

CHAPTER 5.0
CONSULTATION AND COORDINATION

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5.1 INTRODUCTION

The issue identification section of Chapter 1 identifies those issues analyzed in detail in Chapter 4. Appendix A provides the rationale for issues that were considered but not analyzed further. The issues were identified through the public and agency involvement process described in Sections 5.2 and 5.3 below.

5.2 PERSONS, GROUPS, AND AGENCIES CONSULTED

The following lists contain the organizations, agencies, and individuals that were contacted or consulted during the scoping process and preparation of the draft and final environmental impact statements (EISs). Please note that Section 106 consultation with the Utah State Historic Preservation Office (SHPO) and any potentially affected Native American tribes has been ongoing throughout the project, and is discussed in more detail in Section 5.6. Coordination with the U.S. Fish and Wildlife Service (USFWS) has also been ongoing during the preparation of this document. Formal Section 7 consultation under the authority of the Endangered Species Act (ESA) is discussed in Section 5.7.

5.2.1 FEDERAL OFFICES

Ashley National Forest	U.S. Army Corps of Engineers (USACE)
Bureau of Indian Affairs (BIA)	U.S. Environmental Protection Agency (EPA), Region 8
Dinosaur National Monument	USFWS

5.2.2 TRIBES

Ute Indian Tribe	<u>Goshute Indian Tribe</u>
<u>Laguna Pueblo</u>	<u>White Mesa Ute Tribe</u>
<u>Ute Mountain Ute Tribe</u>	<u>Southern Ute Tribe</u>
<u>Santa Clara Pueblo</u>	<u>Zia Pueblo</u>
<u>Hopi Tribe</u>	<u>Navajo Nation</u>
<u>Northwest Band of Shoshone</u>	<u>Eastern Shoshone Tribe</u>

5.2.3 STATE OFFICES

State of Utah School and Institutional Trust Lands Administration	Utah Natural Heritage Program
State Resource Development Coordination Committee	Utah State Division of History
Utah Division of Wildlife Resources	Utah Division of Oil Gas and Mining

5.2.4 LOCAL OFFICES

Daggett County Commissioners	Uintah County
Duchesne County	Uintah County Commissioners

Duchesne County Chamber of Commerce	Uintah County Library
Duchesne County Commissioners	Uintah County Planning Office
Duchesne County Planning and Zoning	Uintah County Public Lands Committee
Uintah and Ouray Agency	Vernal Area Chamber of Commerce

5.2.5 SPECIAL INTEREST

American Rock Art Research Association	National Trust for Historic Preservation (NTHP)
Apollo Publishing	Natural Resources Defense Council
Beecher Films and Photography	Nichols Expeditions
Center for Native Ecosystems	Nine Mile Canyon Coalition (NMCC)
River Runners for Wilderness	National Outdoor Leadership School (NOLS)
Coloradans for Utah Wilderness	Oil and Gas Accountability Project
Colorado Plateau Archaeological Alliance (CPAA)	Ouray High School
Riverhawks	Sierra Club
Department of Mechanical Engineering, University of Utah	Southern Utah Wilderness Alliance (SUWA)
Department of Integrative Biology, Brigham Young University	The Nature Conservancy
Earth Justice	The Wilderness Society
Outdoor Recreation and Fitness Law Review	Uintah Mountain Club
Rock the Earth	University of Idaho, McCall Field Campus
Forest Guardians	Utah Environmental Congress
Fred Hutchinson Cancer Research Center	Utah Rivers Council
Chaco, Inc.	Western Land Exchange Project
National Center for Atmospheric Research	Western Wildlife Conservancy

5.2.6 INDUSTRY

Bjork, Lindley, & Little	QEP Uinta Basin, Inc.
Buys & Associates	Questar
Cimarex Energy	Red Man Pipe Supply
EOG Resources, Inc.	RW Jones Trucking
Hiko Bell Mining & Oil Company	TRC Mariah Associates, Inc.
Lear and Lear	Utah Cattlemen’s Association
Lexco, Inc.	Ute Energy
OSO Energy Resources Corp.	Ziegler Chemical & Mineral Corp
Pioneer Natural Resources USA, Inc.	

5.2.7 MEDIA

Deseret News

Salt Lake Tribune

High Country News

Uintah Basin Standard

KNEU Radio

Vernal Express

KVEL Radio

5.3 COORDINATION

USACE – The USACE reviewed preliminary drafts of the EIS under the Energy Pilot Office program. Preliminary drafts of the EIS have been provided to them for review.

Uintah County – Uintah County was invited to be a cooperator in the EIS process on April 5, 2006. The invitation was accepted and a memorandum of understanding (MOU) was signed on May 19, 2006. Preliminary drafts of the EIS have been provided to them for review in accordance with the MOU.

Duchesne County – Duchesne County was invited to be a cooperator in the EIS process on April 5, 2006. The invitation was accepted and a MOU was signed on April 20, 2006. Preliminary drafts of the EIS have been provided to them for review in accordance with the MOU.

USFWS – The USFWS reviewed preliminary drafts of the EIS under the Energy Pilot Office program. Preliminary drafts of the EIS have been provided to them for review. Consultation under Section 7 of the ESA has been conducted, as described in Section 5.6.3 below.

Ute Indian Tribe – The Ute Indian Tribe was invited to be a cooperator in the EIS process multiple times beginning on April 5, 2006. No response was received. Government-to-government consultation was conducted, as described in Section 5.6.2 below.

BIA, Uintah and Ouray Agency – The BIA was invited to be a cooperator in the EIS process on April 5, 2006. The invitation was accepted and a MOU was signed on April 18, 2006. Preliminary drafts of the EIS have been provided to them for review in accordance with the MOU.

EPA – Upon receipt of their comment letter for the Draft EIS, close coordination was immediately initiated with the EPA Region 8. In their formal comments on the Draft EIS and in subsequent meetings, the EPA requested that the BLM conduct project-specific modeling for 1) 1-hour nitrogen dioxide (NO₂) impacts from the generator engine and well site sources; 2) impacts from the evaporation pond complex and generator for the following hazardous air pollutants (HAPs): benzene, toluene, ethylbenzene, xylene, and methanol; and 3) ozone. In response to the EPA's request, the BLM agreed to conduct project-specific modeling for each request except ozone, which was considered regionally in the *Greater Natural Buttes Supplement to the Draft EIS* (BLM 2011a) and has been incorporated in this EIS by reference. Multiple conference calls and face-to-face meetings were held with the EPA to discuss evaporation pond concerns and modeling options. In addition, the EPA has had the opportunity to review the administrative Final EIS to ensure their concerns were addressed adequately.

5.4 SUMMARY OF PUBLIC AND AGENCY SCOPING

A legal Notice of Intent (NOI) was published in the Federal Register on February 15, 2006, announcing the Vernal Field Office's (Vernal FO) preparation of an EIS on the Gasco Energy Field Development Project. Scoping notification letters were distributed to interested individuals and organizations. Federal, state, and local government and land management agencies received the scoping notification, as did public interest and special interest organizations, businesses, and stakeholders.

A 30-day scoping period was held from February 10 to March 13, 2006, during which the public and other stakeholders could provide comments to the Vernal FO about the proposed EIS. Three public meetings were held by the BLM in Utah: Monday, February 27, 2006 at the Western Park Convention Center in Vernal; Tuesday, February 28, 2006, at the Duchesne County Administration Building in Duchesne; and Thursday, March 2, 2006, at the Holiday Inn in Price. These meetings were held to allow interested persons an opportunity to learn about the Gasco proposal, discuss concerns with resource specialists, and most importantly, to submit their comments.

At the meeting, 14 display boards were used to help explain the NEPA process, describe the project in more detail, identify potential issues associated with development of the proposal, and invite visitors to engage in dialogue with agency resource specialists on hand. Attendees were provided a complete information packet, which included a reiteration of the material shown on the display boards, and a comment form. Visitors were encouraged to submit their comments in writing.

The Vernal FO received numerous letters commenting on the proposed EIS during the scoping period. The contents of these letters may be found in the project administrative record. The issues of concern raised during scoping, including the potential impacts resulting from the project, are summarized in Section 1.5 of this EIS.

5.5 SUMMARY OF PUBLIC COMMENT ON THE DRAFT EIS

5.5.1 DRAFT EIS AVAILABILITY AND PUBLIC MEETINGS

A legal Notice of Availability (NOA) was published in the Federal Register on October 1, 2010, announcing the availability of the Gasco Energy Field Development Draft EIS, beginning a 45-day comment period during which the public and other stakeholders could provide feedback to the Vernal FO. Notifications in the form of postcards were mailed to all interested individuals, special interest organizations, businesses, and stakeholders, as well as federal, state, and local government and land management agencies on the project mailing list. The postcard announced

- the availability and location of the Draft EIS document;
- dates, times, and location of upcoming public meetings; and
- methods available for comment.

An NOA was also posted on the BLM website (http://www.blm.gov/ut/st/en/fo/vernal/planning/nepa/gasco_energy_eis.html).

The following three public meetings were held in Utah by the BLM: Tuesday, October 26, 2010, at the College of Eastern Utah in Price; Wednesday, October 27, 2010, at the Duchesne County Administration Building in Duchesne; and Thursday, October 28, 2010, at the Western Park Convention Center in Vernal. The meetings were held to allow interested persons an opportunity to learn about the Gasco Proposed Action and alternatives, discuss concerns with resource specialists, and submit comment on the Draft EIS.

The meetings were advertised in the Uintah Basin Standard and Sun Advocate on October 19, 2011, and the Vernal Express on October 20, 2011. Each advertisement included the dates, times, and locations of all three meetings, as well as an online website address where readers could view the EIS.

At the meeting, 16 display boards were used to help explain the NEPA process and describe the impacts of the Proposed Action and alternatives in more detail. Copies of the EIS were available for review during the meeting. The BLM presented a PowerPoint slideshow on how to comment effectively and where to find both summarized and detailed information in the Draft EIS. Attendees were provided comment forms, and encouraged to submit their comments in writing either at the meeting or on pre-addressed comment forms. Hard copies of the EIS were available for viewing during the meeting, and attendees were given hard and/or electronic copies of the EIS upon request.

The original close of the comment period was November 15, 2010; however, in mid-November, the BLM extended to the comment period until December 30, 2010, to allow the public to review updated air quality model technical support documents and an errata sheet containing minor revisions to the Draft EIS, which were both posted on the BLM website. Notification postcards were sent out to all those who had received initial notices.

During the 90-day comment period (originally 45 days, then extended an additional 45 days to December 30, 2010), the Vernal FO received 4,170 letters commenting on the EIS.

5.5.2 RESPONDING TO COMMENTS ON THE DRAFT EIS

Of the 4,170 comment letters on the Draft EIS, 4,089 were form letters expressing a preference for alternative E (form letters were defined as three or more letters containing identical or near-identical language), 19 were form letters against drilling in Desolation Canyon, and 25 were form letters against drilling anywhere.

Of the 37 unique letters received, 11 letters expressed support for the project without substantive comments; and 26 letters contained substantive comments. The unique letters were from the following types of entities:

- Seven letters from five local energy industry businesses (Gasco Energy [the project proponent], Neilson Construction, Bronte Consulting, Dalbo/RNI, and Warrior Energy)
- One letter from a consortium of 8 recreation-oriented businesses and trade organizations (National Outdoor Leadership School, Outdoor Industry Association, Adventure Bound, Bill Dvorak's Kayak and Rafting Expeditions, Inc., Holiday Expeditions, Colorado River and Trail Expeditions, Moki Mac River Expeditions, and River Runners Transport)

- Eleven letters from 9 non-governmental organizations (SUWA, the Native Plant Society, the NTHP, Backcountry Hunters and Anglers, HawkWatch International, the Uintah Mountain Club, the NMCC, Living Rivers and Colorado Riverkeeper, and the Western Energy Alliance)
- Four letters from federal agencies (EPA, National Park Service, USFWS, and U.S. Geological Survey)
- One letter from the State of Utah
- Two letters from regional agencies (Duchesne and Uintah counties)
- Eleven letters from individuals

In preparing the Final EIS, the BLM considered all comments. Appendix P contains each unique substantive comment received, and its associated response. Appendix P also contains a description of the comment analysis and response process.

5.6 SECTION 106 AND GOVERNMENT-TO-GOVERNMENT CONSULTATION

5.6.1 SECTION 106 CONSULTATION

During the 2006 scoping period, the NTHP, NMCC, SUWA, and CPAA made individual requests for consulting party status per CFR 800.2(5). The BLM sent a formal response to these entities on September 12, 2006, indicating that Section 106 consultation would be conducted via the NEPA public involvement process. The combined process was announced in the BLM's Federal Register Notice, and each party was sent a copy of the Draft EIS. Comment letters on the Draft EIS were received from three entities, who again requested consulting party status per CFR 800.2(5).

Based on comments generated during the public comment period, the BLM decided to initiate a separate Section 106 process. On January 26, 2011, the BLM consulted with the SHPO regarding a preliminary area of potential effects (APE), and a proposed list of invitees to participate in the Section 106 process. The Utah SHPO responded on February 3, 2011, with additional suggestions for consulting parties. The Utah SHPO withheld comment on the APE pending consulting party participation. The following were invited to participate as consulting parties: the Utah SHPO, Advisory Council on Historic Preservation (ACHP), Gasco Energy Inc. (proponent), Carbon County, Duchesne County, Uintah County, State Institutional Trust Lands Administration (SITLA), Utah Public Lands Policy and Coordination Office, NTHP, NMCC, CPAA, SUWA, Utah Rock Art Research Association, Utah Professional Archaeological Council, Utah Statewide Archaeological Society, Ute Mountain Ute Tribe, Goshute Indian Tribe, White Mesa Ute Tribe, Laguna Pueblo Tribe, Southern Ute Tribe, Ute Indian Tribe, Santa Clara Pueblo Tribe, Hopi Tribe, Zia Pueblo Tribe, Navajo Nation, Northwest Band of Shoshone Tribe, and Eastern Shoshone Tribe.

The first meeting of the consulting parties was held on March 9, 2011. During this meeting the new Agency Preferred Alternative (Alternative F) was introduced. In addition, the APE was finalized based on feedback from the consulting parties. Finally, it was determined that a Class I literature review was needed to continue the consultation process.

On March 18, 2011, the ACHP requested additional background information on the proposed project. The requested information was received by the ACHP on April 6, 2011. On April 13, 2011, the ACHP notified the BLM that they elected to participate in the consultation process.

On April 27, 2011, the second meeting of the consulting parties was held. During this meeting the BLM presented the Class I Cultural Resources Inventory. In addition, the BLM reviewed the preconstruction cultural resource identification plan as well as design features of the Agency Preferred Alternative that would reduce impacts to cultural resources. The BLM also presented a visual impacts report, which the consulting parties determined did not add to the Section 106 process. During this meeting, due to the phased approach to Section 106 consultation for the Gasco project, and because the BLM could not fully determine effects to historic properties prior to approval of the undertaking, the BLM, in coordination with the ACHP and SHPO, determined that it would be appropriate to develop a Programmatic Agreement (PA) pursuant to 36 CFR 800.14(b)(1)(ii) of the ACHP's regulations implementing Section 106 of the National Historic Preservation Act (NHPA), as amended [16 U.S.C. 470 (f)].

A draft PA and Preconstruction Plan and Class I survey was provided to consulting parties on May 9, 2011, at the third consulting parties meeting, for preliminary feedback. The preliminary final PA was sent with a consultation request to the 12 previously identified tribes on May 30, 2011. The Pueblo of the Laguna responded that the undertaking would not have a significant impact. The Hopi, Eastern Shoshone, and Ute Indian tribes participated in the PA process via phone or in person. The BLM edited the document and provided a revised version for the fourth consulting parties meeting, which was held on June 1, 2011. Final corrections were made via email correspondence following that meeting.

On June 9, 2011, the SHPO concurred with the delineation of the APE.

On July 15, 2011, the BLM asked the consulting parties to indicate who would be signatories to the PA. Gasco Energy Inc., the ACHP, the BLM, Utah SITLA, and the Utah SHPO indicated that they would sign the PA. The NTHP, SUWA, NMCC, and CPAA declined to sign the PA. During the week of July 28, 2011, the BLM met with the Hopi Tribe. It was indicated during that meeting that the Hopi would not sign the PA. They indicated that the participation of the ACHP resolved their concerns over the project. The Navajo Nation submitted a letter declaring that the undertaking may impact Navajo traditional cultural resources and asking that their Traditional Cultural Program be informed about any discoveries of habitation sites, plant gathering areas, human remains, and objects of cultural patrimony. The requested notification will occur through the implementation of the PA. The PA was signed on August 31, 2011. The signing of the Gasco PA and its implementation concludes the Section 106 process. Appendix Q includes a copy of the signed PA.

5.6.2 GOVERNMENT-TO GOVERNMENT CONSULTATION

On February 9, 2011, the Vernal FO mailed a certified notification letter, along with a Gasco project summary and APE map, to 15 different tribal representatives from 12 different federally recognized Native American tribal organizations. The goals of contacting tribal organizations for the proposed Gasco EIS were: 1) to notify tribal authorities of the Vernal FO-issued project; 2) to identify tribal organizations that may attach religious and cultural significance to historic properties within the Gasco project area; and 3) to document traditional values associated with these types of properties in accordance with various federal environmental laws. The Pueblo of the Laguna responded on March 2, 2011, stating that the undertaking would not have a significant impact.

On April 11, 2011, the Hopi Tribe responded with concerns that the proper Section 106 process be followed for this project, and encouraged the continued participation of the ACHP in the Section 106 consultation. On April 20, 2011, the BLM met with the Hopi Tribe to discuss this project among others. The tribe expressed concern over lack of previous contact for the project.

The Hopi requested and were provided with a copy of the Class I survey. On May 31, 2011, the tribe provided a summary of their review, stating that they appreciated the ACHP participation in the ongoing Section 106 process.

The preliminary Final PA was sent with a consultation request to the 12 previously identified tribes on May 30, 2011. The Pueblo of the Laguna responded that the undertaking would not have a significant impact. The Hopi, Eastern Shoshone, and Ute Indian tribes participated in the PA process via phone or in person. During the week of July 28, 2011, the BLM met with the Hopi Tribe. It was indicated during that meeting that the Hopi would not be signing the PA. They indicated that the participation of the ACHP resolved their concerns over the project. The Navajo Nation submitted a letter declaring that the undertaking may impact Navajo traditional cultural resources and asking that their Traditional Cultural Program be informed about any discoveries of habitation sites, plant gathering areas, human remains, and objects of cultural patrimony. The requested notification will occur through the implementation of the PA.

5.6.3 SECTION 7 CONSULTATION

The BLM formally consulted with the USFWS in accordance with Section 7 of the ESA, which requires federal agencies to evaluate their actions with respect to any species that are proposed or listed as endangered or threatened, and whose critical habitat, if any, has been formally designated. Based on an agreement between the BLM and USFWS, the information on threatened, endangered, and candidate species in the preliminary Final EIS has been used as the biological assessment (BA) for this project. As such, this EIS has been used by the USFWS to prepare their biological opinion, which was signed on December 22, 2011, and is included as Appendix S.

5.7 LIST OF PREPARERS**Table 5-1. List of BLM Preparers**

Name	Title	Planning Role
Stephanie Howard	Environmental Coordinator	NEPA Coordination, Socioeconomics
Craig Nicholls, <u>Leonard Herr</u>	Air Quality Specialist	Air Quality
Chuck Patterson, <u>Jason West</u>	Recreation Planner	Special Designations, Recreation, Visual Resources, Non-WSA Lands with Wilderness Characteristics
Blaine Phillips, <u>Kathy Davies</u> , <u>Julie Howard</u> , <u>Byron Loosle</u>	Archaeologist	Cultural Resources
Stan Olmstead	Natural Resource Specialist	Floodplains, Water Quality (surface), Wetlands/Riparian, Livestock Grazing
Jesse Salix, <u>Clayton Newberry</u> , <u>Aaron Roe</u>	Botanist	Vegetation (Invasive/ <u>Non-native Species</u>), <u>Threatened/Endangered or Candidate Plant Species</u> , <u>Vegetation (including Special Status Plants)</u> , <u>Invasive Weeds</u>
John Mayers, <u>Elizabeth Gamber</u>	Geologist	Geology/Paleontology
Steve Strong	Natural Resource Specialist	Soils
Naomi Hatch	Realty Specialist	Lands/Access
Brandon McDonald, <u>Dan Emmett</u>	Wildlife Biologist	Wildlife
Jerry Kenczka	Assistant Field Manager for Lands and Minerals	Minerals

Table 5-2. List of Non-BLM Preparers

Name	Position	Planning Role
<u>SWCA Environmental Consultants</u>		
Matt Petersen, M.S.	Principal Ecologist	NEPA Oversight and Quality Control
Greg Larson, M.S.	Natural Resource Planner	Project Management; <u>NEPA Oversight and Quality Control</u> ; <u>Soils, Vegetation, Special Status Species, Special Designations, Land and Transportation</u>
Elisha Hornung, B.S.	Natural Resource Planner	Livestock, Geology and Minerals
Benjamin Gaddis, M.S.	Natural Resource Planner	Water Resources/Floodplains/Riparian Zones, Wildlife, Recreation
<u>Amanda Christensen, B.A.</u>	<u>Natural Resource Planner</u>	<u>Wildlife</u>
Paul Murphey, Ph.D.	Natural Resource Planner	Paleontology
Laura Burch-Vernon, M.P.A.	Natural Resource Planner	Socioeconomics
Steve Knox, B.S.	Natural Resource Planner	NEPA Oversight and Quality Control; Cumulative Impacts
<u>Erica Gaddis, Ph.D.</u>	<u>Natural Resource Planner</u>	<u>Surface water</u>
<u>Chris Garrett, B.S.</u>	<u>Natural Resource Planner</u>	<u>Groundwater</u>
Andrew Williamson, M.S.	Archaeologist	Cultural Resources
<u>Sheri Ellis, M.S., R.P.A.</u>	<u>Archaeologist</u>	<u>Cultural Resources</u>
<u>Deb Reber, B.S.</u>	<u>Natural Resource Planner</u>	<u>Recreation, Noise</u>
David Harris, M.S.	Natural Resource Planner	Visual Resources, Non-WSA Lands with Wilderness Characteristics, Air Quality
George Weekley, M.S.	Natural Resource Planner	Special Designations
Hope Hornbeck, M.S.	Natural Resource Planner	<u>Special Status Species, Riparian, Vegetation, Special Designations</u>
<u>Sue Wilmot, Ph.D.</u>	<u>Natural Resource Planner</u>	<u>Technical Writing and Project Support</u>
<u>Gretchen Semerad, M.S.</u>	<u>Natural Resource Planner</u>	<u>Technical Writing and Project Support</u>
<u>Patrick Crowley, M.S.</u>	<u>Natural Resource Planner</u>	<u>Technical Writing and Project Support</u>
Janet Guinn, B.S.	<u>Natural Resource Planner</u>	<u>Project Management; Livestock Grazing, Land Use and Transportation, Cumulative Impacts, Consultation and Coordination, Geology and Minerals</u>
John Pecorelli, B.S.	Technical Editor	<u>Technical Editing, Formatting</u>
Linda Tucker-Burfitt, B.A.	Technical Editor	<u>Technical Editing, Formatting</u>
<u>Debbi Smith</u>	<u>Desktop Publishing</u>	<u>Formatting, Production</u>
Catherine Chatfield, B.A.	GIS Specialist	GIS Mapping and Analysis
<u>Kleinfelder/Buys & Associates</u>		
Doug Henderer, P.E.; M.S.	Air Quality Specialist	Air Quality
Don Douglas, M.S.	Air Quality Specialist	Air Quality
Daniel Pring, B.S.	Air Quality Specialist	Air Quality
Debra Bain, M.S.	Air Quality Specialist	Air Quality
John Hadley, B.S.	Air Quality Specialist	Air Quality
Chad Powell, B.S.	Air Quality Specialist	Air Quality