

**Appendix B**  
**BLM Response to Public Comment**

**BLM Response to Public Comment  
Black Hills De Beque Exploratory Proposal EA  
April, 2013**

Organization	Comment Number	Category	Comment Text	Response
Colorado Parks and Wildlife	FW-1	Fish and Wildlife	CPW, in cooperation with Black Hills, is in the process of updating and amending the WMP to reflect wildlife concerns identified within the proposed development area. The amended Black Hills WMP will reflect appropriate mitigation for wildlife impacts and it will also include avoidance and minimization best management practices for wildlife that will be implemented across the project area boundary.	Comment Noted.
Colorado Parks and Wildlife	FW-2 RC-1	Fish and Wildlife Reclamation	<p>There are numerous intermittent streams located in the development area which provide unique riparian habitat as they flow intermittently throughout the year. These riparian areas are extremely valuable to wildlife, as they provide both permanent habitat and movement corridors. CPW suggests the following BMPs be referenced in the EA.</p> <ul style="list-style-type: none"> <li>• Promptly report spills that affect wildlife to the Water Quality Control Division of CDPHE and CPW.</li> <li>• Store and stage emergency spill response equipment at strategic locations along perennial water courses so that it is available to expedite effective spill response.</li> <li>• Avoid locating staging, refueling, and storage areas within 300 feet of any reservoir, lake, wetland, or natural perennial or seasonally flowing stream or river.</li> <li>• Avoid constructing any road segment in the channel of an intermittent or perennial stream.</li> <li>• A void low water crossings. Structures for perennial or intermittent stream channel crossings should be engineered using bridges or</li> </ul>	<p>BLM would require the following environmental protection measures (see Sections 3.2.4.2, 3.3.3.2 and 3.4.8.2 in the EA):</p> <ul style="list-style-type: none"> <li>• The BLM, CDPHE Water Quality Control Division, and CPW should be contacted immediately if a reportable spill occurs.</li> <li>• Store and stage emergency spill response equipment at strategic locations along perennial water courses so that it is available to expedite effective spill response.</li> <li>• Avoid locating staging, refueling, and storage areas within 300 feet of any reservoir, lake, wetland, or natural perennial or seasonally flowing stream or river.</li> <li>• Avoid constructing any road segment in the channel of an intermittent or perennial stream.</li> <li>• Avoid low water crossings. Structures for perennial or intermittent stream channel crossings should be engineered using bridges or appropriately sized culverts.</li> <li>• Riparian canopy or stream bank vegetation should not be removed, where</li> </ul>

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			<p>appropriately sized culverts.</p> <ul style="list-style-type: none"> <li>• Construct stream crossings "in the dry" to minimize sedimentation.</li> <li>• Protect culvert inlets from erosion and sedimentation and install energy dissipation structures at outfalls.</li> <li>• Do not remove native riparian canopy or stream bank vegetation where possible.</li> <li>• Retain as much woody debris as possible when in-stream construction is necessary.</li> </ul>	<p>possible.</p> <ul style="list-style-type: none"> <li>• Woody debris should be retained as much as possible during in-stream construction.</li> <li>• A copy of the SPCC Plan should be provided to the BLM with the APD submittal.</li> </ul> <p>Black Hills has included dry open-cut crossing of water bodies as a design feature in their proposal.</p> <p>Black Hills would implement their Storm Water Management Plan regarding BMPs for protection of culvert inlets.</p>
Colorado Parks and Wildlife	FW-3	Fish and Wildlife	<p>Many of the proposed wells, pipelines, compressor stations, pits and associated roads lie within winter range, severe winter range and a winter concentration areas for mule deer; and an area where there is a resident population of elk. Construction and drilling activities during the time period of December 1st through April 30 would negatively impact wintering mule deer and elk in these project areas by causing these species to incur increased winter stress. Negative impacts to wintering mule deer and elk could be minimized in these areas by avoiding construction activities during this sensitive time period. After drilling activities are completed, and upon gas production of these wells, impacts to mule deer and elk can be further minimized by using remote well monitoring systems that reduce the level human activity on or around the completed well locations during the winter period. Daily site visits should be scheduled between the hours of 10 am and 3 pm during the time period of December 1 to April 15.</p>	<p>Remote monitoring is included in the Proposed Action as follows:</p> <p>“Telemetry equipment will be used to remotely monitor wells wherever topographically feasible. The use of telemetry would minimize traffic to and from the well locations in order to minimize impacts on wildlife and plants. A pumper truck will be required to periodically visit the pads. The frequency of these visits will be based upon information gathered from the telemetry equipment.</p> <p>Scheduling of daily site visits between the hours of 10 am and 3 pm is also included as a design feature in Black Hills proposal as follows:</p> <p>“Between December 1 and May 1, operational traffic within big game sensitive wildlife habitats (winter range) would be limited to emergency traffic only within 3 hours of sunrise and sunset (between 10 a.m. and 3 p.m.). Requests for exceptions will be submitted in writing, either by letter or Sundry Notice.</p>

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				Where BLM has authority to impose TLs from 12/1 to 5/1, they will. Where BLM does not have authority to impose this, they will impose TLs from 1/1 to 3/1.
Colorado Parks and Wildlife	FW-4 VEG-1	Fish and Wildlife	<p>The project locations are located in areas where native vegetation provides foraging, nesting, thermal and escape habitats for numerous species of wildlife. The removal and disturbance of native vegetation for the construction of the above wells and associated roads will negatively impact the native wildlife species associated with these project areas. Upon rehabilitation of these well locations and roads, negative impacts to native wildlife can be offset by planting a suitable mixture of native grass/forb/shrub seed. Seed plantings on disturbed soils will have greater germination and survival rates when the soil surface has been prepared to hold moisture and runoff precipitation.</p> <p>Soils will exhibit increased moisture retention capabilities when the soil surface has been loosened with a "ripping tool" that creates a rough and uneven soil surface and seed bed. This treatment will increase seed germination; and, will reduce the amount of surface runoff and soil erosion.</p> <p>Reclaimed areas should be monitored to ensure high germination and survival rates.</p>	<p>Black Hills is proposing a wildlife-friendly seed mix that was developed in cooperation with CPW and the BLM as part of the 2010 Wildlife Mitigation Plan – see Table 2.2-8 in the EA.</p> <p>BLM would require the following GJFO Standard Condition of Approval:</p> <p>"Following final contouring, evenly redistribute salvaged topsoil. BLM may require soil amendments. Final seedbed preparation will consist of scarifying (raking or harrowing) or roughening spread topsoil prior to seeding, unless seeding takes place immediately. Seedbed preparation techniques may include pocking, ripping, disking or other soil roughening techniques. If contour cultivating is approved, it will be 4-6 inches deep or to the depth of redistributed topsoil. If pocking, pit the surface with small depressions to form micro-basins, in a "fish scale" pattern. Construct them along the contour, perpendicular to the natural flow of water and/or prevailing wind."</p> <p>Black Hills would conduct annual monitoring surveys of all sites categorized as "operator reclamation in progress" and would submit an annual report to BLM by December 1 of each year.</p>
Colorado Parks and Wildlife	FW-5 M-1	Fish and Wildlife Mitigation	Numerous species of small mammals, birds and reptiles utilize rock outcrops and dense rock habitats. CPW encourages the replacement of rocks, in comparable natural densities, wherever rock outcroppings are disturbed. This helps mitigate impacts to the above types of wildlife. We also	<p>BLM would require the following environmental protection measure (see Section 3.5.1.2 in the EA):</p> <ul style="list-style-type: none"> <li>Exposed rock outcrops that are present in pipeline corridors or on proposed well pad</li> </ul>

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			<p>support boring beneath some of the rock outcroppings to preserve habitat for the above species types.</p>	<p>locations should be removed as intact as possible (salvaging large pieces from the outcrop) and replaced on the ground surface at the margins of the corridor and/or well pad in as close proximity to the original location as practical.</p>
Colorado Parks and Wildlife	FW-6 M-2	Fish and Wildlife Mitigation	<p>Wildlife of all sizes could accidentally enter the evaporation/holding pits of gas wells at any time during the year. As a result, these areas are recommended to include the following design features.</p> <p>Fencing around the pits should consist of a minimum of a 7-foot chain-link fence capable of preventing elk and deer from entering the pits; concurrently it should have a small mesh type of fencing along the bottom of the fence (buried one-foot below grade level and extending a minimum of two-feet above grade) capable of preventing small animals from entering between the gaps (gaps should be no larger than three-inches).</p> <ul style="list-style-type: none"> <li>• Each pit should be constructed with a 4:1 escape ramp to allow entrapped wildlife to escape.</li> <li>• The pits should be adequately netted to ensure that waterfowl and other birds are prevented from entering. Colorado Parks and Wildlife would greatly appreciate Black Hills providing information on the design proposed for the netting. The criteria identified in BLM 1M No. 2013-033 should be met in the construction and operation of all pits and fluid management practices.</li> <li>• CPW requests to be notified immediately if any birds and/or wildlife are found within or around the pits, netting, or fences.</li> </ul>	<p>BLM would require the following environmental protection measures (see Section 3.3.4.2 in the EA):</p> <ul style="list-style-type: none"> <li>• The operator will minimize or preclude releases of hydrocarbons into open pits. Unless the authorized officer approves the release, no oil should go into a pit except in an emergency. The operator must remove any hydrocarbons (oil, condensate, paraffin, diesel, etc.) introduced a pit within 24 hours of discovery.</li> <li>• Fluids will be confined to pits or tanks during air drilling, flaring or fracturing operations. Flare or blooey lines will be directed into a pit and against a bank to prevent dispersion of materials or flame. Any blooey line will be misted to prevent dispersion of materials.</li> <li>• All pits that may contain liquid material will be lined to prevent seepage into the ground. The pit liner will be maintained in good working condition, with no tears or holes, until the pit is closed.</li> <li>• Pits will be constructed to preclude the accumulation of precipitation runoff and maintain a minimum of 2 feet of freeboard between the maximum fluid level and the lowest point of containment. If pit fluids</li> </ul>

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				<p>threaten to rise to a level above that, the operator will immediately prevent introduction of additional fluids until sufficient pit capacity has been restored through fluid removal or will install an alternative approved containment method.</p> <ul style="list-style-type: none"> <li data-bbox="1444 435 1976 946">• The operator will prevent wildlife and livestock access (including avian wildlife) to fluids pits that contain or have the potential to contain salinity sufficient to harm wildlife or livestock, to contain hydrocarbons, surfactants, or Resource Conservation and Recovery Act-exempt hazardous substances. For reserve pits, fence all four sides as soon as the pit is constructed. Reconstruct any damage to the rig side of the fence immediately following release of the drilling rig. At a minimum, the operator will adequately fence all fluids pits and open cellars during and after drilling operations until the pit is free of fluids and the operator initiates backfilling.</li> <li data-bbox="1444 987 1976 1320">• Any lined pit, any pit constructed with a slope steeper than 3:1, or where entrapment hazards may exist, will include escape ramps or ladders installed every 50 feet along the slope and at each corner. Example: anchored sections of galvanized chain-link fence at least 24 inches wide extending from the bottom of the pit to the top of the pit slope and across the top edge of the pit liner for at least two feet.</li> <li data-bbox="1444 1360 1976 1433">• Fencing for pits and other facilities with potential to cause harm to big game and other wildlife will be 8-foot woven wire</li> </ul>

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				<p>fence with adequate bracing. Construct the fence at least 2 feet from the edge of the pit. The bottom two feet of mesh will be no larger than 1½ inch openings, to preclude small animals from entering the pit. All corners will be braced and fence construction will be on cut or undisturbed ground. The fence will be maintained erect and in good condition to exclude wildlife and livestock. (Fencing: BLM Manual Handbook H-1741-1, p. 16).</p> <ul style="list-style-type: none"> <li>• All open top tanks and pits will be covered or netted to eliminate any hazard to birds and flying mammals (CERCLA Section 101(14)). At a minimum, the operator will install approved netting in these circumstances, immediately following release of the drilling rig. Note: The BLM does not approve flagging, strobe lights, metal reflectors or noisemakers to deter wildlife.</li> <li>• Minimum Netting Requirements: The operator will: <p>Construct a rigid structure of steel tubing or wooden posts with cable strung across the pit no further apart than 7-foot intervals along the X- and Y-axes to form a grid of 7-foot squares.</p> <p>Suspend netting a minimum of 4 to 5 feet above the pit surface.</p> <p>Use a maximum netting mesh size of 1½ inches to allow for snow loading while excluding most birds in accordance with Fish and Wildlife Service recommendations. Refer to:</p> </li> </ul>

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				<p><a href="http://www.fws.gov/mountain-prairie/contaminants/contaminants1c.html">http://www.fws.gov/mountain-prairie/contaminants/contaminants1c.html</a></p> <p>Cover the top and sides of the netting support frame with netting and secure the netting at the ground surface around the entire pit to prevent wildlife entry at the netting edges.</p> <p>Note: Other fencing or a wire mesh panel with openings larger than 1½ inches does not sufficiently exclude small wildlife and songbirds unless covered by smaller meshed netting.</p> <p>Monitor and maintain the netting sufficiently to ensure the netting is functioning as intended, has not entrapped wildlife, and is free of holes and gaps greater than 1½ inches.</p> <ul style="list-style-type: none"> <li>Any wildlife or birds found dead or apparently ill in or near pits must be reported to the Grand Junction Field Office immediately.</li> </ul>
Colorado Parks and Wildlife	FW-7 M-3	Fish and Wildlife Mitigation	<p>The CPW also recommends the following Conditions of Approval (COA's) be considered by the BLM in the approvals of various elements of this project.</p> <ul style="list-style-type: none"> <li>Avoid surface facility density in excess of 10 well pads per 10-square mile area (one well pad per section) in mule deer and elk winter range and in elk production areas.</li> <li>When surface density of oil and gas facilities exceeds 1 well pad/section, initiate a Comprehensive Development Plan (CDP) or Wildlife Mitigation Plan (WMP) that includes recommendations for off-site and compensatory</li> </ul>	<p>Black Hills is working with CPW to develop a Wildlife Mitigation Plan.</p> <p>The BLM has not included the recommendations for off-site and compensatory mitigation but would support CPW including them in the Wildlife Mitigation Plan.</p>

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			<p>mitigation actions.</p> <ul style="list-style-type: none"> <li>Identify critical habitat types and patches and adjust development sites to avoid these areas.</li> <li>Prior to development, establish a baseline vegetation condition and inventory to provide a basis for post-development habitat restoration.</li> </ul>	
Colorado Parks and Wildlife	FW-8 M-4	Fish and Wildlife Mitigation	Night lighting should be of the full-cutoff type and/or timed or otherwise minimized to reduce disruption to wildlife.	<p>BLM would require the following environmental protection measure (see Section 3.4.4.2 in the EA):</p> <p>“Outdoor lighting on facilities and/or drilling rigs should be down-directed, with fixtures having a 90 degree cutoff, in order to eliminate glare and minimize upward light scattering.”</p>
Colorado Parks and Wildlife	FW-9	Fish and Wildlife	<p>Multiple species of wildlife that inhabit the area surrounding the proposed project, including elk, mule deer, black bear, mountain lion, bobcat, red fox, gray fox, cottontail rabbit and wild turkey, may be vulnerable to illegal hunting during various times of the year. Wildlife species often concentrate near roads and riparian areas, particularly during the winter months when deep snow forces them to lower elevations. Wildlife along roadside habitats may become highly visible and become easy targets for poaching.</p> <p>CPW recommends that Black Hills Plateau Production LLC develop and enforce rules regarding possession of firearms and archery equipment for its contractors and its employees. Black Hills should educate workers about poaching and encourage reporting of such incidents to Operation Game Thief.</p>	<p>Black Hills included the following measures in their Biological Resources Protection Plan which are a design feature carried into the EA:</p> <p>“Environmental awareness training will be provided describing the consequences of poaching and information on Colorado wildlife laws, licensing, and residency requirements.”</p> <p>“A policy stating that no guns, dogs, drugs, or alcohol will be in place for all employees and subcontractors to minimize potential conflicts with wildlife.”</p> <p>BLM would require the following environmental protection measure (see Section 3.3.7.2 in the EA):</p> <p>“Reporting of poaching incidents to Operation Game Thief should be encouraged.”</p>
Colorado Parks and Wildlife	FW-10 TA-1	Fish and Wildlife Transportation and Access	<p>Roads</p> <p>1) These well locations lie in an area where increased public access and road construction has not been identified as a necessity. Increased public activity and recreation in these areas as a result of</p>	<p>Much of the project area is currently Open to Cross Country Travel, so route designations on new roads would likely be ineffective at minimizing travel related disturbance; however travel management area designations and route</p>

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			new road construction could negatively impact wildlife through associated human disturbance and habitat degradation. Negative impacts to wildlife caused by new road construction could be minimized by making new gas well roads closed to the general public. Restricting road access of the general public consistent with the travel management recommendations identified in the Resource Management Plan will reduce traffic disruptions to wildlife.	designations will be made through the Grand Junction Field Office RMP revision and Travel Management Plan. The Draft RMP is currently available for public review; CPW participated as a cooperating agency in the development of the Draft RMP.
Colorado Parks and Wildlife	PA-1	Proposed Action	CPW recommends that all gathering lines be constructed within or immediately adjacent to existing, upgraded or new roads where possible/practical.	This is a design feature included in Black Hills's proposal.
Colorado Parks and Wildlife	FW-11 TA-2	Fish and Wildlife Transportation and Access	Company guidelines should be established to minimize wildlife mortality from motor vehicle collisions on roads with speed limits posted per company policy.	Black Hills addressed speeds in their Proposal as a design feature – 20 mph on dirt roads unless otherwise posted.
Colorado Parks and Wildlife	FW-12 VEG-1	Fish and Wildlife Vegetation	<p>Weed Control</p> <p>Non-native weed species have become established on many disturbed soils throughout the South Shale Ridge area. The disturbance of soil, particularly along riparian corridors, increases the chance of non-native weed invasion. The invasion of non-native weeds reduces the density of native vegetation and lessens the habitat values for native wildlife species. The continual control and removal of non-native weeds on the disturbed/rehabilitated sites of this project will help restore native vegetation that is valuable to wildlife.</p>	As set forth in the <i>Noxious and Invasive Weed Management Plan for Oil and Gas Operators</i> (BLM, 2007a), Black Hills would regularly monitor and promptly control noxious weeds and other undesirable plant species. Prior to ground-disturbing activities, during construction, and post-construction, Black Hills would map weed infestations, promptly control noxious weeds or other undesirable plants using methods approved by the BLM, and regularly monitor known/treated infestations and retreat, if necessary. Black Hills would provide an annual report to the BLM GJFO that identifies the extent of noxious weed infestations and treatment used to eradicate or minimize undesirable species. Reports would be provided by December of 1 each year until the BLM has determined that the desired level of control is achieved. Prior to the use of herbicides, a Pesticide Use Proposal (PUP) would be approved by the BLM.

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Colorado Parks and Wildlife	FW-13	Fish and Wildlife	<p>Bears</p> <p>The project location lies within year-round black bear habitat. Increased human use of the proposed development area may increase the potential for conflicts with black bears during the summer and early fall, particularly during years of drought. The potential for human/bear conflicts within this project area would be greatly reduced by placing and utilizing "bear proof" trash containers at work-site/camping locations. These trash containers should be emptied weekly at a minimum. CPW can provide information on the design and purchase of "bear proof" trash containers.</p> <p>We recommend that employees be required to comply with "bear aware" policies regarding food, trash, BBQ grills, and birdfeeders; and be educated on what to do if they encounter a bear. CPW is available to offer specific on-site recommendations to minimize human-bear conflicts and provide bear education seminars for contractors and/or employees.</p>	<p>The following is included in the Biological Resources Protection Plan as a project design feature:</p> <p>"Bear-resistant containers will be used and refuse will be collected frequently to minimize potential for conflicts with bears."</p> <p>BLM would require the following environmental protection measure:</p> <p>Black Hills will require all personnel working on-site to review the CPW publication "Living with Bears" (Available online: <a href="http://wildlife.state.co.us/WildlifeSpecies/LivingWithWildlife/Mammals/Pages/LivingWithBears.aspx">http://wildlife.state.co.us/WildlifeSpecies/LivingWithWildlife/Mammals/Pages/LivingWithBears.aspx</a>), developed as part of the Bear Aware program.</p>
Colorado Parks and Wildlife	FW-14 WR-1 T&E/SS-1	Fish and Wildlife  Water Resources  Threatened and Endangered/Special Species	<p>Aquatic Habitat Concerns</p> <p>1). Pg.15- Water Supply and Storage, Use and Disposal</p> <ul style="list-style-type: none"> <li>• Water extraction points-CPW is concerned with the possibility of the introduction of aquatic nuisance species (ANS) into "clean" drainages. All equipment in contact with "clean drainages" should be sanitized per CPW protocols.</li> <li>• Special procedures for water extraction in critical habitat for T&amp;E fish may be required.</li> <li>• Water extraction devices should be screened so that fish are not entrained or impinged.</li> <li>• Hydrostatic testing-what is source of water for testing and what are plans for disposal of water?</li> <li>• CPW prefers that produced water not be injected</li> </ul>	<p>BLM would require the following environmental protection measure (see Section 3.3.7.2 in the EA):</p> <ul style="list-style-type: none"> <li>• All equipment used within drainages should be sanitized appropriately per CPW protocols including water extraction equipment that may be utilized in one waterway and transferred to another waterway.</li> </ul> <p>Special procedures for water extraction in critical habitat (including screening) are provided as a design feature in the Biological Resources Protection Plan.</p> <p>The source of water for hydrostatic testing is one of the extraction points (Latham Ponds, Colorado</p>

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			into wells located near or with connectivity to groundwater drainages-i.e., they discuss injection well near Hancock Gulch.	River, Dry Fork, and Roan Creek).  Hydrostatic test water will either be discharged to an upland area or disposed of in Black Hills' Hancock Gulch #1 injection well. The Hancock Gulch #1 injection well is a permitted UIC well with the Colorado Oil and Gas Commission – there is no connectivity to groundwater drainages.
Colorado Parks and Wildlife	PA-2	Proposed Action	2) Pg. 19- On-Site Visits  <ul style="list-style-type: none"> <li>Why are "hay wattles, etc. and other stormwater BMPs not necessary to incorporate into disturbance boundaries?" What other stormwater BMPs fall into the "etc." category?</li> </ul>	This language has been removed from the text.
Colorado Parks and Wildlife	FW-15 TA-3	Fish and Wildlife Transportation and Access	3) Pg. 22- Roads and Gathering Pipelines  <ul style="list-style-type: none"> <li>Any roads and/or pipelines constructed in drainages should not impede migration of aquatic wildlife.</li> </ul>	The following has been added as an environmental protection measure (see Section 3.3.7.2):  <p>"Any roads and/or pipelines constructed in drainages should not impede migration of aquatic wildlife."</p>
Colorado Parks and Wildlife	WR-2	Water Resources	4) Pg. 77- Surface Water Hydrology:  <ul style="list-style-type: none"> <li>Well pad HDU 7-23-A "box culvert or bridge would be designed to cross South Dry Fork." The culvert or bridge should be designed such that it does not impede migration of aquatic wildlife.</li> <li>What will be the source of water used for dust control? Trench dewatering water or pipeline hydrostatic test water should not be discharged to waters of the state. Further, if Black Hills is planning to discharge this water in an upland area, this area should not drain to any water or downstream drainage-the area should be isolated.</li> <li>Spill stations should be set-up in strategic locations.</li> <li>CPW should be contacted immediately if a reportable spill occurs.</li> </ul>	The following has been added as an environmental protection measure (see Section 3.3.7.2):  <p>"The box culvert or bridge proposed for well pad HDU 7-23 should be designed to cross South Dry Fork such that it does not impede migration of aquatic wildlife."</p> <p>The source of water for dust control is one of the extraction points (Latham Ponds, Colorado River, Dry Fork, and Roan Creek).</p> <p>Trench dewatering water and pipeline hydrostatic test water would be disposed of in the Hancock Gulch #1 injection well in the Homer Deep Unit or to an upland area. The following are included as environmental protection measures (see Section 3.2.4.2 in the EA)</p>

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				<p>If hydrostatic test water or trench dewatering water was discharged, it should be discharged to an upland area at least 150 feet from WoUS and wetlands, in a manner so that it would infiltrate into the groundwater without causing erosion.</p> <p>BLM approval of the discharge location and proposed BMPs should be obtained before discharging hydrostatic test water to an upland area.</p> <p>Also, see response to comment CPW FW-16, below.</p>
Colorado Parks and Wildlife	FW-16 M-5	Fish and Wildlife Mitigation	<p>5) Pg. 131- Protective/Mitigation Measures:</p> <p>"Fish and amphibians should be salvaged within isolated work areas required for dry open cut pipeline construction across drainages with water present." We are not sure what this statement really means, but no one should be "salvaging" any species, other than CPW as necessary. CPW should be consulted/involved in any attempted relocation of wildlife. Avoidance of impacts should always receive first consideration.</p>	<p>This environmental protection measures has been revised to read:</p> <p>"Because dry open-cut construction requires isolating the workspace between the temporary dam upstream and downstream, fish and amphibians should be captured, removed from the isolated workspace by seining and/or use of electroshock, and placed downstream."</p>
Colorado Parks and Wildlife	FW-17 WR-3	Fish and Wildlife	<p>6) Appendix D Biological Resources Protection Plan-pg.6:</p> <ul style="list-style-type: none"> <li>• CPW suggests that the following be added to Section 6.0 Aquatic Wildlife Protection</li> <li>• Measures:</li> <li>• Spill station locations should be established and placed in strategic locations.</li> <li>• CPW should be contacted immediately if a reportable spill occurs.</li> <li>• All fluid pits should be lined appropriately.</li> <li>• All equipment used within drainages should be sanitized appropriately per CPW protocols. This includes water extraction equipment that may be utilized in one waterway and transferred to another waterway.</li> </ul>	<p>The following have been added as environmental protection measures (see Sections :3.3.7.2 and 3.4.8.2 in the EA):</p> <ul style="list-style-type: none"> <li>• Spill station locations should be established and placed in strategic locations.</li> <li>• CPW should be contacted immediately if a reportable spill occurs.</li> <li>• All equipment used within drainages should be sanitized appropriately per CPW protocols including water extraction equipment that may be utilized in one</li> </ul>

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			<ul style="list-style-type: none"> <li>• Stream crossings (both ephemeral and perennial) should not impede aquatic wildlife migration.</li> <li>• Riparian areas and other aquatic habitat that may be impacted should be protected through the use and maintenance of BMPs.</li> <li>• Water quality monitoring of both surface and ground water should occur within and downstream of the proposed area of development.</li> </ul>	<p>waterway and transferred to another waterway.</p> <ul style="list-style-type: none"> <li>• Stream crossings (both ephemeral and perennial) should not impede aquatic wildlife migration.</li> </ul> <p>Lining of the fluids pits is included in Black Hills proposal as a design feature.</p> <p>Black Hills has prepared and would implement a Storm Water Management Plan in accordance with state regulations which identifies the use of BMPs to protect riparian areas and other aquatic habitat.</p> <p>Water quality monitoring is included as a COA as follows:</p> <p>“For locations HDU 9-41, HDU 9-11, and HDU 7-23, baseline water quality data should be collected in Dry Fork of Roan Creek (or shallow well such as a sand point) specifically looking for TPH, BTEX, and VOCs. The respective APDs for these locations should indicate that the baseline water quality will be collected.”</p>
Colorado Parks and Wildlife	FW-18 CU-1	Fish and Wildlife	<p>Cumulative Impacts</p> <p>1) This project will add additional cumulative impacts to wildlife habitats beyond the impacts already realized by the energy development in the area. Fragmentation and degradation of wildlife habitat will occur as a result of the proposed project.</p>	This has been disclosed in the EA.
Colorado Parks and Wildlife	FW-19	Fish and Wildlife	<p>2) Negative impacts to wildlife may become significant when habitat disturbances caused by energy development are added over time and become cumulative. Impacts to wildlife may result from noise from well heads and compressor stations; increased sedimentation; disturbance of</p>	Comment Noted.

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			fragile soils and steep slopes; loss of winter forage for wildlife; loss of migration corridors for wildlife; human disturbance to wintering populations of wildlife; animal harassment as a result of increased human activity; vegetation disturbance by road, pipeline and well pad construction; increased invasion of noxious weeds to disturbed sites; and increased access into roadless areas resulting in a loss of seclusion for wildlife and increased vulnerability to poachers. Furthermore, the timing and rate in which disturbed sites are reclaimed is typically not equal to the rate of disturbances created by energy development. As a result, there can be a significant deficit to biologic systems created which is compounded by the time it takes to restore lost habitat.	
BlueStone Water Conservation District	WR-1	Water Resources	In general, the EA properly identifies and documents the water resources within the project area, and the BLM's analysis of the potential impact of the Proposed Action on these water resources appears to have been conducted thoroughly and appropriately.	Thank you for your comment.
BlueStone Water Conservation District	WR-2	Water Resources	The District supports Black Hills' use of water acquired from the Colorado River Water Conservation District, and agrees that limiting diversions of water to in-priority diversions is an appropriate method of protecting senior water rights within the District.	Thank you for your comment.
BlueStone Water Conservation District	WR-3	Water Resources	The District supports the use of Best Management Practices to address water quality impacts as described in the EA.	Thank you for your comment.
BlueStone Water Conservation District	G-1	General	In general, the District supports the Proposed Action Alternative described in the BLM's Environmental Assessment.	Thank you for your comment.
Bob Rankin	G-1	General	The De Beque EA provides for the necessary	Thank you for your comment.

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State Representative, Colorado House District 57			protections of other resources and we encourage BLM to continue to support the development of the federal oil and gas resources in the interest of the federal taxpayer.	
Bob Rankin State Representative, Colorado House District 57	SE-1	Socioeconomics	Natural gas is a vital source of energy and plays a crucial role in meeting the nation's economic and environmental quality goals. BLM should make oil and gas exploration and development a priority and allow for the timely and efficient development of these resources.  BLM has done a thorough and comprehensive analysis and we support approving the EA.	Thank you for your comment.
Bob Rankin State Representative, Colorado House District 57	G-2	General	I support BLM's Black Hills' proposal and agree that BLM has complied with all of its obligations under federal law to analyze the impacts to the environment.	Thank you for your comment.
Bob Rankin State Representative, Colorado House District 57	SE-2	Socioeconomics	BLM should issue a decision that authorizes the exploration and development of oil and natural gas in Garfield and Mesa Counties, Colorado as soon as practicable.  BLM's approval of the project will provide benefits to the local communities in terms of job growth and economic activity.	Thank you for your comment.
Steve King Senator, Colorado State Senate District 7	G-1	General	Mesa and Garfield Counties has a vested interest in the decisions made by BLM for the Grand Junction resource area that affect existing and future oil and gas leasing, and exploration and development activities.  The De Beque EA provides for the necessary protections of other resources and we encourage BLM to continue to support the development of the federal oil and gas resources in the interest of the federal taxpayer.	Thank you for your comment.
Steve King	G-2	General	Natural gas is a vital source of energy and plays a	Thank you for your comment.

Organization	Comment Number	Category	Comment Text	Response
Senator, Colorado State Senate District 7			<p>crucial role in meeting the nation's economic and environmental quality goals. BLM should make oil and gas exploration and development a priority and allow for the timely and efficient development of these resources.</p> <p>BLM has done a thorough and comprehensive analysis and I support approving the EA.</p>	
Steve King Senator, Colorado State Senate District 7	G-3	General	I support BLM's Black Hills' proposal and agree that BLM has complied with all of its obligations under federal law to analyze the impacts to the environment.	Thank you for your comment.
Steve King Senator, Colorado State Senate District 7	SE-1	Socioeconomics	<p>BLM should issue a decision that authorizes the exploration and development of oil and natural gas in Garfield and Mesa Counties, Colorado as soon as practicable.</p> <p>BLM's approval of the project will provide benefits to the local communities in terms of job growth and economic activity.</p>	Thank you for your comment
Wayne Klahn Mayor of De Beque	TA-1	Transportation and Access	The recent heavy trucking involved in the improving of Mesa County Road V.2 was a damaging reminder of the fact that we are not built to be a designated route for the number and size of vehicles needed to explore the area directly to our west.	<p>Section 2.2.1.4 has been revised to state:</p> <p>“Primary access to the Winter Flats Unit and Wagon Track Non-Unitized Area would be via Interstate 70, Mesa County 45, 44 and V.2 roads; and the designated truck route of 4th Street, Stewart Avenue, 3rd Street, Minter Avenue, and 2nd Street in De Beque.”</p>
Wayne Klahn Mayor of De Beque	TA-1	Transportation and Access	Historically we are a boom/ bust energy community held together in hard times by agriculture. We are pro-energy here in De Beque. Energy keeps our young families well employed without having to move to North Dakota. The possibilities west of us are no surprise, being drilled as long as 100 years ago and piped for more than half that time. But the real action in boom times was on the shale cliffs above while the lands below were left in relative peace and our town streets were tentatively	Comment noted. No response required.

Organization	Comment Number	Category	Comment Text	Response
			adequate.	
Wayne Klahn Mayor of De Beque	TA-1	Transportation and Access	<p>I would like to see inserted in this proposal and in all future proposals concerning travel management for energy, recreation, grazing, and other such activities on the BLM land accessed through the town of De Beque;</p> <p>“The designated “Truck Route” off Roan Creek Road to access V.2 Road, currently 4th Street, Stewart Ave, 3rd Street, Minter Ave, and 2nd Street is included as a primary travel route and protected as such. A fee for upkeep and repair may be required by the Town of De Beque.”</p>	<p>Section 2.2.1.1 has been revised to state:</p> <p>“Black Hills and its contractors would comply with the provisions of the Town of De Beque’s municipal code addressing the use and maintenance of town streets.”</p> <p>Section 2.2.1.4 has been revised to state:</p> <p>“Primary access to the Winter Flats Unit and Wagon Track Non-Unitized Area would be via the designated truck route of 4th Street, Stewart Avenue, 3rd Street, Minter Avenue, and 2nd Street in De Beque.”</p>
Town of De Beque	G-1	General	The proper spelling of the Town is “De Beque” with a space in between the two words.	The text has been revised to indicate the proposer spelling of the Town of De Beque.
Town of De Beque	TA-1	Transportation and Access	<p>Page 13 “Roads”: This section contemplates that “...Existing county, BLM, and private roads would generally be used for access to and through the project area...” The EA does NOT contemplate that access specifically to County Road 45 (Roan Creek Road) and V.2 Road would be accessed via roads owned and maintained by the Town of De Beque. The following paragraph states that “...To provide access to proposed well pads, Black Hills would upgrade approximately 11.58 miles of existing two-track roads...” This section does not state a need to upgrade or repair roads through De Beque that would suffer impacts directly from the proposed extraction.</p>	<p>Section 2.2.1.1 has been revised to state:</p> <p>“Existing Mesa County, BLM, Town of De Beque, and private roads would generally be used for access to and throughout the project area. Mesa and Garfield counties maintain approximately half of the roads that would be used for access, the Town of De Beque maintains approximately one percent, and Black Hills would maintain the remaining roads. Black Hills and its contractors would comply with provisions of De Beque’s municipal code addressing the use and maintenance of town streets.”</p>
Town of De Beque	TA-2	Transportation and Access	<p>Page 17, 2.2.1.4 Access and Traffic: This section notes that access would include Mesa County roads 45 and V.2 but do not mention that both of these roads would be accessed via roads owned and maintained by the Town of De Beque.</p>	<p>Section 2.2.1.4 has been revised to state:</p> <p>“Primary access to the Winter Flats Unit and Wagon Track Non-Unitized Area would be via the designated truck route of 4th Street, Stewart Avenue, 3rd Street, Minter Avenue, and 2nd Street in De Beque.”</p>

Organization	Comment Number	Category	Comment Text	Response
Town of De Beque	TA-3	Transportation and Access	Page 28, 2.2.1.10 Special Design Features and Protective Measures, Traffic: This section does not mention use of roads in the Town of De Beque. In this section the EA needs to contemplate the ordinances of the Town of De Beque that speak specifically to truck routes, weight limits of vehicles, noise as nuisance, etc.	Section 2.2.1.10 has been revised to state:  "Black Hills and its contractors would comply with the provisions of the Town of De Beque's municipal code addressing the use and maintenance of town streets."
Town of De Beque	G-2	General	Page 148, Law Enforcement: The EA states that the Town of De Beque does not have a municipal police department. In fact, De Beque does have a police department with a Marshal instead of a Chief of Police.	Sec 3.4.5.1 (Law Enforcement) has been revised to state:  The De Beque Marshal Department provides first-call police services in the project area. The Marshal Department has two officers on staff. Most of the offenses in the project area reported to the Marshal Department and Mesa County Sheriff's Office are related to larceny, burglary and assault (Smith, 2012).
Town of De Beque	SE-1	Socio-economics	Page 150, Law Enforcement: The EA states that "...The Proposed Action could increase drug-related offenses frequently associated with oil and gas construction workers..." Further down the same page, the EA states "...There would be no potential increase in the demand for law enforcement services due to offenses perpetrated by gas construction workers...." Please clarify if there will or will not be a potential increase in criminal offenses.	Text in Sec. 3.4.5.3 (Law Enforcement) has been revised to state:  "Many rural communities near areas with active oil and gas development have experienced, or are concerned about, increased crime along with an influx of non-resident temporary workers (BBC, 2011; Blankenship, 2006). Rig activity is a good indicator of non-resident populations associated with oil and gas development, as well as potential increases in non-violent crimes (Jacquet, 2005). Because no more than two drilling rigs would be active in the project area at any given time, the Proposed Action is not expected to increase response demands on the De Beque Marshal Office. In addition, short-term housing accommodations for the estimated 75 non-local workers associated with construction of the Proposed Action are spread across neighboring communities, further reducing the potential for increased law enforcement demands on any single law enforcement agency."
Town of De	SE-2	Socio-economics	The EA does not contemplate if the need for an	See response to SE-1, above.

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Beque			increased law enforcement presence will be necessary to address this potential increase in offenses. Nor does the EA address how the Town of De Beque in specific will fund this increase in law enforcement considering much of the activity will be outside of Town boundaries which creates an increased burden on the Town police services as it draws resources away from their primary responsibility to protect the citizens of the Town of De Beque proper.	
Town of De Beque	TA-4	Transportation and Access	Page 152, 3.4.7.2 Environmental Consequences: This section of the EA contemplates impacts to roads within the project area, specifically 45 Road and V.2 Road. However, this section does not address the potentially severe impact to the roads within the Town of De Beque proper. For instance, access to V.2 and 45 Roads cannot be gained without using the roads within the Town of De Beque. Neither this section, nor Appendix C Black Hills Transportation Plan, contemplates the damage that the Town roads will incur or how De Beque will pay for the O&M on the Town roads. These are serious issues that need to be addressed in more than a cursory manner.	Table 3.4-5 has been revised to include historic traffic counts for Mesa County 44 Road and 4th Street in De Beque (the only portion of the access route in De Beque for which traffic counts are available).  In Section 3.4.7.2, Estimated project-related traffic increases have been revised to include estimated increases on Mesa County 44 Road and 4th.
Town of De Beque	TA-5	Transportation and Access	Appendix C Transportation Plan: Appendix C fails completely to contemplate the impacts Black Hills will have on the roads within the Town of De Beque. This topic is germane to this discussion specifically because access to both 45 and V.2 Roads are only obtainable via Town of De Beque roads. This Appendix C needs to fully document and illustrate impacts to the roads within the Town of De Beque including, but not limited to, recognition of these roads on Table 1; construction/improvements and maintenance issues; construction traffic counts and the impacts of sustained operational traffic.	Black Hills has revised Table 1 of the Transportation Plan to include 2nd, 3 <sup>rd</sup> , and 4th streets, and Minter and Stewart avenues in De Beque.  Text has been added to Section 1.4 of the Transportation Plan stating that "Black Hills and its contractors will also comply with provisions of the Town of De Beque municipal code concerning the use and maintenance of town streets."
Mesa County, Department of Public Works	TA-1	Transportation and Access	The Horseshoe Canyon Unit is accessed from Horse Canyon Road. This road is not a County road as listed in table 1, page 3. This is a private road	Black Hills revised Table 1 of the Transportation Plan to state that Horse Canyon Road is privately owned.

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			maintained by the Horse Canyon Road Users Association. Map #2 Transportation Plan Access Road Maintenance is correct in that it does not show Mesa County as maintaining this roadway.	
Mesa County, Department of Public Works	TA-2	Transportation and Access	The transportation plan should be updated to show that Mesa County does not maintain the roadways in the town of De Beque.	Black Hills revised Table 1 of the Transportation Plan to include De Beque town streets and to show the Town of De Beque as the party responsible for maintenance.  Section 1.4 has been revised to state:  "Roads will be maintained by CDOT, Garfield County, Mesa County, the Town of De Beque, and Black Hills."
Mesa County, Department of Public Works	TA-3	Transportation and Access	The town manager of De Beque, Guy Patterson expressed his concern about the traffic through town to access V.2 Rd to the Winter Flats Unit and the Wagon Track Area. The town maintains the roads for residential use but when many heavy trucks come through town during active drilling periods this creates a hardship when the town has to pay for repairs without a method for reimbursement. This can be more of a problem during spring thaw when the roads are more susceptible to damage.	Black Hills revised Section 1.4 of the Transportation Plan to state:  "Black Hills and its contractors will also comply with provisions of the Town of De Beque municipal code concerning the use and maintenance of town streets."
Mesa County, Department of Public Works	G-1	General	Mesa County submitted comments last February during the public scoping period and that letter is attached.  <b>Comments submitted during scoping are listed below.</b>	Comment noted.
Mesa County, Department of Public Works	PP-1	Policy and Process	Buried water and gas handling lines do not require land use permitting by Mesa County. Crossing and disturbance of Mesa County rights of ways will require a Mesa County Underground and Utility Permit.	BLM's Standard Condition of Approval for Oil and Gas includes the following:  This authorization is contingent upon receipt of and compliance with all applicable federal, state, county, municipal and local permits, including all necessary environmental clearances and permits (Colorado Oil and Gas Conservation Commission (COGCC), U.S. Army Corps of Engineers

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				(USACE), U.S. Fish & Wildlife, U.S. Forest Service, Colorado Department of Transportation, Colorado Department of Health & Environment, County Oil and Gas liaisons, Health and Road Departments, municipalities, etc.).
Mesa County, Department of Public Works	PP-2	Policy and Process	Mesa County requires gas and water lines to be located outside of the County's rights of way when not crossing the right of way.	See response to Mesa County, Department of Public Works, PP-1, above.
Mesa County, Department of Public Works	PP-3	Policy and Process	Centralized water handling facilities require a County Conditional Use Permit.	See response to Mesa County, Department of Public Works, PP-1, above.
Mesa County, Department of Public Works	PP-4	Policy and Process	Gas compressor station facilities require a Conditional Use Permit.	See response to Mesa County, Department of Public Works, PP-1, above.
Mesa County, Department of Public Works	PP-5 WR-1	Policy and Process Water Resources	Locations of pump pads for withdrawal of water from creeks and rivers will require review and approval through the minor site process and proof of appropriate water rights.	See response to Mesa County, Department of Public Works, PP-1, above.
Mesa County, Department of Public Works	TA-4	Transportation and Access	The roads in the MDP area are mostly dirt, surfaced with local soils with a few graveled sections. The road surfaces are not all-weather and will break down if driven on in adverse seasonal conditions with heavy equipment. These roads are seeing increased traffic from recreational users such as ATVs, wild horse viewing and traditional uses of ranching, hunting and residential in holdings. The users of these roads expect the County to maintain the road in all weather conditions. In order to do this, the roads must be upgraded to an all-weather surface which the County does not have the funds in the budget to accomplish. It would be in the best interest of all users and the County to come to an agreement to contribute to the upkeep of these roads. In other areas of the County, pipeline companies and oil and gas operators have contributed gravel for road surfacing. The burden of maintenance costs should not be placed solely on the oil and gas industry but shared by all users. When new drill pads are being constructed, if Black Hills contributes to the County Roads Quid Pro Quo	Section 1.3 of the Transportation Plan states that "Road construction and upgrades will comply with BLM GJFO Standard Conditions for Road Construction, Use and Maintenance. The proposed access roads will be constructed and upgraded to meet standards for the anticipated traffic flows and all-weather requirements."

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			this would be beneficial to all parties. A dialog between users, land owners and government agencies would go a long way in defining the problem and finding a solution.	
Mesa County, Department of Public Works	TA-5	Transportation and Access	Eric Bruton, Mesa County Road Supervisor, (970) 244-1895 (eric.bruton@mesacounty.us) can give you information concerning County road maintenance and bonding requirements.	Section 1.4 of the Transportation Plan states:  "Black Hills will coordinate with the Garfield County Road and Bridge Department and Mesa County Public Works Department, Road and Bridge Division to insure that the use and maintenance of county roads conform with issued permits, rights of way, and other county requirements."
Mesa County, Department of Public Works	PP-6	Policy and Process	Applicant should be aware that a copy of the application for a permit to drill (APD) must be submitted to Mesa County's local governmental designee (LGD) simultaneously with the Colorado Oil and Gas Conservation Commission (COGCC).	See response to Mesa County, Department of Public Works, PP-1, above.
Mesa County, Department of Public Works	PP-7	Policy and Process	The "Mesa County Mineral and Energy Resources Plan" applies to the proposed MDP. The plan was adopted by the Board of County Commissioners February 2011 and is located at: <a href="http://www.mesacounty.us/planning/energymasterplan.aspx">http://www.mesacounty.us/planning/energymasterplan.aspx</a>	Thank you for your comment.
Mesa County, Department of Public Works	PP-8	Policy and Process	Applicable sections of the Mineral and Energy Resources Plan: Guiding Goal: Create and maintain a balance between present and future Resource development and use. <u>Goals:</u> G2. Balance new and traditional technologies related to exploration, development, conservation, and use of Resources in a way that will strengthen economic growth, provide safe and reliable use of Resources, and mitigate environmental impacts.  G3. Minimize potential impacts from all exploration, development, and use of Resources on lands, land uses, residents, and communities, recognizing the location of the Resources and current land use	Thank you for your comment.

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			<p>patterns.</p> <p>G5. Minimize potential conflicting land uses that may adversely impair or prevent the exploration, development, and use of commercially valuable Resources, recognizing the location of the Resources and current land use patterns.</p> <p>G6. Permit Resource development in a safe and environmentally sound fashion.</p>	
Mesa County, Department of Public Works	PP-9	Policy and Process	<p>Applicable sections of the Mineral and Energy Resources Plan:</p> <p><u>Policies:</u></p> <p>P3. Provide tools for use by landowners, Resource industry interests, the public and county staff to minimize and mitigate impacts of Resource exploration and development addressing (but not limited to): Sensory Impacts (odor/visibility), Water-Related Sensitivities, Biological Sensitivities, Transportation, and Hazards and Mineral Resources. (e.g., the interactive Geographic Information System (GIS) map on the Mesa County website known as the Energy Policy Opportunity Map - EPOM).</p> <p>P4. Provide comments to State and Federal regulatory agencies on proposed Resource exploration and development projects such as Environmental Assessments, Environmental Impact Statements, Plans of Development and Applications for Permits to Drill (APD), based on the EPOM and to include in permits that are enforced by the appropriate regulatory agencies.</p>	Thank you for your comment.
High Lonesome Ranch	LT-1	Land Tenure	The EA does not address how this proposal will impact the HLR mineral ownership within the project boundary and does not specify any actions that BLM will impose to prevent illegal trespass and drainage of HLR fluid minerals (oil and gas).	The proposed federal wells would be drilled under established COGCC spacing orders with regard to the completion zone and bottom hole locations. The COGCC establishes minimum setbacks from lease and unit boundaries lines to legally protect drainage from occurring. If an offset mineral owner is concerned with drainage, the normal recourse would be the drilling of an offset

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				protective well. Illegal trespass issues would be handled on a case by case basis with several potential options available for mitigation.
High Lonesome Ranch	LT-2	Land Tenure	The EA also does not address federal mineral leases adjacent but not within the project area (both private and public). These “other leases” can be affected by this unit and exploration and many have lease expiration dates of 2014 which means that it is reasonable to expect development activity on these leases in the next 3 years. Black Hills has leases in the adjacent area and have expressed potential development during field trips that HLR staff attended which are not addressed. The BLM maintains a database of these leases and could have easily been identified.	Development of federal leases outside of the project area may occur in the next several years. The BLM is unaware of any operator proposals for leases within 2 miles of the project area other than the approved federal wells in the Whittaker Flats Unit.  See response to High Lonesome Ranch LT-1, above.
High Lonesome Ranch	LT-3	Land Tenure	The EA also does not mention or address the proposed EnCana Whittaker Flats Federal Unit that is adjacent to the project area and impact some of the same mineral interests and development.	The Whittaker Flats Unit and three well pads were approved in December 2012. These wells are included in the 175 wells as reasonably foreseeable within the GJFO area.
High Lonesome Ranch	LT-4	Land Tenure	Three of the proposed wells (HDU 9-11, HDU 9-41, and HDU 7-23) are in close proximity to HLR property boundaries and development of these leases could impact the ability of HLR to access its own minerals and related development of HLR minerals. This was not addressed at all in the EA even though we expressed our concern in our scoping comments and on field visits.	It is not clear how the development of federal minerals in close proximity to HLR property could impact HLR’s access to HLR minerals.  See response to High Lonesome Ranch LT-1, above.
High Lonesome Ranch	LT-5	Land Tenure	We are also concerned that there were no other alternatives for these 3 wells due to the impacts to HLR minerals and other property rights. The BLM was inadequate at identifying why these wells cannot be moved or the reasoning for their current location. There may be other locations nearby that would cause fewer impacts to the HLR and reduce environmental impacts. BLM has flexibility in locating wells within a lease is required to choose locations that will have the minimal impact to environmental resources and cause no undue or unnecessary degradation or cause illegal drainage	See response to High Lonesome Ranch, LT-1, above.  Indirect impacts to area recreationists would be temporary and design features included in Black Hill’s proposal and BLM’s Conditions of Approval have been added to reduce impacts.

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			of private minerals.	
High Lonesome Ranch	SE-1 GR-1 REC-1	Socio-economics Grazing Recreation	HLR expressed concerns about development and its potential impacts to the HLR ranch operations including visitor services, cattle operations, sporting operations, and guest safety. The EA covers some of these issues but does not adequately address how they will mitigate our concerns.	Section 3.4.5.2 (Employment and Income) has been revised to state:  “Construction of the Proposed Action could result in short-term impacts to recreation-based tourism in the project area. Localized effects during construction would be strongest on businesses and recreational activities located near proposed well pads. The High Lonesome Ranch is located near proposed well pads HDU 7-23 and HDU 9-11; guest ranch headquarters are approximately 0.4 miles from HDU 7-23 and kennels and pheasant-rearing facilities are approximately 0.6 miles from HDU 9-11. Impacts due to construction-related disturbances, including traffic, noise, dust, and lighting, would be most intense during drilling and completion activities on these well pads. Long-term impacts during the production phase would be fewer and less intense. A noise analysis has been added to the EA and would help mitigate potential impacts to Special Recreation Permit holders.
High Lonesome Ranch	TA-1	Transportation and Access	The main access road for the Homer Deep Unit wells is the same major access to the HLR headquarters (center of ranch operations) and dude ranching/guest services. The BLM identifies how many vehicles per day will be estimated and Black Hills commits to speed limits and carpooling to mitigate some activity level and safety concerns but there is no mention of any BLM enforcement of any efforts that BLM will do to ensure that these committed actions will take place. BLM could require carpooling, identify park & ride locations, post speed limits, increase law enforcement and many other items but the EA commits to none of these efforts.	This is a County Road and Black Hills must operate within the requirements similar to any county road user.  If Black Hill’s proposal were approved by the BLM, including carpooling and speed limits, those operator proposed measures would become required by the permit and the BLM would routinely enforced them.
High Lonesome Ranch	N-1 REC-2	Noise Recreation	The EA does not address any noise concerns and 2 locations HDU 9-41 and HDU 7-23 are in close	A noise analysis has been added to the EA – See Section 3.2-5.

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	SE-2	Socio-economics	proximity to HLR properties that could be drastically impacted by drilling noise. HLR has millions of dollars invested in dog kennels, game-bird operations, dude ranching and general guest services which would not be conducive to an increase in noise associated with drilling and completions, yet the EA does not address this impact nor propose any alternatives to mitigate the impacts.	
High Lonesome Ranch	GR-2	Grazing	HLR is extremely concerned about impacts to its grazing operations, particularly a statement about a future reduction in Animal Unit Months for the Winter Flats – Deer Park grazing allotment. HLR is not aware of any reduction and will not tolerate a reduction without proper notification and process by BLM range administration. HLR requests that this statement and proposal be stricken from the EA and any potential reduction be prohibited based on this EA, which is an energy development project, not a grazing project.	BLM grazing allotment management has no ties to Black Hill's proposal. The BLM documents conditions in allotments and analyzes them site-specifically, considering Land Health Assessments and Ecological Inventories. If this process of analysis resulted in a proposal to change grazing permits, then proper notification and process would proceed without any relation to Black Hills proposal.  Language regarding any reductions of AUMs has been removed from the EA.
High Lonesome Ranch	WR-1	Water Resources	HLR is also concerned about potential impacts to water quality and quantity. The EA makes conflicting statements on where water for development will be obtained from. In one instance it states it will be from the CO River and in other areas it identifies local streams as a potential source. Based on the conflicting information the HLR cannot be certain that our water rights or wells will not be significantly impacted. HLR also recommends that BLM include new guidance from the state of CO on baseline testing before development takes place. HLR has been monitoring and testing water in the area for years, and that information is available as a baseline and could have been available for this analysis had BLM sought it out.	Both the Colorado River and local streams have been identified for water source. Black Hills would purchase 500 acre/feet of water rights from Colorado River Water District annually for the life of the project. Existing water rights would not be impacted unless water was to be diverted out of priority.
High Lonesome	T&E/SS-1	Threatened and	We are concerns that BLM did not adequately	The EA identified that the project area is within

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Ranch		Endangered/Special Status Species	address potential sage grouse habitat impacts given there are birds in local area and that the project area is historic sage grouse habitat. There was no evidence of any effort to determine sage grouse use in the project area and recent efforts on HLR properties have verified use in areas previously thought to have no grouse use. The BLM should have used the Parachute-Roan-Piceance population area as its cumulative analysis area for sage grouse. This would have changed the EA due to the extensive development taking place in the Piceance basin. HLR is undertaking efforts, known to BLM, to conserve sage grouse on HLR lands and there is a potential impact to those efforts from this project that should have been analyzed.	potential sage-grouse habitat in the Parachute/Piceance/Roan (PPR) population area. Sage-grouse would be expected north of the project area, in the vicinity of Kimball Mountain; BLM has identified Preliminary Priority Habitat there following IM No. 2012-043. Wildlife surveys had been conducted throughout the project area in 2012, including the Homer Deep portion which had also been surveyed in 2009, 2010, and 2011. In addition, surveys for sage-grouse were conducted in the Horseshoe Canyon area by Rocky Mountain Bird Observatory personnel during 2009. No sage-grouse or sign were reported from any surveys. As discussed in the EA, the project would not directly affect sage-grouse but indirect effects could include attracting nest predators (e.g., corvids) to the region. The Project would contribute to cumulative effects to sagebrush vegetation in the region. The project would disturb 156 acres of sagebrush vegetation which is 1.2 percent of all vegetation disturbed in the EAA in the past, present, and reasonably foreseeable future.
High Lonesome Ranch	T&E/SS-2	Threatened and Endangered/Special Status Species	There was also no mention or use of some of the best available science for sage grouse – the BLM National Technical Team report of December 2012, the Association of Fish and Wildlife Association report, and the Fish and Wildlife Service most recent review for sage grouse. As a candidate species, BLM must ensure that their efforts and authorizations do not lead the species closer to becoming listed under the Endangered Species Act.	The National Technical Team Report was the precedent of BLM IM No. 2012-043 which was referenced in the EA. The EA recognized and cited the Western Association of Fish and Wildlife Agencies (see Connelly et al., 2004). The EA recognized and cited the U.S. Fish and Wildlife Service (2010) 12-month finding, resulting in the species' candidate status. In 2012, the Fish and Wildlife Service reviewed the status of greater sage-grouse (FR 77(225):69994-70060) concluding that ongoing threats continued (including energy developments) and retained the species' candidate status (warranted but precluded). BLM recognizes the candidate species' status and has discussed potential project effects in the EA.
High Lonesome	FW-1	Fish and Wildlife	We disagree about the proposal to have differing	Without a lease stipulating granting BLM specific

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Ranch			timing limitations for winter wildlife restrictions for the Homer Deep Unit wells. The EA does not adequately explain why the restrictions differ- other than a short explanation that one lease has a stipulation and the other leases do not. BLM has the authority to add needed restrictions to wells during the APD phase as Conditions of Approval.	authority in specific locations, BLM's imposition of Timing Limitations is limited to 60 days.
High Lonesome Ranch	FW-2	Fish and Wildlife	BLM has applied COAs longer than 60 days in many other field offices that are in the same situation. The inconsistency in application of timing can and will cause unnecessary impacts to wintering mule deer. The EA does not explain how it will mitigate the additional impacts that could occur to wintering mule deer. HLR believes in flexibility in application of timing limitations but only with appropriate mitigation, the EA does not specify appropriate mitigation to the wells that will only have a 3 months (Jan 1 – March 31) timing limitation. The reasoning for differing timing limitations and the potential impacts due are not supported by the evidence provided in the EA.	<p>Black Hills is currently working with CPW to develop a Wildlife Mitigation Plan. Current mitigation is proposed as follows:</p> <p>Telemetry equipment will be used to remotely monitor wells wherever topographically feasible. The use of telemetry would minimize traffic to and from the well locations in order to minimize impacts on wildlife and plants. A pumper truck will be required to periodically visit the pads. The frequency of these visits will be based upon information gathered from the telemetry equipment.</p> <p>Scheduling of daily site visits between the hours of 10 am and 3 pm is also included as a design feature in Black Hills proposal as follows:</p> <p>"Between December 1 and May 1, operational traffic within big game sensitive wildlife habitats (winter range) will be limited to emergency traffic only within 3 hours of sunrise and sunset (between 10 a.m. and 3 p.m.). Requests for exceptions will be submitted in writing, either by letter or Sundry Notice.</p>
High Lonesome Ranch	FW-3	Fish and Wildlife	The BLM also does not state the role the Colorado Parks and Wildlife Department (CPW) will take in reviewing and authorizing exceptions to timing limitations. CPW is a participating agency and the authority over wildlife management within Colorado, BLM's actions will affect the ability of CPW to manage mule deer to population objectives. The EA makes no reference the Western Association of	<p>The BLM has a cooperative relationship with CPW and has consulted with them informally throughout the entire proposal and EA process. CPW has also commented during posted comment periods, both as part of scoping and after the Preliminary EA was made available to the public for comment.</p> <p>Many of the COAs in the EA coincide with the</p>

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			Fish and Wildlife Agencies Mule Deer Technical Team documents and recommendations, which are considered to be the best available science for habitat management and energy impacts. BLM has signed a national MOU with WAFWA to include and consider these guidelines for BLM activities.	WAFWA document, it has been cited in the EA as follows:  Citation would be Lutz, D.W., J.R. Heffelfinger, S.A. Tessman, R.S. Gamo and S. Siegel. 2011. Energy Development Guidelines for Mule Deer. Mule Deer Working Group, Western Association of Fish and Wildlife Agencies, USA.
High Lonesome Ranch	FW-4 M-1	Fish and Wildlife Mitigation	It is our understanding that Black Hills has previously completed a voluntary mitigation agreement with the CPW and will be revisiting and possibly revising the agreement in relation to this proposal. Some actions committed to by Black Hills reference this mitigation agreement but the agreement was not included as part of the EA. Therefore it is impossible to understand what has been agreed to under that plan and whether the commitments in the EA are accurate. HLR had requested this during scoping and BLM did not address.	See response to High Lonesome Ranch, FW-2, above.
High Lonesome Ranch	PA-1 M-2	Proposed Action Mitigation	The EA does not specify how it will adhere to recent revised guidance and policy for mitigation requirements for use during a Finding of No Significant Impact (FONSI) completed by the Council of Environmental Quality in 2011. Specific mitigation requirements should be clearly outlined in the EA and provisions for successful implementation identified (including how mitigation will be monitored and changed if not working). We have concerns about the \$300 per acre mitigation contribution – how was this determined and how will it be administered and by whom? Will this set precedence for other development on adjacent public or private lands? The EA does not mention this.	BLM is not premising analysis of the proposal on mitigation commitments, but on myriad factors and multiple sources of information, and multiple agency tools for requiring and enforcing mitigation requisite to any approvals.
High Lonesome Ranch	PP-1	Policy and Process	The Grand Junction Field Office recently released a draft Resource Management Plan amendment which includes how BLM will manage minerals and	The oil and gas development proposed in the EA is subject to the stipulations attached to the leases provided in the RMP in effect at lease issuance.

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			resources including split estate issues. The EA makes no reference to this revision, only the existing RMP which was completed in 1987, 26 years ago, even though the BLM was close to completing the draft during the development of this EA. BLM is required to make sure that all actions authorized by BLM during the NEPA process for the RMP revision do not preclude any viable alternative for the revised RMP. The EA is delinquent in this process.	<p>The Draft RMP/EIS would not affect the development under these existing leases.</p> <p>The following statement has been added to Section 1.4 in the EA:</p> <p>“The BLM has determined that the alternatives analyzed in this EA would be in compliance with the Oil and Gas Management objective in the RMP. This project has been reviewed and the BLM has determined that a decision would not harm resource values so as to limit the choice of reasonable alternative actions relative to the land use plan decisions being reexamined in the Grand Junction Draft RMP and Environmental Impact Statement (EIS).”</p>
High Lonesome Ranch	PP-2	Policy and Process	We recommend that no decision made for this proposal preclude any viable alternative development for the on-going RMP revision or provide legal structure to amend proposal to comply with the revised RMP upon its completion.	See response to High Lonesome Ranch PP-1, above.
High Lonesome Ranch	PP-3 FW-5 M-3	Policy and Process Fish and Wildlife Mitigation	The EA should also address recent policy direction that will reduce direct mortality to wildlife (IM 2013-033) as part of the mitigation and alternative development.	Recent policy direction (IM-2013-033) has been included in the GJFO Standard Conditions of Approval – which would be required for this proposal.
High Lonesome Ranch	CU-1 LU-1	Cumulative Impacts Land Use	Beside the aforementioned issue with a flawed cumulative impact analysis area for sage grouse, the EA does not adequately address potential mineral development on federal and private minerals outside of the project boundary, nor does it include activities planned for on adjacent HLR owned properties. HLR would have provided information to BLM had it sought it on planned activities and could have provided additional data and information on vegetation, water and wildlife resources. We are concerned that the EA is underestimating the size of the surface disturbance for well pads outside of the unit	NEPA cumulative analyses are to assess "reasonably foreseeable" future actions. According to the BLM NEPA Handbook H-1790-1, "Reasonably foreseeable future actions are those for which there are existing decisions, funding, formal proposals, or which are highly probably, based on known opportunities or trends." Because "highly probable" is open to individual speculation, we have focused on the other, more definitive aspects of this guidance in our determination of what we consider to be "reasonably foreseeable." All oil and gas locations for which some permit application or formal NEPA notice had been made have been included in the analysis.

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				Surface disturbance estimates were based upon a visual survey of existing well pads within the vicinity of the Project Area and larger surveys of oil and gas surface disturbance which are considered to be the best available data sources.
High Lonesome Ranch	G-1 PP-4	General Policy and Process	HLR is disappointed that our request during scoping to be more involved in the development of this project was not heeded. We will be impacted by the proposed action and will work with BLM and Black Hills to alleviate our concerns and help manage the minerals and resources. We respectfully request that you address the concerns we identified here before a decision is made on this proposal.	Thank you for your comment. See responses above.
Stewart Petroleum	G-1	General	I am sending this email in support of the subject proposal by Black Hills Exploration and Production. The economic impact of this proposal to develop this resource would be a boon to the local and State of Colorado economy. The collection of Federal royalties would also be quite beneficial to both the region and the nation as a whole. The EA contains language that would both protect the environment as well as allow prudent exploration of the resource.	Thank you for your comment.
Black Hills Plateau Production, LLC	PP-1	Policy and Process	BLM's purpose and need detailed in Chapter 1 of the Draft EA is insufficient and should be expanded. BLM is required not only to consider the purpose and need of the agency, but must also include the purpose and need of Black Hills. Although BLM's NEPA Handbook may not be as thorough on this issue, several federal courts have indicated that the purpose and need statement must take into account the purposes of the project proponent. For example, the U.S. Court of Appeals for the Tenth Circuit has ruled that where "the action subject to NEPA review is triggered by a proposal or application from a private party, it is appropriate for the agency to give substantial weight to the goals and objectives of that private actor." Citizens ' Comm., 297 F.3d at 1030 (emphasis added).	The purpose and need has been revised to read as follows:  "The purpose and need for the Proposed Action is exploration of the oil and gas resources in the project area. Approval of Applications for Permits to Drill (APDs), and Sundry Notices would be consistent with other existing lease activities in the area and ultimately provide for federal lease development. If permitted, this Proposed Action would include implementation of appropriate mitigation that would be consistent with the goals, objectives, and decisions of the Grand Junction Resource Area (now referred to as the GJFO) Resource Management Plan (RMP) (BLM, 1987); as well as with applicable policies, regulations,

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				<p>and laws. Permitting of the Proposed Action would allow Black Hills to exercise their rights to explore a leased resource, and would support the goal of continuing to meet the nation's energy needs.</p> <p>The purpose of the Proposed Action is to permit Black Hills to discover and produce fluid minerals from their valid federal oil and gas leases issued to them by the BLM. The need for the Proposed Action is established under the Mineral Leasing Act of 1920 (MLA) and the Federal Land Policy and Management Act of 1976 (FLPMA), which establish the BLM's responsibility to respond to drilling applications. The MLA, as amended [30 USC 181 et seq.], authorizes the BLM to issue oil and gas leases for the exploration of oil and gas and permit the development of those leases. Existing leases are binding legal contracts that allow development by the lease holder. Approved BLM applications to drill typically authorize an applicant to construct and drill proposed wells, access, associated pipeline and well facility construction, and any necessary rights-of-way. The FLPMA authorizes the BLM to issue right-of-way grants for access to public lands.</p> <p>The construction and production of Black Hills proposed 24 wells on 12 pads would allow them to explore and develop their leased resources and could provide additional fluid mineral resources to the national energy market."</p>
Black Hills Plateau Production, LLC	PP-2	Policy and Process	The De Beque EA should be revised to include not only the purpose and need of BLM, but also the purpose and need of Black Hills, the Project proponent. Below is suggested language (red line format) that BLM should include as part of the revised purpose and need statement.	See response to Black Hills Plateau Production, LLC, PP-2, above.
Black Hills Plateau Production,	PP-3	Policy and Process	BLM should expand the purpose and need to include a direct statement on Black Hills's exercise of its valid existing lease rights and obligations	See response to Black Hills Plateau Production, LLC, PP-2, above.

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LLC			under its valid existing leases. In addition, BLM's inclusion of the purpose of minimizing impacts is not required under NEPA.	
Black Hills Plateau Production, LLC	PP-4	Policy and Process	Section 1.4 should be revised because the 1997 Colorado Standards for Public Land and Health are inappropriate for use in an EA analyzing the impacts of oil and gas on the valid existing leases. BLM's EA must comply with the multiple use mandate of FLPMA, 43 U.S.C. §§ 170 J (a)(7), 1702(c). BLM is not required by FLPMA or NEPA to comply with the 1997 Colorado Standards for Public Land and Health. Indeed other BLM oil and gas NEPA documents do not prioritize and utilize these standards for the analysis of impacts for oil and gas exploration on valid existing leases, or these standards are given a very short cursory review in light of FLPMA and the project proponents' valid existing oil and gas leases.	The BLM in Colorado includes a Land Health Status assessment in all of their NEPA documents.
Black Hills Plateau Production, LLC	PP-5	Policy and Process	Under FLPMA, BLM is mandated not to emphasize or prioritize vegetation and other similar resources over oil and gas. Based upon the plain language of Black Hills's leases, and BLM's statutory requirements under FLPMA, there is no basis to prioritize special status plants or other resources over Black Hills's valid existing lease rights. BLM should amend the EA at pages 4-5 to make clear BLM's multiple use responsibilities under FLPMA, and not to give weight to the 1997 Colorado Standards for Public Land and Health.	See response to Black Hills Plateau Production, LLC, PP-4, above.
Black Hills Plateau Production, LLC	G-2	General	The De Beque EA should include an affirmative statement confirming that its analysis is subject to Black Hills's valid existing lease rights. EA at 9.	See response to Black Hills Plateau Production, LLC, PP-2, above.
Black Hills Plateau Production, LLC	G-3	General	The average well pad will be 6.8 acres, but based upon specific and site-specific conditions, the actual size of each well pad could vary up to approximately 7 acres and down to 6.5 acres. All references in the EA that each pad "will not exceed 6.8 acres" should be revised because each well pad	Please refer to Black Hills' DeBeque Exploratory Proposal where in several instances, the text states "up to 6.8 acres".  No change was made to the EA text.

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			will obviously vary in size. BLM should build in flexibility to the EA to allow Black Hills to protect site-specific resources based on the conditions present at each pad. All references to these figures should be revised to indicate that each well pad will be approximately 6.8 acres. See, e.g., Table 2.2-3 n.2, EA at 11, 13, 20, 21.	
Black Hills Plateau Production, LLC	PA-1	Proposed Action	Under the original proposed action, Black Hills proposed to utilize pipelines to the greatest extent practical, but also included the option of using trucks to transport water for use in drilling operations (with specific dust mitigation). To the extent that the pipeline infrastructure is not completely installed prior to the commencement of drilling operations, or additional water is needed during drilling, Black Hills must have the ability to truck water for drilling operations only. The EA must be updated to include the option of trucking water for use during drilling operations. See EA at 15, 74-76.	Black Hills DeBeque Exploratory Proposal does not include trucking water for drilling to individual well locations.  No change was made to the EA text.
Black Hills Plateau Production, LLC	PP-6	Policy and Process	Pipelines: If the BLM will have to issue a right-of-way for most of the surface water line route which would be outside of the unit boundaries, then this would need to be added to Section 1.6 of the De Beque EA as it would constitute a "decision to be made.	Approval for "Rights-of-Ways" have been added to Section 1.6 (Decision to be Made). The need for rights-of-way grants and temporary use permits for pipelines outside of the federal lease units is discussed in Section 3.5.10.2 (Land Tenure, Rights of Way and other Uses - Environmental Consequences).
Black Hills Plateau Production, LLC	PA-2	Proposed Action	Water Supply and Storage, Use, and Disposal: In the EA, BLM should confirm on page 15 that BLM does not own, manage or permit the use of water. Water is managed and governed by the State of Colorado and BLM should make this clear so that there is no confusion in the EA.	BLM does imply or state in the EA that they own, manage, or permit the use of water.  No change was made to the EA text.
Black Hills Plateau Production, LLC	WR-1	Water Resources	On-Site Visits: The EA should make clear that BLM has delegated stormwater management and the stormwater permitting system to the State of Colorado. BLM does not have jurisdiction over stormwater permitting; and the EA should make clear that BLM does not regulate storm water so	BLM does not have and has never had authority over the stormwater permitting system in Colorado and therefore, has not "delegated" stormwater management or stormwater permitting to the State of Colorado. BLM does not imply or state that they have regulatory authority over

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			that the reader is not confused.	stormwater.  No change was made to the EA text.
Black Hills Plateau Production, LLC	PA-3	Proposed Action	Drilling and Completion: BLM includes a requirement that Black Hills would remove any hydrocarbon fluids in the pit within 24 hours. EA at 21. This requirement is overly restrictive and should be changed to 72 hours to allow more flexibility. Black Hills will make all efforts to remove fluids as soon as practicable, but within 24 hours is unrealistic.	Black Hills included the BLM GJFO Standard Surface Use Conditions of Approval as Attachment C to their DeBeque Exploratory Proposal and incorporated measures as design features in their proposal. The BLM GJFO Standard Surface Use Conditions of Approval state:  Any hydrocarbons (condensate, paraffin, diesel, etc.) introduced to the reserve pit shall be removed within 24 hours.”  COGCC’s Rule 902.c., with which Black Hills must comply, states that “any accumulation of oil or condensate in a pit shall be removed within 24 hours of discovery.”  Black Hills will have a “fluids” pit rather than a “reserve” pit but the measure would still apply.
Black Hills Plateau Production, LLC	PA-4	Proposed Action	The EA confirms on Page 21, that Black Hills would close its pits consistent with the COGCC regulations. Throughout the EA, BLM indicates that Black Hills must comply and take actions that are consistent with the COGCC regulations, but also includes several requirements that are overly broad and inconsistent with industry practice and COGCC regulations. For example, requirements to haul off and dispose of drill cuttings (EA at 79) is inconsistent with what is currently required by the COGCC. The EA should be revised and be consistent with COGCC rules and regulations.	The text in Section 3.2.4.2 (Water – Environmental Consequences) has been revised to read:  “Drilling fluids would be transferred to tanks and hauled off site to an approved disposal facility. Cuttings would be disposed of on-site in accordance with BLM and COGCC regulations.”
Black Hills Plateau Production, LLC	PA-5	Proposed Action	Well Plugging and Abandonment: The EA indicates that non-producing wells would be reclaimed within 90 days. This provision should be revised to ensure that it is consistent with the other reclamation procedures and time-frames.	The following statement is included in Black Hills DeBeque Exploratory Proposal “Dry/non-producing wells will be plugged, abandoned, and reclaimed within 90 days of well completion, weather permitting.”

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Black Hills Plateau Production, LLC	PA-6	Proposed Action	Interim Reclamation: The EA should be consistent throughout that reclamation will occur 36 months after the last well that is planned for each pad is drilled. The language on page 26 of the EA is inconsistent with the reclamation standards.	<p>The BLM GJFO Standard Condition states:</p> <p>“Within 6 months following completion of the last well planned on a pad, or after a year has passed with no new wells drilled, interim reclamation (IR) will be completed to reduce the well pad to the smallest size needed for production. IR will include earthwork, seeding and BMPs.”</p> <p>The EA will be made to be consistent with this condition.</p> <p>Onshore Order No. 1: Earthwork for interim and final reclamation must be completed within 6 months of well completion or well plugging (weather permitting).</p>
Black Hills Plateau Production, LLC	PA-7	Proposed Action	BLM references the Grand Junction Standard conditions of approval. See, e.g., EA at 81. BLM should include a copy of the current and existing conditions of approval so that Black Hills knows what is required in terms of reclamation and COAs.	The BLM Draft GJFO Standard COAs dated 9-27-12 were included in Black Hills DeBeque Exploratory Proposal as Attachment C and incorporated into the proposal as design features.
Black Hills Plateau Production, LLC	T&E/SS-1	Threatened and Endangered/Special Status Species	Threatened and Endangered Plants: The EA does not explain the science, data and other information to support why the De Beque phacelia and its "suitable" habitat are protected with 100 meter buffers and the hookless cactus is protected with 20 meter buffers. BLM should fully explain the scientific basis for these survey and restrictive buffers. Nor does the FWS explain or document the basis for these restrictions in the listing decisions or critical habitat designations.	Commenter is referring to a section of applicant-committed conservation measures. This comment is addressed below (T&E/SS-2 through T&E/SS-14) in subsequent comments that address the same topic.
Black Hills Plateau Production, LLC	AL-1	Alternatives	Larger Well Pad Alternative: The larger well pad alternative, or 10-acre well pad alternative, is not a real alternative but it is a potentially viable expansion of the well pad included in the EA. As BLM explains, if the exploratory wells are productive, the wells pads in the EA could be expanded to accommodate additional wells. EA at 20. See also Comment No.24 below regarding	This has been removed as an alternative considered but not analyzed in detail.

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			cumulative impacts and reasonably foreseeable development if the results on the first two wells per pad indicate that additional wells are necessary to economically develop the resource. BLM should clarify the EA with this information.	
Black Hills Plateau Production, LLC	G-4	General	Table 3.3-1 should be revised to exclude resources that will not be impacted by the Proposed Action. EA at 32.	BLM assumes reference is to Table 3.1-1 which includes resources that will not be impacted to show the reader that those resources have been considered but not analyzed.
Black Hills Plateau Production, LLC	SMA-1	Special Management Areas	The EA confirms that there will be no impact on areas of critical environmental concern (ACEC) (EA at 1 57); thus Table 3.3-1 should be updated to reflect that ACECs should be characterized "No Impact."	Because the discussion is provided in Section 3.5.3 regarding ACECs –Table 3.1-1 will not be revised.
Black Hills Plateau Production, LLC	WR-2	Water Resources	The EA confirms that there are no existing wild and scenic rivers in the project area. EA at 158. BLM's recommendation that rivers be included as wild and scenic are not the same as Congressionally-designated wild and scenic rivers. The EA further confirms that there will be no impacts to any rivers eligible for wild and scenic designation. <i>Id.</i> The EA should be updated to reflect that Wild and Scenic Rivers should be characterized "No Impact."	Because the discussion is provided in Section 3.5.4 regarding ACECs – Table 3.1-1 will not be revised.
Black Hills Plateau Production, LLC	WD-1	Wilderness	The EA confirms that there are no existing wilderness areas in the project area. EA at 159. BLM's recommendation that areas qualify as "wilderness characteristics" is not the same as Congressionally-designated wilderness. Currently, there is no policy to protect lands with wilderness characteristics as wild lands and Secretarial Order 3310 does not apply to project- specific NEPA analyses. The EA further confirms that there will be no impacts to wilderness and lands with wilderness characteristics. <i>Id.</i> The EA should be updated to reflect that Wilderness and Lands with wilderness should be characterized "No Impact."	Because the discussion is provided in Section 3.5.5 regarding ACECs – Table 3.1-1 will not be revised.
Black Hills Plateau	AQ-6	Air Quality	Impact Significance Criteria: BLM improperly attempts to regulate air quality and provide for	The language has been revised to read:

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Production, LLC			<p>mitigation to protect air quality when it lacks the authority to do so. BLM states:</p> <p>“Under FLMPA and the Clean Air Act, the BLM cannot conduct or authorize any activity which does not conform to all applicable local, state, tribal or federal air quality laws, statutes, regulations, standards, or implementation plans. As such, significant impact to air quality from project –related activities would result if it is demonstrated that:</p> <p>NAAQS or CAAQS would be exceeded; or</p> <p>Class I or Class II PSD Increments would be exceeded; or</p> <p>AQRVs would be impacted beyond acceptable levels.”</p> <p>BLM cites to no legal authority for this proposition and misconstrues FLPMA. The conformity provisions of the Clean Air Act only apply in instances where an airshed has been designated in non-attainment of the NAAQS. This provision is not applicable.</p> <p>This sentence should be deleted as it is contrary to the plain language of the CAA, FLPMA, as well as being contrary to decisions on the IBLA.</p>	<p>“Clean Air Act, the BLM cannot conduct or authorize any activity which does not conform to all applicable local, state, tribal or federal air quality laws, statutes, regulations, standards, or implementation plans. As such, significant impacts to air quality from project-related activities would result if it is demonstrated that:</p> <ul style="list-style-type: none"> <li>• NAAQS or CAAQS would be exceeded; or</li> <li>• AQRVs would be impacted beyond acceptable levels.”</li> </ul>
Black Hills Plateau Production, LLC	WR-3	Water Resources	<p>BLM requires that the road crossing should be able to withstand at least a 50-year flood event. This requirement is excessive and all that is needed is protection for a 25-year event. BLM does not explain the necessity for 50 years when 25-years will suffice to protect any sensitive resources. See also BLM Gold Book at 25 (requirements for 25-year storm). These requirements should be consistent throughout the EA.</p>	<p>The HDU 7-23 access road crossing of South Dry Fork was discussed during the on-site inspection on July 24, 2012. The necessity for a permanently engineered box culvert or bridge designed to pass a 50-year event and withstand the 100-year event was discussed and Black Hills agreed to it at the on-site inspection.</p> <p>The protective/mitigation measure has been revised to be more specific as follows:</p> <p>“A box culvert or bridge shall be engineered and</p>

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				installed for the South Dry Fork crossing along the HDU 7-23 access road. The design shall pass a 50-year event and withstand the 100-year flood event. For a box culvert, a spillway shall be included so that debris and water could flow over the culvert without creating additional sediment in case of a major water event.”
Black Hills Plateau Production, LLC	PA-8	Proposed Action	BLM's requirement in the EA that drill cuttings should be hauled off to an approved disposal site is inconsistent with COGCC regulations. EA at 79; compare with EA at 154 (no requirement to haul off drill cuttings). This is unnecessary and inconsistent with the other sections of the EA, COGCC rules and regulations, previous practice of Black Hills operating on public lands and industry custom. <i>Id.</i> This requirement is also inconsistent with other requirements and procedures in the EA and should be removed. BLM should ensure that its requirements are consistent with COGCC regulations as the EA states many times that Black Hills will be required to comply with COGCC rules and regulations.	The language in the text has been revised to read:  “Drilling fluids would be transferred to tanks and hauled off site to an approved disposal facility. Cuttings would be disposed of on-site in accordance with BLM and COGCC regulations.”
Black Hills Plateau Production, LLC	WR-3	Water Resources	The top bullet point on page 82 of the EA should be deleted. Real-time stream gaging stations are not Black Hills's responsibility to install and monitor. BLM does not regulate private water rights and this is an unnecessary and unsupported requirement.	Having a real-time gaging station below the point of diversion while diversions are occurring would allow diversion when impacts to natural resources can be least damaging. Water withdrawn from Dry Fork is being used to develop federal minerals thus, BLM must take a hard look at environmental effects resulting from the withdrawals.  The COA is not related to water rights but resource concerns. BLM collected stream and wildlife data in 2012 on BLM lands above and below Black Hills point of diversion. Stream surveys below Black Hills point of diversion resulted in collection of native speckled dace and nonnative fathead minnow and brook stickleback as well as native northern leopard frogs (a State species of concern) and nonnative bullfrogs. BLM's analysis of this data indicates that the

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				<p>following flows are needed to support aquatic habitat:</p> <ul style="list-style-type: none"> <li>• 1.4 cubic feet per second from March 1 through May 31. This creek experiences consistently low flows during late summer and fall, so it is important to protect as much physical habitat as possible during the limited time when snowmelt runoff flows are available.</li> <li>• 1.2 cubic feet per second from June 1 to November 30. This flow rate is capable of maintaining pool habitat in the creek and preventing excessively high temperatures.</li> <li>• 1.05 cubic feet per second from December 1 to February 28. This flow rate should provide sufficient flow to prevent pools from freezing and protect overwintering fish.</li> </ul>
Black Hills Plateau Production, LLC	FW-1	Fish and Wildlife	BLM does not justify the protection of sage-brush habitat over Black Hills's exercise of its valid existing lease rights. EA at 102-03. BLM may not prioritize environmental concerns over the major use of public lands- energy extraction. Citizens' Comm. to Save Our Canyons, 297 F.3d at 1022 (NEPA "does not require agencies to elevate environmental concerns over other appropriate considerations."). The sage-brush areas in the project area are not the critical habitat for any listed species. Indeed, BLM admits that there are no sage-grouse of any kind near the project area. EA at 96 ("No habitats currently utilized by greater sage-grouse coincide with the project area.").	Thank you for your comment.
Black Hills Plateau Production,	PA-9	Proposed Action	The EA also includes a requirement to fence pits at least 1 foot below ground level. EA at 104. The purpose of this requirement is not known. It will not	The following BLM GJFO Standard Condition of approval would be required and is in accordance with BLM IM-2013-033:

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LLC			prevent burrowing animals from getting into the pit. BLM should also remove the other requirement of fencing as it is redundant of other BLM requirements.	"Fencing for pits and other facilities with potential to cause harm to big game and other wildlife will be 8-foot woven wire fence with adequate bracing. Construct the fence at least 2 feet from the edge of the pit. The bottom 2 feet of mesh will be no larger than 1½ inch openings, to preclude small animals from entering the pit. All corners will be braced and fence construction will be on cut or undisturbed ground. The fence will be maintained erect and in good condition to exclude wildlife and livestock. (Fencing: BLM Manual Handbook H-1741-1, p. 16)."
Black Hills Plateau Production, LLC	T&E/SS-2	Threatened and Endangered/Special Status Species	BLM's list of ways that the Project could affect special status species is not based on reliable scientific data and studies. EA at 110. BLM does not reference a single study or peer-reviewed analysis to conclude that these species will be impacted in these ways. BLM must supplement this analysis and provide a scientific and supportable basis for its conclusions. Indeed on page 111 of the EA, BLM concludes that "[n]o cactus plants were documented within proposed surface disturbance limits; therefore no plants would be directly removed by the Proposed Action." Based on this conclusion, BLM's assumption to plants are overstated and should be corrected to be more accurate.	The BLM NEPA Handbook (H-1790-1-2008) states that the BLM must take a "hard look" at the impacts of the action. It states that BLM should analyze relevant short-term and long-term effects and disclose both the beneficial and detrimental effects in the NEPA analysis. Providing a discussion of the short-term and long-term effects to special status plants that "could" occur from a proposed action is part of this analysis. Subsequent discussion in the analysis identifies why or why not those effects would or would not occur as a result of the Proposed Action.  References have been included in discussion/text within relevant sections (see Section 3.3.1.2 – Invasive, Non-native Species; Section 3.3.2.2 – Vegetation, and subsequent discussions for special status plant species in Section 3.3.5.2 – Threatened, Endangered, Candidate, and Sensitive Plant Species.
Black Hills Plateau Production, LLC	T&E/SS-3	Threatened and Endangered/Special Status Species	Moreover, BLM notes that since 2009 there are over 613 documented plants within 100 meters of Project area and 96 plants within 20 meters of project components, and BLM provides no evidence or documentation of adverse impacts. BLM's estimates and buffers to protect plants are obviously overstated as demonstrated by the lack of	The beginning of Section 3.3.5.2 states that the FWS (see Sharp, 2012) expects effects to cacti at distances up to 100 meters of proposed disturbance, and adverse effects to cacti within 20 meters of proposed disturbance. The section continues to describe that in some situations proposed disturbance within 20 meters is not

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			adverse impacts to the cactus. See EA at 111-12.	<p>considered adverse if existing disturbance was between the proposed action and documented plants and/or if the plant was screened from the proposed disturbance.</p> <p>The EA takes a “hard look” at the number of cactus plants documented within 100 meters and 20 meters of the Proposed Action that could be affected by the Proposed Action, as well as the conservation measures Black Hills has proposed to implement as part of their Proposed Action (i.e., Biological Resources Protection Plan) that would minimize or avoid direct and indirect effects to cactus plants within 100 meters of proposed disturbance, and concludes that as a result of these proposed measures, the project would not be expected to significantly affect cactus populations within the project area.</p>
Black Hills Plateau Production, LLC	T&E/SS-4	Threatened and Endangered/Special Status Species	On page 111 of the EA, BLM also notes that if there are changes in the project, the Section 7 would be re-initiated. This statement leaves the EA open to continual consultation with the FWS and consultation can only be required if there is a new federal action that will impact threatened and endangered species or critical habitat in a new way. BLM may not reinitiate consultation if there is merely a change in the project. Such change must be significant and result in different impacts to those that were previously analyzed.	The EA does NOT state that “any” change in the Proposed Action would result in re-initiation of Section 7 consultation. The EA indicates that if a change in the project results in adverse effects to an ESA-listed plant species because the applicant is not able to incorporate the conservation measures outlined in the PBA (and resulting PBO – February 15, 2013) to avoid adverse effects, then Section 7 consultation would be reinitiated to address those additional effects.
Black Hills Plateau Production, LLC	T&E/SS-5	Threatened and Endangered/Special Status Species	It is not necessary to require post and cable fencing along the HDU 17-43 access road. EA at 111. Use of a temporary fence with monitoring is adequate to protect the resource.	Post-and-cable fencing is in place at the intersection to HDU 17-43, as identified in the text of the EA, to prevent inadvertent damage to cacti from maintenance equipment and vehicles turning/turning-around at this flat and open area with a large population of Colorado hookless cactus plants. The EA indicates that the existing post-and-cable fencing should be extended along the road to HDU 17-43 to ensure that traffic and other vehicular traffic would not incidentally crush the documented cactus plants, as topography and

Organization	Comment Number	Category	Comment Text	Response
				<p>open vegetation cover within this particular area would not deter vehicles from using this area to turn around.</p> <p>Protective and Mitigation Measures specific to the cable-and-post fencing have been corrected to state: "An existing cable-and-post fence should be extended...".</p>
Black Hills Plateau Production, LLC	T&E/SS-6	Threatened and Endangered/Special Status Species	<p>DeBeque Phacelia: The FWS has designated critical habitat for the DeBeque Phacelia and there is no provision of the Endangered Species Act that protects "suitable" or "potential" habitat. BLM is overstretching its authority by requiring additional protective measures outside of critical habitat in areas where no plants are documented. Because of the protective measures in place and the results of surveys and avoidance measures, there is no basis in the EA for BLM's comment in the EA that "[d]irect and indirect effects to DeBeque phacelia habitat and/or plants would be expected at distances up to 200 meters . . . ." EA at 112. Likewise, BLM does not rely on any scientific studies or data to support these broad conclusions.</p>	<p>The final designation of critical habitat for DeBeque phacelia lists five components that comprise the primary constituent elements (PCEs) essential to the conservation of DeBeque phacelia, including "suitable soils and geology" within particular topography, elevation, and plant community. Designated critical habitat may include an area that is not currently occupied by the species but that will be necessary for the conservation of the species.</p> <p>Although critical habitat designated for DeBeque phacelia incorporates all known sites of this species, and the proposed rule (FWS, 2011) indicates that habitat outside of critical habitat is not necessary to ensure the conservation of the species, BLM is still responsible for protecting ESA-listed plants for federally proposed projects – inside or outside of designated critical habitat. Suitable habitat for the species as described by the PCEs in the Final Rule (FWS, 2012) is present outside designated critical habitat in the project area and could provide habitat for this plant. However, surveys for this species did not occur during the flowering season and/or during a favorable or "reliable" year and therefore absence of the species cannot be discounted (see BLM, 2012).</p> <p>The BLM has prepared a document with the FWS that identifies "Recommendations for Avoiding Adverse Effects on Threatened, Endangered,</p>

Organization	Comment Number	Category	Comment Text	Response
				<p>Proposed, Candidate, and BLM sensitive plants on BLM lease lands in Colorado” that states “surface disturbance further than 200 meters from [DeBeque phacelia] and their suitable habitat will be considered to have no effect on the species”. Therefore, any disturbance within 200 meters may affect but may not adversely affect the species. Likewise in the Final and Proposed Rules to list DeBeque phacelia as threatened, the following is identified and deferred to as implemented by the BLM: We recommend buffers of 656 ft (200 m) between the edge of disturbance and suitable plant habitat to protect the plants from destruction by vehicles that stray outside of the project area, runoff, erosion, dust deposition, or other indirect effects such as destruction of pollinator nesting habitat. See above for references (T&amp;E/SS-2).</p>
Black Hills Plateau Production, LLC	T&E/SS-7	Threatened and Endangered/Special Status Species	<p>In any event, Black Hills has agreed to stay 100 meters from documented plants. Thus, BLM's conclusion that "[s]urface disturbing activities related to the Proposed Action within suitable habitat could directly impact the DeBeque phacelia by killing plants, removing dormant seeds in the ground, and modifying habitat ..." is vastly overstated. EA at 112. BLM should correct these inconsistent statements and realize that if Black Hills is staying outside the recommended buffers, there will be no direct, or indirect given the 100 meter buffer, impacts to DeBeque phacelia.</p>	<p>A Biological Resources Protection Plan that includes measures to reduce or avoid effects to threatened, endangered, and BLM-sensitive species was included with Black Hills' proposal to BLM, including measures that Black Hills will not construct a well pad or centralized facility within 100 meters of suitable or potentially suitable DeBeque phacelia habitat, and that pipelines will not be constructed within 100 meters from phacelia habitat, if feasible. BLM considered this plan when analyzing and concluding effects to special status plant species within the EA. As stated in response to T&amp;E/SS-2, above, BLM must take a “hard look” at potential effects to a species and then conclude why or why not that effect would occur or not occur.</p>
Black Hills Plateau Production, LLC	T&E/SS-8	Threatened and Endangered/Special Status Species	<p>Again, BLM overstates the direct impacts from dust on plants and does not have the scientific data to support its conclusions related to dust impacts on plants. BLM states there are over 51 documented plants within 100 meters of Project area and 2 sites within 20 meters of project components, and BLM provides no evidence or documentation of adverse</p>	<p>See response to T&amp;E/SS-3, and other previous responses.</p>

Organization	Comment Number	Category	Comment Text	Response
			impacts. BLM's estimates and buffers to protect DeBeque phacelia are obviously overstated as demonstrated by the lack of adverse impacts to the cactus. See EA at 113.	
Black Hills Plateau Production, LLC	T&E/SS-9	Threatened and Endangered/Special Status Species	Table 3.3-9 needs to be amended as it contains inaccurate disturbance calculations and disturbance estimates.	Table 3.3-9 is correct. The text prior to Table 3.3-9 in the EA has been revised to read: 'Fifty-three sites (9.04 acres)...'
Black Hills Plateau Production, LLC	T&E/SS-10	Threatened and Endangered/Special Status Species	The conclusion that disturbances within 100 meters of DeBeque phacelia habitat could destroy suitable habitat is not supported by BLM's reference- FWS 2012b. EA at 114. The notice of rulemaking and critical habitat designation does not state this conclusion. This reference should be deleted.	<p>The EA states: "The FWS (2012b) has recognized that disturbances within 100 meters (328 feet) of DeBeque phacelia suitable habitat could adversely modify PCEs ...". The excerpt below is from FWS, 2012b; this reference will not be deleted.</p> <p>To date, we have reviewed 45 papers that evaluate the relationship between distance from a disturbance to the intensity of that disturbance, from a wide array of disturbances and in a wide array of ecosystems (Service 2012a, pp. B-3 to B-4). From this review, we have found effects extending from 33 ft (10 m) to over 6,562 ft (2,000 m), but with the majority of effects concentrated in the first several hundred meters (Service 2012a, pp. B- 3 to B-4). From this, and in conjunction and coordination with others, we have developed the 328 ft (100 m) and 984 ft (300 m) draft guidelines for effect determinations in section 7 consultations related to all plant species in Colorado (Service 2012a, pp. 1-28), which were used in the DEA (Industrial Economics, Inc. 2012, pp. ES-5, 2-9, 3-14, 4-2).</p>
	T&E/SS-11	Threatened and Endangered/Special Status Species	Protective/Mitigation: Black Hills requests that the cable and post fence requirement in the first bullet be removed. It is unnecessary and will cause more issues than a standard orange fence. EA at 117. A temporary fence is sufficient.	See T&E/SS-5. To protect the cacti close to the road in this area, BLM feels it is necessary to extend the existing cable-and post fence along the access road that would be improved to HDU 17-43.
Black Hills Plateau	T&E/SS-12	Threatened and Endangered/Special	In the third major bullet, Black Hills rejects to this requirement because this oversteps BLM's authority	It is BLM's responsibility to protect and ensure that activities allowed on lands administered by

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Production, LLC		Status Species	to require monitoring and the other requirements. EA at 117. BLM lacks the authority under Black Hills's oil and gas leases, FLPMA and the MLA to require Black Hills to conduct these types of science projects as these requirements exceed the authority of BLM under the terms of Black Hills's oil and gas leases. NEPA "does not require agencies to elevate environmental concerns over other appropriate considerations." <i>Citizens' Comm.</i> , 297 F.3d at 1022. BLM may not use NEPA as a way to attempt to manage and protect other resources.	BLM do not cause a species to become listed or extinct. The monitoring program is considered necessary to ensure that increased development in an area with two ESA-listed species does not impede the recovery of these species.
Black Hills Plateau Production, LLC	T&E/SS-13	Threatened and Endangered/Special Status Species	In addition, the BLM mitigation and protective measures are overly restrictive as they relate to BLM sensitive species (Naturita milkvetch). Monitoring these plants for three years is also excessive and overreaching considering the terms of Black Hills's oil and gas leases.	<p>The species has been identified as "sensitive" by the BLM and requires management and protection measures to ensure that it is not listed by the FWS as endangered or threatened. Reduction in the Horseshoe Canyon pipeline corridor would minimize the number of plants removed.</p> <p>See response to T&amp;E/SS-14, below.</p>
Black Hills Plateau Production, LLC	T&E/SS-14	Threatened and Endangered/Special Status Species	BLM's requirement that Black Hills monitor the impacts related to the Pine Ridge Fire exceeds BLM's authority related to Black Hills Project. EA at 117. Black Hills has agreed to monitor the impacts from the Proposed Action and its operations as detailed in the Biological Protection Plan and not the impacts related to an unrelated fire.	<p>As proposed, DC 1-13 is expected to remove approximately 29 Naturita milkvetch plants that were documented prior to the Pine Ridge fire. Additionally, there were 122 plants identified within 20 meters of proposed well pad DC 1-13. BLM and FWS's "Recommendations for Avoiding Adverse Effects on Threatened, Endangered, Proposed, Candidate, and BLM sensitive plants on BLM lease lands in Colorado" indicates adverse effects could occur to BLM sensitive plants within 20 meters of proposed disturbance. BLM's requirement is to monitor the impacts to Naturita milkvetch within 20 meters of the project to determine if conservation measures should be revised to minimize effects to these plants, if present.</p> <p>BLM's Protective/Mitigation Measures bullet has been revised to read:</p> <p>"Before and after construction of Well Pad DC 1-</p>

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				13, the documented locations of Naturita milkvetch should be monitored within the disturbance footprint and within 20 meters of the proposed well pad to determine if conservation measures should be adapted to minimize construction effects. Monitoring should occur for 3 years after final well pad reclamation."
Black Hills Plateau Production, LLC	PA-10	Proposed Action	Vegetation Clearing and Construction: BLM's statement is that vegetation clearing and construction arc scheduled to begin after July 15. EA at 121. This statement is incorrect. Black Hills agreed to restrict vegetation clearing and construction during the period of May 15 to July 15. EA at Appendix A at 7. BLM must remove this reference.	The statement in Section 3.3.6.2 (Environmental Consequences) has been revised to read as follows"  "As proposed, vegetation clearing would not occur between May 15 and July 15 (Biological Resources Protection Plan), effectively avoiding the core migratory bird nesting period for most species but might affect late or second nesting attempts."
Black Hills Plateau Production, LLC	PA-11	Proposed Action	Protective/Mitigation Measures: There is no basis or justification for the first bullet on page 131 of the EA. This requirement should be removed as unnecessary and not designed to protect any pertinent resources.	This environmental protection measure has been revised to read:  "Because dry open-cut construction requires isolating the workspace between the temporary dam upstream and downstream, fish and amphibians should be captured, removed from the isolated workspace by seining and/or use of electroshock, and placed downstream."
Black Hills Plateau Production, LLC	PL-1	Paleontology	Protective/Mitigation Measures: There is no basis or justification for bullets on page 140 of the EA. Black Hills has already conducted surveys and this area is not consistent with the geology for paleontological resources. These requirements should be removed as unnecessary.	Black Hills has not conducted paleontological surveys in the project area for all proposed areas of disturbance.  Environmental protection measures have been revised to read as follows:  If Wasatch Formation bedrock outcrop is present, a paleontological survey should be completed before the application is approved.  An on-site monitor (BLM permitted paleontologist) should be present during construction in areas of Wasatch Formation bedrock outcrop.

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Black Hills Plateau Production, LLC	V-1	Visual	<p>The only area in the Project Area that is VRM II is in DeBeque. No other areas are classified as VRM II. BLM's definition of VRM III is also inaccurate and should be corrected to note that under VRM III, BLM actions may impact visual resources. EA at 142. Also, there is no authority for BLM to manage areas for VRM II if that contradicts the RMP without a land use plan amendment. BLM cites to no reference in this section to support its conclusion.</p> <p>The lands in the project are currently VRM III and must be managed in accordance with those standards. Citizens' Comm., 297 F.3d at 1022 (NEPA "does not require agencies to elevate environmental concerns over other appropriate considerations.").</p>	<p>The following text has been deleted from the EA in Section 3.4.4.1 (Visual Resources – Current Conditions):</p> <p>“Under these SNV stipulations, and because of the relatively high sensitivity levels of observers in the areas, the BLM may choose to manage visual resources under an interim management strategy as a VRM Class II landscape. In VRM Class II areas the level of change to the landscape should be low and the changes should not attract attention of the observer.”</p> <p>To further clarify VRM classifications, BLM has added Table 3.4-4 (BLM Visual Resource Management Classes and Objectives).</p>
Black Hills Plateau Production, LLC	PP-7	Policy and Process	<p>Law Enforcement: There is no basis for BLM's statement that the "Proposed Action could increase drug related offenses frequently associated with oil and gas construction workers." EA at 150. This statement is blatantly inaccurate, prejudicial and offensive to Black Hills who takes its safety standards and responsibilities very seriously.</p> <p>Black Hills has an extensive drug policy and drug tests all of its employees; and requires that all of its contractor's drug test their employees. BLM cites no reference for this false and misleading statement. This statement should be removed.</p>	The statement has been removed from the text.
Black Hills Plateau Production, LLC	PP-8	Policy and Process	Under the Mineral Leasing Act (30 U.S.C. § 181, et seq.) and Black Hills's federal oil and gas leases, Black Hills has exclusive right, and obligation, to explore, develop and produce commercial quantities of hydrocarbons from its leases. In introduction or purpose and need section, BLM should state that Black Hills is exercising its rights under its valid existing lease rights. EA at 4.	See response to Black Hills Plateau Production, LLC, PP-2, above.
Black Hills Plateau Production,	PP-9	Policy and Process	The Decision Record approving Black Hills' Project should include a specific discussion that valid existing rights will be recognized, upheld and	Comment noted.

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LLC			protected, and that these rights cannot be restrained by the imposition of restrictions upon development, as analyzed in the Final EA. Black Hills urges BLM to continue to recognize valid existing lease rights and adopt the Proposed Action Alternative in the Decision Record.	
Black Hills Plateau Production, LLC	PP-10	Policy and Process	Further, BLM should acknowledge that Black Hills-under its valid existing lease rights- has the right to utilize as much of BLM surface as is reasonable necessary to conduct its oil and gas operations, including for safety reasons. In doing so, as part of NEPA, BLM may not prioritize other environmental issues over federal minerals and Black Hills's development of those minerals. Citizens' Comm., 297 F.3d at 1022 (NEPA "does not require agencies to elevate environmental concerns over other appropriate considerations."). Thus, BLM should amend the EA to make clear that Black Hills has the right to utilize the surface to develop its leases.	Comment Noted.
Black Hills Plateau Production, LLC	CU-1	Cumulative	BLM's cumulative impacts analysis is insufficient because it does not include the additional wells that Black Hills could drill under certain circumstances. BLM includes over 175 wells as reasonable foreseeable (Table 4.4-1 on page 179) and indicated in the EA that additional wells from the 1 2 pads analyzed in the EA are foreseeable. Therefore, BLM must include these wells in its analysis of cumulative impacts as reasonable foreseeable.	Any future wells drilled by Black Hills could be included in the 175 wells as reasonably foreseeable within the GJFO area.
Black Hills Plateau Production, LLC	CU-2	Cumulative	BLM indicates on page 13 of the EA that "for purposes of analysis only 10 acre well pads are analyzed in this document ... ." Likewise on page 20 of the EA, BLM states that "[s]hould exploratory wells prove productive, well pads could be expanded up to 10 acres in order to accommodate additional wells. BLM indicates that upon certain conditions (natural gas prices, viability and success of wells) well pads may be expanded to accommodate additional wells, but BLM does not	Ten acre well pads were analyzed as part of the Proposed Action – even though well pads currently proposed would not exceed 6.8 acres. The 10 acre pad analysis is included in the cumulative analysis by way of being part of the Proposed Action.

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			include this analysis in the Cumulative Impact Analysis Section (Section 4.4).	
Black Hills Plateau Production, LLC	CU-3	Cumulative	BLM should include the additional 24 wells that could be drilled on existing pads in its cumulative impact numbers in Table 4.4-1 and in its narrative. BLM should update its cumulative impacts analysis sections to include the potential of expanded well pads as BLM references these potential, yet undefined wells, in the EA. EA at 20. This updated analysis should include an. update to each specific section in the EA on cumulative impacts as well as the tables in the cumulative impacts section.	The BLM is not aware of 24 wells proposed by Black Hills in addition to the 24 wells included in the Proposed Action. Any additional wells proposed on pads constructed as part of the Proposed Action could be included in the 175 reasonably foreseeable wells in the GJFO resource area.
Black Hills Plateau Production, LLC	CU-4	Cumulative	In sum, BLM predicts that these impacts may occur and are thus, reasonably foreseeable (EA at 20); and therefore, must be included in the cumulative impacts section. BLM should update the analysis of these expanded pads and wells. These wells are not included in the proposed action because Black Hills does not know if they will actually be drilled in the future, but they are reasonably foreseeable wells that could be drilled. These wells are dependent on well economics, availability of rigs and other factors that are not currently known.	See response to Black Hills Plateau Production, LLC, CU-2, above.
Black Hills Plateau Production, LLC	PP-10	Policy and Process	Black Hills requests that BLM expeditiously issue the Record of Decision for the Project. As you know, BLM has the legal authority and regulatory support to issue a FONSI and Decision Record in full force and effect, and concurrently issue any applications for permits to drill. See 43 C.F.R. § 4.2 I (a) (I). Indeed, the Department of the Interior appeal regulations state that BLM may "direct that a decision, or any part of a decision, shall be in full force and effective immediately ...." <i>Id.</i>	Comment Noted.
Black Hills Plateau Production, LLC	CL-1	Cultural	BLM states that "Native American Indian consultation is currently pending for the proposed project." EA at 141. Black Hills notes that the National Historic Preservation Act and its implementing regulations do not contain specific	Comment Noted.

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			<p>methods or time frames for Native American consultation. Indeed, BLM states in its Guidelines for Conducting Tribal Consultation, H-1820-1, "[w]hile statute and case law do not provide the methods of communication needed to constitute legally required consultation, the legal standard is 'good faith effort.'" There is no other policy that Black Hills is aware of as to the requirements for written consultation with Native American Tribes. Thus, Black Hills recommends that BLM complete this consultation expeditiously via a phone call or personal meeting with the Tribes that it elects to consult with. This complies with the "good faith effort." Moreover, there is no requirement that BLM provide these Tribes with a 45-day period comment period, or this extended amount of time. Black Hills requests that BLM expedite this consultation process and issue the Decision for the EA as soon as practicable.</p>	
Denver Botanic Gardens	T&E/SS-1	Threatened and Endangered/Special Status Species	<p>Denver Botanic Gardens received funding from Black Hills Plateau Production LLC and the US Bureau of Land Management to perform monitoring work on nine populations of <i>Sclerocactus glaucus</i> (Colorado hookless cactus) between 2007 and 2012. We have found the northern populations, including the populations in the Black Hills development area, to be genetically distinct from southern populations. The population growth rates measured at the monitoring sites located within the Black Hills development area are similar to growth rates elsewhere in the range and appear stable.</p>	<p>The following language has been added to the EA in Sections 3.3.5.1 and 3.3.5.2, respectively.</p> <p>"Recent research by the Denver Botanic Gardens has determined that the two populations are genetically distinct (McGlaughlin and Ramp-Neale, 2012; Denver Botanic Gardens, 2012).</p> <p>"Recent monitoring studies conducted by Denver Botanic Gardens within the project area determined that population growth rates of Colorado hookless cactus within the vicinity of natural gas development are similar to growth rates elsewhere in the range and appear stable. However, correlations between distance from disturbance and plant size up to 100 meters from oil pads and up to 150 meters from roads have been documented. Data to determine the causation between disturbance and age structure is not conclusive (Denver Botanic Gardens, 2012).</p>
Denver Botanic	T&E/SS-2	Threatened and	Although the populations in and around the current	See responses, above and below.

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Gardens		Endangered/Special Status Species	Black Hills development appear healthy, we have found correlations related to plant size and disturbance. Based on preliminary data, we have found a correlation between distance from disturbance and plant size up to 100 m from oil pads and up to 150 m from roads. In <i>Sclerocactus glaucus</i> , size is directly related to plant age. We have found fewer small, young individuals closer to disturbance and fewer individuals overall closer to disturbance. While our data do not indicate causation between disturbance and age structure, we feel the data are robust enough to recommend a 100 m buffer around known <i>Sclerocactus glaucus</i> individuals for new disturbance.	
Denver Botanic Gardens	T&E/SS-3	Threatened and Endangered/Special Status Species	While the existing plan allows for new disturbance within planned buffers when there is already existing disturbance within the buffer zone, we recommend no new disturbance within 100m regardless of existing disturbance. Even with existing disturbance additional disturbance could compound the effects.	Thank you for your comment.
Denver Botanic Gardens	T&E/SS-4	Threatened and Endangered/Special Status Species	We agree with the assessment that sometimes it is necessary to remove plants as part of development to minimize overall environmental impacts, and we hope that the full impact of existing disturbances that are not shown in this EA and widening of existing roads are considered as part of the total environmental impact to the sensitive plant species.	All proposed disturbance has been incorporated into the analyses. Where ESA plant species and/or habitat were documented, Black Hills agreed to minimize or avoid impact by constructing within existing disturbances or moving further away from documented plants and/or habitat without creating additional fragmentation (see Biological Resources Protection Plan). Where additional measures were considered necessary, BLM has identified measures that would further minimize effects to ESA-listed and/or BLM-sensitive plants that would be incorporated as conditions of approval within the decision document.
Denver Botanic Gardens	T&E/SS-5	Threatened and Endangered/Special Status Species	Other than the recommended expansion of the buffer zone around <i>Sclerocactus glaucus</i> , the proposed protective and mitigation measures for sensitive plants provided in this Environmental Assessment are sound.	Thank you for your comment.

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Denver Botanic Gardens	T&E/SS-6	Threatened and Endangered/Special Status Species	For reclamation, when possible we recommend using a seed mixture that comes from locally sourced materials, like those available at NRCS plant materials centers ( <a href="http://plant-materials.nrcs.usda.gov/copmc/">http://plant-materials.nrcs.usda.gov/copmc/</a> ).	The following bullet was included in Protective/Mitigation Measures for Vegetation (Section 3.3.2.2):  “A seed mixture from locally sourced materials should be used to reclaim disturbances, similar to those available at NRCS plant materials centers ( <a href="http://plant-materials.nrcs.usda.gov/copmc/">http://plant-materials.nrcs.usda.gov/copmc/</a> ).”
Denver Botanic Gardens	T&E/SS-7	Threatened and Endangered/Special Status Species	We concur with the monitoring plan for weeds post-disturbance. In order to understand impacts of disturbance on the plants in the project area, population size and age structure within 100 m of disturbance should be monitored for all species of concern.	Black Hills has proposed to monitor documented Colorado hookless cactus plants and DeBeque phacelia habitat within 20 meters and 100 meters of disturbance 3 years after ground-disturbing activities (see Biological Resources Protection Plan). Additionally, BLM has coordinated efforts with the FWS to outline a monitoring program for the life of the project for these two ESA-listed species. Additional monitoring for BLM-sensitive species has been identified (see Protection/Mitigation Measures). BLM considers the monitoring to be sufficient for the Proposed Action.
James Rudnick	TA-1	Transportation & Access	I bought and improved this property on county road 44 in 1995. Then it was a quiet 'dead-end' road with a narrow jeep trail (now named V.2 road) that provided 'limited' access for trailing cows to spring pasture. There is a natural gas field that was explored and developed earlier. Recently heavy industrial traffic of belly dump trucks with gravel to 'improve' the access to the remote area above the bookcliffs near Cameo. Prior to the EXTENSIVE hauling of gravel during the winter of 2012 there was and is already considerable large industrial traffic going to the remote area for gas exploration. This traffic must proceed through residential De Beque, the only access. All entities of government from the De Beque town to BLM are aware of this impact and acknowledge the area being discussed in many ways is REMOTE from De Beque simply because the only access is through De Beque (and by my residence on 44 road).	The road improvement (+/-12 miles of road base applied to the county road) the writer discusses, including belly dump trucks, was tied to an Encana well pad (D17) on V.2. Encana paid for it and did the work; apparently with County approval. No disturbance increased, so it wasn't applied for/processed through the BLM.

<b>Organization</b>	<b>Comment Number</b>	<b>Category</b>	<b>Comment Text</b>	<b>Response</b>
James Rudnick	TA-2	Transportation & Access	Therefore every aspect of this expanding industry is 'identified' as a De Beque project. I don't know how many miles from De Beque this exploration and development is, but I am reasonably sure it is closer to Cameo and if called Black Hills Cameo Exploratory Project the concept of a better route may have merit. Of course there would be objections but I object to the existing mind set.	The Black Hills DeBeque Exploratory Project is closer to De Beque than to Cameo. All traffic would enter the project area at the Town of De Beque and impacts there are specifically addressed.
James Rudnick	TA-3	Transportation & Access	There is no current access to the bookcliff area except for trail access for the wild horse designated area. Would certainly like to see a new access to this remote area from Cameo. Access could be limited by a guard house just like Chevron has on Clear Creek (Hiner Gate). It would be shorter and have less of an impact on the environment that is occurring now on V.2 road.	No access to the project area is proposed via Cameo, which is on the far side of the wild horse area. Black Hills intends to use existing roads to access the project area.
James Rudnick	TA-4	Transportation & Access	I don't know who paid for the gravel and the transportation and road building on V.2 road, however, for some reason apparently nobody considered a shorter alternate route from Cameo interstate access to the BLM area to be exploited for gas development. Otherwise it would have been described as an alternate plan. Gas development in this area is likely to be considerable if successful and an access road may also provide a route for a gas line to 're-power' the Cameo power plant.	See response to James Rudnick, TA-1, above.  A gas line to the Cameo power plant is not part of this proposal and the Cameo plant is almost completely dismantled now.
Paul Stewart	G-1	General	Please be advised that I am an interest owner in several oil and gas leases on private lands inside the Homer Deep Unit. I am well-satisfied with the Black Hills proposals and the Environmental Assessment thereof.	Thank you for your comment.