

## APPENDIX B

### SUMMARY OF COMMENTS AND BLM'S RESPONSE TO THOSE COMMENTS TO THE HORSE TRAP NATURAL GAS PROJECT ENVIRONMENTAL ANALYSIS

Six comment letters were received on the Environmental Analysis during the 30-day comment period that ended July 30, 2001. Comments were received from two individuals, Wildlife Management Institute, Petroleum Association of Wyoming, State of Wyoming Office of Federal Land Policy, and the Wyoming Game and Fish Department. Their comments are summarized below (in italics) with BLM's response to each immediately following the comment:

#### Individual

*I am opposed to any exploration or drilling by any company in the habitat that remains one of the last winter ranges without well sites and roads all over it.*

The Kemmerer Resource Management Plan says that oil and gas leasing will continue throughout the Kemmerer Resource Area. All public lands within the resource area have been reviewed and have been determined to be suitable for oil and gas leasing and development subject to certain stipulations. A mitigation plan has been developed concurrently with Condor and the BLM to protect the crucial big game winter range.

#### Individual

*Roads should be closed from November 15 through April 30<sup>th</sup> to protect the wintering wildlife. All disturbed acreage should be replanted with the (original) native vegetation. Stipulations should include "off-site mitigation" which will benefit wildlife i.e. water sources, especially for sage grouse, and replanting of (only) native vegetation such as Bitter Brush, replenishing food sources. The projected 2.56 acres per well site should be narrowed down to a maximum of 1.5 acres per well site, so as to reduce disturbance. New roads should be constructed only where they are essential to the well site. New and updated road construction for the pipeline should be considerably less than the proposed 1.6 acres per well.*

The main road into the area has been gated, to control winter access and avoid disturbing wintering animals as much as possible. Exceptions to the winter closure stipulation are evaluated on an individual basis, and winter activity is restricted as much as possible. A mitigation plan has been developed that will assist in providing measures to protect the crucial big game winter range. Only native species are used in reclamation, and Antelope Bitter Brush is part of the recommended seed mixture for this area. Well sites are kept to the smallest size possible to accommodate the size of the drilling rig, while still allowing for safety measures that are required. Upon completion of the well, the sites are reclaimed down to the size required for production facilities, which is generally

7/10 of an acre. Condor has provided a transportation plan for the development of the area that will be evaluated both in the field, and from an engineering point of view to ensure that this is the best solution to the access problem. Pipelines to the wells will follow the access roads as much as possible, to reduce the amount of surface disturbance.

### **Wildlife Management Institute**

*I do not agree with the FONSI and the argument that an EIS is not necessary. The potential impacts of this project on other associated natural resources are such that an EIS should be prepared.*

With the writing of the EA, it was determined that impacts to the area could be mitigated. There was not sufficient evidence to support the determination that irreparable damage would be done to any resource or to the human environment. Given the lack of any specifics as to why the EA is inadequate, BLM has decided to approve the EA as provided in this document. BLM believes that the natural resources have been protected and that no undue and unnecessary impacts would result from approving this action.

*I find alternatives available for consideration with this proposal to be seriously limiting. There are only two alternatives, the proposed action and no action.*

The BLM determined that only two alternatives were necessary. BLM believes that based on the complex geology of the area, that the 24 wells are necessary to be able to determine the extent of the field. By further limiting the number of wells, Condor's ability to intelligently plan where each well should be drilled to prudently develop the field would be seriously impaired. If an issue was identified that could not be mitigated than additional alternatives or an EIS would have been prepared.

*A major concern for this project is the potential impact to sage grouse and their habitats. The EA acknowledges that the area is blessed with an abundance of suitable sage grouse habitats. ... This area is extremely important to sage grouse in Wyoming.... . There is a growing concern for sage grouse across their range. It is important that the "best" sage grouse habitats be maintained. Mitigation provisions discussed on page 4-31 and 4-32 are important, but primarily only address breeding and nesting areas. Other aspects of sage grouse habitat that will be impacted by this project should be addressed.*

The Sage Grouse leks identified in the EA are all known active and historical leks. To mitigate the affects of development, several mitigation measures have been developed to protect the population. These mitigation measures are identified in the Wildlife Mitigation Plan, Appendix D. These measures include: not building permanent high profile structures within .25 miles of a lek, not constructing above ground power lines within .6 miles of a lek, restrict construction activities between April 1 and July 1 within 2 miles of a lek to protect nesting Sage Grouse, and prohibit surface disturbing activities within .25 mile of a lek between February 1 and May 15 to protect strutting Sage Grouse.

*The draft EA presents no information on monitoring plans that will be implemented to ascertain impacts of the proposed permitted activity on the various resources. It is probable that little to no monitoring will occur.*

The BLM assists the Wyoming Game and Fish Department in conducting annual Sage Grouse Lek monitoring. In addition to lek monitoring, the BLM assists the Wyoming Game and Fish in year around monitoring of all species by completing wildlife observation forms documenting the species, location, habitat, and behavior of wildlife encountered while in the field. The Wildlife Mitigation Plan, Appendix D of the HTPA, states that additional monitoring programs will be evaluated in coordinated review of annual wildlife reports.

*No mention of cumulative impacts for Section 4.7 (Wildlife).*

The cumulative impact section was inadvertently left out of the initial distribution of the document. They were sent out as an errata to the document on July 20, 2001. The errata also contained the cumulative impact sections for Water Resources, Vegetation and Wetlands, Range Resources, as well as Wildlife. The errata is provided as Appendix C in the decision record.

*Reference guidelines for maintenance of sage grouse habitats (Braun et al. 1977) on page R-1 needs to be updated. The planning team should review the new guidelines.*

Thank you for your comment.

### **Petroleum Association of Wyoming**

*The Applicant has agreed to numerous "Applicant Committed Measures" which go beyond the required protective measures established in the current land management plan. The Applicant has demonstrated their willingness to work with BLM in protecting the effects on the environment and as a result, PAW believes that the proposed disturbance is mitigated to insignificance". The "Applicant Committed Measures" are voluntary actions agreed to by the individual company and should not establish precedent for future projects that are similar in nature. The Applicant is bound by the mitigation measures in the Resource Management Plan (RMP) along with existing terms, conditions and lease stipulations. The mandatory mitigation in effect is more than adequate to protect resources for this proposed project and additional concerns can and will be analyzed in the site-specific analysis. At this time, there is no "significance criteria" exceeded and PAW agrees that BLM has adequately determined the depth of analysis for this project ."*

Thank you for your comment.

*"Sage Grouse: ...Populations in some areas of Wyoming have recently been in a decline due to a wide range of possible factors including drought, habitat loss, and habitat degradation." This statement implies that the responsible agent for declining sage grouse numbers is habitat reduction. While habitat reduction is a contributing factor, the document does not address predators as being a responsible agent for a significant number of nest failures. PAW believes that predators should be listed as a significant factor in the reduction of sage grouse populations.*

*Decision Record, Horse Trap Natural Gas Project*

---

The factors listed as having a significant effect in the reduction in Sage Grouse populations were those which induce mortality. Induced mortality is generally recognized as being a unnatural event, such as development. Nest predation is natural, and although it may influence local populations, predators and predation are a natural part of the system. Habitat loss and degradation, on the other hand, are unnatural and easily regulated to minimize the effects, unlike predators and predation.

*Sage Grouse exhibit site fidelity to leks, winter areas, summer areas, and nesting areas...Therefore, steps could be taken to ensure these areas, especially leks and nesting areas, are not disturbed.” PAW is unaware that there is evidence to draw the conclusion that sage grouse exhibit site fidelity as is stated above.*

We disagree with your assessment regarding Sage Grouse site fidelity. Currently the BLM and University of Wyoming are co-sponsoring Sage Grouse studies. We feel Sage Grouse do show site fidelity, based on preliminary research information and personal communications with other resource professionals concerning their field observations. The majority of research which we are aware of supports site fidelity for all seasonal use areas. We agree, however, that males will often utilize other leks and seek out receptive females. This behavior, however, does not discredit the Sage Grouse site fidelity theory.

*Long-term activities that would exceed federal 55 dBA maximum standards for noise at either residences or other sensitive locations, such as raptor nests, grouse leks, or wildlife crucial ranges.” Is the restriction for a 55 dBA maximum standard an absolute or is it above background levels? There is not enough collective research to determine the definite effects of noise from oil and gas development as it pertains to raptor and grouse behavior during certain times of the year. Currently there is an ongoing effort to determine the possible effects noise from development may or may not have on the species during seasonal times of breeding and nesting. PAW recommends that BLM remain flexible when applying these mitigation measures until further studies have been completed and the results determined.*

OSHA developed this standard for human residences, it is our professional judgement that this would be maximum acceptable absolute noise level allowable before there would be disturbances to wildlife. Given the lack of research available at this time and understanding that research is currently on-going, the BLM has not pursued strict noise mitigation measures and only uses this as a standard which to measure noise impacts to wildlife.

*“To protect important raptor and/or sage and sharp-tailed grouse nesting habitat...The same criteria apply to defined raptor and game bird winter concentration areas from November 15 to April 30.” PAW strongly opposes the designation of winter concentration areas as stated above. PAW disagrees with the language sated on page A-2 under “Standard Mitigation Guidelines”, PAW does support the language on page D-7 in the “Wildlife Mitigation Plan” and believes that BLM should use this language as the primary mitigation guideline.*

This is standard mitigation that is part of the standard mitigation guidelines. Those guidelines that do not apply to an area are not implemented. There are no identified raptor and game bird winter

concentration areas designated within the proposed project area, therefore this stipulation would not apply.

*Should the Mountain Plover be determined to exist in the project area, PAW would like to state that at this time the status of the species is “proposed for listing”. This status allows for a certain amount of flexibility in developing measures protective of the species. BLM has certain discretionary authority and should consider the effects on the oil and gas operator as part of its adoption of reasonable and prudent measures necessary to minimize the impact on the Mountain Plover.*

The BLM must comply with Endangered Species Act to ensure that our actions do not jeopardize proposed species. In the case of the Mountain Plover, the BLM has consulted with the Fish and Wildlife Service (FWS) as to whether the impacts associated with the development of the HTPA would jeopardize their existence. To mitigate the effects of development on the species a nesting stipulation was developed in cooperation with the FWS. An exception to this stipulation may be requested in writing, in which case a survey will be conducted according to current protocol to determine whether nesting is occurring in the area.

*PAW supports mitigation measures that have been implemented through the RMP’s to protect congressionally designated historic trails, listed historic sites in the National Register, and trails and historic sites eligible for listing that are referenced in the RMP’s. Mitigation for these designated areas should not exceed existing restrictions, which addresses “The area within ¼ mile or the visual horizon (whichever is less) of any contributing trail segment will be an avoidance area for surface disturbing activities.” Currently there is a viewshed analysis being conducted by BLM regarding congressionally designated historic trails. The existing mitigation in the RMP’s is adequate to protect the integrity of the trails and historic sites until further analysis has been completed, made available to the public for peer review, and the trail plan is amended in the RMPs.*

The information on the trails and historic sites was included in the document under Chapter 3.11.2 “Summary of Known Cultural Resources”. Due to the close proximity of the historic trail and emigrant inscription rocks, research was conducted to determine if variants of the trail existed on the study area. None of the documents indicated trail variants exist within the Condor Horse Trap EA study area. As these areas were known to exist they could not be ignored, but through the research conducted it was determined that there would not be an impact.

*PAW believes that the socio-economic analysis is significant and recognizes that the social and economic opportunities generated from the project would benefit the residents of Wyoming and the participating counties by directly creating new jobs and producing additional revenues.*

Thank you for your comment.

*Paw supports the Proposed Action and Finding of No Significant Impact with the modifications indicated in this letter.*

Thank you for your comment.

### **Office of Federal Land Policy**

*The State of Wyoming supports the proposed project. ...We are concerned with the expanded discussion on trails and trail variants. This project area is under the umbrella of the Kemmerer Resource Management Plan (RMP) which specifies a buffer of ¼ miles. The State accepts this standard and mitigation recommendations within that ¼ mile buffer but nothing beyond that.*

The information on the trails and historic sites was included in the document under Chapter 3.11.2 “Summary of Known Cultural Resources”. Due to the close proximity of the historic trail and emigrant inscription rocks, research was conducted to determine if variants of the trail existed on the study area. None of the documents indicated trail variants exist within the Condor Horse Trap EA study area. As these areas were known to exist they could not be ignored, but through the research conducted it was determined that there would not be an impact.

*Additionally concern has been expressed that the Wyoming State Historic Preservation Office (SHPO) may impose economically unfeasible and/or burdensome responsibilities upon Federal land Managers (FLM) regarding the areas to be investigated (Area of Potential Effect, or APE) and mitigation requirements for specific projects. This is not true. It needs to be noted that management of cultural resources for federal undertakings is mandated by, and conducted in accordance with Section 106 of the National Historic Preservation Act and Advisory Council (ACHP) regulations 36 CFR Part 800. Both the FLM and the SHPO are required to follow these regulations.*

Thank you for your comment.

### **Wyoming Game and Fish Department**

*The project area is classified as crucial winter range for the West Green River elk and the Wyoming Range mule deer herd units. It is also winter range for the Lincoln moose herd unit, and yearlong range for the Sublette antelope herd unit. There are four sage grouse leks located in the project area, and 15 additional leks within two miles of the project area perimeter. The Horse Trap area also provides nesting, brood rearing, and fall habitat for sage grouse. Extensive oil and gas development of this area could compromise its wildlife value. We applaud Condor’s proposed steps to mitigate the impacts that development will have on wildlife as outlined in the Wildlife Mitigation Plan. However, in the section title Annual Inventory and Monitoring, no additional monitoring of big game or sage grouse is proposed. ...We suggest the BLM, Condor, and the Department work to develop a monitoring plan.*

The BLM, Game and Fish, and Condor Exploration should explore the possibility of developing more in-depth monitoring plans to evaluate the effects of oil and gas development. In the Wildlife Mitigation Plan, Appendix A of the HTPA decision record, states that additional monitoring programs will be evaluated in coordinated review of annual wildlife reports.

*Habitat improvement projects have been conducted in the general area to improve elk habitat. If animals move out of the area as a result of oil and gas disturbance, damage to stored crops on*

*Decision Record, Horse Trap Natural Gas Project*

---

*adjacent private lands will increase. Additional habitat improvements conducted to the north of the project area should be considered as mitigation to further decrease these potential impacts.*

Habitat improvement projects were identified as a possible mitigation effort for the development of this project, however, it was decided that these projects would be identified within the annual wildlife reports prepared jointly by the BLM and Condor.

*...The North Fork of Slate Creek supports a population of leatherside chub. The leatherside chub is a species of concern to the Department (Status 1). We believe this stream should be recognized as a refugia for the species. We suggest preconstruction planning and site lay-out take into consideration the need to minimize impacts to the drainage and to this important species population.*

The BLM will take all appropriate actions necessary to protect the population of Leatherside Chub found in the North Fork of Slate Creek.