

Determination of NEPA Adequacy (DNA) Worksheet
U.S. Department of the Interior
Bureau of Land Management, Buffalo, WY

OFFICE: Buffalo Field Office (BFO), 1425 Fort Street, Buffalo, WY 82834

PROPOSED ACTION TITLE: Fortification Creek Air Monitoring Station

LOCATION/LEGAL DESCRIPTION: SWNE Section 6 T51N R75W

APPLICANT : Bureau of Land Management (BLM)

A. Description of the Proposed Activity and any applicable mitigation measures

BLM BFO intends to authorize its contractor Air Resource Specialists, Inc. (ARS) to install an air quality monitoring station at a location just outside the boundary of the Fortification Creek Special Management Area (SMA). This station will be included in the Wyoming Air Resource Monitoring System (WARMS) network which includes seven air quality monitoring sites around the state, four of which are in the Powder River Basin.

The equipment to be installed at this site includes a tripod system (“lunar lander”) and accompanying solar power panels and system. The site is considered non-permanent. Ground disturbance will be minimal. The “lunar lander” is a triangular structure with each side measuring 12 feet long. The height of the lander is 7 feet but includes a mast extending approximately 20 feet into the air. The installation may also include 3 guy wires which extend 14 feet from the central mast. The overall dimensions of the lander are 12’ x 12’ x 7’ (L x W x H). The unit will be solar powered. The power system is approximately 5’x9’x6’ (L x W x H). See photos below. The site will probably be fenced to prevent damage to equipment from cattle or wildlife. Installation will take less than 8 hours total.





The site will monitor the following:

- Meteorological conditions
 - Wind speed
 - Wind direction
 - Ambient temperature
 - Relative humidity
 - Solar radiation
 - Precipitation
 - Barometric pressure
- Continuous particulate (PM_{2.5}) concentrations
- Speciated Aerosols

The site will be accessed (monitored) by truck on a weekly basis by the BFO Hydrologic Technicians. They will spend less than 2 hours downloading data, changing filters and performing general maintenance. Once on location, they lower the articulated mast for access to the filter pack located at the top of the structure.

The site is located adjacent to the main access road to the area. No new access roads construction will be necessary. Surface disturbance may include the installation of a fence and trenching of cables from the solar panel to the lander. The total surface area likely to be included within the fencing disturbance would be less than 2500 square feet (less than 0.06 acres).

Recent research suggests that the cumulative and synergistic effects of current and foreseeable CBNG development within the vicinity of the project area will extremely impact the local Greater Sage-Grouse population, cause declines in lek attendance, and may result in local extirpation. The cumulative impact assessment area for this project encompasses the project area and the area within 4 miles of the project boundary. Analysis of impacts up to 4 miles was recommended by the State Wildlife Agencies' Ad Hoc Committee for Consideration of Oil and Gas Development Effects to Nesting Habitat (2008).

The Governor's Sage Grouse Implementation Team developed a "Core Population Area" strategy in an effort to conserve the Greater Sage-Grouse population in Wyoming encouraging development outside of core areas (WGFD 2010b). The Governor's Executive Order 2011-5, Greater Sage-Grouse Core Area Protection, provides direction for managing Greater Sage-Grouse in core areas and non-core areas. This project proposal occurs in a non-core area for Greater Sage-Grouse management and also is outside the possibility of a "connectivity" corridor (WGFD 2010b).

Based on the summary of research describing the impacts of energy development on Greater Sage-Grouse, efforts to reduce habitat loss and fragmentation are likely to be the most effective in ensuring long-term lek persistence. Walker et. al., 2007, indicates the size of a no-development buffer sufficient to protect leks will depend on the amount of suitable habitat around the lek and the population impact deemed acceptable. Since the project is located adjacent to an existing county road and construction requires minimal surface disturbance, timing restrictions will not be applied to this action. Also, rather than limiting mitigation to timing restrictions, design features specifically included in the project design at minimize impacts to Greater Sage-Grouse include:

- Burying power lines (Connelly et al. 2000);
- Minimizing road construction;
- Restrictions on vehicle traffic including confining all equipment and vehicles to the access roads, and other approved areas;
- Restrictions on noise (Lyon and Anderson 2003, Holloran 2005);
- Consistent monitoring enabling adaption to changes such as fence and guy wire marking.

The seasonal crucial range fidelity is being evaluated by monitoring the collared elk use within the seasonal ranges (calving and crucial winter) during the crucial seasons. Since this project lies outside to the elk seasonal ranges, no further impacts are anticipated and no timing restrictions to minimized impacts to calving or wintering elk will be applied.

B. Conformance with the Land Use Plan (LUP) and Consistency with Related Subordinate Implementation Plans

This proposal conforms to the applicable LUPs because it is specifically provided for in the following LUP decisions:

LUP: Buffalo Resource Management Plan (RMP), 1985; amended in 2001, 2003, & 2011

The Buffalo RMP, 1985, and as amended in 2001 provides to “Continue to lease and allow development of federal oil and gas in the Buffalo Resource Area” (MM-7: 1985 Buffalo RMP ROD at pg.16, 2001 RMP update at p. 9).

The 2003 supplement to the Buffalo RMP provided for the continued monitoring of air quality in the Powder River Basin and coordination with the oil and gas operators to minimize impacts through project design and applied mitigation. See 2003 PRB FEIS ROD p. A-9.

Fortification Creek Planning Area Proposed Resource Management Plan Amendment/Environmental Assessment. Buffalo Field Office. WY-070-EA08-135. March 2011.

C. Identify applicable National Environmental Policy Act (NEPA) documents and other related documents that cover the proposed action.

- Powder River Basin Oil and Gas Project Final Environmental Impact Statement (FEIS), April 2003

Project Name	NEPA Document #	Wells #/Type	Decision Date
Carr Draw POD V Add 1	WY070-06-306	50 CBNG	09-20-06
Carr Draw POD 1 Add 1	WY070-07-071	48 CBNG	03-23-07
Camp John Epsilon	WY070-10-239	21 CBNG	03-30-11
Camp John SMA Phase 1 Year 1	WY070-11-214	48 CBNG	11-04-11

List by name and date other documentation relevant to the proposed action (e.g., biological assessment, biological opinion, watershed assessment, allotment evaluation, and monitoring report).

- Powder River Basin Oil and Gas Project Final Biological Opinion (12/17/02, 03/23/2007)
- Buffalo Field Office Wildlife Database, continuously updated
- Buffalo Field Office Cultural Database, continuously updated

D. NEPA Adequacy Criteria

- 1. Is the new proposed activity a feature of, or essentially similar to, an alternative analyzed in the existing NEPA document(s)? Is the project within the same analysis area, or if the project location is different, are the geographic and resource conditions sufficiently similar to those analyzed in the existing NEPA document(s)? If there are differences, can you explain why they are not substantial?**

Yes, the action is similar to the existing air monitoring stations located in the Powder River Basin located at:

- Sheridan Site SENE Sec 10 T57N R83W
- Buffalo Site SWSW Sec 10 T48N R77W
- South Coal SWNW Sec 12 T57N R75W

It falls within or is adjacent to disturbed areas which were approved for use in the Camp John Epsilon POD.

- 2. Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the new proposed action, given current environmental concerns, interests, and resource values?**

Yes, the range of alternatives analyzed in the existing NEPA documents, Section 2, Alternative B, Section 3 and 4 (Sage-grouse), Section 4 (Cultural Resources).

Recent public comment has identified air quality as a concern for the actions associated with continued oil and gas exploration and development. Monitoring ambient conditions will enable the BLM air resource specialists to propose adaptive management mitigation as necessary.

- 3. Is the existing analysis valid in light of any new information or circumstances (such as, rangeland health standard assessment, recent endangered species listings, updated lists of BLM-sensitive species)? Can you reasonably conclude that new information and new circumstances would not substantially change the analysis of the new proposed action?**

Yes, the EAs analyzed this proposed foreseeable activity or one that is substantially similar. The location selected is within an existing disturbance corridor on Federal surface. The analyses for the surrounding projects incorporated the most recent WO guidance regarding Greater Sage Grouse habitat conservation: Instruction Memorandums 2012-043; -044; and 2013-033; WY BLM IM-2012-19; and WY Executive Order 2011-5.

4. Are the direct, indirect, and cumulative effects that would result from implementation of the new proposed action similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA document?

Yes, the direct, indirect, and cumulative effects that would result from implementing this proposal are similar in the existing NEPA documents Camp John Epsilon POD, pp. 43-97; Camp John SMA Phase 1 Year 1 POD, pp. 51-110; - all in Section 4 of each NEPA document.

5. Are the public involvement and interagency review associated with existing NEPA document(s) adequate for the current proposed action?

Yes, the 30-day posting of the Fortification Creek RMP Amendment EA led the public involvement and interagency review associated with the Camp John Epsilon POD, and Camp John SMA Phase 1 Year 1. The analysis in the EAs are adequately addressed the public involvement and interagency review for this proposal.

E. Persons/Agencies/BLM Staff Consulted

NAME	BLM OFFICE	TITLE
Dominic Jandrain	BFO	Hydrologic Technician
David Croft	BFO	Hydrologic Technician
Brent Lignell	WSO	Air Resource Specialist
Seth Lambert	BFO	Archeologist
Amber Haverlock	BFO	Realty Specialist
Jim Verplancke	BFO	Natural Resource Specialist/Wildlife Biologist
John Kelley	BFO	NEPA Coordinator

Note: Refer to the PODs EAs listed above for a complete list of the team members participating in the preparation of the original NEPA documents.

Based on the review documented above, I conclude that this proposal conforms to the applicable land use plan and that the NEPA documentation fully covers the proposed action and constitutes BLM's compliance with the requirements of the NEPA.


 Acting Field Manager:

3/7/13
 Date

DECISION RECORD
Determination of NEPA Adequacy for the Ft. Creek WARMS Installation
Bureau of Land Management, Buffalo Field Office, WY

DECISION. The BLM approves the installation of the WARMS Air Monitoring Site in the Fortification area as described in the attached Determination of NEPA Adequacy (DNA).

Compliance. This decision complies with:

- Federal Land Policy and Management Act of 1976 (FLPMA) (43 USC 1701); DOI Order 3310.
- Mineral Leasing Act of 1920 (MLA) (30 U.S.C. 181); including the Onshore Oil and Gas Orders.
- National Environmental Policy Act of 1969 (NEPA) (42 USC 4321).
- National Historic Preservation Act of 1966 (NHPA) (16 USC 470).
- Buffalo Resource Management Plan (RMP) 1985 and Amendments.

BLM summarizes the details of the approval below. The DNA includes the project description.

Well Site. BLM approves the installation of the WARMS Air Monitoring:

	Site Name	Qtr/Qtr	Section	TWP	RNG
1	Ft. Creek WARMS	SENE	6	50N	75W

Limitations. There are no denials, deferrals, or conditions of approval (COAs).

THE FINDING OF NO SIGNIFICANT IMPACT (FONSI). Analysis of the proposed action for the installation of air monitoring equipment will have no significant impacts on the human environment, beyond those described in the PRB FEIS. There is no requirement for an EIS.

This project tiers to and incorporates by reference these NEPA Documents, in addition to the PRB FEIS.

Project Name	NEPA Document #	Wells #/Type	Decision Date
Carr Draw POD V Add 1	WY070-06-306	50 CBNG	09-20-06
Carr Draw POD 1 Add 1	WY070-07-071	48 CBNG	03-23-07
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Camp John SMA Phase 1 Year 1	WY070-11-214	48 CBNG	11-04-11

COMMENT OR NEW INFORMATION SUMMARY. BLM publically posted the Fortification Creek RMP Amendment Environmental Analysis for 30 days, received comments primarily dealing with the Fortification Creek Elk herd. BLM experience in the PRB (outside of the Fortification Creek Planning Area) revealed little public input or new issue discovery other than those revealed after public scoping during development of the PRB FEIS.

DECISION RATIONALE. BLM bases the decision authorizing the selected project on:

1. The PRB FEIS analyzed and predicted that the PRB oil and gas development would have significant impacts to the region's Greater Sage-Grouse population. The impact of this development cumulatively contributes to the potential for local extirpation yet its effect is acceptable because it is outside priority habitats and is within the parameters of the PRB FEIS and ROD and current BLM and Wyoming Greater Sage-Grouse conservation strategies.

2. Air Resource Specialist, Inc. will conduct operations to minimize adverse effects to surface and subsurface resources, prevent unnecessary surface disturbance, and conform to currently available technology and practice.
3. The installation will be on BLM surface. I authorize this air monitoring station under casual use, 43 CFR 2801.5. BLM will monitor the site an average of 3 times per month or more. Monitoring includes continual visual assessments as to whether the site requires Greater Sage-Grouse "fence markers" (see BLM Instruction Memorandum-2013-033) on the site's fence and / or the tower's guy wires – in addition to technical air quality and site operation monitoring. Indications the fence and guy wires need fence markers are finding dead Greater Sage-Grouse in the immediate vicinity, feathers on or below fences or guy wires, seeing birds nearly miss the wires, etc. If a BLM monitors or supervisors warrant the need for fence or guy wire markers they are to install them at the next reasonable monitoring opportunity and monitor them in future site visits.
4. The project is clearly lacking in wilderness characteristics because the BLM parcel at this location is less than 5,000 acres.

ADMINISTRATIVE REVIEW AND APPEAL. This decision is subject to administrative review in accordance with 43 CFR 2801.10. Request for administrative review of this decision must include information required under 43 CFR 4 and is appealed to the Interior Board of Land Appeals, as provided in 43 CFR 2801.10 or 43 CFR 2881.10, respectively, and 43 CFR 4. All decisions under 43 CFR Part 2800 or 43 CFR Part 2880, respectively, remain in effect pending appeal unless the Secretary of Interior rules otherwise, or as noted in the applicable part. You may petition for a stay of a BLM decision under this part with the Office of Hearings and Appeals, Department of the Interior. Unless otherwise noted in this part, BLM will take no action on your application while your appeal is pending.

Field Manager: 

Date: 3/7/13

FINDING OF NO SIGNIFICANT IMPACT
Fortification Creek WARMS Air Monitoring Installation
Bureau of Land Management, Buffalo Field Office, WY

FINDING OF NO SIGNIFICANT IMPACT (FONSI). Based on the information in the Determination of NEPA Adequacy which BLM incorporates here reference; I find that: (1) the implementation will not have significant environmental impacts beyond those addressed in the Buffalo Final Environmental Impact Statement (FEIS) 1985, and the Powder River Basin (PRB) FEIS, 2003, and the Camp John SMA Phase 1 Year 1 EA, WY-070-EA11-214 to which the EA tiers; (2) the action conforms to the Buffalo Field Office (BFO) Resource Management Plan (RMP) (1985, 2001, 2003, 2011); and (3) does not constitute a major federal action having a significant effect on the human environment. Thus an EIS is not required. I base this finding on consideration of the Council on Environmental Quality's (CEQ) criteria for significance (40 CFR 1508.27), with regard to the context and to the intensity of the impacts described in the EA, and Interior Department Order 3310.

CONTEXT: Air monitoring was included in the PRB FEIS ROD in order to quantify the impacts from the reasonably foreseeable development of 54,200 CNBG and conventional oil and gas wells. The additional monitoring station described in the DNA is insignificant in the national and local context.

INTENSITY: The implementation of installation will result in beneficial effects in the forms providing air quality information however; there may also be adverse effects to the environment. Design features and mitigation measures included in the project description will minimize adverse environmental effects. The action does not pose a significant risk to public health and safety. The geographic area of project does not contain unique characteristics identified in the 1985 RMP, 2003 PRB FEIS, or other legislative or regulatory processes. BLM used relevant scientific literature and professional expertise in preparing the original areas EAs, as well as the DNA. The nature of the environmental effects of this project are not highly controversial, highly uncertain, or involve unique or unknown risks. The PRB FEIS predicted and analyzed air monitoring of the nature proposed with this project and similar projects. The selected alternative does not establish a precedent for future actions with significant effects. The proposal may relate to the PRB Greater Sage-Grouse and its habitat decline having cumulative significant impacts; yet the small size of this project is within the parameters of the impacts in the PRB FEIS. There are no cultural or historical resources present that will be adversely affected by the selected alternative. The project area is clearly lacking in wilderness characteristics since this BLM parcel is only 80 acres. No species listed under the Endangered Species Act or their designated critical habitat will be adversely affected. The selected alternative will not have any anticipated effects that would threaten a violation of federal, state, or local law or requirements imposed for the protection of the environment.

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Acting Field Manager: 

Date: 3/7/13