

6.0 Consultation and Coordination

6.1 INTRODUCTION

The NEPA process requires that all individuals, organizations, agencies or other entities interested in or potentially affected by the proposal be provided the opportunity to participate in the environmental analysis. The following chapter describes: the lead agencies in the NEPA process; the team responsible for preparation of the EIS; the scoping and issues identification employed in the NEPA process; the review process for the Draft EIS (DEIS); and participating agencies, organizations, individuals, and others.

6.2 TEAM ORGANIZATION

An interdisciplinary team of consultants and government agencies was responsible for the preparation of the Westside Irrigation District Land Conveyance Project EIS. The BLM, Worland Field Office, acted as the primary lead agency with the WWDO acting as a co-lead agencies for the NEPA process. WEST was the lead consultant to the BLM and the WWDO responsible for the preparation of the EIS. A team of consultants supervised by WEST aided in the EIS preparation.

6.2.1 BLM and WWDO Co-Lead Agencies

The land involved in the conveyance is part of the Worland Field Office of the BLM, while the WWDO is providing the financial support and facilitating the project development and implementation under the state water development program. The primary objective of the WWDO in this project is to provide financial support for the NEPA process. Therefore, the involved agencies acted as co-lead for the NEPA process.

6.2.1.1 BLM Primary Lead Agency

The interdisciplinary Team members include the following individuals:

Andrew Tkach	BLM Project Manager, NEPA Compliance
Tim Stephens	Wildlife, Threatened & Endangered Species
Carol Sheaff	Realty
Chet Wheelless	Aquatic Biology, Fisheries
Mike Bies	Cultural Resources
Teryl Shryack	Range, Grazing
Karen Hepp	Vegetation, Special-status Plants
Steve Kiracofe	Soils, Hazmat

6.2.1.2 WWDO

Individuals in the WWDO who contributed to the EIS were:

Barry Lawrence	WWDO, Project Manager
Phil Ogle	River Basin Planning Administrator
Jon Wade	Deputy Director

6.2.2 WEST Consulting Team

WEST organized and managed an interdisciplinary team of experts in preparation of the EIS to provide expertise in areas of concern. Following is a list of preparers and the expertise they provided.

Consulting Team Members:

Western EcoSystems Technology, Inc. (WEST)

Dale Strickland	Team leader, agency liaison, project management, purpose and need, alternative analysis, document preparation and editing
David Young	Purpose and need, alternative analysis, wildlife, threatened and endangered species, mitigation, document preparation and editing
Gretchen Norman	Air quality, noise, visual/aesthetics, recreation, land use, hazardous materials, document preparation and editing
Kurt Flaig	Wetlands, vegetation
Victoria Poulton	Wildlife, fisheries, field surveys, mapping, digitizing
Jay Jeffrey	Fisheries, field surveys

Watts and Associates, Inc.

Gary Watts	Socioeconomics, recreation
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States West Water Resources Corporation

Michael O'Grady	Water rights, alternative analysis
Victor Anderson	Alternative analysis, surface hydrology
Chris Jessen	Geology and soils, mineral resources, water quality, groundwater resources, alternative analysis, mapping

Cultural Resource Analysts, Inc.

Ted Hoefer	Project Manager
Christopher T. Hall	Field Director and report co-author
Randall Cooper	Assistant Field Director
Christina Kester-Tallman	Crew member and report co-author
Paul Pironti	Crew member
Matthew McMahon	Crew member
Marc Greenberg	Crew member and report co-author
Gabriel Frazier	Crew member
Kevin Downs	Crew member
Sandy McDaniel	Crew member
Pat Loucke	Crew member
Hanna Romes	Crew member

Western GeoArch Research

William Eckerle	Geoarchaeological analysis
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6.3 SCOPING AND ISSUES IDENTIFICATION

6.3.1 Background on Scoping and Public Participation

The scoping process for the Westside Irrigation District Land Conveyance Project was conducted from July 19, 2004 to August 19, 2004 with open houses held in Worland and Basin on August 3 and 4, 2004, respectively. A scoping statement was mailed to 21 government offices, 9 elected officials, 9 Native American Tribes, and 4 public land users and user groups. A media release regarding the project was also sent to all the Bighorn Basin and many statewide print and electronic media outlets.

The scoping meetings were conducted in an open-house format at the BLM Worland Field Office and the Big Horn County Courthouse in Basin, Wyoming. Stations were created around the meeting room that presented information regarding the project including maps, potential alternatives, and identified potential issues. Representatives from the BLM, the WWDO, and the WEST consultant team were present at their respective stations to answer questions, accept comments, and encourage attendees to submit written comments.

Based on comments received during this period, the determination was made to prepare an EIS for the project. A Notice of Intent to prepare an EIS was published in the Federal Register on February 22, 2005 which reopened the scoping period extending the comment period to March 25, 2005. No additional scoping meetings were conducted and comments and information submitted during the original 2004 scoping process were considered and did not have to be resubmitted.

A total of 11 comment letters were received during the two comment periods. Comments were received from four individuals, two organizations, and four agencies. Correspondence received is available for review in the Case File (located at the BLM Worland Field Office) along with the scoping mailing record, and attendee lists from the public scoping meeting. Names and addresses of individuals may be redacted if the BLM received a request for privacy.

6.3.2 Identified Issues and Synopsis of Comments

The following issues and concerns organized by resource were identified through the scoping process. A scoping analysis report was prepared following the scoping meetings and is available for review (Case File).

Project Description

- General support for the proposed action
- General opposition to the proposed action
- Determine what lands are suitable for cultivation
- Restrictions on post-sale land uses

NEPA Process

- How will the potential post-sale land uses affect the analysis of impacts?
- Alternatives to the proposed action should be considered.
 - An alternative under which only lands suitable for cultivation would be conveyed should be considered.
 - An alternative which excludes high-resource-value land should be considered.
- Post-conveyance mitigation should be required.
 - WID should fund a WG&FD position to monitor mitigation and development.
 - Loss of pronghorn antelope habitat could be mitigated by acquiring sheep allotments.
 - Wildlife-friendly farming techniques should be used.
- The EIS should describe how the sale proceeds will be used for mitigation.
 - The analysis should prioritize and describe the lands to be acquired.
 - Priority should be given to addressing access needs.

Environmental Resources

Physical Resources

Surface Water Resources

- There is a potential for adverse impacts to the Bighorn River, both in terms of water quality and quantity.
 - The analysis should consider the cumulative impact with oil and gas development, etc.
- There is a potential for impacts to downstream water users.
- A Section 404 permit may be required for the anticipated future development.

Mineral Resources

- The conveyance could affect the development of other minerals, including oil and gas.

Biological Resources

Wildlife and Threatened and Endangered Species (T&E)

- Changes in land use following conveyance could cause impacts to wildlife.
 - The proposed conveyance parcel contains pronghorn antelope parturition habitat and/or crucial winter habitat.
 - Migratory birds protected under the MBTA and the BGEPA, and particularly sensitive species such as the burrowing owl, long-billed curlew, mountain plover and sage grouse should be considered.
 - Reduced streamflow and entrapment/impingement could impact the Bighorn River fishery, in particular sauger, burbot, shovelnose sturgeon, sturgeon chub, plains minnow, and western silvery minnow.
- There is a potential for impacts to Threatened and Endangered and special-status species, including: bald eagles, black-footed ferrets, Ute ladies'-tresses, and persistent sepal yellowcress.
- There is a potential for impact to high-value wetland/riparian habitat.
 - Wetland/riparian habitat should be protected by fenced buffer strips.

- Any fences constructed should allow for wildlife passage.
 - Fences should be constructed to WGFD standards.
- Conveyance to private ownership could result in increased cost to WGFD for wildlife damage claims.

Human Resources

Cultural and Paleontological Resources

- The potential for adverse effects to paleontological, cultural, and historic resources should be described.
- Native American Tribal Consultation is required.

Socioeconomics

- New land would allow the production of high-value crops, such as organic produce.
- Additional sugar beet production would help support the Wyoming Sugar facility.
- Additional cultivated acreage will cause losses to present growers by depressing prices.
- Economic feasibility should be analyzed.

Land Use

- Uniform Appraisal Standards for Federal Land Acquisition standards should be used to determine Fair Market Value.
- Fair Market Value should not be discounted by the costs of subdividing.

6.3.3 Agency Correspondence

Among comments received during the scoping process, the following letters from interested governmental agencies note concerns about compliance with statutes, regulations, or process. Copies of the agency letters are located in the Case File.

Wyoming Game and Fish Department	8/27/04
U.S. Army Corps of Engineers	8/16/04
U.S. Environmental Protection Agency	3/25/05
U.S. Fish and Wildlife Service	8/13/04

6.4 CONSULTATION AND COORDINATION

The Bureau of Reclamation and the Corps of Engineers were invited by the lead agencies to participate in the NEPA process, however, they declined. There was no additional consultation or coordination outside of the scoping process with additional agencies by the lead agencies. The WEST consulting team did confer with various local, state, and federal agencies to obtain data, seek input, and clarify concerns. Any necessary permits or actions required by these agencies must be complied with separately.

6.4.1 Participating Agencies

The following agencies were provided a copy of this DEIS for review and comment:

State Agencies

Wyoming Department of Transportation
Wyoming State Planning Coordinator
Wyoming State Engineer
Wyoming Department of Environmental Quality
Wyoming Geological Survey
Wyoming Oil and Gas Conservation Commission
Wyoming Game and Fish Department
Wyoming Business Council
Wyoming Department of Agriculture
Wyoming Department of Revenue
Office of State Lands and Investments
State Trails Program
Wyoming Travel and Tourism
State Historic Preservation Officer

Native American Tribes

Shoshone Business Council
Arapaho Business Council
Shoshone-Bannock Tribes
Ute Tribal Council
Crow Tribal Council
Northern Cheyenne Tribal Council
Oglala Sioux Tribal Council
Rosebud Sioux Tribal Council
Cheyenne River Sioux Tribal Council

Federal Agencies

U.S. Fish and Wildlife Service
U.S. Army Corps of Engineers
U.S. Bureau of Reclamation

Local Agencies

City of Worland
Town of Basin
Town of Manderson
Big Horn County Commissioner
Washakie County Commissioner

Organizations

Western Land Exchange Project
Washakie Development Association

6.4.2 Contributing Individuals

A number of individuals contributed information pertinent to the preparation of this DEIS. Many of these individuals were contacted by phone and issues relevant to their expertise were discussed. Information obtained from individuals that was used in the DEIS is cited as a personal communication in the appropriate location in the text. The name, title, affiliation, and date of the communication are included in Chapter 7.0 References alphabetically by last name.

6.4.3 Elected Officials, Organizations, Businesses, and News Media

The DEIS was provided to local and state elected officials, organizations and interest groups from lists compiled by the lead agencies or which indicated an interest during scoping, and to individuals or businesses providing comments or known to be interested in the WID proposal. In addition to these lists, post cards announcing the availability of the DEIS, opportunities for

public comment, and the length of the comment period were provided to local and Wyoming state-wide media.

6.5 REVIEW PROCESS OF DEIS

The DEIS was published and released to the public on January 11, 2008. The Notice of Availability appeared in the Federal Register on January 11, 2008, which started the official 45-day comment period. After the publication of the DEIS and based on comments received, the BLM proposed Alternative 3 which reduced the amount of conveyed acres to minimize potential effects on natural and cultural resources as well as maintain federal ownership of the closed Westside Landfill. Alternative 3 was developed and evaluated in the FEIS, in accordance with 40 CFR 1503.4, which states a possible response to comments is to “develop and evaluate alternatives not previously given serious consideration by the agency”. The FEIS is required to be circulated again to inform interested parties of changes to the document in accordance with 40 CFR 1502.19.

During the review period comments were received on a variety of issues and included letters expressing support for the project some of which suggested that the project proceed without delay. Several issues were raised by more than one reviewer. Major issues raised in the comment letters included:

- Impact of the project on the water quality and quantity in the Bighorn River and the analysis to address this issue;
- Request for a selenium and sedimentation monitoring program for wetlands and the Bighorn River;
- Identification of land that may be purchased for mitigation of wildlife habitat loss; and
- Connected Action of irrigation may not be adequately addressed for required Section 404 of the Clean Water Act permit.

Revisions and additions have been made to the text in this FEIS to address these concerns where appropriate. The BLM has identified their preferred alternative as Alternative 3 in this FEIS (see Section 2.4.4).

6.6 COMMENTS AND RESPONSES TO THE DRAFT EIS

The DEIS was sent to 41 individuals, organizations or agencies and the BLM and WWDO received 11 comment letters regarding the proposed project. An index to the letters received is presented in the following table (Table 6-1). The letters are organized by the order of receipt.

In Appendix J, the letters are reproduced verbatim in the same order and letter number presented in the following table. A summary table is provided in Appendix J prior to the letters that presents each individual concern and issue raised along with the BLM response. New appendices are provided that contain information supporting response to some of the more detailed comments. Appendix K contains the Westside Mineral Potential Report.

Table 6.1. Comment Letter Index.

Letter Number	Date Received	Organization or Individual
1	1/4/2008	Mr. and Mrs. Lewis
2	1/29/2008	Wyoming Game and Fish Department Cheyenne, Wyoming
3	2/19/2008	Hot Springs County Farm Bureau Federation Thermopolis, Wyoming
4	2/22/2008	U.S. Department of Interior Fish and Wildlife Services Cheyenne, Wyoming
5	2/22/2008	Wyoming Game and Fish Department Cheyenne, Wyoming
6	2/25/2008	U.S. Army Corps of Engineers Cheyenne, Wyoming
7	2/25/2008	Wyoming Game and Fish Department Cheyenne, Wyoming
8	3/3/2008	Ivy Sinn
9	3/3/2008	William Lee Hill
10	3/7/2008	U.S. Environmental Protection Agency Denver, Colorado
11	3/19/2008	Williston Basin Interstate Pipeline Company Glendive, Montana

6.7 DISTRIBUTION AND REVIEW

Copies of this FEIS are being provided to 4 people who have indicated an interest in the proposed Westside Irrigation District Land Conveyance Project. In addition, a number of public interest groups, local governments, tribes, and state and federal agencies are also receiving the FEIS. The following were mailed a copy of the FEIS:

Federal, State, and Local Agencies

Big Horn County Commission
 P.O. Box 31
 Basin, WY 82410

Amy Birkstead
 Environmental Protection Agency, Region 8
 999 18th Street, Suite 300
 Denver, CO 80202-2466

City of Worland
 829 Big Horn Ave
 Worland, WY 82401

Office of State Lands and Investments
 122 West 25th Street, Herschler Bldg.
 3rd Floor West
 Cheyenne, WY 82002

Shoshone-Bannock Tribes
P.O. Box 306
Fort Hall, ID 83203-0306
State Historic Preservation Office
2301 Central Ave, Barrett Bldg. 3rd Floor
Cheyenne, WY 82002

Town of Basin
P.O. Box 599
Basin, WY 82410

Town of Manderson
100 W Railway Street
Manderson, WY 82432

Chandler Peter
US Army Corps of Engineers
Wyoming Office
2232 Dell Range Blvd. Suite 210
Cheyenne, WY 82009-4942

U. S. Bureau of Reclamation
Wyoming Area
P.O. Box 1630
Mills, WY 82644

U. S. Fish and Wildlife Services
4000 Airport Parkway
Cheyenne, WY 82001-1599

Washakie County Commission
1001 Big Horn Ave
Worland, WY 82401

Le Ann Baker
Washakie Development Commission
P.O. Box 228
Worland, WY 84041

Wyoming Department of Agriculture
2219 Carey Ave
Cheyenne, WY 82002-0100

Wyoming Department of Environmental
Quality
122 West 25th Street, Herschler Bldg.
Cheyenne, WY 82002

Wyoming Department of Game and Fish
5400 Bishop Blvd.
Cheyenne, WY 82006

Wyoming Department of Revenue,
Ad Valorem Tax
122 West 25th Street, Herschler Bldg.
2nd Floor West
Cheyenne, WY 82002

Wyoming Department of Transportation
5300 Bishop Blvd.
Cheyenne, WY 82009-3340

Wyoming Geological Survey
P.O. Box 1347
Laramie, WY 82073

Wyoming Oil and Gas
Conservation Commission
P.O. Box 2640
Casper, WY 82602

Wyoming State Engineer
122 West 25th Street, Herschler Bldg.
4th Floor East
Cheyenne, WY 82002

Wyoming State Planning Office
122 West 25th Street, Herschler Bldg.
1st Floor East
Cheyenne, WY 82002

Wyoming Water Development Commission
6920 Yellowtail Road
Cheyenne, WY 82002

Federal, State, and Local Officials

Senator Mike Enzi
1285 Sheridan Ave, Suite 210
Cody, WY 82414

Senator John Barrasso
P.O. Box 22201
Casper, WY 82602

Congresswoman Barbara Cubin
100 East B Street, Suite 82601
Casper WY 82601

Office of the Governor
State Capitol, Room 124
Cheyenne, WY 82002

Individuals, Businesses, and Organizations

Doug Pflugh
Earthjustice
1400 Glenarm Place, Suite 300
Denver, CO 80202

Lorraine Quarberg
P.O. Box 1365
Thermopolis, WY 82443

Arapaho Business Council
P.O. Box 396
Fort Washakie, WY 82514

Charles Newton
P.O. Box 424
Worland, WY 82401

Shoshone Business Council
P.O. Box 538
Fort Washakie, WY 82514

Wyoming Outdoor Council
262 Lincoln
Lander, WY 82520

State Trails Program
2301 Central Ave, Barrett Bldg. 4th Floor
Cheyenne, WY 82002

Wyoming Travel and Tourism
I-25 and College Dr
Cheyenne, WY 82001

Western Land Exchange Project
P.O. Box 95545
Seattle, WA 98145-2545

Gerald Geis
600 Holly Ave
Worland, WY 82401

Western Watersheds Project
P.O. Box 1160
Pinedale, WY 82941

Debbie Hammons
100 Country Drive
Worland, WY 82401

Wyoming Business Council
NW Region
143 S. Bent, Suite B
Powell, WY 82435

Wyoming Chapter – Sierra Club
247 Coffeen Ave
Sheridan, WY 82801

6.8 EIS REPOSITORY

A copy of this FEIS may be reviewed at the following locations during normal business hours:

Bureau of Land Management
Wyoming State Office
5353 Yellowstone Road
Cheyenne, Wyoming 82009

Bureau of Land Management
Worland Field Office
101 South 23rd Street
P.O. Box 119
Worland, Wyoming 82401

Additionally, the FEIS and appendices may be viewed or downloaded from the BLM website at <http://www.blm.gov/wy/st/en/info/NEPA/wfodocs/westside.html>.