMA regulations, however, require the Forest Service to identify management indicator species that will be monitored because the species' "population changes are believed to indicate the effects of management activities." 36 C.F.R. 219.19(a)(1) (2000). "Population trends of the management indicator species will be monitored and relationships to habitat changes determined." period "and for loss of important habitat components," requiring annual monitoring by means of a "[v]ariable strip transect," which involves the use of a linear transect of a predetermined distance. Id. 219.19(a)(6). Based on the fact that the Land and Resource Management Plans for the Forest Service were promulgated under the 1982 rules, such rules clearly apply to management of MIS in relation to the Pipeline project. Further, the 1982 rules require the Forest Service to monitor the "[p]opulation trends of the management indicator species" and determine "relationships to habitat changes." 36 C.F.R. 219.19(a)(6). These obligations apply to "project level as well as plan level management actions." UEC I, 372 F.3d at 1225. Utah Environmental Congress v. Bosworth, U.S. Court of Appeals, Tenth Circuit (April 6, 2006). Further Forest Service regulations require that "[p]opulation trends of the management indicator species will be monitored and relationships to habitat changes determined." 36 C.F.R. § 219.19(a)(6). In addition, "[i]nventories shall include quantitative data making possible the evaluation of diversity in terms of its prior and present conditions." Id. § 219.26. Similarly, the White River National Forest LRMP incorporates the NFMA regulations regarding MIS	

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into its monitoring requirement for MIS. 2002 Revised Land Management Plan for the White River National Forest, p. 4-6 and further states that "Determining long-term populations trends for each management indicator species is a regulatory requirement under NFMA. The relationships between long-term trend and changes in habitat quality and quantity as a result of management activities also needs to be evaluated. Monitoring of MIS populations and habitat is a high priority." Id. at 4-14. . The DEIS, however, fails to provide whether the Forest Service's reliance on other available data satisfies the "best available science" requirements. The Ecology Center Inc. v. United States Forest Service, U.S. Court of Appeals 10th Circuit, 05-4101 June 29, 2006. In addition, the Forest Service must use "actual, quantitative population data" to meet MIS monitoring obligations under § 219.19. 372 F.3d at 1226. "[T]o effectuate its MIS monitoring duties under the language of its regulations, the Forest Service must gather quantitative data on actual MIS populations that allows it to estimate the effects of any forest management activities on the animal population trends, and determine the relationship between management activities and population trend changes." Id. at 1227. The 10th Circuit Court of Appeals states that: In order to ensure that viable populations are maintained, "habitat must be provided to support, at least, a minimum number of reproductive individuals and that habitat must be well distributed so that those individuals can interact with others in the planning area." Id. LRMP implementation affects fish and wildlife populations. See UEC v Bosworth, 439 F.3d 1184 C.A.10 (Utah) (2006). Furthermore, the regulations require certain vertebrate, invertebrate, or plant species present in a planning area to be selected as MIS in order to gauge the effects of the Plan on fish, wildlife, and plant populations. See 36 C.F.R. § 219.19(a) (1982). Such species shall be selected because "their population changes are believed to indicate the effects of management activities." Utah Environmental Congress v. Bosworth, U.S. Court of Appeals, No. 03-4251, 10th Circuit (August 19, 2005). This is a violation of 16 U.S.C.A. § 1631, which provides that Forest Service multiple use management entails "consideration being given to the relative values of the various resources, and not necessarily the combination of uses that will give the	

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	greatest dollar return or the greatest unit output… " The Pipeline at issue militates against the aforementioned statutory definition of multiple use under the Multiple Use and sustained Yield Act of 1960. 16 U.S.C.A. § 1631 et seq.	
36.43	D. The MIS List Provided in the DEIS Violates the NFMA by Failing to Designate MIS for Several Important Cover Types on the WRNF The MIS list in the DEIS neglects: ponderosa pine, mixed conifer, Engelmann spruce-subalpine fir (especially late successional stands in this community), aspen, snags/down wood, low and mid elevation grass/forb, low/mid/high elevation riparian area vegetation, Douglas fir, fen, and cliff communities. Curiously, the DEIS, itself, identifies numerous other indicator communities and their associated indicator species that will be impacted by the Preferred alternative including: Canada lynx, Boreal toad Sensitive Northern leopard frog, Great Basin silverspot, Hudsonian emerald, Great Basin, spadefoot toad, Wolverine Sensitive, American marten Sensitive, Townsends' big-eared bat, Fringed myotis Sensitive 3) Other Species Pygmy shrew, Olive-sided flycatcher, Lewis' woodpecker, American three-toed, woodpecker, Purple martin, Northern goshawk, Boreal owl, Flammulated owl, Black swift Sensitive and the Midget-faded rattlesnake. DEIS at 82-83, Table 27. Further, the DEIS, itself, lists as one of the significant issues in implementing the Preferred alternative is the impact on 308 acreas of plant communities including: Mountain Shrubland – 130; Aspen 54 ; Aspen/Conifer 28 ; Oak Shrubland 31 ; Spruce/Fir 18 ; Pinyon/Juniper 24 ; Grass/forb 12 ; Willow 5 ; Cottonwood 5. DEIS at 82, Table 26. MIS are selected to understand the impacts of management decisions to species at both the forest-wide and site-specific levels. In a recent opinion, the Tenth Circuit specifically contemplated the application of 36 C.F.R. 219.19's monitoring requirements to site-specific decisions. Utah Environmental Congress v. Bosworth, 372 F.3d 1219 (10th Cir. 2004). Affirming its prior reasoning in Colorado Environmental Coalition v. Dombeck, 185 F.3d 1162 (10th Cir. 1999) the court stated: [I]n Dombeck, after noting that the Forest Service implements the LRMP through individual projects and that these projects must be consistent with the LRMP, we applied § 219.19 to a project level action. This application is in accord with the analysis of other circuits. See, e.g., Sierra Club v. Martin, 168 F.3d 1, 6 (11th Cir.1999) (recognizing that although	Wildlife Topic Response: See Response 36.42 above.

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§ 219.19 applies to the "formulation of LRMPs rather than to specific projects proposed," the duties of the Forest Service "continue throughout the Plan's existence") ... Utah Environmental Congress, 372 F.3d at 1224-25 (internal citations omitted). Here, the court applies the requirements of § 219.19 to site-specific decisions, through the operation of the LRMP. If the DEIS fails to select MIS for the species listed as endangered and sensitive in the DEIS, there will be no hard data by which to gauge the impacts of site-specific projects occurring in these communities to wildlife species. This reality runs contrary to the requirement, well established in case law, requiring MIS monitoring in order to determine the impacts of approved activities at the site-specific level. By failing to designate management indicator species for these communities, the Forest Service fails to meet its legal responsibility to understand the effects of site-specific management activities in these habitat types.	
36.44 F. The DEIS's Failure to Analyze Impacts on Core Habitat and Migration Corridors and Connectivity Violates NEPA. The DEIS fails to analyze the preferred alternative's planned road building, pipeline construction and utility corridor maintenance on the spatial and temporal significant ecological impacts of crossing three unique unroaded areas. The planning area, in fact, presently comprises a patch of relatively intact land providing core habitat areas for wildlife and ecological function and/or scarce corridor terrain between core areas. The WRNF LRMP acknowledges as much by virtue of its designation of the land at issue as important deer and elk winter range (MA 5.41), Elk habitat (MA 5.43) and Riparian Area Management (MA 9A). DEIS at 6. Importantly, the DEIS fails to even mention that the three IRAs that will be impacted by the Pipeline when combined together represent an island of roadless forest within a network of heavily developed, impacted forest lands. Extensive road and gas well/pipeline networks already exist immediately to the northeast and southwest of the Project area. Islands of habitat, such as that which would here be roaded and disturbed, are increasingly scarce. This remains true at multiple spatial scales. The DEIS, therefore, fails to address the	Wildlife Topic Response: The roadless areas in the project area do contribute to a diverse range of habitats for many wildlife species, as discussed in the DEIS pages 174-186 and 190-194. Effects to wildlife species are analyzed in the DEIS pages 196-228. Species analyzed includes threatened, endangered and sensitive species and management indicator species. Species dependent on large undisturbed areas of land are represented in the analysis by wolverine and elk. As disclosed in the DEIS, there would be direct and indirect effects during construction, and indirect and cumulative effects after the pipeline would be installed. To mitigate these effects, design criteria have been included into all the alternatives (shown in Table 80 and Appendix B). The proposed action and Alternative 1 corridor crosses an area of land located between Battlement Mesa to the west, Grand Mesa to the south and west, and NFS lands that include several other roadless areas and wilderness as well as the Maroon Bells-Snowmass, Raggeds, and West Elk Wilderness areas to the east and south. The installation of an underground pipeline, much of which will be parallel to an existing pipeline corridor, is not expected to create extensive development. Disturbance associated with pipeline installation would last three seasons (May 15 to December 1, unless adverse weather conditions require shortened seasons) and activities may disrupt movements of some species. Over the long-term, there are limited above-ground facilities associated with this proposal (DEIS pg 34-35). Motorized vehicle use along the pipeline ROW would only be allowed on a case-by-case basis for emergency repair (DEIS, pg 54). The cleared corridor is not expected to be a hazard or obstacle to

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fundamental ecological concept that connectivity between core areas and protection of riparian areas is critical in order to maintain species abundance and diversity. Development of unroaded landscape patches stymies landscape connectivity and ecological integrity. In short, ecosystems fail when unroaded, functional habitat becomes scarce. Other wildlife experts have engaged in much more frank documented of the impacts of oil and gas development such as the Pipeline project. In its Febuary 2006, Inventoried Roadless Areas Report, for example, the Department of Wildlife (DOW) recommends that "all Inventoried Roadless Areas in Colorado be protected, preserved enhanced, managed and maintained in a manner consistent with the goal of providing the maximum benefit for wildlife and wildlife habitat. Part 1 (Attachment 7) and DOW officials have specifically expressed concerns about the "cumulative impacts" of oil and gas development on the state's wildlife. (Attachment 8). This concern is best illustrated when one overlays Maps from the DOW Natural Diversity Information Source Maps of Sage Gourse (Attachment 9) and Elk habitat (Attachment 10) with the map of oil and gas activity for the White River and GMUG National Forests (Attachment 3) indicating the potential conflict that such development will have on such habitat. See www. ndis.nrel.colostate.edu/mapindex.asp?sf=k&ss=Elk and Sage Grouse. Finally, The DIES' failure, therefore, to provide adequate environmental analysis in the DEIS is a violation of the NEPA requirement that the Forest Service to take a "hard look" at the direct, indirect, and cumulative impacts of its decision on the wilderness resource. 42 U.S.C. § 1323(a). The Ninth Circuit states that: "the comprehensive 'hard look' mandated by Congress and required by [NEPA] must be timely, and it must be taken objectively and in good faith, not as an exercise in form over substance, and not as a subterfuge designed to rationalize a decision already made." Metcalf v. Daley, 214 F.3d 1135, 1142 (9th Cir. 2000). Further, NEPA requires an agency to insure that it has carefully and fully contemplated the environmental effects of its actions. Robertson v. Methow Valley Citizens, 490 U.S. 332, 349 (1989).	movements by wildlife. Species vary in their ability to cross openings, and effects are discussed by species, where relevant (i.e. American marten). Movement between roadless or wilderness areas by wide-ranging species would not be affected by this proposal.
36.45 VIII. The DEIS Fails to Adequately Analyze Impacts to Watersheds A. The DEIS Fails to Adequately Analyze the Impacts of TUAs and	Watershed Topic Response: All areas within 300 ft. of streams were analyzed for potential impacts to streams. See DEIS pg 130, table 65. Soils Topic Response: The use of all design criteria and best

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Roads in the Preferred Alternative The DEIS provides that the Project's roads will be constructed on side-slope terrain as well as along ridgelines. DEIS at 27, 35 and 45. In addition, there "will be additional surface disturbance which will cause additional sedimentation in several drainages…." for several of the new roads and for maintenance of existing roads. See e.g, DEIS at 42. The document, however, fails to provide whether all of the aforementioned drainages contain intermittent or perennial streams. This ignores that fact that, where roads exist in watersheds, there will always be sediment loading to streams. The DEIS, however, fails to list what the harm will be to the greater Alkali and Divide Creek Watersheds including their aquatic and riparian components or on the downstream systems as a result of implementation of the preferred alternative. Similarly, the preferred alternative lacks adequate discussion of how the project will mitigate harm to these watersheds, systems and components. Finally, the DEIS fails to adequately address cumulative watershed impacts or how the preferred alternative and its direct and cumulative impacts will comply with watershed conservation standards including section 313 of the Clean Water Act which requires federal to comply with water quality standards in they are "engaged in any activity resulting, or which may result, in the discharge or runoff of pollutants" 33 U.S.C. § 1323(a). The failure of the Forest Service to comply with such standards is not only a violation of NEPA and the Clean Water Act , but is a critical consideration given existing oil and gas development within the watersheds at issue.	management practices aimed at controlling erosion , preventing sediment from entering the stream network and those used for restoration, reclamation and revegetation, will be applied to all construction activities with the specific intent of, prevent large amounts of erosion and sedimentation from occurring. (These are located in the design criteria, the Plan of Development (POD), and are all based on R-2's Watershed Conservation Practices Handbook. Other sources of design practices and criteria include specifications included in BLM's Gold Book, 4th edition and the USFS Low –Volume Roads Engineering, Best Management Practices Field Guide, 2003. All activities that potentially impact the waters of the US will be permitted through the Corp of Engineers 404 permitting process, along with the preparation of Storm Water Prevention plans as directed by the State and EPA.
36.46 B. The Forest Service's Failure to Mitigate Impacts to Water Quality from TUA's and Roads Under the Preferred Alternative Violates NEPA and the CWA The Forest Service admits that the planning area is already affected by impacts to water quality due, in part to oil and gas development that already exists there. The DEIS provides that "suspended sediments in streamflow are naturally elevated due to the locally fine textured soils and streamflows often have a muddy or silty appearance. There are some areas of impact to water quality, stream stability, and wetlands that are occurring. These are mainly due to impacts from transportation facilities, natural gas development and grazing." DEIS at 127.	Watershed Topic Response: See Transportation Plan, POD Appendix 12. Soils Topic Response: The use of all design criteria and best management practices aimed at controlling erosion , preventing sediment from entering the stream network and those used for restoration, reclamation and revegetation, will be applied to all construction activities with the specific intent of, prevent large amounts of erosion and sedimentation from occurring. (These are located in the design criteria, the Plan of Development (POD), and are all based on R-2's Watershed Conservation Practices Handbook. Other sources of design practices and criteria include specifications included in BLM's Gold Book, 4th edition and the USFS's Low –Volume Roads Engineering, Best Management Practices Field Guide, 2003. All activities that potentially impact the waters of the US will be

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The preferred alternative, however, includes activities that will exacerbate these impacts. Under the DEIS in "conjunction with the pipeline proposals, the FS proposes to authorize road use permits for construction, reconstruction, use, upgrade, and/or maintenance of FS and/or temporary roads needed for access to the pipeline construction ROW 29.3 miles of existing Forest Service roads, 0.6 miles of temporary road across NFS lands, and 0.1 miles across BLM lands would be used for access to the construction ROW." DEIS at 30. The DEIS also fails to list how it will mitigate the impacts of the preferred alternative on water quality impacts already taking place within the planning area. This is regardless of the fact that the DEIS provides that: Rainfall during the site visits was occasionally intense, so there was ample evidence of the effects of wet season travel on unsurfaced roads. Much of the current road network is unsurfaced and overlays fine textured soils (USDA Soils Report, 2006) that rut and rill easily with wet season travel activity. There were several instances where displaced soil from the road surface was entering road drainage ditches that were then connected to perennial or intermittent stream channels. Grazing impacts were also evident at several upland stream sites where hoof trampling to stream banks and reduction of riparian vegetation is evident. The sections of Mosquito Creek that are crossed by the proposed pipeline and the beaver ponds in West Willow Creek are notable examples. DEIS p. 127. This failure to provide adequate environmental analysis in the DEIS is a violation of the NEPA requirement that the Forest Service to take a "hard look" at the direct, indirect, and cumulative impacts of its decision on the wilderness resource. 42 U.S.C. § 4332(2)(C). The Ninth Circuit states that: "the comprehensive 'hard look' mandated by Congress and required by [NEPA] must be timely, and it must be taken objectively and in good faith, not as an exercise in form over substance, and not as a subterfuge designed to rationalize a decision already made."Metcalf v. Daley, 214 F.3d 1135, 1142 (9th Cir. 2000). Further, NEPA requires an agency to insure that it has carefully and fully contemplated the environmental effects of its actions. Robertson v. Methow Valley Citizens, 490 U.S. 332, 349 (1989).	permitted through the Corp of Engineers 404 permitting process, along with the preparation of Storm Water Prevention plans as directed by the State and EPA. Additionally, all roads will be designed and treated to address the fine textured nature of these soils. If construction activities occur during wet periods of time, activities may be suspended or extra measures may be prescribed to assure that large amounts of fine sediment are prevented from getting into the stream network.
36.47 C. The DEIS Fails to Adequately Analyze the Impacts of TUAs and Roads in the Preferred	Watershed Topic Response: Mitigation of impacts to wetlands and riparian areas is described in POD Appendix 12.

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Alternative on Wetland's and Riparian areas The DEIS provides that "There are 50,864 acres of mapped riparian and wetland areas on the forest. [These areas] are key to productive fisheries and wildlife habitat; they attenuate flooding; and they provide quality water for downstream users, continuous ground water recharge, and diverse scenery and recreation sites." DEIS at 123. Further, the DEIS states that "Roads can affect wetlands and riparian areas directly or indirectly through changes in hydrology. Modification of surface and subsurface drainage can result in changes in moisture regimes of these areas. Road proximity can also affect water quality in wetlands and riparian areas." Id. The preferred alternative, however, fails to list how it will mitigate these impacts. In fact, the Forest Service admits that it plans to exacerbate current impacts to and significantly alter riparian habitat by providing that "The GMUG would change the existing management area of … MA 9A-Riparian Area Management to MA 1D-Utility Corridors within the 8.4 miles on the GMUG at a width of 100 feet." DEIS p. 6 (emphasis added). This is the only reference to impacts on riparian areas provided in the DEIS but does not describe exactly how such areas will be degraded or what the impacts will be to wildlife habitat that is dependent upon riparian areas. This case is very similar to the recently decided Imperial Sand Dunes case. In that case, the plaintiffs challenged a BLM Record of Decision adopting a land use plan prepared pursuant to NFMA, 43 U.S.C. § 1712 for the Imperial Sand Dunes Recreation Area. 422 F.Supp.2d at 1120–21.There, in its land use plan decision, the BLM ignored the existence of a number of endemic invertebrates (beetles and bees) found in the Dunes and failed to collect or update its own inventory information on those species. Id. at 1162– 63.. The court ruled that the BLM violated NFMA because "it was arbitrary and capricious to approve the [land use plan] with such obviously outdated and inadequate inventories." Id. At 1167–68. That ruling is distinct from the court's ruling that the BLM also violated NEPA by failing to take "a 'hard look' at the impact of the RAMP on endemic invertebrates." Id. at 1163, 1166..	Soils Topic Response: See Response 36.46 above. Wildlife Topic Response: The Wildlife section of both the DEIS and FEIS includes discussions on the direct, indirect and cumulative effects to riparian areas and the sensitive species that depend on these habitats (e.g. boreal toad, northern leopard frog) Design criteria to mitigate potential impacts to riparian and aquatic habitats have been included (Appendix B, POD Appendix 12).
36.48 D. The Preferred Alternative Violates the Clean Water Act In implementing the alternatives in the DEIS, the Forest Service must take an integrated, watershed approach in analyzing the significant values present in the planning area that are impacted by the	Watershed Topic Response: Roads were considered in the analysis of impacts to watersheds. See DEIS Pg 132, Table 63. All necessary permits to stay in compliance with the Clean Water Act will be acquired prior to construction. See Main POD Body, Section 1.3.

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Pipeline and utility corridor. The maintenance of 29.3 miles of existing Forest Service (FS) roads and 0.6 miles of temporary road across NFS lands and the eventual obliteration of these roads necessary to accommodate the preferred alternative requires such an approach. DEIS p. 40. A good example of the extent of maintenance on just one of the multiple Forest Service roads that the preferred alternative addresses is NFSR 265. The DEIS states that: Substantial improvements to NFSR 265 will be required to accommodate hauling or any heavy use of the road for gas operations. Improvements include, but are not limited to, improvements to road realignment (both horizontal and vertical), curve widening, surface drainage work and structural surfacing section improvements. In order to meet the project needs, approximately 0.75 miles of NFSR 265 to the intersection of NFSR 265.4B and the proposed compressor site, will need to be reconstructed to retain a adequate traffic service level. There is a possibility to relocate the road in some areas to address environmental issues and improve drainage and traffic safety. Id. According to the Forest Service such activity on existing roads will result in "additional surface disturbance which will cause additional sedimentation in several drainages…The road must be upgraded to accommodate the increased weight and volumes of traffic associate with this project." DEIS at 42. In fact, based on the fact that: they typically disturb more area per length than do trails, roads are a considered a major cause of erosion. Unpaved, they are vulnerable to rainfall and runoff eroding their surface. Paved or unpaved, they serve to accelerate runoff, which when concentrated can cause erosion on unprotected downslope surfaces. In addition, without any means of detention such as vegetation or downed material, runoff from roads can efficiently convey sediments into a stream system. To prevent a direct deposit of sediment into a stream system, it must be diverted either onto a stable and well-vegetated slope or into a sediment basin. These problems can persist long after a travelway is closed if measures are not taken to disconnect runoff pathways into a stream channel and/or onto a road surface. Proper design and location of travelways can significantly reduce the risk of flood flows, slope failures, sedimentation, and channel degradation. DEIS at 127-128. Given the widespread ecological problems the	Soils Topic Response: We take our responsibilities under the Clean Water Act seriously and will strive to comply with the Act and its intensions. The use of all design criteria and best management practices aimed at controlling erosion , preventing sediment from entering the stream network and those used for restoration, reclamation and revegetation, will be applied to all construction activities with the specific intent of, prevent large amounts of erosion and sedimentation from occurring. (These are located in the design criteria, the Plan of Development (POD), and are all based on R-2's Watershed Conservation Practices Handbook. Other sources of design practices and criteria include specifications included in BLM's Gold Book, 4th edition and the USFS's Low –Volume Roads Engineering, Best Management Practices Field Guide, 2003. All activities that potentially impact the waters of the US will be permitted through the Corp of Engineers 404 permitting process, along with the preparation of Storm Water Prevention plans as directed by the State and EPA. Additionally, all roads will be designed and treated to address the fine textured nature of these soils. If construction activities occur during wet periods of time, activities may be suspended or extra measures may be prescribed to assure that large amounts of fine sediment are prevented from getting into the stream network.

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Forest Service has documented across this landscape, any new plan must be accompanied by a much more protective level of utilization and other mandatory, measurable use standards. This should include mandatory, quantifiable standards for riparian area use, such as bank damage/stability standards, width-to-depth ratios, and the use of these standards to mitigate pipeline and corridor construction and maintenance when sensitive areas are threatened.	
36.49 In addition, the Forest Service is subject to the requirements of the Clean Water Act (CWA). 33 U.S.C. §§ 1271−1387. The primary cause of water quality degradation on the public lands, including those within the planning area, is pollution from nonpoint sources. The evidence linking road building and maintenance to water quality problems is overwhelming and conclusive. According to the DEIS, "Divide Creek within Bureau of Land management administered lands has been identified as having high levels of bacteria and salinity; and high alkali concentrations…." DEIS at 124. Similarly, there "are some areas of impact to water quality, stream stability, and wetlands that are occurring. These are mainly due to impacts from transportation facilities; natural gas development and grazing…Grazing impacts were also evident at several upland stream sites where hoof trampling to stream banks and reduction of riparian vegetation is evident." DEIS at 126. Section 303 of the CWA requires states to develop water quality standards, which specify the appropriate uses of water bodies and set standards to protect those uses and to place those waters not meeting water quality standards on the 303(d) list. 33 U.S.C. § 1313(d)(1)(A)−(B). States must then calculate total maximum daily loads (TMDLs) for those waters not meeting water quality standards. Id. § 1313(d)(1)(C); 40 C.F.R. § 130.7. The Forest Service must insure that its preferred alternative approach to listed water bodies without approved TMDLs does not lead to continuous violations of the CWA. In fact, State of Colorado and Forest Service have entered into a Memorandum of Understanding (04-MU-11020000-029 which developes the understanding between the State of Colorado and the Forest Service that provides for the cooperation on water quality issues and the use of agreed upon Best Management Practices to protect water quality and quantity on Forest Service lands. DEIS at 124. Road building and maintenance of existing roads adjacent to water quality limited streams may violate	Watershed Topic Response: See DEIS-Watershed Existing Condition pp 125 – 127 and DEIS-Watershed Environmental Consequences, pp 127 – 133. Soils Topic Response: See Response 36.48 above. In addition, To catch any non-compliance with recommended design features the Forest Service will have contract inspectors observing activities on a regular basis to catch and remedy any short fall.

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the CWA's requirement that federal agencies must adhere to state water quality standards to the same extent as nongovernmental entities. 33 U.S.C. § 1323(a) (referring to federal agencies "engaged in any activity resulting, or which may result, in the discharge or runoff of pollutants"). The requirements of Section 313 are mandatory in nature. The Forest Service must actually satisfy water quality standards and must actually insure that it does not engage in any activity (including issuance of federal permits) that may result in runoff of pollutants into streams that are currently experiencing impacts to water quality. The DEIS states that: There are some areas of impact to water quality, stream stability, and wetlands that are occurring. These are mainly due to impacts from transportation facilities, natural gas development and grazing. Rainfall during the site visits was occasionally intense, so there was ample evidence of the effects of wet season travel on unsurfaced roads. Much of the current road network is unsurfaced and overlays fine textured soils (USDA Soils Report, 2006) that rut and rill easily with wet season travel activity. There were several instances where displaced soil from the road surface was entering road drainage ditches that were then connected to perennial or intermittent stream channels. Grazing impacts were also evident at several upland stream sites where hoof trampling to stream banks and reduction of riparian vegetation is evident. The sections of Mosquito Creek that are crossed by the proposed pipeline and the beaver ponds in West Willow Creek are notable examples. DEIS at p. 127.	
36.50 <u>E. The Forest Service is Authorizing Impacts to Water Quality in Violation of the National Forest Management Act</u> NFMA ensures that activities in the National Forests occur "only where…soil, slope or other watershed conditions will not be irreversibly damaged." It also specifies that "protection is provided for streams, stream-banks, shorelines, lakes, wetlands, and other bodies of water from detrimental changes in water temperatures, blockages of water courses, and deposits of sediment, where harvests are likely to seriously and adversely affect water conditions or fish habitat…" 16 U.S.C. § 1604(i). The 2001 Roadless Rule protects roadless habitat on federal forest lands for species of concern identified through NFMA regulations. The DEIS, however, violates CWA and NFMA standards by failing integrate these statutes by including water quality standards, antidegradation and TMDLs as	Fisheries Topic Response: Analysis of effects to fisheries resources is located in the EIS in the Fisheries Section. Watershed Topic Response: It is not anticipated that the project would create long term irreversible or detrimental impacts to watershed resources. See DEIS pp 127 – 132. Soils Topic Response: See Response 36.49 above.

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part of the preferred alternative, where appropriate. As such the selection of the Preferred alternative in the DEIS is arbitrary and capricious and not in accordance with the law. 5 U.S.C. §706(2)(a).	
36.51 F. The Forest Service is Authorizing Impacts to Soils in Violation of the National Forest Management Act The DEIS fails to provide that soils in the West Divide/Alkali Creeks area are known for being especially vulnerable to gullying caused by increased surface flows when compaction reduces soil permeability. Studies done by Burchard Heede in the 1960s demonstrated that the clayey, arid soils in the Alkali Creek area were readily compacted by grazing, causing overland water flows that easily formed extensive and severe gullies. Burchard H Heede, Case study of a watershed rehabilitation project: Alkali Creek, Colorado (USDA Forest Service research paper RM) (Unknown Binding), Rocky Mountain Forest and Range Experiment Station, Forest Service, U.S. Dept. of Agriculture (1977) The DEIS fails to provide how the Forest Service will prevent soil compaction in these soils types and, if compaction cannot be avoided, how permeability will immediately be restored. Where project-related compacted soils have yet to be restored and are exposed to any precipitation events, areas immediately downstream of compacted areas must be monitored for gully initiation and immediately restored to prevent further unraveling of soil horizons. Further, all gas development activity related to or induced by this project should comply with Storm Water Discharge permit requirements and best management practices as prescribed by the DEIS. DEIS at 127.	Soils Topic Response: We appreciate your concern and comments. We are also concerned about compaction in these fine textured soils. To a certain degree this will be unavoidable during construction activities. In the Reclamation appendix to the plan of development this will be addressed by ripping all heavily used compacted areas before placement of top soil or seeding occurs.
36.52 G. The DEIS lacks Information on Water Rights that will be Impacted under the Preferred Alternative. The DEIS provides that "SG also applied for temporary use area…authorizations with the natural gas pipeline, including authorization for a water pipeline to transport water co-produced with natural gas to an appropriate disposal site." DEIS at 4. The DEIS, however, is devoid of any further explanation of whether SG retains existing water rights for the described use or whether it plans to apply for a water right permit under applicable state law. In addition, given the scarcity of water available for diversion and the limitations on such diversions under state regulations, it is highly unlikely that the water is available for such us. Federal law requires	Watershed Topic Response: Water sources for the testing of the pipeline are described in Appendix 8 of the POD, Sec. 2.2 The Proponent (SGI) notes: SG has requested that the produced water line be dropped from further analysis. The wells are drilled to conventional and coalbed methane formations. This project would have no impact to water rights. As in Water Rights and Beneficial Use of Coal Bed Methane Produced Water in Colorado, CDWR "Water removed from a CBM well is considered a waste product." "CBM wells are not "wells" as defined in the Water Rights Act, and operators do not need to obtain a permit from CDWR to withdraw water from these wells as part of the CBM extraction process." "CBM produced water is considered a waste product by operators and must be properly disposed of to prevent adverse environmental impacts. Pursuant to COGCC rules,

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that the adjudication of water rights on federal laws is subject to state law. 43 U.S.C. § 666 (1988). In fact, current litigation in Water Division 7, of the Colorado District Court is currently addressing the whether an oil and gas company may use water on private lands that implicates senior water rights for oil and gas development in coal bed methane locations. See Vance v. Simpson, water division 7, Case No. 2005CW063 (Filed July 7, 2006). The Final EIS and Preferred alternative, therefore, must incorporate the courts ultimate ruling in this case.	an operator may dispose of water from a CBM well in any of the following ways: 1) inject into a disposal well..." "Under Colorado law, CBM operators are not required to obtain a permit from the State Engineer when withdrawing nontributary water unless the produced water is put to a beneficial use." If the water was to be put to beneficial use (which it is not), the user would petition for these water rights.
36.53 IX. The DEIS Failure to Sufficiently Analyze of Air Quality Impacts Violates NEPA, the CAA and State Air Quality Standards. The DEIS provides that: The Clean Air Act (1963), as amended in 1977 and 1990, mandates the establishment of national ambient air quality standards to protect human health and welfare, prevent significant deterioration of air-quality-related values (AQRVs), and protect natural visibility...The Wilderness Act (1964) directs the Forest Service to preserve and protect the natural condition of designated wilderness areas, including the intrinsic wilderness value of air quality.The Forest and Range Renewable Resource Act (1973), as amended by the National Forest Management Act, directs the Forest Service to ". . . recognize the fundamental need to protect and, where appropriate, improve the quality of soil, water, and air resources. DEIS at 88. The DEIS, however, lacks an analysis of the impacts to Air Quality Related Values (AQRV) in Class I areas. Specifically, the Forest Service has conducted monitoring of air quality only within the general "vicinity of the project area." Id. at 93. Such discussion, however, lacks any monitoring in relation to the compressor site at these highly unique and pristine areas, including all Class I areas within at least 50 km of the compressor site to be assessed for impacts to such AQRV as visibility and acid deposition, and possibly cumulatively pending on CALPUFF results. This is regardless of the Clean Air Act's (CAA's) mandate that "the Forest Service has '. . . an affirmative responsibility to protect the air quality-related values (including visibility) . . . 'within a Class I area it manages." Id. Similarly, "Class II wilderness areas in Colorado are [protected] under the Colorado lean Air Act. Class II wilderness areas on the White River National Forest include Collegiate Peaks, Hnter-Fryingpan, Raggeds, Holy Cross, and Ptarmigan Peak. Class II wilderness areas on the	Air Quality Topic Response: Response 1: The DEIS contains an assessment of the Bull Mountain Project's impact on visibility through application of the EPA VISCREEN model on the compressor station emissions. VISCREEN has been judged to be the appropriate model based on the location of the proposed Bull Mountain Compressor Station in related to nearby Class I PSD areas, specifically Maroon Bells-Snowmass (15 km) and West Elk (30 km), which lie within 50 km of the site. At this distance, the primary visibility concern is the potential for plume impacts on the wilderness, which has been evaluated through the VISCREEN model. From the visibility perspective, analyzing the compressor station emissions also provides for a worst-case assessment as the compressor station represents the largest and most concentrated emissions source. Other project emissions, such as construction emissions, drilling rig emissions, etc. are temporary and transient, resulting in more diffuse emissions (i.e., the emissions are spread over a much larger area). Where the emissions are less concentrated, the resulting potential to create a coherent visible plume is much less compared to emissions from the compressor station. The other AQRV normally analyzed in an air quality assessment is sulfur and nitrogen deposition. For this project, sulfur emissions are very small since combustion of natural gas produces very little in terms of sulfur dioxide (SO_2) emissions. Since SO_2 emissions are very small, the sulfur deposition would also be small and a detailed modeling analysis to confirm this finding is unnecessary. Nitrogen deposition would result from project emissions of nitrogen oxides (NOx). Although the project NOx emissions are larger than the SO_2 emissions, they are small in the context of other major projects. As such, nitrogen deposition resulting from the BMP was not explicitly modeled as the resulting impacts are believed to be insignificant. This finding is substantiated by the model predictions of ambient concentrations of NOx at the nearby Class I areas. The model predictions for both Maroon-Bells Snowmass and West Elk predicted ambient NOx concentrations from the compressor station operation to be less than 0.1 micrograms per cubic meter (annual mean). An upper limit estimate of potential nitrogen deposition can be made by assuming that all of the nitrogen in the ambient air gets deposited. Using the upper bound of the concentration estimate, the resulting nitrogen deposition is 0.009 kg/ha-yr. This value falls substantially below the current USDA-FS

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Grand esa, Uncompahgre, and Gunnison National Forest include Fossil Ridge, Lizard Head, Mt. Sneffels, Powderhorn, Raggeds, Uncompahgre, and a portion of the Collegiate Peaks." Id.at 94. Related to the construction activities of the pipeline itself, the scoping letter for the Pipeline project indicated that SG would obtain the permits/approvals required to commence construction activities. The DEIS, however, does not mention the requirement to obtain a Land Development Construction Permit from the Colorado Department of Public Health and Environment, Air Pollution Control Division (APCD). (See Attachement 11). This permit will require SG to mitigate fugitive dust emission sources during and after construction activities. Because of the magnitude of this project (approx. 250 acres), a Construction Permit will be required by the APCD. Id. An air quality impact analysis of the short (24-hr) and long (annual) term PM 10 impacts from these activities must also be presented. This is of particular concern in the proposed disturbance of 115 acres in the inventoried roadless areas. Further, the terminus of the pipeline at the "Greasewood Hub" (as named in the scoping letter) already has 6 compression sites with several large engines at each site, each owned by different operators. Past cumulative analyses have shown this area is very close to exceeding the NAAQS for NOx and CO. The DEIS, however, fails to analyze compression requirements in this area to accommodate the Bull Mountain Pipeline project in violation of NEPA's requirement that the agency take a "hard look" at the impacts of its actions.	"deposition analysis threshold" of 0.05 kg/ha-yr and indicates no potential for adverse nitrogen deposition associated with project emissions. Response 2: The exclusion in the DEIS of the CDPHE's authority to require construction permits for air pollution emissions sources was an oversight. Language has been added to the FEIS and is located in the Air Quality section under the Regulatory and Policy Framework section.
36.54 X. The DEIS Violates the Requirement that the Forest Service Analyze Cumulative Impacts of the Preferred Alternative The Forest Service public lands is obligated to consider management actions at multiple temporal and spatial scales under the national forest policy of "ecosystem management." Ecosystem management includes taking a "hard look" at the cumulative effects of existing projects, developments, and anthropogenic disturbances on the WRNF, as well as considering multiple inter-temporal scales and the inevitable development that will occur on the WRNF and other contiguous public and private ownerships after current national forest managers retire. "Cumulative impact" is defined as: the impact on the environment which	To the extent possible, the agencies have included for the purposes of cumulative effects analysis the number of wells that could reasonably be serviced by the Bull Mountain pipeline. Although the presence of the Bull Mountain pipeline would create a situation in which the area is more attractive for natural gas production operations, there are no assurances that other leases in the area would be developed by drilling. Projecting number of wells based on amount of leased acreage is not meaningful because development of specific lease holds depends on gas price and demand, among many other variables. Thus, there are too many variables to predict future activities with any certainty. The cumulative effects as germane to this project are described in Appendix P of the EIS, and in each resource section in Chapter 3. To the extent feasible to facilitate cumulative effects analysis, the BLM and FS have projected the number of wells that may be serviced by the BMNGP (EIS, Appendix P).

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results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time. 40 C.F.R. § 1508.7. NEPA documents therefore must provide useful analysis not only of the effects of the proposed action, but also of these effects in combination with past, present, and future actions. City of Carmel-By-The-Sea v. U.S. Dept. of Transp., 123 F.3d 1142, 1160 (9th Cir. 1997). In addition, the D.C. Circuit holds that the fact that a project may result in even a small incremental increase in the overall impacts to a resource is meaningless if "there is no way to determine . . . whether [this small increase] in addition to the other [impacts], will 'significantly affect' the quality of the human environment." Grand Canyon Trust, 290 F.3d at 346. The Court in Grand Canyon Trust further stated that: "While the factual settings differ in some respects from the instant case, the consistent position in the case law is that, depending on the environmental concern at issue, the agency's [NEPA analysis] must give a realistic evaluation of the total impacts and cannot isolate a proposed project, viewing it in a vacuum." Id. at 342.	The scope of cumulative analysis was carefully considered and it is unreasonable to expect the EIS to include the analysis of impact associated with speculative oil and gas development. Further, we believe that an increasing nationwide demand for natural gas is the primary driving force behind the growing level of exploration and development in the Rocky Mountain region during the last several years. Additional infrastructure to transport the gas into the interstate pipeline grid is a result, not a cause, of development. A Reasonably Foreseeable Development (RFD) scenario is used specifically in leasing analyses, and is not germane to issuing a right-of-way grant. The term RFD refers to a specific requirement when conducting oil and gas leasing analyses and as this project is not a leasing analysis, there is no requirement for an RFD.
36.55 The DEIS, however, lacks cumulative impacts analysis of each additional oil and gas project on the forest level, the regional public lands level, and beyond. NEPA requires the Forest Service to analyze the environmental impacts of oil and gas development in a holistic manner, disclosing all reasonably foreseeable direct, indirect, and cumulative impacts. The failure to do so will result in myopic, disjointed, and inchoate environmental analysis that does not fully address and disclose to the public the project's true environmental impacts and social costs. The DEIS does not include a sufficient analysis of three types of actions and three types of impacts required by NEPA, Id. at § 1508.25(a). including actions that are connected, cumulative, and similar. Id. at § 1508.25(a)(1). Connected actions are those which are "closely related," including those that "[c]annot or will not proceed unless other actions are taken," or those that are "interdependent parts of a larger action and depend on the larger action for their justification." Id. at § 1508.25(a)(1).	See Response 36.54 above.
36.56 Cumulative actions are those that "have cumulatively significant impacts and should therefore be discussed in the same impact statement." Id. at §	See Response 36.54 above.

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1508.25(a)(2). Similar actions include those that have "common timing or geography."Id. at § 1508.25(a)(3). In order to assess "significance," NEPA requires consideration of "[w]hether the action is related to other actions with individually insignificant but cumulatively significant impacts." Id. at § 1508.27(b)(7). The three types of impacts to be studied in a NEPA document are those that are direct, indirect, and cumulative. Id. at §§ 1508.7, 1508.8. See also 40 C.F.R. §§ 1502.16.(d), 1508.9(b). Direct effects are those that are caused by the action and occur at the same time and place. 40 C.F.R. § 1508.8(a). Indirect effects are those "which are caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable." d. at § 1508.8(b). In determining the scope of the likely impacts of a project, the Council on Environmental Quality's regulations require the Forest Service to consider "connected actions" and "cumulative actions" together with "direct" and "indirect" impacts. 40 CFR § 1508.25. Connected actions are those that: "automatically trigger other actions which may require environmental impact statements," actions that "cannot or will not proceed unless other actions are taken previously or simultaneously," and, actions that are "interdependent parts" of a larger action and "depend on the larger action for their justification." (emphasis added) 40 CFR § 1508.25(a).	
36.57 The CEQ regulations define similar actions as those that "have similarities that provide a basis for evaluating their environmental consequences together, such as common timing or geography."Id. The CEQ regulations also state when agencies ought to analyze such similar actions in a single impact statement. (Agencies "should do so when the best way to assess adequately the combined impacts of similar actions or reasonable alternatives is to treat them in a single impact statement.") 40 CFR § 15.08.25.. While federal agencies have considerable discretion in determining the scope of a NEPA document, the Pipeline clearly represents a situation where the Forest Service must consider several related actions in a single NEPA document. In Fritiofson v. Alexander, the Fifth Circuit U.S. Court of Appeals held that in a cumulative impact analysis, an agency	See Response 36.54 above.

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should consider "(1) past and present actions without regard to whether they themselves triggered NEPA responsibilities and (2) future actions that are 'reasonably foreseeable,' even if they are not yet proposals and may never trigger NEPA-review requirements. 72 F.2d 1225, 1245 (5th Cir. 1985). The Court stated: Sections 1508.7 and 1508.27 require an analysis, when making the NEPA threshold decision, as opposed to the EIS-scoping decision, whether it is 'reasonable to anticipate cumulatively significant impacts' from the specific impacts of the proposed project when added to the impacts from 'past, present, and reasonably foreseeable future actions,' which are 'related' to the proposed project. The regulation does not limit the inquiry to the cumulative impacts that can be expected from proposed projects; rather; the inquiry also extends to the effects that can be anticipated from 'reasonably foreseeable future actions.' (emphasis added). Id. at 1243 With regard to the Pipeline project, its predecessor projects, and forthcoming oil and gas development projects, the Forest Service's obligation to analyze impacts extends well beyond the immediate, physical on-the-ground impacts of the new roads, pads, wells, and traffic. The WRNF must address the cumulative impacts on the ecological environment of the Project, taken together with the impacts of existing, proposed, or reasonably foreseeable projects within the landscape area. In this case, however, the DEIS lacks a discussion of the cumulative impacts of future oil and gas leasing that is directly related to the construction of the Pipeline. The analysis should include any and all development that will be facilitated by this particular pipeline in a holistic cumulative impacts document in addition to the incremental analysis of projects such as the Pipeline. The DEIS, therefore, must conduct such a holistic analysis addressing multiple spatial and temporal scales and multiple ecological components and in a manner that sufficiently informs the public.	
36.58 To ensure that the cumulative impacts of separate activities do not escape consideration, NEPA requires the Forest Service to consider cumulative environmental impacts in its environmental analyses. Lee Davis v. Mineta, 302 F.3d 1104, 1125 (10th Cir. 2002); see also Grand Canyon Trust v. Federal Aviation Admin., 290 F.3d 339, 345-47 (D.C. Cir. 2002). NEPA's regulations provide that "effects" includes ecological, aesthetic, and historic impacts, "whether direct, indirect, or cumulative." 40 C.F.R. §	See Response 36.54 above.

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1508.8. Based on these regulations, NEPA documents must provide useful analysis of past, present, and future actions. City of Carmel-By-The-Sea v. U.S. Dept. of Transp., 123 F.3d 1142, 1160 (9th Cir. 1997); Muckleshoot Indian Tribe v. U.S. Forest Serv., 177 F.3d 800, 809-810 (9th Cir.1999). As the D.C. Circuit has held, the fact that a project may result in even a small incremental increase in the overall impacts to a resource is meaningless if "there is no way to determine . . . whether [this small increase] in addition to the other [impacts], will 'significantly affect' the quality of the human environment." Grand Canyon Trust, 290 F.3d at 346. NEPA also requires that where several actions have a cumulative or synergistic environmental effect, this consequence must be considered in determining whether an action significantly affects the quality of the human environment. LaFlamme v. F.E.R.C., 852 F.2d 389, 401 (9th Cir. 1988); see also City of Tenakee Springs v. Clough, 915 F.2d 1308, 1312 (9th Cir. 1990). The Ninth Circuit has held that "where several foreseeable similar projects in a geographical region have a cumulative impact, they should be evaluated in a single EIS."City of Tenakee Springs, 915 F.2d at 1312 (quoting LaFlamme, 852 F.2d at 401-02). Likewise, the Tenth Circuit has held that "[a]s an overall regional pattern or plan evolves, the region-wide ramifications of development will need to be considered at some point."Clark County Resource Council, Inc. v. U.S. Dept. of Ag., 817 F.2d 609, 623 (10th Cir. 1987). The Tenth Circuit continued: A [proposal] for a specific site may trigger the need for a broader-based EIS, evaluating both the past and future environmental effects of the site-specific drilling, as well as the regional cumulative effects of drilling a particular site in light of other regional development. A singular, site-specific [project], one in a line that prior to that time did not prompt such a broad-based evaluation, will trigger that necessary inquiry as plans solidify. Critically, such an analysis of cumulative impacts must occur before another federal action is taken Conner, 836 F.2d at 1532. See also, 40 C.F.R. §1502.14(d). An EIS must "be prepared early enough so that it can serve practically as an important contribution to the decision making process." 40 C.F.R. § 1502.5. Thus, an EIS must occur "at an early stage when alternative courses of action are still possible and environmental damage	

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can be mitigated." 42 U.S.C. § 4332(2)(c)(v).	
36.59 On the White River National Forest for example the DEIS does not analyze much of the development it has already authorized in response to the recent natural gas boom. This leaves the White River National Forest Plan and EIS which incorporated the analysis provided in a 1993 Oil and Gas Leasing EIS as the only source of information for the potential future impacts of oil and gas leasing on the Forest. White River NF 1993 Oil and Gas Leasing EIS at S-1. The 1993 Oil & Gas EIS, however, predicted that only 23 gas wells would be drilled on the entire White River National Forest between n 1993 and 2008. Id. Similarly, The GMUG Forest Plan and EIS never planned for or analyzed this boom. In describing past and present oil and gas activity on the GMUG, the 1993 RFD (in Appendix E, at E-1) stated: "Oil and gas production is confined to the most northern part of the [Grand Mesa National Forest]… Eighteen exploratory wells have been drilled on the [Uncompahgre National Forest] since 1949, with no success." The 1993 RFD also notes (at E-5) that: "Drilling activity within each forest will continue at the same conservative levels of 1986 to 1990 or about a 2% increase per year…." Moreover, the DEIS is lacking in any information about future oil and gas leases, where are they are located , and how many, that could tie into the Pipeline. Nor does it provide what the development that would be facilitated by the Pipeline look like or given the expanded and excess capacity of the pipeline and its route, how many wells over what geographic area it would serve. The Forest Service must address each of these questions in evaluating all the impacts – including indirect and cumulative – from the Pipeline project.	See Response 36.23 above.
36.60 2. The DEIS fails to Adequately Address Cumulative Impacts to Air Quality. The DEIS violates the Prevention of Significant Deterioration (PSD) guidelines and rules, as prescribed in 40 CFR Part 51 due to the failure to adequately account for the cumulative impacts of the project. Specifically, the Forest Service has not conducted significant impact analysis for the criteria pollutants, particularly NOx, emitted from existing and proposed drill operations that will likely occur as a result of the Pipeline project. In addition, the DEIS lacks a cumulative impact analysis for NOx that demonstrates compliance with the National Ambient Air Quality Standards	Air Quality Topic Response: Response 1: The DEIS includes a dispersion modeling analysis for NOx emissions released at the pipeline compressor station (see section titled "Dispersion Modeling Results, page 100 in the DEIS). These impacts are worst-case for the reasonably foreseeable development related to the project. As such the modeling results reported in the DEIS for the compressor station represent a reasonable upper bound for any NOx impacts associated with project-related drilling operations. Drilling emissions tend to be temporary (the drill rig is only at a particular location for a relatively short period) and the NOx emissions associated with any individual drilling rig are lower than the full build out of the project related compressor station scenario included in the modeling (e.g. 87.37 tpy compared to 6 wells drilled annually at 38.29 tpy). Also, since NOx emissions are regulated under the National Ambient Air

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(NAAQS) and PSD Increment for Class II areas The DEIS, therefore, is devoid of analysis that identifies Reasonably Foreseeable Activities (RFA) in the planning area by contacting local and state air pollution agencies and the Colorado Oil and Gas Conservation Commission. Due to significant public health air quality issues raised by substantial increase in oil and gas production in recent years, on the western slope, the Forest Service must consider proposed rules being considered by Colorado Air Quality Control Commission as part of its environmental impacts analysis. This is particularly true, since the Pipeline project under the Bull Mountain DEIS is intended to open the way for dramatic increases in oil and gas development on the White River and GMUG National Forests. In addition the Forest Service has not conducted a sufficient analysis of the impacts to Air Quality Related Values (AQRV) in Class I areas in relation to the Pipeline project. Impacts from the drill sites need to be assessed at these highly unique and pristine areas, such as the Maroon-Bells Snowmass and Flat Tops Wilderness Areas. Nor does the DEIS assess Class I areas in the region for impacts to such AQRV as visibility and acid deposition, and possibly cumulatively pending on CALPUFF results. Moreover, the DEIS is insufficient in analyzing impacts to the air quality impacts from the proposed compressor site. To transport natural gas through a large, 20-inch pipeline for 25 miles, multiple compressor engines will be needed. The DEIS, however, lacks a significant impact analysis for the criteria pollutants emitted from these engines, particularly NOx, according to Prevention of Significant Deterioration (PSD) guidelines and rules, as prescribed in 40 CFR Part 51. Such a cumulative impact analysis is required for NOx to demonstrate compliance with the National Ambient Air Quality Standards (NAAQS) and PSD Increment for Class II areas. This cumulative analysis must also be conducted according to PSD guidance and rules, use a regulatory approved, multi-source dispersion model such as ISCST3, CALPUFF, or AERMOD, and consider current and proposed pollution sources within a specified radius (commonly 50 km) in the study region. In addition to the cumulative impact analysis required through PSD review, NEPA statute requires air quality impacts to be assessed cumulatively. We expect the US Forest Service and BLM to make substantial effort to identify Reasonably Forseeable Activities (RFA) in this study	Quality Standards (NAAQS) and PSD increments as annual average concentrations, it stands to reason that impacts near a permanent equipment site such as the compressor station will be larger (for the annual mean concentration) than from transient equipment such as drilling rigs. Since the drilling equipment is transient, the annual mean NOx concentration will likewise be diminished once the drilling rig is moved to a new location. Response 2: Section 3.1.4 includes a discussion of the cumulative impacts of past, present and future emissions sources. The DEIS also includes an estimate of the cumulative effects of one compression station developed to convey the full capacity of the Bull Mountain pipeline (up to 375 MMSCFD), and was based on the amount of compression power that could be reasonably assumed as necessary to convey gas at that rate . Because there is no information at this time to indicate the location(s) of additional compressors needed to convey gas beyond that produced from the Bull Mountain Unit, the cumulative effects analysis is based on the hypothetical assumption of one large compression station with 21 compression engines. The assessment of this reasonably foreseeable development (see page 101 to 102 in DEIS) included an analysis of Class II impacts as well as impacts to both Class I areas that lie within 50 kilometers of the proposed compressor station. The analysis is based upon ISCST3 modeling results from the Bull Mountain Compressor Station (80 MMSCFD – see also Table 47 in DEIS) by scaling predicted NOx concentrations displayed in Table 47 by a factor of five. Such an approach assumes a worst-case scenario. Results from this analysis indicate NOx compliance with NAAQS and the Class I PSD increment allowance. The disclosed results of the CEA also indicate non-compliance with the Class II increment allowance for NO2 (38.5 ug/m3 vs allowable 25 ub/m3). Under the major source Prevention of Significant Deterioration (PSD) regulations, full build out of the proposed Bull Mountain Compressor Station may require permitting by the Colorado Air Pollution Control Division (APCD). This decision, along with compliance with PSD increment allowance for both Class I and Class I areas, will be made at the time the project proponent seeks the required air emissions permit from APCD. Response 3: The DEIS does contain an assessment of the project impact on visibility through application of the EPA VISCREEN model on the compressor station emissions. VISCREEN has been judged to be the appropriate model based on the location of the proposed Bull Mountain Compressor Station in related to nearby Class I PSD areas, specifically Maroon Bells-Snowmass (15 km) and West Elk (30 km), which lie within 50 km of the site. At this distance, the primary visibility concern is the potential for plume impacts on the wilderness, which has been evaluated through the VISCREEN model. From the visibility perspective, analyzing

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area by contacting local and state air pollution agencies.	the compressor station emissions also provides for a worst-case assessment as the compressor station represents the largest and most concentrated emissions source. Other project emissions, such as construction emissions, drilling rig emissions, etc. are temporary and transient; resulting in such emissions being more diffuse (the emissions are spread over a much larger area). Where the emissions are less concentrated, the resulting potential to create a coherent visible plume is much less compared to emissions from the compressor station. The other AQRV normally analyzed in an air quality assessment is sulfur and nitrogen deposition. For this project, sulfur emissions are very small since combustion of natural gas produces very little in term of sulfur dioxide (SO_2) emissions. Since SO_2 emissions are very small, the sulfur deposition would also be small and a detailed modeling analysis to confirm this finding is unnecessary. Nitrogen deposition would result from project emissions of nitrogen oxides (NOx). Although the project NOx emissions are larger than the SO_2 emissions, they are still small in the context of other major projects. As such, nitrogen deposition was not explicitly modeled as the resulting impacts are believed to be insignificant from a project with the projected magnitude of NOx emissions. This finding is substantiated by the model predictions of ambient concentrations of NOx at the nearby Class I areas. The model predictions for both Maroon-Bells Snowmass and West Elk predicted ambient NOx concentrations from the compressor station operation to be less than 0.1 micrograms per cubic meter (annual mean). An upper limit estimate of potential nitrogen deposition can be made by assuming that all of the nitrogen in the ambient air gets deposited. Using the upper bound of the concentration estimate, the resulting nitrogen deposition is 0.009 kg/ha-yr. This value falls substantially below the current USDA-FS "deposition analysis threshold" of 0.05 kg/ha-yr and indicates no potential for adverse nitrogen deposition associated with project emissions. Response 4: Reasonably foreseeable emission sources surrounding the project area were identified in the DEIS in Appendix P and referred to in the main section of the DEIS, Section 3.1.4, page 104.
36.61 XII. The DEIS Lacks Institutional Memory and a focus on Longterm Management Every instance of development on a previously undeveloped area of public lands limits the options future citizens and managers (or their progeny) retain. The DEIS fails to reflect the Forest Service's institutional memory or administrative safeguards to ensure that all such parcels of unroaded ground within the Forest Service are not roaded, disturbed, and ecologically diminished nor prevent the diminution of roadless areas over time. In addition, the Forest Service does not have the enforcement budget to protect unroaded forest patches from illegal trails and roads. Given the volume of drill sites they must manage, the DEIS does not analyze	See Response 36.23 above. A project inspector for the FS will be assigned to the project for implementation.

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how the Forest Service's 8 inspectors will visit well pads to ensure compliance with contractual promises and regulatory rules even once in the next decade. Based on this project and comparable management actions and omissions, the Forest Service leadership appears unwilling or unable to account for the long-term ecological health of the Forests. Without maintenance of a modicum of intact forest land in a full compliment of habitat types and ecological niches, Forest Service is not practicing ecosystem management, but passively accepting the development of relatively intact, unroaded habitat as inevitable.	
36.62 XI. Miscellaneous Concerns We Ask the Forest Service to Address The DEIS does not provide how this project will affect Management Indicator Species. [This is a potentially huge issue – any way to flesh this out some more?] Yes, HUGE. What species are present? What monitoring has been done? What are the Plan requirements? What does the DEIS say? The DEIS does not provide how seasonal closures and other provisions will be enforced. The DEIS does not provide a specific budget line for enforcement of rules pertaining to this project. The DEIS does not provide whether waste pits will be monitored for leakage. The DEIS does not provide how water treatment and hauling will be managed to minimize accident risk. The DEIS does not provide what precautions will be taken with regard to storm water and runoff hazards. The DEIS does not provide how the Forest Service/SG plans to abate dust. The DEIS does not provide what the impacts will be the specific impacts to grazing allotments, hunters, outfitters, anglers and other user groups. The DEIS does not provide what are the associated fire hazards.	Watershed Topic Response: Production Water Transportation and Stormwater Management are addressed in POD Appendix 12, attachments 1 and 5; and POD Appendices 7 and 8. Wildlife Topic Response: See Response 36.42 above. PIPELINE ENGINEER: A search of the DEIS do not indicate that there is any discussion about environmental inspection or compliance monitoring. Appendix 4 of the POD discussing SGs role in environmental inspection. If this is truly missing from the EIS, this is an oversight and compliance monitoring should be added. These activities would ensure that compliance monitors ensure that the pipeline is constructed and reclaimed as specified in the ROD. Please let me know if you need example text to include in the FEIS. See response to comment 31.36 regarding fires during operations. Refer to Appendix 5 of the POD. Many of the issues were addressed in the Proponent's POD (e.g., water resource protection measures, dust abatement [Appendix 6 of the POD], SPCC plan [appendix 7 of the POD]). Transportation Topic Response: See DEIS pg 289-290 for Travel Management direction. Access authorization required for traffic into areas not open to public motorized travel. See GEN-11. Forest Service will also provide Construction Managers and Quality Control inspectors for enforcement. Road Use Permits are required for commercial use. No person, commercial enterprise, company, or other division of Government, shall be permitted to perform maintenance, repair, or reconstruction on any National Forest System Road (NFSR) under Forest Service jurisdiction without first obtaining

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	authorization or approval from the appropriate Forest Officer, unless said persons are under existing agreement or permit. Dust abatement will be required on gravel roads such as that construction and general public safety and resources protection are insured. See AQ-1. Mitigation measures are detailed in Fugitive Dust Control Plan (Appendix 6). See 37.1 Range Topic Response: Short- and long-term potential direct and indirect effects are discussed in chapter 3 of the DEIS and FEIS under 3.5, Range and noxious weeds. Recreation Topic Response: The DEIS and FEIS discloses effects to hunters, outfitters, anglers and other recreationists in the Recreation Section. Air Quality Topic Response: – Specific dust abatement measures are identified in Appendix 6 of the POD and in EIS Appendix B.
36.63 The proposed Bull Mountain Pipeline DEIS is legally deficient on multiple fronts. As discussed, the project proposed to sacrifice the an important core parcel of unroaded habitat increasingly being encroached on by the natural gas boom industrialization of surrounding public lands. With the additional roads, vehicle traffic, and utility corridor maintenance will come direct ecological costs and management issues for which the Forest Service has no funding, and perhaps no will, to mitigate. Moreover, there will be many incremental social costs which the Forest Service must address. Critically, the programmatic NEPA documents authorizing oil and gas leasing and development activities are useless with regard to assessing the totality of the real, on-the-ground impacts of the current gas boom. These documents are now stale. They were compiled more than a decade ago, under ecological, economic, and social conditions unlike those that today exist in and around the Forest Service. The Forest Service should, therefore, fulfill its fiduciary duties to manage the public lands and resources responsibly by learning and disclosing the direct and incremental environmental impacts of this Pipeline as well as the cumulative, connected, and similar actions that could reasonably be associated with this project. We urge the Forest Service to call a 'time out' so that it can not only catch up with the energy development boom, but get ahead of it to plan for its unfolding in a reasonable, logical, and orderly manner. During its deliberative and plenary consideration of issues and threats to the public trust, we urge the Forest Service to require all	See Response 36.23 above.

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energy companies to collaborate in developing a systematic and rational development process, and the infrastructure supporting it, thereby avoiding unnecessarily destructive and duplicative disturbances to the multiple values on the Forest that will be impaired absent such a process. A good example of what is at stack in this issues is provided in the attached Report entitled The Wilderness Society Too Wild to Drill – The Clark Fork Divide Colorado (Report) which is one of the areas which the pipeline with bisect. (Attachment 12). The Report illustrates that this unique area will be lost due to oil and gas development which the Pipeline project represents. Given the inevitability of human error and mechanical failure, the Forest Service is required to err on the side of precaution and to protect the public's land from the piecemeal leasing and energy development that now threatens their ecological integrity and the myriad social values tied to ecological integrity. To do otherwise violates the public trust and invites conflict.	

Respondent #37: Delta County Commissioners, Delta County CO. (3-page letter dated November 14, 2006)	
Comment	Comment Analysis and FS/BLM Response
37.1 The Board of County Commissioners (Board) supports the proposed action of the referenced Draft Environmental Impact Statement (DEIS). The Board would have supported the changes included in Alternative # 1, if those individual changes were in Delta County or impacted any of the watersheds flowing into Delta County. The route is the same in Delta County for both of the Proposed and the Alternative # 1 actions. The proposed pipeline traverses less than three miles in Delta County on land entirely within the National Forest and parallels an existing natural gas pipeline. However, the proposed route goes through three of the identified Watersheds that not only lie partly in Delta County but also drain into the Muddy Creeks and ultimately the North Fork of the Gunnison River flowing through and serving Delta County. Some of the proposed construction support roads are partially maintained by Delta County for the Forest Service. Although covered under a separate agreement, any adverse change in the condition of the roads may materially impact Delta County's ability to meet its obligations under that contract. Throughout its review of any proposed oil and gas activities in the County, the Board continues to emphasize its conviction to protect the health, safety, and welfare of the county residents and to ensure that gas development	Note support for the Proposed action.

Respondent #37: Delta County Commissioners, Delta County CO. (3-page letter dated November 14, 2006)	
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proceeds in an environmentally responsible manner. It is within that context the following comments are submitted by the County.	
37.2 Water: Protection of the quality and available quantity of water is a concern, particularly when construction and/or oil and gas development is conducted in any higher elevation drainages such as traversed by the project. The Board supports the proposed efforts to minimize the construction impact on water resources and more importantly provide for long term stabilized reclamation of the project.	Watershed Topic Response: Clarifications noted.
37.3 Off-site impacts to the County, Municipalities, and Support Agencies: The County is always concerned about the unknown cumulative impacts caused by the increased oil and gas development that follows the construction of a greater capacity transmission pipeline into an under-developed area. The ensuing development will undoubtedly involve and impact Delta County.	See Response 36.17 above. See Response 36.23 above.
37.4 Traffic and Road Use: The support routes within the proposal do not involve County roads. The County's maintenance of Forest Service road 265 for the Forest Service would be affected by the proposed action and any adverse impacts would also impact the County through its maintenance agreement with the Forest Service. The County would like for any decision on the DEIS to consider the County's involvement in the project roads. It is likely that Stevens Gulch Road may also be used at times and would be of concern for the County.	Transportation Topic Response: See Response 37.1 At the annual meeting, plans for maintaining the roads listed in Schedule A shall be agreed upon. Such plans shall include assignment of responsibility for maintenance or particular elements of maintenance to the County or Forest Service for each road or segment of road listed in Schedule A. Maintenance shall include preserving and keeping the roads, including structure and related facilities as nearly as possible in their condition as constructed or reconstructed to provide satisfactory and safe road service.
37.5 Wildfire and Emergency Preparedness: The County re-emphasizes that although the Forest Service provides protective and suppressive measures for wildfires on Forest Service lands, portions of the southern part of the project and accesses are in areas where mutual support by County emergency and fire districts would be available, utilized, and expected. The Board stresses that all measures necessary to minimize wildfire hazards due to the proposed operations be imposed through the approval of the project.	Pipeline Engineer Response: Appendix 5 of the POD discusses SG's plans to prevent and control fires associated with the Bull Mountain Pipeline.
37.6 Recreation and Tourism: The areas around the project on both Forest Service and Bureau of Land Management lands are key recreational areas on the eastern side of Grand Mesa served by the County and its Towns. The County would emphasize the need to provide for minimal interruption and delays on Forest Service roads during the project construction. Forest Service road 265 is the only connecting road between State Highway 133 in the Muddy area and the Plateau Creek - Collbran area. Forest Service	Recreation Topic Response: Hunting is the primary recreational use of the area. Approximately 74% of the hunters are rifle hunters. Construction activity would not be permitted during the big game rifle season under any alternative, alleviating direct effects to the majority of hunters. The effects on hunters and recreationists are disclosed in the DEIS and FEIS in the Recreation Section.

Respondent #37: Delta County Commissioners, Delta County CO. (3-page letter dated November 14, 2006)	
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road 265 provides one of the primary tourist and recreational accesses into this area. Any lengthy disruption to that tourist and recreational access would have an adverse effect on Delta County and its communities. Any negative impact on recreation is of major concern beyond the Forest Service boundaries and has a similar negative impact on the surrounding economy.	
37.7 Soils, and Erosion: The measures proposed in the DEIS to curb any degradation to the soils and run off dispersement would appear to be sufficient during normal weather and construction conditions. The County would stress the need to also have additional requirements or plan enforcement capabilities to cover those heavy and sometimes lengthy rain storm events that seem to be more commonplace recently. The heavy storm events are those that could cause unchecked and significant erosion resulting in downstream off site impacts. Offsite impacts that could also affect higher elevation fisheries, specifically smaller streams inhabited by Brook Trout. The Board would like reassurances the proposed plans have the measures needed to provide the necessary protection.	Soils Topic Response: The use of all design criteria and best management practices aimed at controlling erosion , preventing sediment from entering the stream network and those used for restoration, reclamation and revegetation, will be applied to all construction activities with the specific intent of, prevent large amounts of erosion and sedimentation from occurring. (These are located in the design criteria, the Plan of Development (POD), and are all based on R-2's Watershed Conservation Practices Handbook. Other sources of design practices and criteria include specifications included in BLM Gold Book, 4th edition and the USFS Low –Volume Roads Engineering, Best Management Practices Field Guide, 2003. All activities that potentially impact the waters of the US will be permitted through the Corp of Engineers 404 permitting process, along with the preparation of Storm Water Prevention plans as directed by the State and EPA. Additionally, all roads will be designed and treated to address the fine textured nature of these soils. If construction activities occur during wet periods of time, activities may be suspended or extra measures may be prescribed to assure that large amounts of fine sediment are prevented from getting into the stream network. In addition to catch any non-compliance with recommended design features the Forest Service will have contract inspectors observing activities on a regular basis to catch and remedy any short fall. Watershed Topic Response: See POD Appendix 12. Fisheries Topic Response: Discussion of effects to Colorado River cutthroat trout and common trout is found in the EIS Fisheries Section. Project Design Criteria were designed to protect all aquatic habitats, including streams inhabited by brook trout. A complete list of Project Design Criteria for all resources are in the EIS Appendix B.
37.8 Socio-economics and Cultural Resources: As stated in the Recreational and Tourism response above, any adverse impact on the tourist and recreational use of the Forest in the project area would also have an adverse impact on the important socio-economic or cultural values to the residents and visitors of Delta County.	Comments noted.
37.9 In closing, the Board appreciates the opportunity to comment on the DEIS. The Board would ask the favorable consideration of its comments as in many instances the proposed activity does have many offsite impacts beyond the Forest Service boundary.	Closing remarks.

Respondent #37: Delta County Commissioners, Delta County CO. (3-page letter dated November 14, 2006)	
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The acknowledgement of that offsite impact and anticipatory mitigation of its potential accumulative negative effects is very important to those who have adjacent property or depend on and use the resources originating on the Forest and Grand Mesa.	

Respondent #38. Colorado Dept. of Natural Resources, Division of (DOW). (2-page letter dated Nov. 11, 2006, rcvd 11.13.2006)	
Comment	Comment Analysis and FS/BLM Response
38.1 The Colorado Division of Wildlife (DOW) appreciates the opportunity to comment on the Bull Mountain Natural Gas Pipeline (BMNGP) Project. In general, we observed that the environmental analysis performed in association with this project was quite thorough. Regardless, please consider the following comments.	Introduction remarks.
38.2 DOW staff scientists have evaluated the analysis of the proposed action and other alternatives, and have determined that Alternative 2 will least impact wildlife, habitat, and the sportsmen who enjoy the area. Alternative 2 is also preferred because it is generally aligned with established roads. Alternative 2 is apparently the longest route; however it mostly follows existing roads which are disturbed areas. Human impact, vehicle traffic, habitat fragmentation, etc. are already occurring along this route. We acknowledge there may be an additional short term impact to wildlife due to increased vehicle traffic, construction equipment, and right-of-way (ROW) and pipeline maintenance. However, the impact would be less than it would be from pioneering a new area that has little or no disturbance. The ROW and pipeline will need to be maintained periodically and the existing roads provide the needed access to accomplish those tasks without having to build new roads or even temporary roads to access a new ROW. Alternative 2 also maintains the integrity of the Inventoried Roadless Areas (IRA). The IRAs are important to wildlife as a source of low human impact habitat. Furthermore, the DOW anticipates that Alternative 2 will have the least amount of visual impact in the long run to people who enjoy the National Forest because it would create less long term change to the landscape compared with creation of a new pipeline ROW.	Wildlife Topic Response: Alternative 2 would have less impacts to some species of wildlife, such as elk, as shown in the effects analysis in the DEIS and FEIS. This is not the case for all species. There is a confirmed breeding pond for the boreal toad, which is listed as a state endangered species in Colorado, along the Alternative 2 route in the Buzzard Creek drainage. All alternatives would require use of Road 265 which parallels Buzzard Creek, because it is a major access route into the area. However, Alternative 2 would result in clearing, road work, trench-building and more stream crossings, in the vicinity of the breeding pond and the potential effects to boreal toads would be greater under this alternative, as shown in the DEIS. It was determined that Alternative 2 would be "likely to result in a loss of viability in the planning area, or in a trend toward federal listing" for boreal toad. The pipeline ROW in the proposed action and Alternative 1 follows or parallels an existing pipeline ROW through IRAs. No new roads would be constructed in IRAs and no increase in motorized travel is anticipated along the resulting pipeline ROW Recreation Topic Response: The effects of Alternative 2 on Recreation are disclosed in the DEIS and FEIS in the Recreation Section Transportation Topic Response: Proponent will be responsible for maintaining existing roads during work hours. Surface blading and other maintenance activities will be performed during and after Proponent's use as often as necessary to facility traffic and provide proper drainage. Roadless Topic Response: The affects to IRA's are part of the evaluation that will be considered in the decisions to be made. Visual Topic Response: Alternative 2 does not have the least amount of visual impact. Visual impact is based upon

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	proximity, duration, and intensity of the viewing visitor. The viewer driving along road 265, in Alternative 2, would be directly within the immediate foreground of the ROW. This road runs along steep slopes both above and below the road prism (Appendix A – Figure 17, page 20). The implementation of the pipeline will force the creation of an unnatural bench and increase slope % above and below the bench, along the entire length of the road. Both increased slope and bench,will be permanent changes to the landscape. Conversely alternative 1 travels along an already existing pipeline ROW in an essentially untraveled area. Visual impact would be far less, because average slopes are less steep than along alternative 2 and because the area location is largely unseen.
38.3 Other comments regarding the project include concern over not only new construction but more, longer term impacts that could occur if ROW access was unrestricted. These effects should be mitigated by restricting access, particularly all terrain vehicles because the ease of travel on the ROW may draw increased human pressure.	Transportation Topic Response: See RE-2 and #54-24. Add: 1. Place signing to identify areas that are closed to off-road vehicles. 2. Place enough continuous or intermittent slash or down woody debris on the ROW to prohibit motorized use from using it as a travel corridor. 3. Partial recontouring. Recontour the first 100' + of entrances or intermittent sections of the ROW. 4. Area Closure. Prohibit motorized use using 36 CFR regulations to restrict various types of entry. Use of regulation than physical devices as the primary means to restrict use on ROW. SG will coordinate with the BLM/FS and fee-landowners to determine measures to be implemented to control off-road vehicle use of the ROW. Efforts to control unauthorized off-road vehicle use will continue in cooperation with the landowners and BLM/ USFS throughout the permitted right of way. If the ROW blockage or barrier is breached, SG will be responsible to replace, repair, and reinforce the barriers throughout the life of the permitted right of way. Recreation Topic Response: Project Design Criteria RE-2 and RE-3 identified in Appendix B of the DEIS and FEIS identify methods to be used to control unauthorized motorized access to the ROW and define the ROW grant holder as responsible for maintaining these closures through out the lifetime of the permitted ROW. RE-m1 establishes annual monitoring for illegal off-road vehicle use of the ROW and replacement, re-enforcement or repair of breached closures by the ROW grant holder.
38.4 Introduction of or spreading of noxious weeds is also a potential long term impact associated with construction of a new pipeline ROW that is of great concern to the DOW. Ground disturbing activities commonly introduce and spread weeds. Reducing the impact of weeds will need to be a vigilant and long term multiple season effort. These impacts can be reduced by limiting the vehicles associated with the pipeline project, washing vehicles to prevent	Range Topic / Noxious Weeds Topic Response: As specified in the project Plan of Development, field surveys will be conducted prior to construction to identify existing noxious weed infestations along the pipeline right-of-ways and temporary use areas. Noxious weed infestations will be flagged in the field to alert construction personnel to the infestation and prevent significant ground disturbance until noxious weed preventative measures have been implemented. SG will consult with the Bureau of Land Management

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weed seed spread, effective topsoil segregation and management, utilization of certified weed free seed and straw, and possibly pre ROW disturbance weed surveys. Weed management and reclamation success should be monitored at least annually. Accelerated revegetation could replenish forage for livestock and wildlife as well as serve to provide defense against weed establishment and encroachment.	(BLM)/US Department of Agriculture Forest Service (FS) and local weed control districts to determine pretreatment for noxious weed infestations. Depending upon the species and the time of construction, methods of pretreatment may include mechanical or chemical treatments. Vehicle type, weight, and number of each vehicle as well as approval of access roads used by vehicles accessing the project right-of-way will be regulated. Measures will be provided to control the use of the right-of-way and prevent unauthorized travel along the right-of-way by off-road vehicles. Vehicles and equipment will be required to arrive at the work site clean, power-washed, and free of soil and vegetative debris capable of transporting weed seeds or other propagules. Wash stations will be required at designated infestation areas. Equipment will be power-washed to remove soil and propagules prior to leaving the infested area. Top soil will be salvaged where required and protected along most of the pipeline route to facilitate revegetation of the right-of-way after construction is complete. Various methods of top soil segregation will be employed depending on the amount of surface leveling needed. Materials used for erosion control and reclamation (i.e. straw bales and seed mixes) will be obtained from sources that are certified weed-free and seed mixes must be certified "All States" weed free. Disturbed areas will be reseeded in accordance with the Environmental Protection Plan and Right-of-Way Grant as soon as possible after construction activities have been completed. SG will continue to monitor the distribution and density of noxious weeds on the right-of-way for the life of the pipeline. At those locations where new populations have been identified or preexisting populations have expanded, SG will take action to eradicate the population or control their spread. Noxious weed problems identified after reclamation criteria have been met (refer to the Environmental Protection Plan) will be addressed in a joint endeavor between SG, the fee-landowner or BLM/FS, and the local weed control district.
38.5 The pipeline ROW may encounter unstable slopes. Slope stability can disrupt pipeline integrity as well as increase erosion. Slope stability should be assessed prior to ROW route selection. Effects from erosion should be mitigated to the maximum extent possible. The pipeline ROW will likely encounter wetlands and riparian areas. Crossings should be properly designed to course high water flows, dissipate energy at the outfall, and allow for passage of fish. Cutbanks should be stabilized and revegetated as quickly as possible. Water quality degradation should not be allowed to occur as a result of pipeline ROW construction, as these cumulative effects can be additive.	Soils Topic Response: All available geologic and geologic hazard information was used in this analysis. Various field observations were made during the 2005 field season. The proposed action alternative avoided most large areas of high geologic hazard areas. Alternatives 2 and 3 were more restricted on route location and traverse areas of high geologic hazards. Special measures will be designed to handle those situations on a site specific basis. See also Response 37.7 above. Watershed Topic Response: See POD Appendix 12. Fisheries Topic Response: The pipeline crossing would be buried underground and would not present a permanent fish passage issue. During construction, project design criteria (EIS Appendix B) have been established to avoid effects to fisheries resources.
38.6 The BMNGP project proposes that a produced water transport pipeline be collocated with the natural gas	PIPELINE ENGINEER RESPONSE: Comment noted, the purpose and need for the 20-inch natural gas pipeline is

Respondent #38. Colorado Dept. of Natural Resources, Division of (DOW). (2-page letter dated Nov. 11, 2006, rcvd 11.13.2006)	
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pipeline. The DOW supports this activity, particularly if it reduces the traffic throughout the Bull Mountain Unit gas field in general. Conveyance of natural gas liquids (condensate) using pipelines can also further reduce the amount of truck traffic that visits each individual well site. We hope the proposed natural gas pipeline is adequately sized to accommodate conceivable current and future natural gas supply and demand.	described in the DEIS Chapter 1. Update: the Proponent (SGI) has requested dropping the need for an 8-in water line from the Proposed Action and all alternatives. An onsite disposal method within the Bull Mt Unit has been arranged.
38.7 The regular rifle hunting seasons (Early October through Late November) see significant hunter activity on public lands, especially the Grand Mesa. Archery and muzzle loader hunting (September) have seen increases in participation as well. In order to avoid conflicts with other forest users, hunters in particular, the DOW recommends that construction activities be completed each year by September 1.	Recreation Topic Response: Construction will not be allowed during big game rifle season to avoid conflicts with the approximately 74% of the hunters.
38.8 In those areas where big game production occurs (elk calving and deer fawning) we also recommend that construction not occur from May 1 through June 15. These areas can be identified through the DOW's NDIS (Natural Diversity Information Source at http://ndis.nrel.colostate.edu/) or through consultation with the local Terrestrial Biologist or District Wildlife Manager. Thank you for considering these comments.	Wildlife Topic Response: CDOW maps were used to identify elk calving areas (elk production areas). As noted in Table 108 of the DEIS, each alternative crosses some of these areas. The proposed action and Alternative 1 both cross 1.5 miles; as shown in Table 83, construction activities would be avoided in these areas until June 20. The elk calving areas crossed by the other alternatives are located along open, high-use roads, and no timing restriction would be implemented.

Respondent #39 Arthur Beavers, PO Box 638, Paonia, CO. 81428. (1-page letter dated Nov. 10, 2006, rcvd 11.14.2006 via email bundle attachments from David Ludlam)	
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39.1 Under the Clinton road less rule, construction or reconstruction of roads that are reasonable and necessary for development of existing energy or mineral leases, for access to existing energy or mineral leases, and for access to associated product conveyance lines would be allowed as necessary to fulfill the terms of the lease.	The recent decision (Sept 19th, 2006) in California v. Dept. of Agriculture that set aside the State Petitions Roadless Rule and reinstated the 2001 Roadless Rule, is being evaluated as it pertains to the Bull Mountain project DEIS. The FEIS and any final decision in a ROD would be consistent with the legal determination for the Roadless Rule at the time of the decision. See Response 1.1 for a detailed discussion of the BMNG project and consistency with the 2001 Rule.
39.2 Given this allowance, and given the legal uncertainty with respect to roadless designations, please move forward in approving the Bull Mountain EIS as the pipeline capacity is needed to develop the valid and existing mineral rights held by lessees on the GMUG and in the White River National Forest.	Support of the project noted. See Response 39.1
39.3 As of March 1, 2006 there are approximately 42,500 acres under lease in the Clear Fork IRA for Oil and gas exploration and potential development. Surface	See Response 39.1

Respondent #39 Arthur Beavers, PO Box 638, Paonia, CO. 81428. (1-page letter dated Nov. 10, 2006, rcvd 11.14.2006 via email bundle attachments from David Ludlam)	
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occupancy would be allowed on all but 5,300 acres on these leases. These oil and gas leases constitute valid existing rights for the development of oil and gas resources. In addition, the Clear Fork IRA is far from roadless and already contains substantial gas development. Seven gas wells are in or immediately adjacent to the Clear Creek IRA. Four of these are currently producing into an existing pipeline system. Four more wells are permitted to be drilled this year. Other commercial development is also present.	
39.4 I would also like to point out that the Bull Mountain pipeline has been designed to follow the route of the existing Ragged Mountain Pipeline System whenever possible. This plan minimizes new surface disturbance and other impacts associated with the Bull Mountain pipeline.	See Response 39.1
39.5 Please move forward in approving this pipeline in the spirit of the national energy policy directives and the requirement to allow reasonable access to valid and existing rights to minerals on the GMUG.	See Response 39.1

Respondent #40. Beavers Construction Company, PO Box 638, Paonia, CO. 81428. (1-page letter dated Nov. 10, 2006, rcvd 11.14.2006 via email bundle attachments from David Ludlam)	
Comment	Comment Analysis and FS/BLM Response
40.1 There will no doubt be an attempt from organizations and anti-development interests to derail the Bull Mountain project because of the conflicting rulings within the federal court systems. These special interests seek to limit economic growth by limiting utility infrastructure.	Statement of opinion and introduction remarks.
40.2 I would like to point out that it is not the role of the forest service to speculate on how future legal proceedings may impact current projects. It is the job of the Forest Service to implement forest policy based on current legislation, case law, forest management plans and agency directives. Given this, there is an abundance of precedent and allowance (including language in the 2001 roadless rule) that allows for access to "pre-existing" rights to mineral and other assets acquired before the roadless rule went into effect.	The recent decision (Sept 19th, 2006) in California v. Dept. of Agriculture that set aside the State Petitions Roadless Rule and reinstated the 2001 Roadless Rule, is being evaluated as it pertains to the Bull Mountain project DEIS. The FEIS and any final decision in a ROD would be consistent with the legal determination for the Roadless Rule at the time of the decision. See Response 1.1 for a detailed discussion of the BMNG project and consistency with the 2001 Rule.
40.3 Given the fact that most of the leases making up the Bull Mountain development were acquired prior to 2001, the agency has the legal obligation to provide the lessees with reasonable access to their mineral property.	See Response 40.2

Respondent #40. Beavers Construction Company, PO Box 638, Paonia, CO. 81428. (1-page letter dated Nov. 10, 2006, rcvd 11.14.2006 via email bundle attachments from David Ludlam)	
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40.4 Beaver construction employee many people in the north fork valley and does business with hundred of vendors and subcontractors in the area. Delta County has traditionally been one of the poorest in the state and coal and natural gas development are vital to our local economies. Please remember that Crested Butte environmental groups may have lawyers but they don't forward the best interests of working people in Delta County.	Comments noted.
40.5 Please move forward with the Bull Mountain pipeline as it will provide the jobs for our local economy as well as the warm showers by those who oppose development.	Support of the project is noted.

Respondent #41. Dennis Green, 10530 3200 Rd, Hotchkiss CO. (1-page letter no date, rcvd 11.14.2006 via email bundle attachments from David Ludlam)	
Comment	Comment Analysis and FS/BLM Response
41.1 There is precedence for gas development in the IRAs near the Bull Mountain natural gas Unit. Currently, four producing wells exist within the Clear Creek IRA. A gathering system of flow lines from these wells to the existing Ragged Mountain Pipeline is currently in place.	The recent decision (Sept 19th, 2006) in California v. Dept. of Agriculture that set aside the State Petitions Roadless Rule and reinstated the 2001 Roadless Rule, is being evaluated as it pertains to the Bull Mountain project DEIS. The FEIS and any final decision in a ROD would be consistent with the legal determination for the Roadless Rule at the time of the decision. See Response 1.1 for a detailed discussion of the BMNG project and consistency with the 2001 Rule.
41.2 Therefore, if existing rights are established, which is the case for most of the Bull Mountain unit, then pipeline construction should be allowed under either roadless ruling: Clinton Roadless Rule or State Petitions Rule.	See Response 41.1
41.3 The Forest Service has been doing a great job finding a balance between various uses on the GMUG. On the west side of the Grand Mesa people are very upset at exploration for natural gas by Gunnison Energy. Several years later people barely know they are even operating in the Forest.	Comments noted.
41.4 I am excited at the potential of gas production on the GMUG and look forward to the revenue provided to our local governments from the Bull Mountain unit.	Support of the project noted.
41.5 Please accept my comments for the public record as you make your final decision on the Bull Mountain Pipeline.	Closing comments.

Respondent #42. Mark Helder, no address, Delta County CO. (1-page letter dated Nov. 14, 2006, rcvd 11.14.2006 via email bundle attachments from David Ludlam)

Comment	Comment Analysis and FS/BLM Response
42.1 Mr. Richmond. In my opinion, buried utility lines and pipeline corridors are not roads. Construction of a pipeline uses the corridor and does not constitute a road.	Statement of opinion.
42.2 I would guess that millions of dollars and man-hours have been spent conduction the Bull Mountain EIS and I hope that your staff continues to move forward with respect to the record of decision and in moving forward with the project.	Support of the project noted.
42.3 You and your staff have done a wonderful job in maintaining multiple use on our public lands and in complying with the spirit of the energy policy act of 2006.	Closing remarks.

Respondent #43., Vicki Jones, 330 W. Bridge Street, Hotchkiss, CO. (1-page letter dated Nov. 10, 2006, rcvd 11.14.2006 via email bundle attachments from David Ludlam)	
Comment	Comment Analysis and FS/BLM Response
43.1 It is my understanding that the Clinton roadless rule allows for the development of leases that were acquired prior to the establishment of his last minute executive order. Given this assumption, the legal uncertainty of the rule is not relevant to the Bull Mountain pipeline in that the pipeline is required to service the unit and other mineral rights in the North Fork. In the draft EIS there are several alternatives. The preferred alternative is the one that should be selected because it provides the route with the least amount of surface disturbance, the shortest amount of surface occupancy and for the most part parallels the existing Ragged Mountain pipeline.	The recent decision (Sept 19th, 2006) in California v. Dept. of Agriculture that set aside the State Petitions Roadless Rule and reinstated the 2001 Roadless Rule, is being evaluated as it pertains to the Bull Mountain project DEIS. The FEIS and any final decision in a ROD would be consistent with the legal determination for the Roadless Rule at the time of the decision. See Response 1.1 for a detailed discussion of the BMNG project and consistency with the 2001 Rule.
43.2 Environmental groups would like the pipeline to avoid transversing "Roadless" areas at the expense of adjacent lands. This is absurd and this is why the forest service finds their hands tied. Your agency tries to develop a route that makes sense and now groups want to re route the pipeline and create additional surface disturbance simply to try to price the pipeline out of economic feasibility? This is wrong. Please move forward with the preferred alternative ASAP.	Statement of opinion. Support of the project noted.
43.3 In addition to servicing the Bull Mountain gas unit, the Pipeline is also in line with the spirit of the Energy Policy Act that was signed into law by the President and voted for by both of Colorado's Senators - Salazar and Allard.	Statement of opinion. Support of the project noted.
43.4 The GMUG has a long standing reputation for preserving multiple use, and for making sound management decision that usurp the ideological positions of those entities that are trying to use recent court rulings to delay or even squelch the Bull Mountain project.	Statement of opinion.

Respondent #43., Vicki Jones, 330 W. Bridge Street, Hotchkiss, CO. (1-page letter dated Nov. 10, 2006, rcvd 11.14.2006 via email bundle attachments from David Ludlam)	
Comment	Comment Analysis and FS/BLM Response
43.5 Two years ago when gas prices were at an all time high, people understood the importance of domestic energy production and I hope that the public and Forest Service remain steadfast in their desire to continue producing domestic energy.	Statement of opinion.

Respondent #44. Pat Knaub, 12424 Rock Hill Road, Eckert CO. (1-page letter dated Nov. 10, 2006, rcvd 11.14.2006 via email bundle attachments from David Ludlam)	
Comment	Comment Analysis and FS/BLM Response
44.1 The elected officials of Colorado and the nation have shown that they understand our nation has a need to develop more of our energy domestically. Senator Salazar and Senator Allard and a host of other elected officials signed into law the Energy Policy Act of 2004. The spirit of this legislation was to remove cumbersome bureaucratic roadblocks to common sense energy development in the United States.	Statement of opinion.
44.2 The future of road less areas remains in question. The federal courts will continue sorting it out in the years to come. In the meantime, we must move forward in getting clean burning fuels, like natural gas, to market. In order to do this, SG and their partners need the proposed Bull Mountain Pipeline in order to service the current unit under development. We find it troubling that certain local government entities are attempting to drive up the cost of the project by asking the forest service to select the longest most destructive pipeline route. This is disingenuous and something they would regret. The preferred alternative is the most practical and follows existing pipelines and utility corridors.	Support for the Proposed Action is noted. The recent decision (Sept 19th, 2006) in California v. Dept. of Agriculture that set aside the State Petitions Roadless Rule and reinstated the 2001 Roadless Rule, is being evaluated as it pertains to the Bull Mountain project DEIS. The FEIS and any final decision in a ROD would be consistent with the legal determination for the Roadless Rule at the time of the decision. See Response 1.1 for a detailed discussion of the BMNG project and consistency with the 2001 Rule.
44.3 Keep in mind that even if the Clinton Roadless rule is left in place, many, if not most, of the Bull Mountain leases were sold prior to Clinton's last minute executive order. This means that there has to be reasonable access to the mineral assets, as they hold with them pre-existing rights. I can think of no reason to delay the project due to the roadless ruling. In the final ROD please address this issue in the final draft of the EIS.	See Response 44.2.

Respondent #45. Jeff Nieman, 132 Grand Ave., Paonia, CO. (1-page letter dated Nov. 14, 2006, rcvd 11.14.2006 via email bundle attachments from David Ludlam)	
Comment	Comment Analysis and FS/BLM Response

Respondent #45. Jeff Nieman, 132 Grand Ave., Paonia, CO. (1-page letter dated Nov. 14, 2006, rcvd 11.14.2006 via email bundle attachments from David Ludlam)	
Comment	Comment Analysis and FS/BLM Response
45.1 In 1997, on Montana's Lewis and Clark National Forest, a 10-year prohibition was placed on natural gas development. However, pre-existing rights were acknowledged in this case.	The recent decision (Sept 19th, 2006) in California v. Dept. of Agriculture that set aside the State Petitions Roadless Rule and reinstated the 2001 Roadless Rule, is being evaluated as it pertains to the Bull Mountain project DEIS. The FEIS and any final decision in a ROD would be consistent with the legal determination for the Roadless Rule at the time of the decision. See Response 1.1 for a detailed discussion of the BMNG project and consistency with the 2001 Rule.
45.2 Even in Artic Wildlife Refuge "Wilderness Areas" pre-existing mineral rights are acknowledged and the stipulations of the leases must be fulfilled.	See Response 45.1
45.3 In these and many other scenarios reasonable temporary roads and gathering systems must be allowed to fulfill the lease stipulations.	See Response 45.1
45.4 The Bull Mountain Pipeline EIS is currently being conducted to determine the best route to service the Bull Mountain pipeline that will carry GMUG natural gas to households of American consumers.	Support for the Proposed Action is noted.
45.5 No matter what alternative the Forest Service chooses, it should make a decision that allows for an ECONOMICALLY FEASIBLE pipeline route that has a pre-existing right to the inventoried IRA's and the Clinton Roadless Rule of 2001.	Statement of opinion See Response 45.1
45.6 Please respond to my concerns in the drafting of the Final EIS in your record of decision.	Closing remarks.

Respondent #46. Michelle Phelps, 34916 Powell Mesa Road, Hotchkiss, CO. (1-page letter dated Nov. 11, 2006, rcvd 11.14.2006 via email bundle attachments from David Ludlam)	
Comment	Comment Analysis and FS/BLM Response
46.1 Under the Clinton roadless rule, construction or reconstruction of roads that are reasonable and necessary for development of existing energy or mineral leases is allowed. This means that no matter what happens in the federal court system, most of the Bull Mountain Unit (the majority of leases were issues prior to Clinton Roadless) needs the pipeline to service the wells.	The recent decision (Sept 19th, 2006) in California v. Dept. of Agriculture that set aside the State Petitions Roadless Rule and reinstated the 2001 Roadless Rule, is being evaluated as it pertains to the Bull Mountain project DEIS. The FEIS and any final decision in a ROD would be consistent with the legal determination for the Roadless Rule at the time of the decision. See Response 1.1 for a detailed discussion of the BMNG project and consistency with the 2001 Rule.
46.2 There are groups who will try to shut down this pipeline but we urge your agency to move forward as: 1. Tremendous resources have been used to conduct the EIS 2. Many leases were acquired by leaseholders prior to the 2001 Rule 3. The Bull Mountain Unit requires the pipeline to get resources to the American public	Support for the Proposed Action is noted. See Response 46.1

Respondent #46. Michelle Phelps, 34916 Powell Mesa Road, Hotchkiss, CO. (1-page letter dated Nov. 11, 2006, rcvd 11.14.2006 via email bundle attachments from David Ludlam)	
Comment	Comment Analysis and FS/BLM Response
4. Selected the non-preferred alternatives means two additional years of construction and 10 additional miles of surface disruption	
46.3 Please approve the Bull Mountain pipeline on these grounds and accept my comment as support for your efforts in helping provide our nation with a clean burning fuel and our local and regional economy with good paying jobs.	Support for the Proposed Action is noted.

Respondent #47. Ted Pierce, 42106 Foothills Rd., Paonia, CO. (1-page letter dated Oct. 25, 2006, rcvd 11.14.2006 via email bundle attachments from David Ludlam)	
Comment	Comment Analysis and FS/BLM Response
47.1 What anti-development groups don't realize about the 2001 Forest Service "Roadless Rule" is that it did not directly prohibit exploration or development of leasable minerals. Several mining lease acts and geothermal activities are still allowed on existing leases in order to fulfill the terms of such property rights.	The recent decision (Sept 19th, 2006) in California v. Dept. of Agriculture that set aside the State Petitions Roadless Rule and reinstated the 2001 Roadless Rule, is being evaluated as it pertains to the Bull Mountain project DEIS. The FEIS and any final decision in a ROD would be consistent with the legal determination for the Roadless Rule at the time of the decision. See Response 1.1 for a detailed discussion of the BMNG project and consistency with the 2001 Rule.
47.2 As the roadless decision will likely be decided in the Supreme Court, I see the ultimate decision as being somewhat irrelevant, given that with respect to the Bull Mountain EIS, the pre-existing mineral rights and leases allow for completion systems, in this case the Bull Mountain Pipeline.	See Response 47.1
47.3 Tremendous resources have been spent preparing the draft document and it would be an egregious waste of resources and energy, should the project be delayed.	Support for the Proposed Action is noted. See Response 47.1
47.4 Finally, I think the Forest Service should continue to remind the public that energy exploration is not new to the GMUG. In fact, development has occurred on the GMUG for the better part of a century.	Statement of opinion
47.5 Keep up the good work, and I look forward to seeing the FS final record of decision.	Closing remarks

Respondent #48. Curtis Wright, no address noted, Delta County, CO. (1-page letter dated Nov. 13, 2006, rcvd 11.14.2006 via email bundle attachments from David Ludlam)	
Comment	Comment Analysis and FS/BLM Response

Respondent #48. Curtis Wright, no address noted, Delta County, CO. (1-page letter dated Nov. 13, 2006, rcvd 11.14.2006 via email bundle attachments from David Ludlam)	
Comment	Comment Analysis and FS/BLM Response
48.1 All three of the IRAs that are affected by the proposed Bull Mountain EIS are also noted as "available and authorized" for leasing, and are also in areas with existing leases according to the Forest Plan and leasing maps. There is case law that shows oil and gas leases constitute valid existing rights to development of oil and gas resources. If the leases and rights were established under the Interim Direction, they should also be valid by the law the Forest Service was operating under at the time the leases were acquired.	The recent decision (Sept 19th, 2006) in California v. Dept. of Agriculture that set aside the State Petitions Roadless Rule and reinstated the 2001 Roadless Rule, is being evaluated as it pertains to the Bull Mountain project DEIS. The FEIS and any final decision in a ROD would be consistent with the legal determination for the Roadless Rule at the time of the decision. See Response 1.1 for a detailed discussion of the BMNG project and consistency with the 2001 Rule.
48.2 Millions of dollars have already been invested to develop mineral leases in these areas and it would be not only wrong but illegal to not allow the completion system that will service the Bull Mountain project to move forward.	Support for the Proposed Action is noted. See Response 48.1
48.3 From the looks of it, the Wyoming court system will likely send the whole "roadless issue" to the U. S. Supreme Court. Until then, projects initiated and partially completed under the Bush rule should move forward as leases acquired prior to the 2001 Roadless Rule and during the Bush rule, resulted in valid and existing rights.	See Response 48.1

Respondent #49. NO NAME or ADDRESS noted, Delta County, CO. (1-page letter dated Nov. 10, 2009, rcvd 11.14.2006 via email bundle attachments from David Ludlam)	
Comment	Comment Analysis and FS/BLM Response
49.1 One of the primary concerns with activities in IRAs is visual resources. The Proposed Action regarding the Bull Mountain pipeline, and the preferred alternative, would be compliant with current visual resource direction o the GMUG.	Support for the Proposed Action is noted.
49.2 Operators on the GMUG have shown in the last 5 years that Best Management Practices can and are implemented. The pipeline constructed by Gunnison Energy on the northwest flank of the Mesa cannot be visibly seen, now that reclamation and reseeding has taken effect. There is nothing inconsistent with the spirit of Roadless areas to have an underground utility pipeline traversing their boundaries.	Statement of opinion. The recent decision (Sept 19th, 2006) in California v. Dept. of Agriculture that set aside the State Petitions Roadless Rule and reinstated the 2001 Roadless Rule, is being evaluated as it pertains to the Bull Mountain project DEIS. The FEIS and any final decision in a ROD would be consistent with the legal determination for the Roadless Rule at the time of the decision. See Response 1.1 for a detailed discussion of the BMNG project and consistency with the 2001 Rule.

Respondent #49. NO NAME or ADDRESS noted, Delta County, CO. (1-page letter dated Nov. 10, 2009, rcvd 11.14.2006 via email bundle attachments from David Ludlam)	
Comment	Comment Analysis and FS/BLM Response
49.3 While legal decisions guide the Forest Service's general decisions and on-the-ground activities, I hope there is still room for reason and common sense on the ground. Producing pipelines are already in the GMUG IRAs. Natural gas production has occurred in these areas for the better part of a generation, and the resiliency of the land is understated by anti-growth environmentalist in neighboring mountain town communities.	Statement of opinion. Closing remarks.

Respondent #50. Jerry Fazz, Divide Creek Ranches, Silt CO. (1-page letter via FAX dated 11.15.2006)	
Comment	Comment Analysis and FS/BLM Response
50.1 In response to the Bull Mountain Project. First of all I would like to see the pipeline built to the south. But I'm sure that is not possible. So I am for Alternative 3. It is the shortest and already a utility line of right-of-way. The damage has already been done.	Does not support the PA and Alternative 1. Notes support for Alternative 3 and feels it is shortest route. However, both the PA and Alternative 1 are shorter than either Alternative 2 or 3.

Respondent #51. Rosemary Patterson (1-page letter via FAX dated 11.15.2006)	
Comment	Comment Analysis and FS/BLM Response
51.1 I'm writing to you concerning the Bull Mountain project. I live in the Divide Creek area and I'm seeing lots of oil and gas development in my area.	Introduction comments.
51.2 They say the lines we have just put in and the gas gathering stations won't be big enough to hold all the gas and water in this area so I'm opposed to this pipeline.	Opposition noted.
51.3 I think the gas from the Bull Mtn project should be sent towards Delta.	The potential route for a gas pipeline was discussed in the DEIS and was noted as dropped from consideration by the Proponent due to steep and narrow topography along Hwy 133 to Paonia and the need to route the natural gas production north to the interstate hubs in NW Colorado..
51.4 My second choice would be Alternative 3 because it is an established Right-of Way.	Support for Alternative 3 noted.

Respondent #52. Bjork-Lindley-Little Law firm, 1600 Stout St, Suite 1400, Denver CO. 80202. 3-page letter dated Nov. 03, 2006 but recd November 29, 2006.	
Comment	Comment Analysis and FS/BLM Response
52.1 The Draft EIS for the proposed Bull Mountain Pipeline discusses in Section 3.10.2 the status of Forest Service guidance with respect to activities in inventoried roadless areas. The proposed action and Alternative 1 analyzed in the Draft EIS would affect three inventoried roadless areas. Shortly after the	Introduction remarks.

Respondent #52. Bjork-Lindley-Little Law firm, 1600 Stout St, Suite 1400, Denver CO. 80202. 3-page letter dated Nov. 03, 2006 but recd November 29, 2006.	
Comment	Comment Analysis and FS/BLM Response
release of the Draft EIS, the U.S. District Court for the Northern District of California set aside the 2005 Roadless Rule described in Section 3.10.2 and reinstated the 2001 Roadless Rule which was codified at 36 C.F.R. Part 294, Subpart B (2001). Nonetheless, the analysis contained in the Draft EIS regarding potential impacts on the inventoried roadless areas remains valid.	
52.2 The deadline for appealing the decision of the District Court in California has not yet expired and it is not clear whether the government will appeal. We understand, however, that other parties to the case do plan to appeal. In addition, the State of Wyoming has filed a motion with the U.S. District Court for the District of Wyoming seeking to have the Court reinstate its order which set aside the 2001 Roadless Rule. Therefore, the status of the 2005 Roadless Rule remains in a state of flux. Nonetheless, even if we assume that the 2001 Roadless Rule is applicable (as has been directed as policy by the Chiefs memorandum dated September 22, 2006), that rule does not preclude the Forest Service from approving the proposed Bull Mountain Pipeline or Alternative 1 for the simple reason that the proposed pipeline does not require any road construction or reconstruction in inventoried roadless areas.	The recent decision (Sept 19th, 2006) in California v. Dept. of Agriculture that set aside the State Petitions Roadless Rule and reinstated the 2001 Roadless Rule, is being evaluated as it pertains to the Bull Mountain project DEIS. The FEIS and any final decision in a ROD would be consistent with the legal determination for the Roadless Rule at the time of the decision. See Response 1.1 for a detailed discussion of the BMNG project and consistency with the 2001 Rule.
52.3 The 2001 Rule prohibits the construction or reconstruction of a road in an inventoried roadless area except as specifically provided. 36 C.F.R. §294.12(a) (2001). "Road construction" is defined as activity that results in the addition of forest classified or temporary road miles. A "classified road" is one that is needed for long-term motor vehicle access, and a "temporary road" is one authorized by contract, permit or lease which is not intended to be part of the forest transportation system. The Draft EIS makes it clear that no permanent or temporary roads are proposed within the inventoried roadless areas (see DEIS, pp. 30, 40). As there will be no road construction or reconstruction within inventoried roadless areas in connection with the Bull Mountain pipeline, the prohibitions of the 2001 Roadless Rule are not triggered by this proposed action.	See Response 52.2
52.4 It will be necessary in some limited areas to remove trees in the inventoried roadless areas to the extent that they interfere with the proposed pipeline route. The 2001 Roadless Rule also provided that timber may not be cut, sold or removed in inventoried roadless areas except as provided in the rule. One of those exceptions is where the cutting, sale or removal of timber is incidental to the implementation of a management activity not otherwise prohibited by the rule. 36 C.F.R. §294.13(b)(2) (2001). If a pipeline	See Response 52.2

Respondent #52. Bjork-Lindley-Little Law firm, 1600 Stout St, Suite 1400, Denver CO. 80202. 3-page letter dated Nov. 03, 2006 but recd November 29, 2006.	
Comment	Comment Analysis and FS/BLM Response
right-of-way is issued to SG Interests as contemplated under the Proposed Action, then the cutting of any timber incidental to that activity would be permitted under this section of the 2001 rule.	
52.5 Even if road construction was necessary in inventoried roadless areas in order to construct the Bull Mountain pipeline (and it is not, as explained in the DEIS), there is an additional reason why the proposed Bull Mountain Pipeline is not prohibited by the 2001 Rule. That rule makes an exception for road construction where a road is needed "in conjunction with the continuation, extension, or renewal of a mineral lease on lands that are under lease by the Secretary of the Interior as of January 12, 2001." Because many of the leases to be served by the proposed Bull Mountain Pipeline were in effect as of January 12, 2001, a road to allow the removal by truck of product from those leases is clearly permitted. Therefore, a pipeline which would allow less disruptive removal of the product and which is essential in order to extend the leases is specifically permitted by the 2001 rule.	See Response 52.2
52.6 We believe that the Draft EIS fully analyzes the impacts of the proposed Bull Mountain Pipeline on all potentially affected resources, including inventoried roadless areas. Neither the decision by the magistrate in California nor the Chief's September 22, 2006 memo prevents the Forest Service from considering the Proposed Action or Alternative 1. We urge you to promptly complete the Final Environmental Impact Statement and authorize issuance of the right-of-way for the pipeline.	See Response 52.2

Respondent #53. Gunnison Energy Corporation, 1801 Broadway, Suite 1200, Denver, CO. 8-page letter dated Nov. 07, 2006 but recd at FS office November 29, 2006.	
Comment	Comment Analysis and FS/BLM Response
53.1 Gunnison Energy Corporation (Gunnison Energy) is pleased to comment on the Draft Environmental Impact Statement for the Bull Mountain Natural Gas Pipeline Project (Bull Mountain DEIS). Gunnison Energy owns Federal oil and gas leases and operates several natural gas wells within the Grand Mesa and Gunnison National Forests, as well as several fee oil and gas leases in the immediate vicinity of the Bull Mountain Unit, the area to be served by the proposed BMNGP. Gunnison Energy additionally owns Federal and fee oil and gas leases along the proposed route of the Bull Mountain Natural Gas Pipeline ("BMNGP" or "Pipeline"), and is an owner of the Ragged Mountain Pipeline, the only	Introductory remarks.

Respondent #53. Gunnison Energy Corporation, 1801 Broadway, Suite 1200, Denver, CO. 8-page letter dated Nov. 07, 2006 but recd at FS office November 29, 2006.	
Comment	Comment Analysis and FS/BLM Response
existing pipeline gathering system in the North Fork Valley. As such, Gunnison Energy's interests will be significantly impacted by the agencies' decision to timely approve the proposed natural gas pipeline.	
53.2 GENERAL COMMENTS Gunnison Energy applauds the United States Forest Service (Forest Service) and the Bureau of land Management (BLM) (collectively the "agencies") for the quality and thoroughness of the analysis contained in the DEIS. The Bull Mountain DEIS clearly satisfies the twin purposes of the National Environmental Policy Act of 1969 ("NEPA"), to consider the potential impacts of a proposed Federal action and to inform members of the public of those potential impacts. *See Baltimore* Gas & *Electric* v. *Natural Resources Defense Council,* 462 U.S. 87,97 (1983). In the Bull Mountain DEIS the agencies analyze the potential impacts that the installation of the BMNGP may have upon a wide variety of resources, under an appropriate range of alternatives. For the reasons stated herein, Gunnison Energy supports the agencies' Preferred Alternative, the approval of the BMNG as proposed by SG Interest I, LTD and encourages the BLM and Forest Service to expeditiously complete their analysis and approve the BMNGP applying only such stipulations as are reasonably necessary to protect other resources.	Notes support for the Proposed Action (Preferred Alternative).
53.3 Gunnison Energy believes the BMNGP is necessary to fulfill the terms of existing leases. Absent the approval of the BMNGP, it would be impossible to transport natural gas produced from Federal and fee leases in the North Fork Valley to existing interstate pipelines in Garfield County, Colorado. Neither the existing Ragged Mountain Pipeline nor the Rocky Mountain Natural Gas Pipeline, the interstate pipeline to which the Ragged Mountain pipeline connects, have sufficient capacity to transport natural gas from existing leases in the area. Perhaps more importantly, the Ragged Mountain Pipeline does not provide connection to the national energy markets and, instead, serves only a local market through the Rocky Mountain Natural Gas Pipeline. The BMNGP will allow operators to transport gas from existing leases to a national market- if additional natural gas development is proposed, approved by the agencies, and determined to be economically and technically feasible. The installation of the pipeline will additionally serve the local, state, and national interest by facilitating the production of domestic energy sources.	Notes support for the Proposed Action (Preferred Alternative).
53.4 APPROVAL OF THE PROPOSED ACTION /PREFERRED ALTERNATIVE Based on Gunnison Energy's review of the Bull	Notes support for the Proposed Action (Preferred Alternative).

Respondent #53. Gunnison Energy Corporation, 1801 Broadway, Suite 1200, Denver, CO. 8-page letter dated Nov. 07, 2006 but recd at FS office November 29, 2006.

Comment	Comment Analysis and FS/BLM Response
Mountain DEIS, it appears the approval of the Proposed Action is the most appropriate alternative for several reasons. First, the approval of the Proposed Action is necessary to fulfill the terms of existing leases by transporting produced gas. Second, the approval of the Proposed Action will have the least amount of impact upon air quality, vegetation, and hazardous and steep slopes. The approval of either Alternative 2 or Alternative 3 would lead to the potential emission of hundreds of tons of nitrogen oxides (NOx), carbon monoxide (CO), particulate matter (PM2.5 and PM10), volatile organic compounds (VOCs), and sulfur oxides (SOx) during construction operations compared to the Proposed Action. See BMNGP DEIS, pg. 79. The approval of Alternative 3 would potentially lead to double the NOx, VOC, and SOx emissions. *Id.* Additionally, both Alternative 2 and Alternative 3 would impact 40 to 80 acres, respectively, of lands with highly hazardous slope conditions compared to the Proposed Action, which would not impact even one acre of highly unstable slopes. *Id.* at 80. The Proposed Action will additionally impact the least amount of wetlands as compared to the other alternatives, and would have the least potential impact on vegetation resources. *Id.* at pgs. 80, 82. Given this comparison, the Proposed Action is the most preferred and logical alternative.	
53.5 <u>INVENTORIED ROADLESS AREAS</u> The proposed action results in the Bull Mountain pipeline crossing approximately 8.3 miles of lands included in Inventoried Roadless Areas (IRAs). It should be noted that the vast majority (approximately 6 miles) of this distance follows a corridor which has previously been disturbed during the construction of the Ragged Mountain Pipeline in the early 1980's. In fact, of the 8.3 miles of IRAs crossed by the BMNGP, only 2.6 miles would not follow existing pipeline routes. *See* Bull Mountain DEIS, pg. 240.	Restatement of DEIS contents.
53.6 The discussion of inventoried roadless areas (IRAs) in Section 3.10 of the Bull Mountain DEIS must be updated in light of recent court rulings. The information must also be corrected in light of several legal and factual inaccuracies contained in the DEIS. As discussed in more detail below, despite the legal uncertainty surrounding the treatment of inventoried roadless areas, it is clear that the Forest Service and the BLM have the authority to approve the Bull Mountain Pipeline immediately. The agencies should expeditiously continue their analysis for the Bull Mountain Pipeline and issue the required approvals as soon as practicable.	The recent decision (Sept 19th, 2006) in <u>California v. Dept. of Agriculture</u> that set aside the State Petitions Roadless Rule and reinstated the 2001 Roadless Rule, is being evaluated as it pertains to the Bull Mountain project DEIS. The FEIS and any final decision in a ROD would be consistent with the legal determination for the Roadless Rule at the time of the decision. See Response 1.1 for a detailed discussion of the BMNG project and consistency with the 2001 Rule.

Respondent #53. Gunnison Energy Corporation, 1801 Broadway, Suite 1200, Denver, CO. 8-page letter dated Nov. 07, 2006 but recd at FS office November 29, 2006.	
Comment	Comment Analysis and FS/BLM Response
53.7 <u>Current Status of the 2005 Roadless Rule</u> The information in the Bull Mountain DEIS must be updated to reflect recent events impacting the management of road less areas. As you are aware, on January 12, 2001, the Forest Service issued regulations generally prohibiting road construction or timber harvesting in approximately 58.5 million acres of National Forest System lands. 66 Fed. Reg. 3272 (January 12, 2001) (the "2001 Roadless Rule"). The 2001 regulations generally prohibit road construction within specified so-called inventoried roadless areas identified in an EIS released in November of 2000, which was in turn based primarily upon the RARE II Study completed in 1979. After extensive litigation in the 9th and 10th Circuit Courts of Appeals, including a court decision from the United States District Court for the District of Wyoming permanently enjoining the implementation of the 2001 Roadless Rule, the Forest Service issued new regulations allowing individual states to petition the Forest Service for customized rules to manage inventoried roadless areas within their respective states. *See* 70 Fed. Reg. 25661 (May 13, 2005) (the "2005 Roadless Rule"). The 2005 Roadless Rule was intended to replace the 2001 Roadless Rule in its entirety. *Id.* The discussion of the 2005 Roadless Rule and the State petition process in the DEIS is accurate, but, as the Forest Service is aware, recent legal rulings have changed the regulatory framework.	See Response 53.6
53.8 In September of 2006, the 2005 Roadless Rule, formally entitled State Petitions for Inventoried Roadless Area Management, was enjoined by a Federal Magistrate Judge in the United States District Court for the Northern District of California. *See California v. United States Dept of Agriculture,* No. 06-CV-3508, 2006 WL 2711469 (N.D. Cal. Sept. 20, 2006). In addition to striking the 2005 Roadless Rule, the court further reinstated the 2001 regulations promulgated on January 12, 2001. *See* 66 Fed. Reg. 3272 (January 12, 2001). As a result of the court's decision, Dale Bosworth, Chief of the Forest Service, issued a directive on September 22, 2006, ordering Forest Service officials not to approve any further management activities in inventoried roadless areas that would be prohibited by the 2001 Roadless Rule previously codified at 36 C.F.R. pt. 294. Although appeals of the ruling are still pending, the information contained in the Bull Mountain DEIS is not accurate. The agencies should revise this section in the FEIS to ensure that the public disclosure requirements of NEPA are fulfilled.	See Response 53.6
53.9 <u>The Agencies Have the Authority to Approve the Bull Mountain Pipeline</u> Despite the legal controversy surrounding the 2001	See Response 53.6

Respondent #53. Gunnison Energy Corporation, 1801 Broadway, Suite 1200, Denver, CO. 8-page letter dated Nov. 07, 2006 but recd at FS office November 29, 2006.

Comment	Comment Analysis and FS/BLM Response
and 2005 Roadless Rules, the Forest Service has the authority to approve the BMNGP. Under either the 2001 Roadless Rule or the 2005 Roadless Rule and Interim Directive 1920-2006-1, the Forest Service has the requisite authority to approve the Bull Mountain Pipeline.[1] As succinctly described in Section 3.10.2 of the Bull Mountain DEIS, the Forest Service clearly has the authority to approve the construction of the BMNGP under the 2005 Roadless Rule and Interim Directive 1920-2006-1. As clearly disclosed in the Bull Mountain DEIS, the approval of the BMNGP will not result in the construction of <u>any</u> roads in inventoried roadless areas. *See* Bull Mountain DEIS, pgs. 30, 40, 239, 242. The Regional Forester has the authority to approve projects within inventoried roadless areas, including those that require the incidental removal of timber, in situations such as the present where the timber cutting is incidental to the implementation of a management activity not otherwise prohibited by the existing land and resource management plans. *See* Interim Directive 1920-2006-1. [1] Because the Bull Mountain Pipeline crosses surface lands administered by the Forest Service and surface lands administered by the BLM, the Secretary of the Interior has the exclusive authority to issue a right-of-way for the proposed pipeline. 30 V.S.C. § 185(c)(1) (2006). The terms of the Mineral Leasing Act require the Secretary of the Interior to consult with other agencies, but not seek their concurrence. *Id.* BLM regulations, however, require the BLM to seek concurrence from other agencies, but still provide the Secretary of the Interior the authority to grant a pipeline right-of-way in the absence of a concurrence so long as doing so is not inconsistent with the purpose of the Federal reservation. On page 9 of the Bull Mountain DEIS, the agencies inappropriately refer to 43 C.F.R. § 2882.3(i) for the proposition that the Forest Service may deny concurrence for the pipeline. Section 43 C.P.R. § 2882.3(i) does not exist. The agencies likely intended to refer to 43 C.F.R. § 2883.23(a)(1) or 2884.26 (2006).	
53.10 Similarly, under the 2001 Roadless Rule, the Forest Service has the authority to approve the BMNGP. First, Section 294.12 prohibits only road construction or reconstruction within inventoried road less areas; the regulation does not prohibit pipeline construction or the installation of a utility corridor. *See* 36 C.F.R. § 294.12 (2001). As already noted above, the authorization of the BMNGP does not approve either temporary or permanent road construction within any	See Response 53.6

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inventoried roadless areas. *See* Bull Mountain DEIS, pgs. 30, 40, 239, 242. The 2001 Roadless Rule prohibits only the construction or reconstruction of a road within an inventoried road less area. 36 C.F.R. § 294.12(a) (2001). The term "road construction" is defined as an "[a]ctivity that results in the addition of forest classified or temporary road miles." 36 C.F.R. § 294.11 (2001). Road reconstruction is similarly defined as an activity "that results in improvement of realignment of an existing or classified road." *Id.* The installation of the BMNGP, including the use of the right-of-way to construct and monitor the Pipeline, will not result in the addition of any permanent or temporary road miles within inventoried roadless areas. As such, the 2001 Roadless Rule does not prohibit the construction of the BMNGP because no roads or road miles will be constructed within the inventoried road less area. *See* 36 C.F.R. § 294.12(a) (2001).	
53.11 Second, the prohibition on cutting timber within inventoried roadless areas, found in 36 C.F .R. § 294.13, does not apply where the "cutting, sale, and removal of timber is incidental to the implementation of a management activity not otherwise prohibited" by the 2001 Roadless Rule. 36 C.F.R. § 294.13(b)(2) (2001). Because the construction of the BMNGP is not otherwise prohibited by the 2001 Roadless Rule, and because the construction of the BMNGP is in conformance with both the White River and GMUG Forest Plans, the Forest Service has the authority to approve this important project.	See Response 53.6
53.12 Importantly, neither the Draft EIS, Final EIS, nor the Federal Register Notices accompanying the draft and final versions of the 2001 Roadless Rule, 65 Fed. Reg. 30276 (May 10, 2000); 66 Fed. Reg. 3244 (Jan. 12, 2001), directly or indirectly address a prohibition on the approval of pipelines within inventoried roadless areas. Had the Forest Service intended to prohibit the construction of pipelines, it should have included such information, and analyzed the potential impacts stemming from such a decision, in the EIS for the original 2001 Roadless Rule. Given the absence of such information and analysis, and given the lack of a prohibition in the language of the 2001 Roadless Rule, it seems clear the Forest Service did not intend to prohibit the installation of pipelines in inventoried roadless areas in the 2001 Roadless Rule.	See Response 53.6
53.13 In the unlikely event the BMNGP and associated right-of-way are somehow considered to be a temporary road, despite the fact travel would not be authorized on said right-of-way except for very	See Response 53.6

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limited purposes associated with the BMNGP itself, the 2001 Roadless Rule still would not prohibit the construction of the Pipeline. The 2001 Roadless Rule specifically contains an exception for roads that are "needed in conjunction with the continuation, extension, or renewal of a mineral lease" that were in effect as of January 12, 2001. 36 C.F.R. § 294.12(b)(7) (2001). According to the Bull Mountain DEIS, over 42,000 acres within the Clear Creek IRA are currently under lease for potential oil and gas development, and surface occupancy would be allowed on all but 5,300 acres of said leases. *See* Bull Mountain DEIS, pg. 238. Because the vast majority of leases within the Clear Creek IRA predate the 2001 Roadless Rule, and many date back to 1971, the Forest Service has the authority to authorize the construction of temporary roads that are necessary to the continuation or extension of these Federal oil and gas lease.[2] [2] Several of the Federal oil and gas leases in the Clear Creek IRA were issued in the early seventies, prior to even the RARE n survey upon which the 2001 Roadless Rule was based. For example, Federal oil and gas lease COC- 13484, COC-13573, COC-13600, COC-13601, COC-13602, COC-13935 and COC-042314 were issued in 1971 and leases COC-16186 and COC-16187 were issued in 1972. Lease COC-30465 was issued in 1980. Collectively these leases encompass over 21,000 acres of the Clear Creek IRA.	
53.14 In particular, many of the leases within the Bull Mountain Unit-the lands that will be directly served by the BMNGP-were issued prior to January 12, 2001, and at least one lease within the unit dates back to 1971.[3] Because transportation of natural gas from a lease is a necessary and integral component of continuing and extending a Federal lease through actual production, the construction of the BMNGP should be authorized under 36 C.F.R. § 294.12(b)(7). The reinstatement of the 2001 Roadless Rule simply does not prohibit the approval of the BMNGP. In the Final EIS for the BMNGF), the Forest Service should clearly explain that the construction of the Pipeline is critical to the continuation and extension of existing oil and gas leases in the area and, therefore that the construction of the Pipeline is not prohibited by the 2001 Roadless Rule. The Final EIS must clearly support the conclusion that Pipeline construction in conjunction with a mineral lease is authorized under the 2001 Roadless Rule, so long as the approval does not result in the construction of a permanent	See Response 53.6

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road. [3] Federal oil and gas lease COC-O42314 was issued in 1971 and leases COC-O63486, COC-064164, COC-064165, COC-064166, COC-064167, COC-064170, COC-064171, and COC-064172 were issued prior to January 12, 2001. These leases collectively encompass over 11,000 acres.	
53.15 <u>GMUG Land and Resource Management Plan Direction</u> Although the Bull Mountain DEIS correctly indicates that the existing Land Use Plan for the Grand Mesa, Uncompahgre, and Gunnison (GMUG) National Forests does not provide specific direction for inventoried roadless areas, the Bull Mountain DEIS fails to note that the Clear Creek IRA is not managed for "roadless" qualities under the terms of the 1991 Forest Plan for the GMUG, and the vast majority of the lands within the Clear Creek IRA were made available for oil and gas leasing and development in the 1993 Oil and Gas Leasing Record of Decision and Amendment to the GMUG Forest Plan. Further, the Bull Mountain DEIS fails to recognize that the entire Clear Creek IRA was determined to be suitable for additional road construction in the Preliminary Draft Forest Plan for the GMUG National Forest released in July of 2006. *See* Preliminary Draft Forest Plan, Figure 25. Despite the misnomer, the Clear Creek IRA was not managed for "roadless qualities" in 1991, 1993 and, based on the Initial Draft of the GMUG Forest Plan, the Forest Service has no intention to manage the area for roadless qualities in 2006. The Bull Mountain FEIS should more clearly explain the current and proposed management for the Clear Creek area.	Roadless Response: Under the 1991 Forest Plan, three management prescriptions were assigned to portions of the Clear Creek IRA, approximately 75% of the area was assigned a 6B, livestock grazing prescription, approximately 20% was assigned as a 7A, timber production and approximately 5% was assigned as a 3A, Semi-primitive non-motorized prescription. Although these prescriptions allow for roading and development, minimal development has occurred. Public access and travel management within the IRA landscape has emphasized non-motorized trail use. Roads constructed in accordance with lease permits and timber sale contracts have been closed to public use and decommissioned when activities have terminated. The Preliminary Draft Forest Plan posted on the GMUG forest website in July of 2006 is merely a work in progress. Draft plans have no official status. Once a final forest plan decision is made, it will replace the current forest plan and subsequent management direction. That said, the July 2006 version did identify the Clear Fork area as an energy emphasis area, yet also recognized the existing roadless nature of the area. "Most of these landscapes have existing character that best approximates Theme 3 conditions" (see excerpt below). Preliminary management guidance in the July 2006 version proposes management practices that retain natural conditions where feasible.
53.16 <u>Existing Condition *of* the Clear Creek Area</u> As noted briefly above, the Clear Creek area has not been managed for "roadless qualities" or characteristics for the past fifteen years, and referring to the area as roadless is not only incorrect, it is potentially misleading to the public. Although the area was determined to have roadless characteristics in the 1979 RARE II inventory, an exercise that was overturned by the United States Court of Appeals for the Ninth Circuit in *California v. Block,* 690 F.2d 753 (9th Cir. 1982), and although the Forest Service's Roadless Area Conservation EIS assumed the area was still generally roadless, the Clear Creek area does not have roadless characteristics. Contrary to the statements in the Bull Mountain DEIS, the Clear Creek IRA is not "un-roaded." The Clear Creek area, sometimes referred to as the Clear Fork Landscape, contains 31 miles of classified roads, 7 natural gas wells, a natural gas	Roadless Response: California v Block decision merely states that the RARE II EIS was not adequate to allow non-wilderness activities to occur within Inventoried Roadless Areas (IRA) without additional analysis; it did not "overturn" the RARE II inventory: "On January 8, 1980, the district court granted California's motion for summary judgment… the court held that the RARE II Final EIS was inadequate to support the No- wilderness designations of the disputed areas and therefore violated NEPA … Pursuant to these holdings, the district court enjoined the Forest Service from taking any action that might change the wilderness character of the disputed areas in California until it filed an EIS that satisfied NEPA's requirements and considered the impact of the decision upon the wilderness characteristics of these areas." 690F.2d 752, 1982 U.S. App. LEXIS 24616, page 6 paragraph 9 Although there has been some development within the Clear Creek IRA, the location and intensity of development has been

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gathering system, and a compressor station for transmission of the natural gas across the IRA to the Rocky Mountain Natural Gas Pipeline. The Clear Creek area has experienced significant development over the past several years. There is even a private parcel which must be accessed through roads within the Clear Creek IRA. Further, of the 43,330 acres in the Clear Creek IRA, approximately 42,500 acres have been leased for oil and gas development under the terms of the 1993 Oil and Gas Leasing Record of Decision and accompanying GMUG Forest Plan Amendment. *See* Bull Mountain DEIS, pg. 238. As the agencies are aware, oil and gas leases are valid and existing rights that must be honored. Under the terms of the 2001 Roadless Rule, roads may be constructed in inventoried roadless areas if the road is needed in conjunction with a mineral lease issued prior to January 12, 2001. 36 C.F.R. § 294.12(b)(7) (200'1). As noted above, many of the leases within the Clear Creek IRA predate January 12, 2001. The Ragged Mountain Pipeline also passes through the Clear Creek area and as stated above would be parallel to the BMNGP. The pipeline and gathering system were constructed in 1983, and the pipeline remains in operation today. It is simply incorrect to suggest that the Clear Creek area is un-roaded, or to ignore the fact that additional roads could be constructed in the future to support mineral activities on leases that predate the 2001 Roadless Rule.	such that the core of the IRA has retained Roadless character and values. As a result of forest plan revision, the GMUG forest underwent a wilderness evaluation process in 2005. Following the criteria outlined in Chapter 70 of FSH 1909.12, approximately 37,000 acres of the Clear Creek IRA was determined to possess wilderness character (capability) and is depicted on the attached map as Turner Creek and Clear Fork units. Although there is some overlap, the Clear Creek IRA and the Clear Fork Landscape Unit are individual areas delineated for separate and distinct purposes. The Clear Creek IRA was mapped in 1977 during the RARE II evaluation and is identified in its entirety in the 2001 Roadless Area Conservation Rule. The Clear Fork Landscape unit was developed as an analysis unit during forest plan revision (see attached map). The Clear Creak IRA contains approximately 5.7 miles of road and 5 gas wells. The one compressor station within the IRA shares a well pad with one of the existing wells. The existing Ragged pipeline has revegetated with grasses, forbs and some shrubs.
53.17 <u>Methodology for Analysis</u> Section 3.10.3 of the Bull Mountain EIS appears to contain significant legal errors regarding the methodology for the agencies' analysis of inventoried road less areas. In particular, the section appears to impermissibly confuse "roadless character" with criteria used to identify potential wilderness areas under the Wilderness Act of 1964. In the Bull Mountain DEIS the agencies state that "roadless character is defined by the areas' naturalness and ability to provide a sense of remoteness and opportunities for solitude." *See* Bull Mountain DEIS, pg. 237. It appears that this standard was drawn from the criteria used to define wilderness areas in the Forest Service's land Management Planning Handbook. In particular, Section 1209.12, Chapter 70 defines the process for reviewing and proposing new wilderness areas. Section 1209.12, Chapter 70, part 72.1 of the Forest Service Handbook notes that criteria considered when evaluating potential wilderness include "a feeling of solitude" and whether the area is isolated from "sights, sounds, and the presence of others and from the developments and evidence of man." At	Roadless Response: The development for the Inventoried Roadless Areas followed NFMA, NEPA, Forest Plan, Forest Service Manual, and Forest Service Handbook direction. See also response 1.1. The court case referred to here was not a determination rather one that was filed, withdrawn, and now refilled. There is no determination as of yet by the courts as to the validity of the claimants statement.

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least one Federal court criticized the Forest Service for impermissibly creating *de facto* wilderness areas when the 2001 Roadless Rule was promulgated. *See Wyoming v. United States Dep't* of *Agriculture, 277 F.Supp.2d 1197, 1236-37 (D, Wyo. 2003*). The court in that case specifically noted the similarities between the definitions of roadless areas and wilderness areas and determined the Forest Service was illegally usurping Congress's exclusive authority to designate new wilderness areas. *Id.*	
53.18 Further, Gunnison Energy is not aware of any national or regional authority defining roadless areas as those providing a sense of remoteness or opportunities for solitude. The 2001 Roadless Rule, which is now in effect, specifically define "roadless area characteristics." 36 C.F.R. § 294.11 9 (2001). Remoteness and solitude are not mentioned in that definition, nor are they referenced in the definition of "roadless area characteristics" in the Forest Service's 2000 Roadless Area Conservation EIS. Because the agencies are inappropriately, and potentially illegally, confusing the definitions of road less areas and areas with wilderness characteristics, the agencies should significantly revise Section 3.10.3 of the Bull Mountain DEIS.	See Response 53.6
53.19 <u>CONCLUSION</u> Gunnison Energy Corporation appreciates the opportunity to comment on the Bull Mountain DEIS and urges the Forest Service and the BLM to expedite their review and approval of this project. The project proponent has minimized the impact of the BMNGP to the environment by designing a course that parallels the existing Ragged Mountain Pipeline to the extent possible, and by selecting a course that minimizes potential negative impacts to wetlands and areas with hazardous slopes and unstable soils. Pipeline construction is essential to the fulfillment of existing oil and gas leases, including many that were issued prior to 2001. The agencies should issue a final Environmental Impact Statement for this project as soon as possible, and approve the BMNGP as proposed. Gunnison Energy Corporation appreciates the opportunity to comment on this important project.	Closing remarks and notes support for the project and the preferred alternative.

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54.1 In accordance with our responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act, the U.S. Environmental Protection Agency Region 8 (EP A)	Introduction comments.

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has reviewed the Draft Environmental Impact Statement (DEIS) for the Bull Mountain Natural Gas Pipeline (BMNGP) project. The proposed project is located on public lands administered by the Bureau of Land Management (BLM) Glenwood Springs Field Office, and National Forest System lands administered by the Grand Mesa-Uncompahgre and Gunnison National Forests (GMUG) and the White River National Forest (WRNF). The BLM and the Forest Service (FS) are joint lead agencies for this project. Herein we provide comments and our environmental rating of the proposed action.	
54.2 With this project the proponent SO Interests I, LTD (SG) proposes to construct, operate and maintain two 25.5 mile pipelines and related facilities on public lands that would cross public lands Gunnison, Delta, Mesa and Garfield counties in the State of Colorado. A 20-inch pipeline would carry natural gas from an existing pipeline at the Divide Creek Compressor Station south to a proposed Bull Mountain Compressor Station (located on private land). The second pipeline is an 8-inch diameter steel pipe to transport water co-produced with the gas in the Bull Mountain Unit production area. Both pipelines would be installed adjacent in the same 50-foot Right-of-Way (ROW). The BMNGP project involves two connected actions that take place on private lands. These are: (1) construction and operation of the Bull Mountain compressor station and natural gas processing facility at the south end of the pipeline, and (2) pipeline operational facilities located at the existing Divide Creek Compressor Station.	Restatement of the Proposed Action details.
54.3 EPA has reviewed the subject DEIS and finds that the document is generally well written and addresses many environmental issues. Implementation of project activities and mitigation, and a number of applicable monitoring, maintenance and closeout requirements are addressed.	General comments, no response required
54.4 Many mitigation measures and Best Management Practices (BMPs) are provided to help lessen some environmental impacts. However, EPA has concerns with potential environmental impacts from the project. With respect to wetlands and riparian areas, based on our review it is not clear that all practicable efforts to avoid impacts to wetlands and riparian areas were considered in this analysis as required under the Clean Water Act. We request that additional information, mitigation and monitoring be included in the FEIS and Record of Decision (ROD) regarding wetlands, upland vegetation, and riparian resources and we suggest additional BMPs that may reduce impacts to wetlands that would be affected. We also have some questions and concerns related	Fisheries Topic Response: All project design criteria and BMPs designed to avoid impacts to fisheries will be implemented. Watershed Topic Response: Clarifications noted.

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	to air and water quality, vegetation, off-road vehicle, and inventoried road-less area aspects of the project. Our more detailed comments, questions, and concerns regarding the analysis, documentation, and potential environmental impacts of the BMNGP project are enclosed for your review and consideration as you complete the Final Environmental Impact Statement (FEIS). Finally, we believe it is appropriate and important to have commitment for all mitigation activities and BMPs placed in the ROD to help insure enforceability.	
54.5	Based on the procedures EPA uses to evaluate the adequacy of the information and the potential environmental impacts of the proposed action and alternatives in an EIS, the BMNGP project has been rated as Category EC-2 (Environmental Concerns - Insufficient Information). The "EC" rating indicates that the EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative, or application of mitigation measures or actions that can reduce these impacts. The "2" indicates that EPA has identified additional information, data, analyses or discussion that should be included in the FEIS: A full description of EPA's EIS rating system is enclosed.	Statement of ranking.
54.6	We appreciate the opportunity to participate in this project and we are available to discuss these comments further. If you have any questions or would like to discuss our comments, please contact me (303-312-6004) or Steven Pratt (303-312-6575) of my staff.	Contact Information and cover letter conclusion
54.7	1.0 Wetlands and Riparian areas. 1.1. Executive Order 11990, "Protection of Wetlands," signed in 1978 and amended in 1988, addresses potential long and short-term adverse impacts associated with the destruction or modification of wetlands. The Order requires Federal Agencies to avoid loss of wetland values where possible. While information is provided on the acres of wetlands affected, and the proposed alternative has the lowest acreage of wetlands impacts, no information is provided on functional loses expected. Please provide information in the FEIS to allow determination of the amount of functional loss expected from this project.	Watershed Topic Response: A detailed Wetland survey of the propose action was completed by Cirrus and numbers describing functional loss are available for that alternative. However, time restraints limited our ability to collect information on wetlands for the other alternatives, so those potential actions would have to be surveyed if selected.
54.8	1.2. The DEIS has a brief discussion (page 124) of regulatory requirements and indicates that to comply with Executive Order 11990 the agencies will coordinate with the Corps of Engineers (COE) under Section 404 of the Clean Water Act (CWA). We wish: to note that Executive Order 11990 requirements apply to all wetlands, not just wetlands	Watershed Topic Response: The Project would treat all wetlands the same, jurisdictional, fen, or those which only marginally missed qualifying as jurisdictional.

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the COB may determine to be jurisdictional for CWA purposes. Also, the DEIS does not mention fen wetlands. The EPA suggests that the FS/BLM require complete avoidance of disturbance to any fen wetland (a Category I resource).	
54.9 1.3. On page 126 the DEIS refers the reader to Appendix 12 of the plan of development (POD) for wetland types and locations. Unfortunately, at his time the subject attachment in the referenced POD appendix is a blank sheet, so we cannot review for comments (i.e., if there are any single large wetland complexes that would be avoided by any particular alternative). This list needs to be provided. In addition, we suggest that a map also be provided for clarity. Also, this information should be provided in the EIS itself for completeness.	Watershed Topic Response: Clarifications noted. Corrections noted.
54.10 1.4. A wetland biologist or hydrologist should be on site during all activities within or near wetlands. They should identify the depth of topsoil (the a-horizon) for each wetland because the depth will vary between, or even within, wetlands. To enhance plant survival, the topsoil layer should be stored with the green side up until it is replaced. Salvage of the plant layer should be required even in saturated or inundated wetlands.	Watershed Topic Response: An environmental inspector will be on site at all times during implementation of the Project. EPA recommendations for wetland rehabilitation are noted and will be recommended to be included in the final POD.
54.11 1.5. Wetland disturbance will be minimized if topsoil and subsoil are stored separately outside the wetland. Where a wetland is too large, or upland sites are unavailable to stockpile excavated soil outside the wetland, the soil should be segregated and placed on mats on top of wetland vegetation. The time between excavation and trench filling should be minimized to improve recovery.	Watershed Topic Response: EPA recommendations for wetland rehabilitation are noted and will be recommended to be included in the final POD.
54.12 1.6. The DEIS should specify that all wetlands mitigation measures will be applied to any wetland with requisite soils, hydrology and plants, regardless to whether the wetland is regulated under the CWA. This statement is needed to comply with Executive Order 11990, which is not limited to "jurisdictional" wetlands.	Watershed Topic Response: Clarification Noted.
54.13 1.7. It may be appropriate to require sediment barrier installation at some distance outside the wetland rather than, or in addition to, ".. .adjacent to wetlands.. ." (page 52, paragraph 5), else when the barrier is removed it may leave accumulated sediment piled immediately adjacent to the wetland.	Watershed Topic Response: EPA recommendations for wetland rehabilitation are noted and will be recommended to be included in the final POD.
54.14 1.8. Trenching/excavation methods are proposed for pipeline traverse of all streams and wetlands. Lower impact flume construction is proposed for crossing of all perennial streams, and certain safeguards are provided for wetlands crossings. However, to further mitigate potential impacts we suggest that where	Watershed Topic Response: EPA recommendation for directional boring on appropriate streams and wetlands will be suggested to be included in the POD final. Fisheries Topic Response: Directional drilling (boring) was discussed during the analysis field trips and project meetings.

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practicable, and where it would not cause more impact to aquatic resources than trenching, the use of directional drilling (boring) be evaluated and considered on a case by case basis. While some wetlands or streams may have characteristics that would make boring impractical, use of boring methods instead of trenching would afford better protection of wetlands or streams where applicable. The use of borings should lessen the impacts to sensitive species such as the Bluehead Sucker, Colorado River Cutthroat Trout and Boreal Toad.	SG indicated that boring was not a viable alternative for stream crossings on this project. Pipeline Engineer Response: For clarification, please note that boring is a different process than directional drilling.
54.15 1.9. In Section 6.1 of Appendix 12 to the POD, it is stated: "In areas where there is no reasonable access to the right-of-way except through wetlands, *non-essential* equipment will be allowed to travel through wetlands only if the ground is firm enough or has been stabilized to avoid rutting" (emphasis added). This statement may need some clarification or revision as we see no reason for "non-essential" equipment to travel through or be in a wetland.	Watershed Topic Response: Agreed and noted. This statement will be clarified for the Final. Pipeline Engineer Response: We presume EPA is referring to equipment not essential for the construction of the wetland crossing. FERC's Wetland and Waterbody Contruction and Mitigation Procedures offers reasonable and common procedures for this issue. The Plan states "In wetlands that can not be appropriately stabilized, all construction equipment other than that needed to install the wetland crossing shall use access roads located in upland areas. Where access roads in upland areas do not provide reasonable access, limit all other construction equipment to one pass through the wetland using the construction right-of-way."
54.16 <u>2.0 Protecting Ground and Surf ace Water Quality.</u> 2.1. On page 30 of the DEIS it is stated of the proposed 8-inch water line: "The water pipeline would transport produced water from the Bull Mountain Unit on the south end to a commercially-available disposal facility at the north end of the project *because a disposal well is not available in the Bull Mountain Unit area"* (emphasis added). Later, on page 34, it is stated of the water line: "... would allow transport of produced water out of the Bull Mountain Unit area *should disposal well capacity in the Bull Mountain Unit prove inadequate"* (emphasis added). This is confusing. Is there a well in the Bull Mountain area? If so, is the adequacy of the well simply not known? Or are there plans to determine if a productive well can be placed in the area? Please explain these conflicting statements and provide additional information on any plans to install a well. A local injection well may be preferable to the water pipeline or trucking for disposal.	The Proponent (SGI) has recently requested that the water line is no longer needed to transport produced water from the gathering field.
54.17 2.2. Related to 2.1 above, if it does prove advantageous to place injection wells in the Bull Mountain area, will the 8-inch line still be installed. If the line is still installed, but the function (i.e., what is transported in the line) changes, then additional NEPA will most likely be required (as discussed in footnote 10 in the DEIS).	Watershed Specialist Response: The information the planning team had at the time of project analysis was that the 8-inch line would be used for transportation of production water- *if needed*. See response 54.16 above. The injection well would be on private land and NEPA is not required, only compliance with local State and County regulations.
54.18 <u>Protecting Air Quality.</u>	Air Quality Topic Response: The team will pass on to SG

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3.1. The BMHGP project includes the construction of a new Bull Mountain Compressor Station on private land at the southern end of the pipeline. The station will include four compressor sets totaling 15,760 HP. While it is true that the FS and BLM have no direct authority over this portion of the project as it is on private lands, recommendations can be made to SG for the type of compressor engines to be installed. Section 3.1.4 Cumulative Impacts acknowledges that there will likely be cumulative air quality impacts connected with current and foreseeable development in the area. It is mentioned that exceedances of Class p PSD increment allowance for NOx, and the NA4QS for the 8-hour CO concentration may occur due to cumulative impacts. These potential impacts underscore the importance of air pollution emissions mitigation. The project's own Project Design Criteria AQ-2 states: "Where electrical power is available, electric motors shall be used to reduce emissions from field engines." We suggest SG consider using electric motors for the four subject gas compressors at the new Bull Mountain Compressor Station. Electric power is near the new compressor station site as according to the DEIS, on page 36, electricity will be supplied to the new compressor station via a "1200' line extending from an existing county road."	EPA's recommendations to consider the use of electric motors to power the new Bull Mountain Compressor Station. The Proponent notes: The compressor engines will be gas fired because the electrical power at the site is inadequate. The closest 3-phase power is at the Oxbow Mine in Somerset, CO, approximately 14 miles from the compressor station site.
54.19 3.2. In Section 3.1.2, Affected Environment -Air Quality Standards, page 94, Table 37 shows thresholds of concern for air quality indicators. While other parts of this section discuss acid deposition and deposition of nitrogen, table 37 does not show deposition thresholds and the section on environmental consequences omits information on deposition. We recommend adding thresholds to table 37 and including at least a qualitative discussion of deposition under environmental consequences.	Air Quality Topic Response: Deposition thresholds have been identified and added to the EIS and can be found in the paragraph above Table 37 in the FEIS.
54.20 3.3. In Section 3.1.2, Affected Environment -Baseline Air Quality Conditions, page 95, Table 39 shows background concentrations of air pollutants. Please explain the statistical basis of the data, for example, whether 24-hour concentrations are the maximum concentrations observed or second-maximum concentrations.	Air Quality Topic Response: We contacted the Colorado Department of Health and Environment (CDPHE) to respond to this question, since the information in Table 39 was ultimately provided by this agency. The second-maximum concentration values were used for the 24-hour, 8-hour, 3-hour, and 1-hour values provided in Table 39. Should you have further questions regarding these values, please contact Nancy Chick with the CDPHE at (303)692-3226.
54.21 3.4. In Section 3.1.3, Environmental Consequences - Dispersion Modeling Results, Page 100, the DEIS states the project to be a pipeline conveying 80 MMSCFD and treats a pipeline conveying 375 MMSCFD, or maximum pipeline capacity, as reasonably foreseeable development. According to this section, "Compressor emissions from operation for maximum pipeline were not analyzed for	Air Quality Topic Response: This is an important point and will be included in the FEIS.

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dispersion impacts because of the uncertainty of the location(s) of the additional compressor station(s) as well as of compressor engine horsepower and quantity constrained any practicable modeling results." The air dispersion modeling analyzed emissions from the compression required to convey 80 MMSCFD (corresponding to 15,760 HP of compression power and 107 tons per year of oxides of nitrogen, or NO_x). The modeling did not analyze emissions from maximum pipeline compression (corresponding to approximately 80,625 HP of compression power and 546 tons per year of NO_x). Emissions from a drilling rate that would accommodate the maximum pipeline scenario also increased by a factor of five over the 80 MMSCFD scenario, and the modeling included drilling emissions from both scenarios. On page 102 the DEIS discloses, through a simple scaling of pollutant concentrations-with emission rates, potential impacts to the PSD Class II increment for nitrogen dioxide and the National Ambient Air Quality Standard for carbon monoxide under the scenario of maximum pipeline capacity. We recommend the FS/BLM acknowledge in the Final EIS and Record of Decision the need for additional analysis of potential air quality impacts, especially to visibility and deposition, if a future NEPA action authorizes increasing the compression rate to maximum pipeline capacity.	
54.22 3.5. No analysis on potential ozone impacts resulting from the project or future cumulative development is included. We have recently seen monitored exceedences of the ozone standard near oil and gas operations in the Pinedale Anticline area of Wyoming, in the winter. The processes leading to these exceedences are under study, and BLM is including in new NEPA documents analysis of the proposed projects' potential contributions to ozone levels. Please include in the FEIS a disclosure of this project's potential contribution to ozone levels.	Air Quality Topic Response: A project-specific analysis of the effect of the Bull Mountain Project on ambient ozone concentrations has not been conducted for this EIS. The scope of the proposed Bull Mountain project is significantly less than scale of development and associated air emissions than has occurred in the Pinedale Anticline region of Wyoming. Simple extrapolations that similar impacts to ambient ozone levels might be attributable to the Bull Mountain Project are unjustified based on the much smaller air emissions associated with the BMP.
54.23 3.6. The development of oil and gas projects will generate greenhouse gases, including methane and carbon dioxide {CO_2. Specifically, this project includes pipeline transport, compressor operation and associated fugitive emissions. The EIS should include an evaluation of project greenhouse emissions and their potential control technologies to provide public disclosure of this environmental impact. Analysis of the CO2 emissions is consistent with the Administration's policies to reduce U.S. greenhouse gas emissions over the next 10 years without sacrificing economic growth. {See the Council on Environmental Quality's Climate VISION web site). An analysis of this reduction of CO_2 emissions, covering the expected design life of the	Air Quality Topic Response: Modeling for $C0_2$ and other greenhouse gasses may be considered for the FEIS. Regarding potential control technologies to reduce carbon dioxide (CO_2) and other greenhouse gasses, no technologies are believed to be presently available on a commercial-scale to effect such emissions control. Greenhouse gas emissions from the project are attributable to fuel combustion, either from mobile equipment and vehicles associated with project construction and operation, or from the compressor engines at the compressor station. While carbon sequestration technologies are currently under development for large combustion sources such as coal-fired power plants, such technologies are not yet available for smaller engines, such as proposed for the compressor station and for mobile

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project, would seem appropriate. Addressing CO_2 emissions in proposed federal actions subject to NEPA is also consistent with the 2005 decision from the 8th Circuit Court of Appeals on the proposed DM&E Railroad as analyzed in the Final EIS prepared by the Surface Transportation Board (Mid States Coalition For Progress, et at. v. Surface Transportation Board, 345 F.3d 520 (8th Cir. 2003)).	construction equipment and vehicles.
54.24 <u>4.0 Inventoried Roadless Areas.</u> 4.1. The BMNGP project will affect three inventoried roadless areas (IRAs). The three IRAs affected are: the Baldy Mountain and East Willow IRAs on the WRNF and the Clear Creek IRA on the GMUG NF. The construction and maintenance of the 100-feet utility corridor in which the pipeline would be constructed will generate short-term and long- term effects on the values and characteristics of these three roadless areas. In accordance with the current regulatory framework the Regional Forester has agreed in writing to the purpose and need for the pipeline. No temporary or permanent roads are proposed for this project, and the pipeline follows an existing pipeline ROW for about two-thirds of the route through the IRAs. While the DEIS provides some requirements for mitigation and monitoring of construction effects, we believe a concern exists for future unauthorized off-road vehicle usage because of the cleared pipeline corridor. The DEIS Project Design Criteria IRA-3 mentions the Environmental Protection Plan, included as Appendix 12 to the POD, as detailing rehabilitation and restoration applicable to IRAs. However, other than a mention of arranging rock to help block the use of the ROW by motor vehicles, no other mitigations are provided in Appendix 12 to restrict off-road use of the ROW. Table 83 -Wildlife Project Design Features on page 189 of the DEIS does state that "Rocks, logs and/or other man-made physical barriers would be placed on the surface of the ROW during reclamation to provide barriers to deter illegal motorized use." This information is good, but it should also be in Appendix 12 as that is where IRA mitigation is specifically sited. NOTE: the discussion in Table 83 further states that the location where this mitigation will be applied is: "Entire length, *where rock and logs are available"* (emphasis added). This should be revised to the effect that if rocks, logs, etc., are not locally available for mitigation, then they will be imported for that use. The FEIS should also provide further requirements for preventing such off-road use. In addition, we suggest a separate section in Appendix 12 be devoted to IRA mitigation, so mitigation requirements are clearly spelled out in one place of the document. Mitigation measures in addition to	Transportation Topic Response: Make recommended additions to Design Features. Add a BMP that deals with "pocking" the soil during reclamation to enhance the reclamation process and make the surface an undesirable to motorized vehicles. See RE-2. Add: 1. Place signing to identify areas that are closed to off-road vehicles. 2. Place enough continuous or intermittent slash or down woody debris on the ROW to prohibit motorized use from using it as a travel corridor. 3. Partial recontouring-recontour the first 100'+ of entrances or intermittent sections of the ROW. 4. Area Closure. Prohibit motorized use using 36 CFR regulations to restrict various types of entry. Use of regulation than physical devices as the primary means to restrict use on ROW. SG will coordinate with the BLM/FS and fee-landowners to determine measures to be implemented to control off-road vehicle use of the ROW. Efforts to control unauthorized off-road vehicle use will continue in cooperation with the landowners and BLM/ USFS throughout the permitted right of way. If the ROW blockage or barrier is breached, SG will be responsible to replace, repair, and reinforce the barriers throughout the life of the permitted right of way. Recreation Topic Response: Project Design Criteria RE-2 and RE-3 identified in Appendix B identify methods to be used to control unauthorized motorized access to the ROW and define the ROW grant holder as responsible for maintaining these closures through out the lifetime of the permitted ROW. RE-m1 establishes annual monitoring for illegal off-road vehicle use of the ROW and replacement, re-enforcement or repair of breached closures by the ROW grant holder.

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rocks and logs, such as locked gates, should be included in the plan, as well as how enforcement requirements will be carried out. Enforcement and monitoring will be an important aspect of controlling off-road use of the ROW.	
54.25 5.0 Vegetation Impacts. 5.1. The DEIS discusses that clearing of trees will occur in many areas; but does not specifically discuss tree restoration. We recommend replacement trees be planted to offset any unavoidable tree loss. Native saplings should be used, if practicable, at a minimum ratio of 1:1. We understand that trees cannot be replaced directly in the pipeline corridor, for access to, and protecting the integrity of, the pipeline. However, in general the replacement trees should be planted as close to where the loss occurred as possible. Alternately, mitigation might also include assisting county, state, or federal agencies with any on-going or planned forest or tree reclamation projects in the watersheds affected. We recommend that the proponents commit to voluntary tree mitigation, if applicable, in the EIS and provide a conceptual mitigation plan that compensates for any unavoidable tree and related habitat loss.	Soils Topic Response: We will consider for the final restoration phase. The Proponent notes: FS reclamation seed mix will be used. The FS has indicated that natural recruitment/encroachment of native tree species will be adequate along forested portions of the route and that planting will not be required. We have stated that willow wands could be used in riparian areas.
54.26 5.2. The proposed alternative and alternative 1 adversely affect about three times the acres of old growth trees than alternative 2 or 3. Old growth stands should be avoided if possible. Where avoidance is not possible, maximum mitigation measures should be practiced. A plan specific to identifying, protecting and mitigating adverse impacts related to old growth trees should be included in the FEIS. Aspects of the mitigation may be in concert with applicable mitigation options discussed in comment 5.1.	Wildlife Topic Response: As discussed in Appendix I-3 of the DEIS, the Proposed Action and Alternative 1 crosses or follows three stands identified as mature spruce/fir with medium canopy cover (potential old growth) and would affect about 9 acres of these stands. These stands were field reviewed in July 2006. It was determined that while they may meet age requirements, these stands lacked many old growth characteristics such as numerous snags, downed logs and clumps of dying trees. Widening of the existing corridor would convert some spruce/fir habitat, but would not affect any functioning old growth (J. Grode, USFS Wildlife Biologist, pers. comm.). The FEIS will be updated to incorporate this new information. It is unknown how much of the aspen is old growth, but the analysis documents why it is believed that Forest Plan direction for old growth is being met (Appendix I).
54.27 6.0 General 6.1. It is difficult to locate the individual appendices, and a specific page within an appendix. Suggest tabbing each appendices and placing the appendix letter on each page within an appendix. In addition, the chapter number should be included on each page of every chapter in the EIS. The POD and associated appendices also lack page numbers. It is very difficult to navigate through the DEIS and related documents because of these pagination deficiencies.	The DEIS has a TOC. The Appendices have a TOC. However, changes will be made to add page footers with more information. The POD is a document provided by the Proponent (SGI) and the decision to use page # is theirs.
54.28 6.2. The construction and operation of the Bull Mountain Compressor Station (located on private land) is a component of the project proposed by SG.	The information about the compressor station was inadvertently left out of the Summary. This will be added for the FEIS.

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However, this is unclear in the initial Summary and in Section 1.0 Introduction of Chapter 1. It is not until the reader gets to Section 1.4 of Chapter 1 that this is evident. Suggest discussing the full project components in the Summary and Section 1.0.	

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55.1 New information regarding oil and gas development on Forests Requires Supplemental DEIS for Bull Mountain Natural Gas Pipeline The Center for Water Advocacy (CWA) is a non-profit public interest entity based in Grand Junction, Colorado dedicated to protecting water resources that affect the interests of the public and its members in the west. CWA conducts legal and scientific research, policy analysis and litigation in its efforts to protect and restore water quantity, water quality and water rights for the health of watershed ecosystems, preservation of cultural identity and the benefit of the public. This letter is to urge you to prepare a supplemental Environmental Impact Statement (Supplemental EIS) for the Bull Mountain Pipeline project (Pipeline) of the White River and Grand Messa, Gunnison and Uncompahgre (GMUG) National Forests that will further study the need to avoid impacting the Clear Creek, East Willow and Baldy Mountain inventoried roadless areas (IRAs) and sensitive aquatic resources within the planning area.	There is not yet any identified need to prepare a SFEIS, as the FEIS has not yet been completed or released to the public. If at that time, the Responsible Official or the Courts determine that the FEIS is inadequate, then direction may be given to produce an SFEIS at that time.
55.2 A federal agency must prepare, circulate and file a supplemental EIS if there are significant new circumstances or information relevant to the environmental concerns that bear on the proposed action or its or its impacts. 40 C.F.R. 15029(c)(1). (emphasis added). The Draft EIS for the Bull Mountain Pipeline Project (DEIS) relied primarily on outdated management plans that inaccurately predicted oil & gas development for the project area.[1] In addition, significant new information on such development has arisen after the DEIS as illustrated by the fact that Colorado Oil and Gas Conservation Director Brian Macke last week at the quarterly Northwest Colorado Oil and Gas Forum meeting in Rifle that Garfield County will likely have seen approximately 1,800 oil and gas permits issued this year, up about 300 from last year. Macke also indicated that the increase will help drive a "huge spike" in permits statewide with an estimated 5,800 permits issued by the end of the year. That compares to 4,364 permits issued last year and would double the number issued in 2004[2]. [1] For detailed description of this and other issues with the Pipeline see the Comments submitted by several conservation organizations dated November 13, 2006 in response to the Forest Service letter to interested parties dated September 6, 2006. (Comments). [2] Mike Mckibbin The Daily Sentinel Garfield County drilling permits headed for record (December 08, 2006).	See Response 55.1 above. To the extent possible, the agencies have included for the purposes of cumulative effects analysis the number of wells that could reasonably be serviced by the Bull Mountain pipeline. Although the presence of the Bull Mountain pipeline would create a situation in which the area is more attractive for natural gas production operations, there are no assurances that other leases in the area would be developed by drilling. Projecting number of wells based on amount of leased acreage is not meaningful because development of specific lease holds depends on gas price and demand, among many other variables. Thus, there are too many variables to predict future activities with any certainty. The cumulative effects as germane to this project are described in Appendix P of the EIS, and in each resource section in Chapter 3. To the extent feasible to facilitate cumulative effects analysis, the BLM and FS have projected the number of wells that may be serviced by the BMNGP (EIS, Appendix P). The scope of cumulative analysis was carefully considered and it is unreasonable to expect the EIS to include the analysis of impact associated with speculative oil and gas development. Further, we believe that an increasing nationwide demand for natural gas is the primary driving force behind the growing level of exploration and development in the Rocky Mountain region during the last several years. Additional infrastructure to transport the gas into the interstate pipeline grid is a result, not a cause, of development. A Reasonably Foreseeable Development (RFD) scenario is used specifically in leasing analyses, and is not germane to

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	issuing a right-of-way grant. The term RFD refers to a specific requirement when conducting oil and gas leasing analyses and as this project is not a leasing analysis, there is no requirement for an RFD.
55.3 Weld County is the second-most active county with approximately 1,700 permits by year end and Mesa County should see a significant increase with 275 permits expected this year. The total numbers of active wells throughout the state by the end of the year, should be 34,000 producing 3.5 billion cubic feet of gas a day.[3] Based on the fact that the Pipeline is one mechanism that will lead directly to such development, the Forest Service must analyze the substantial impacts on riparian and wetland ecosystems on the White River and GMUG National forests that such development will have. Further, the DEIS provides that: In addition to the pipeline proposals, the WRNF and the GMUG propose to designate the current management areas within and adjacent to the selected pipeline right-of-way for a width of 100 feet as a "Utility Corridor" management area for underground linear utilities only. The designation of a "Utility Corridor" management area and changes in management area prescriptions would require a Forest Plan amendment for each Forest (See Section 1.6 – Land Management Plan Consistency). The proposed utility corridor management area designation would be approximately 8.2 miles in length on the WRNF and 8.4 miles in length on the GMUG. DEIS at 31-32.	See Response 55.2 above. Effects on resources are analyzed in the DEIS and also would be in the FEIS.
55.4 The DEIS's preferred alternative is, therefore, a significant increase from the original proposal in the scoping notice and when combined with bisection of three IRAs will have substantial impacts on the human environment including riparian and wetland areas in these IRAs. Further, the DEIS proposes to amend the Forest Plans for White River and GMUG National Forests to change the management area direction for the proposed pipeline ROW to an 8.32 Utility Corridor management prescription and such an action would be considered a "non-significant" amendment according to FSM1922.51-2. DEIS at 56.	The preferred alternative in the DEIS is the same Proposed Action that was in the Federal Register and scoped to the public. There has not been a significant change from what was scoped to the public and published in the Federal Register.
55.5 It is, however, hard to imagine the current plan with its impacts on three roadless areas would not be significant. This is particularly true since the White River and GMUC National Forests (Forest Service) admits that it plans to significantly alter elk, deer and riparian habitat by providing that "The WRNF would change the existing management areas of MA 5.43-Elk Habitat and MA 5.41-Deer and Elk Winter Range	Impacts to the IRAs are discussed in the Roadless Section.

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to MA 8.32- Designated Utility Corridor within the 8.2 miles on the WRNF at a width of 100 feet. The GMUG would change the existing management area of MA 6B-Livestock Grazing, MA 7A-Timber Management on Slopes <40% and MA 9A-Riparian Area Management to MA 1D-Utility Corridors within the 8.4 miles on the GMUG at a width of 100 feet."4	
55.6 Finally, after the DEIS was issued, the federal agency that shares the responsibility with the Forest Service of regulating oil and gas development on federal lands, the Bureau of Land Management (BLM) expressly stated that current land management plans related to the oil and gas rush for the federal western slope lands are outdated. Planning Bulletin 1 for the BLM's White River Field Office Oil and Gas RMPA/EIS (EIS). (Bulletin). The BLM therefore plans to draft an EIS to specifically address the need for a programmatic approach to future oil and gas development on BLM lands since the "oil and gas decisions made in this RMPA will be broad planning decisions" which will "streamline and facilitate" planning and evaluation of site specific leasing and development proposals. Bulletin at 3. This illustrates that the Forest Services' current Resource Management Plans (RMPs) are insufficient to act as the legal basis for site specific proposals such as the Bull Mountain Pipeline.	To clarify; both the White River National Forest and the GMUG National Forest prepared oil and gas leasing analyses in 1993 that amended the respective forest plans (GMUG NF Oil & Gas Leasing ROD, April 19, 1993; WRNF Oil and Gas Leasing ROD, May 26, 1993) to comply with the Federal On Shore Oil and Gas Leasing Reform Act of 1987. In addition, the Bureau of Land Management prepared an amended oil and gas leasing EIS/RMP and ROD dated March, 1999. These analyses related specifically to making lands available and authorized for leasing. Oil and gas leasing is a separate action that falls under different authorities and attendant regulations from issuing right-of-way (ROW) grants for pipelines or other special uses (see Section 1.5 of the EIS). The term Reasonably Foreseeable Development (RFD) scenario refers to a specific requirement when conducting oil and gas leasing analyses. A RFD scenario is used specifically in leasing analyses, and is not germane to issuing a right-of-way grant (36 CFR 228.102(c)(3)). This analysis for granting a right-of-way (ROW) for a natural gas pipeline is a separate and distinct action from leasing oil and gas resources .Decisions relating to this right-of-way grant will be made according to the authorities listed in Section 1.5 of the EIS, and according to management plan direction right-of-way grants.. As such, it is being documented on its own merits in the BMNGP EIS. This EIS tiers to the applicable land management plans, standards and guidelines related to right-of-way issuance and special uses management (see section 1.6 of the EIS). Further, the EIS analysis includes amending the respective forest plans to designate the right-of-way areas as Utility Corridor management areas (see Section 1.4 of the EIS).
55.7 The BLM's prediction that current federal land and oil and gas management plans are completely inadequate to predict the overwhelming level of oil and gas development in the White River and GMUG National Forests is supported by other experts in this area. In October 2006, for example, the Wilderness Society's BLM Action Center conducted a preliminary analysis of land use plans and large-scale projects approved or in the process of approval in the states of Colorado, Montana, New Mexico, Utah and Wyoming in order to estimate the number of new oil and gas wells likely to be approved for drilling over the next 15 to 20 years. This analysis estimates that over 118,000 new wells are expected in the five-state region from the 28 federal actions analyzed with 22,802 wells predicted	See Response 55.6 above.

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in Colorado.	
55.8 As you are aware, on September 19, 2006 Judge Elizabeth D. Laporte of the U.S. District Court for Northern California, set aside the Forest Service's State Petitions Rule and reinstated the 2001 Roadless Area Conservation Rule (2001 Rule). As you are also aware, on November 29, 2006, Judge Laporte declared that energy companies cannot set up their drill rigs or conduct other oil and gas related activity that is not already in progress on any undeveloped oil and gas lease issued since 2001 within a roadless area.	The recent decision (Sept 19th, 2006) in California v. Dept. of Agriculture that set aside the State Petitions Roadless Rule and reinstated the 2001 Roadless Rule (Jan. 12, 2001), is being evaluated as it pertains to the Bull Mountain project DEIS. The FEIS and any final decision would be consistent with the legal determination for the Roadless Rule that is in effect at the time of the decision. See Response 1.1 for a detailed discussion of the BMNG project and consistency with the 2001 Rule.
55.9 The California v. United States injunction in the Court's September ruling barred Defendants from "taking any further action contrary to the Roadless Rule without undertaking environmental analysis consistent with this opinion." Sept. 20, 2006 Order at 52:20-22. The Court specifically reinstated the Roadless Rule, as it stood with the Tongass Amendment, as of the date of its unlawful repeal by the State Petitions Rule, consistent with Paulsen v. Daniels 413 F.3d 999, 1008 (9th Cir. 2005).	See Response 55.8 above.
55.10 As suggested in a letter addressed to the Forest Service from the conservation community last October, these two orders are representative of the wishes of the majority of Coloradoans who have clearly stated their support for maintaining Colorado's roadless areas and protection of water quality. As also stated in the October letter, the prohibitions on temporary roads and timber cutting in the 2001 Rule, specifically, should now be applied to all projects, proposals, leases and other uses proposed within roadless areas within the GMUG and White River National Forests.	See Response 55.8 above.
55.11 In light of these two decisions and the significant new information that has arisen since issuance of the DEIS, CWA believes that the GMUG and White River National Forests (Forest Service) should further study the need to redesign or withdraw the Bull Mountain Draft Environmental Impact Statement's (DEIS) (and any other proposals in roadless areas that may violate the 2001 Rule). This request is based on the fact that CWA believes with the new information regarding oil and gas development on Forest Lands, the Forest Service decision to implement the DEIS's preferred alternative violates the 2001 Rule, particularly after the two rulings from the California District court, reinstating and then specifically applying the 2001 Roadless rule to, as yet, undeveloped oil and gas activity.	See Response 55.6 above. See Response 55.8 above.
55.12 Judge Laporte's expanded roadless rule order states:	See Response 55.8 above.

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If road construction and reconstruction were allowed for future mineral leasing on lands not under mineral lease as of the date of publication of this rule in the Federal Register, an estimated 59 miles of new roads would be constructed in inventoried roadless areas over the next five years. Road construction or reconstruction in support of future mineral leasing on lands not presently under mineral lease could continue at this level or in greater amounts into the foreseeable future. Over an estimated 10 million acres of inventoried roadless areas could be roaded for exploration and development of leasable minerals, although the agency believes it is unlikely that more than a small percentage of these acres would contain minerals sufficient for economic development. California v. United, States Order Granting Injunctive Relief, No. C05-04038 EDL, p. 89, (November 29, 2006). The Court stated that an injunction against activities that would violate the Roadless Rule on those leases that lack a No Surface Occupancy (NSO) condition that already prohibits such activities is necessary.	
55.13 The court also stated: As the Court previously ordered, federal defendants are enjoined from taking any further action contrary to the Roadless Rule without first remedying the legal violations identified in the Court's opinion of September 20, 2006. Such further actions by the Forest Service include, but are not limited to, approving or authorizing any management activities in inventoried roadless areas that would be prohibited by the 2001 Roadless Rule … and issuing or awarding leases or contracts for projects in inventoried roadless areas that would be prohibited by the 2001 Roadless Rule. The effective date of this injunction is September 20, 2006… Id. at 13.	See Response 55.8 above.
55.14 According to the Court, therefore, the 2001 Roadless Rule shall apply to activities commenced from the date of the Order with respect to any and all mineral leases in IRAs in National Forest lands not affected by the Tongass Amendment that issued after January 12, 2001. Id. at 11. (emphasis added). The Forest Service is, therefore, enjoined from approving or allowing any surface use of a mineral lease or related oil and gas development activity issued after January 12, 2001, that has not already commenced on the ground and which would violate the Roadless Rule (including the Tongass Amendment). The order, however, does not apply to roads that have already been constructed or reconstructed on lease parcels pursuant to approved surface use plans of	See Response 55.8 above.

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operation, nor does it apply to leases that include a strict "no surface occupancy" condition that already prohibits road construction that would violate the Roadless Rule.	
55.15 The Rulings in California as applied to the Pipeline Project, therefore, are similar to Pennaco Energy, Inc., v. United States Department Of The Interior, no. 03-8062 (D.C. No. 02-Cv-116-Cab), were the 10th Circuit court of appeals upheld an Interior Board of Land Appeals Determination that the BLM was required by NEPA to prepare a new EIS before auctioning three oil and gas leases to an energy company. As in this case, because the BLM in Pennaco had "failed to take a 'hard look at the impacts associated with coal extraction and development, which clearly are relevant matters of environmental concern in this case, it could not rely on that document to satisfy its NEPA obligations for the proposed leasing decisions at issue here." Id. at 5-6, citing Wyoming Outdoor Council, 156 I.B.L.A. 347, 359 (Dep't Interior Apr. 26, 2002).	See Response 55.6 above. See Response 55.8 above.
55.16 The IBLA also concluded that, the BLM's failure, through an EIS to consider reasonable alternatives relevant to a pre-leasing environmental analysis fatally impairs its ability to serve as the requisite pre-leasing NEPA document for these parcels. Pennaco at 6. As a result, the Forest Services reliance on outdated and unrealistic management plans which lack a realistic analysis of future oil and gas development in the planning area of the Bull Mountain Pipeline, are also inadequate to meet the "hard look" standard.	See Response 55.6 above. See Response 55.8 above.
55.17 The Bull Mountain DEIS also fails to fully explain the impacts on water quality, ground water or instream flows of water that will be produced as part of oil and gas development that will directly result from the pipeline project. The failure to analyze the impacts to water resources of oil and gas development violates NEPA as illustrated by e The Pennaco opinion which concluded that the administrative record in that case "contains evidence to support the IBLA's conclusion that water production associated with CBM extraction process to be used in the leases is significantly greater than water production associated with non-CBM oil and gas development." Pennaco, at 10.	Impacts to Water Quality, ground water and instream flows are disclosed in the DEIS in the relevant sections (Hydrology and Fish).
55.18 Summary The DEIS for the Bull Mountain Natural Gas Pipeline fails to adequately analyze agency action that would clearly violate the 2001 Rule and the expanded roadless areas ruling which specifically bars new road construction and logging in Inventoried	See Response 55.1 above. See Response 55.6 above. See Response 55.8 above.

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Roadless Areas. Based on new information regarding oil & gas development in the planning area that has arisen since issuance of the DEIS, CWA request that the Forest Service produce a supplement DEIS that adequately analyzes the impacts of the impacts of the preferred alternative on IRAs and sensitive water bodies in the document and re-submit the DEIS to the public for comment consistent with the reinstatement of the 2001 Rule and the expanded ruling.	