

## **Executive Summary**

This Draft Resource Management Plan Amendment (RMPA) and Environmental Assessment (EA) presents management options for Bureau of Land Management (BLM)-managed minerals within the Fortification Creek Planning Area (FCPA). Total acreage within the FCPA boundaries is 100,655 acres, 42,755 acres of which are Federally owned and 93,159 acres of which are BLM managed mineral resources within Campbell, Johnson, and Sheridan counties in Northeastern Wyoming. Because some of the Federally owned minerals are within a Wilderness Study Area (WSA) or pertain to coal, only 79,362 acres of mineral estate will be evaluated. The FCPA is generally bounded on the northeast by Wild Horse Creek, on the west by the Powder River, and on the south by Fortification and Montgomery roads.

There are approximately 52,576 acres of private surface land and 5,324 acres of State of Wyoming surface and subsurface land in the area. While the FCPA encompasses private and State, as well as Federal lands, BLM will make decisions only on its lands and resources. However, under the Federal Land Policy and Management Act (FLPMA) and National Environmental Policy Act (NEPA), BLM is required to consider impacts to non-BLM lands and resources that would occur as a result of its actions.

With generally rugged topography, elevations in the FCPA range from approximately 3,700 feet along the Powder River to approximately 4,800 feet on ridges. The area is covered by shrublands, with ridges covered predominantly by juniper woodlands. This diverse landscape is home to an isolated elk herd as well as a variety of other wildlife.

The FCPA is used as a hunting area for resident and non-resident hunters. Human activity is visible throughout the landscape, with gas field developments and private ranches surrounding the FCPA.

### **Overview of the Plan**

This Draft RMPA/EA is organized and formatted consistently with applicable NEPA and Council on Environmental Quality (CEQ) regulations. It has been developed in accordance with BLM's Land Use Planning Handbook and other policies and guidance relevant to the management of public lands.

The RMPA/EA was developed with the cooperation and input of several State agencies, the three affected counties, and other interested parties. BLM also coordinated with the U.S. Fish and Wildlife Service (USFWS) and Native American tribes. The RMPA/EA describes these contacts and coordination efforts, which have improved the analysis and enhanced the basis for decision-making.

The formal scoping period began on August 20, 2007, with the publication of the Notice of Intent (NOI) in the Federal Register (FR). Written comments on the proposal for the RMPA/EA were accepted through November 30, 2007. A Draft RMPA/EA was released for public comment on August 7, 2008 and written comments were received through October 7, 2008. These comments were incorporated into this version of the RMPA/EA. Concerns regarding the ability to access gas leases in the FCPA and protection of the elk herd, prompted BLM to reconsider the alternatives. These alternatives are evaluated in this RMPA/EA.

The purpose of this RMPA/EA is to consider changes in management of coal bed natural gas (CBNG) development within the FCPA. While virtually all of the Federal CBNG reserves have been leased, new information regarding wildlife, notably elk, has led BLM to consider modifying certain operational standards for CBNG development. The current land use plan was prepared in 1985 and amended in 2001. In 2003, BLM prepared another RMPA/Environmental Impact Statement (EIS) for the entire Powder River Basin (PRB), which includes the FCPA (BLM 2003a). This RMPA/EIS did not specifically address the following issues:

- Protection of the isolated elk herd found in the FCPA;
- Continuation of the prohibition against overhead power lines within the FCPA; and
- Designation of portions of the FCPA as an Area of Critical Environmental Concern (ACEC).

In cooperation with the Wyoming Game and Fish Department (WGFD), BLM has been monitoring elk populations and movement within the FCPA. This ongoing study and analysis has confirmed that the elk are particularly susceptible to mineral development. Because BLM has leased fluid minerals in the FCPA, but has not generally allowed development, the agency decided to reevaluate its management controls to balance additional impacts to the elk and other resources.

### **Management Alternatives**

The development of the alternatives for the FCPA included a public scoping process that allowed interested members of the public, special interest groups, and resource and land use agencies to comment on the appropriate scope of issues to consider in the planning process. The formal scoping period began on August 20, 2007; with the publication of the NOI to prepare the RMPA/EA in the FR. Written comments on the proposal for the RMPA/EA were accepted through November 30, 2007.

A Draft RMPA/EA was released for public comment on August 7, 2008. Written comments were received through October 7, 2008 and incorporated into this version. Concerns regarding the ability to access gas leases in the FCPA while protecting the elk herd, prompted BLM to reconsider the alternatives. These new alternatives are evaluated in this RMPA/EA.

Because the lands have been leased giving the leaseholders the right to develop the mineral resource, BLM discussed potential development options with the leaseholders. BLM met with leaseholders to propose phasing development to reduce impacts to the elk herd. It was agreed that the phased development would be feasible from an operational and economic standpoint. The phased development approach is built into the two action alternatives discussed below.

Three alternatives were considered in the RMPA/EA. The first, known as the No Action Alternative – Alternative I, is required by NEPA and CEQ regulations. It considers impacts under existing management direction. As such, development on the CBNG leases could proceed without any new management direction.

Under the second alternative, Alternative II, CBNG development would be managed through a phased approach. Each phase of development would last three years and would be followed by one year of successful reclamation before proceeding to the next area. There would be Timing Limitations (TLs) for surface-disturbing activities within the elk crucial winter and parturition (calving) ranges. Overhead power lines would be allowed on BLM surface land within existing road corridors and drainages. Development within crucial winter and parturition ranges would be

restricted to achieve WGFD goals. Development would not be allowed on highly erosive soil or slopes greater than 25 percent. An ACEC would be established along the citizen-proposed boundaries and ACEC management prescriptions would be identified. Additionally, a Wildlife Habitat Management Area (WHMA) would be established.

The third alternative, Alternative III, calls for performance-based CBNG development, with standards for elk use and interim reclamation, before additional development. Overhead power lines would be allowed on BLM surface land within road corridors. Security habitat loss would be kept below 20 percent. Surface-disturbing activities on slopes greater than 25 percent and erosive soils would not be allowed, but there could be exceptions. Exceptions would be granted if the operator proposed an adequate disturbance and reclamation plan.

**Environmental Impacts**

Results of the analysis in the Draft RMPA/EA indicated that changes to BLM’s management of CBNG in the FCPA would have minor to moderate impacts to a number of resources. For some resources, new management direction under the action alternatives would reduce impacts from those expected under the No Action Alternative. For example, phased development and limiting security habitat loss to no more than 20 percent would allow the elk herd to continue to meet the WGFD’s population objective of 150 individual animals.

**Coordination and Consultation**

BLM published a NOI to prepare the RMPA/EA in the FR on August 20, 2007, and a public scoping period was held through November 30, 2007. Three public meetings were held from October 29 through October 31, 2007, in Gillette, Buffalo, and Sheridan, Wyoming, respectively. Approximately 64 people attended these meetings.

BLM received more than 25,000 form letters and 16 unique comment letters during the scoping period. These letters suggested which issues, alternatives, and information should be used in developing the RMPA/EA. The State of Wyoming and Sheridan and Johnson counties entered into formal agreements with BLM.

A draft RMPA/EA was released for public comment on August 7, 2008. Written comments were received through October 7, 2008 and incorporated into this version. Concerns regarding the ability to access CBNG leases in the FCPA while protecting the elk herd, prompted BLM to reconsider the alternatives. More than 32,000 form letters and 56 unique comment letters were received.

**Impact Summary**

CBNG impacts will impact nearly all resources and resource protections will impact CBNG development and other resource uses. These impacts are briefly listed in Table ES-1.

<b>Table ES-1 Summary of Impacts</b>			
<b>Land Use or Management Action</b>	<b>Alternative I (No Action)</b>	<b>Alternative II (Prescriptive)</b>	<b>Alternative III (Performance Based)</b>
Air Resources Management	No exceedances of air quality standards	No exceedances of air quality standards	No exceedances of air quality standards

<b>Table ES-1 Summary of Impacts</b>			
<b>Land Use or Management Action</b>	<b>Alternative I (No Action)</b>	<b>Alternative II (Prescriptive)</b>	<b>Alternative III (Performance Based)</b>
Soil Resources Management	Minor (-) 179 miles of new roads	Minor (-) 101 miles of new roads	Minor (-) 77 miles of new roads
Water Resources Management	Moderate (-) 179 miles of new roads and groundwater drawdown	Moderate (-) 101 miles of new roads and groundwater drawdown	Moderate (-) 77 miles of new roads and groundwater drawdown
Vegetation Resources Management	Minor (-) 3,536 acres (3.5%) disturbance to vegetation	Minor (-) 2,249-acre (2.2%) disturbance to vegetation	Minor (-) 2,092-acre (2.3%) disturbance to vegetation
Fish and Wildlife Resources Management	Major (-) 34,149 acres (84%) of yearlong security habitat is lost, 25,774 acres (80%) of crucial range security habitat is lost	Moderate (-) 9,118 acres (22%) of yearlong security habitat is lost, 4,213 acres (12%) of crucial range security habitat is lost	Moderate (-) 7,094 acres (17%) of yearlong security habitat is lost, 3,446 acres (11%) of crucial range security habitat is lost
Special Species Resources Management	Major (-) Loss of habitat	Moderate (-) Loss of some habitat	Moderate (-) Loss of some habitat
Cultural Resources Management	Minor (-) Sites inventoried and mitigated	Minor (-) Sites inventoried and mitigated	Minor (-) Sites inventoried and mitigated
Paleontological Resources Management	Minor (-) Fossils inventoried and mitigated	Minor (-) Fossils inventoried and mitigated	Minor (-) Fossils inventoried and mitigated
Visual Resources Management	Moderate (-) 9.3 miles of overhead power lines, 179 miles of new roads	Moderate (-) 2.5 miles of overhead power lines, 101 miles of new roads	Moderate (-) 1.6 miles of overhead power lines, 77 miles of new roads
Fuels and Fire Management	Minor (-) Increased fire risk	Minor (-) Increased fire risk	Minor (-) Increased fire risk
Rangeland Resource Management	Minor (-) 3,536-acre disturbance, water impoundments dispersed	Minor (-) 2,249-acre disturbance, water impoundments outside crucial ranges	Minor (-) 2,092-acre disturbance, water impoundments performance based
Recreation Resources	Minor (-)	Minor (-) 2,249-acre	Minor (-)

<b>Table ES-1 Summary of Impacts</b>			
<b>Land Use or Management Action</b>	<b>Alternative I (No Action)</b>	<b>Alternative II (Prescriptive)</b>	<b>Alternative III (Performance Based)</b>
Management	3,536-acre disturbance	disturbance	2,092-acre disturbance
Transportation Resources Management	Major (-) Vehicle trips increase by 273%	Major (-) Vehicle trips increase by 210%	Major (-) Vehicle trips increase by 207%
Fluid Minerals Management	No Impact 726 potential new wells	Major (-) 487 potential new wells	Major (-) 483 potential new wells
Special Designations	No Impact No special designations	Major (+) 57,855 acres protected	Negligible (-) Performance-based standards protective
Social and Economics	Minor (+) 340 jobs supported in surrounding counties	Negligible 228 jobs supported in surrounding counties	Negligible 227 jobs supported in surrounding counties